



# STROUD DISTRICT COUNCIL

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15 February 2021

## DEVELOPMENT CONTROL COMMITTEE

A remote meeting of the Development Control Committee will be held on **TUESDAY**  
**23 FEBRUARY 2021** at **6.00pm**.

Kathy O'Leary  
Chief Executive

*This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.*

### **Venue**

*This meeting will be conducted using Zoom and a separate invitation with the link to access the meeting will be sent to Members, relevant officers and members of the public who have submitted a request to speak.*

### **Public Speaking**

*The procedure for public speaking which applies to Development Control Committee is set out on the page immediately preceding the Planning Schedule.*

*Members of the public, who have not submitted a request to speak at the meeting, are invited to access the meeting streamed live via Stroud District Council's [YouTube channel](#).*

### **Recording of Proceedings**

*A recording of the meeting will be published onto the Council's website ([www.stroud.gov.uk](http://www.stroud.gov.uk)). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.*

## AGENDA

### **1 APOLOGIES**

To receive apologies for absence.

### **2 DECLARATIONS OF INTEREST**

To receive Declarations of Interest in relation to planning matters.

**3** **MINUTES**

To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 5 January 2021.

**4** **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING**

(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)

**4.1** **GOSPEL HALL, CHURCH STREET, STROUD (S.20/2473/VAR)**

Variation of Condition 2 (Approved Plans) of S.17/2622/FUL. All units subject to increase in ridge height, increased steeping between units, insertion of catslide dormer and roof lights, reduced glazing unit to living room and internal alterations. Extended porch to units 1-6 and additional external door to lower ground floor to units 7-12.

**4.2** **BRIMSCOMBE PORT BUSINESS PARK , PORT LANE, BRIMSCOMBE. (S.19/1502/FUL)**

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

**4.3** **BRIMSCOMBE PORT BUSINESS PARK , PORT LANE, BRIMSCOMBE (S.19/1503/LBC)**

Demolition of industrial modern buildings attached to Port Mill and the demolition of the Port House

### **Members of Development Control Committee**

**Councillor Martin Baxendale (Chair)**

**Councillor Miranda Clifton (Vice-Chair)**

Councillor Dorcas Binns

Councillor Nigel Cooper

Councillor Haydn Jones

Councillor Norman Kay

Councillor Steve Lydon

Councillor Jenny Miles

Councillor Sue Reed

Councillor Mark Reeves

Councillor Jessica Tomblin

Councillor Tom Williams



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## DEVELOPMENT CONTROL COMMITTEE

5 January 2021

6.00 pm – 8.40 pm

Remote Meeting

Minutes

# 3

### Membership

|  |   |                            |   |
|--|---|----------------------------|---|
| <b>Councillor Martin Baxendale (Chair)</b>     | P | Councillor Steve Lydon     | P |
| <b>Councillor Miranda Clifton (Vice-Chair)</b> | P | Councillor Jenny Miles     | P |
| Councillor Dorcas Binns                        | P | Councillor Sue Reed        | A |
| Councillor Nigel Cooper                        | P | Councillor Mark Reeves     | P |
| Councillor Haydn Jones                         | P | Councillor Jessica Tomblin | P |
| Councillor Norman Kay                          | P | Councillor Tom Williams    | P |

P = Present    A = Absent

### Officers in Attendance

|                                      |  |
|--------------------------------------|--|
| Head of Development Management       | Senior Planning Officer                        |
| Majors & Environment Team Manager    | Principal Planning Officer                     |
| Development Team Manager             | Principal Planning Officer (Majors)            |
| Principal Planning Lawyer, One Legal | Senior Democratic Services & Elections Officer |
| Planning Officer                     | Democratic Services & Elections Officer        |

### Other Member(s) in Attendance

|                           |                          |
|---------------------------|--------------------------|
| Councillor Gordon Craig   | Councillor Lindsey Green |
| Councillor Stephen Davies |                          |

### DC.021

### APOLOGIES

There were none.

### DC.022

### DECLARATIONS OF INTEREST

Councillor Jones did not take part in the section of the meeting regards 6 Weir Green, Elmore, Gloucester, Gloucestershire (S.20/2403/HHOLD) due to family interest.

### DC.023

### MINUTES

**RESOLVED** That the Minutes of the meeting held on 24 November 2020 were approved as a correct record.

**DEVELOPMENT CONTROL PLANNING SCHEDULE**

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

|   |                 |
|---|-----------------|
| 1 | S.20/2403/HHOLD |
| 2 | S.20/1898/REM   |
| 3 | S.19/2678/FUL   |

**DC.024**                    **6 WEIR GREEN, ELMORE, GLOUCESTER, GLOUCESTERSHIRE**  
**(S.20/2403/HHOLD)**

The Planning Officer introduced the application and highlighted primary considerations in terms of the main policy HC8 criteria to ensure the plot size was large enough to accommodate the development without appearing cramped. Whilst the proposed scale of the extension was significant, it was not deemed to be of unacceptable size. Design elements were considered in keeping. Although parking would be lost with the removal of the garage, additional parking spaces would be added as part of the new extension, with the driveway providing further spaces.

The site was within flood zone 2 and 3 within the River Severn area. A Flood Risk Assessment had been submitted. As a household extension, this application would need to be compliant with the Government standing advice, which was satisfied by planned floor levels, connection to existing drainage routes and the established evacuation route out of the property. The applicant was a member of the Environment Agency (EA) flood risk advance warning hotline, which would help to ensure prior advanced warning of any flood events. A consultation with the Council's Water Resources Engineer had been favorable.

Councillor Kay asked about the level of flood risk in reference to the original application and in light of global warming, enquiring whether additional conditions were needed. The Planning Officer replied that as it is a minor development, it wouldn't qualify for consultation with the EA, but has been assessed in line with current EA information. Councillor Binns questioned further about the viability of the proposed bedroom on the ground floor, asking whether the risk of exposure to danger due to flooding would be increased, especially late at night. The Planning Officer informed that the bedroom was for an elderly family member with mobility issues. The River Severn usually flooded due to rainfall and the average advanced evacuation notice was normally 2 days with the flood systems already in place.

Councillor Clifton asked whether any problems might arise with future usage. The Head of Development Management recommended that a condition regarding this would not be required, since there was nothing in the plans to suggest the extension would be used as a separate unit and the Council held ultimate control over its use at a future date.

Councillor Binns proposed and Councillor Tomblin seconded the recommendation.

On being put to the vote, the Motion was carried unanimously.

**RESOLED**                    **To APPROVE Permission for Application S.20/2403/HHOLD**

**DC.025**                    **PARCEL H16 & H19 LAND WEST OF STONEHOUSE, GROVE LANE,**  
**WESTEND, STONEHOUSE (S.20/1898/REM)**

The Principal Planning Officer (Majors) outlined the reserved matters application proposing 178 dwellings, associated infrastructure and landscaping. The proposal related to two land

parcels, H16 and H19, contained on the northeastern edge of an overall development of 1,350 dwellings, 9.3 hectares of employment land, a primary school and local centre, for which outline planning permission had been granted almost 6 years ago. The development was associated with the land allocation policy SA2 in the Stroud District Local Plan.

Changes to the layout of the development had been sought by Officers during the assessment of the application, principally to address permeability concerns, clustering of types of dwellings, landscape notes and general building design principals. Changes had been agreed and were considered welcome improvements. A site visit was conducted and a film had been taken from a roundabout to the southeast of H19, reviewing the outlook across H19, including the positioning of a proposed block of flats. An improved design to a node within H16 had been negotiated to better define and feature the public open spaces. Officers were satisfied that the development proposals were consistent with the outlined planning permission and the improved master plan which came later by condition.

The Highway Authority and Officers were satisfied that the combined cycle route and wide footway shared-user environment through the site would not create any severe highways or safety impact. Negotiations had been successful in alleviating clustering issues, opening out the concentration of affordable units and optimising permeability through the development. Visual markers had also been enhanced to improve the street scene. All this had successfully resulted in a much better proposal than originally submitted.

There were seven conditions proposed associated with the following aspects:

- The drawings, including landscaping and heights of buildings;
- Trigger points for the development to bring forward landscaping plans;
- Lighting to protect ecology and the bat-foraging environment along the site's fringe;
- The delivery of bird and bat boxes;
- The style of gates on public rights of way through the site;
- Street furniture, and
- 100% electric vehicle charge points.

Comments had been received from Stonehouse Town Council and Standish Parish Council after the report was compiled by Officers. Concerns and suggestions raised included:

- The potential impact on the Cotswold Area of Outstanding Natural Beauty (AONB);
- Work carried out in support of Standish Neighbourhood Development Plan, focused on the proposed land allocation under policy PS19a in the emerging Local Plan;
- Further amendments to the submitted Green Infrastructure Plan;
- The impact on the public right of way network and lack of apparent detail on this, and
- Impacts on biodiversity noting the 20-year maintenance period for bird and bat boxes.

Members were informed that since the development had already been permitted in principle, these issues could not be revisited. The emerging Local Plan was not yet available for delivery and the Standish Neighbourhood Development Plan was not yet an adopted policy. The original outline planning consent contained a substantial suite of conditions which addressed all concerns in general terms. No further conditions were deemed necessary.

Jonathan Coombs, Principal Planner at Pegasus Group joined the meeting to speak in favour on behalf of the applicant. Details were given of the process undertaken for arriving at revisions to the proposal, addressing all comments from Officers and Parish Councils. A legal agreement would ensure ongoing responsibility for the maintenance of public areas by a private management company. Overall, the proposed development conformed with the local plan, national policies, outline planning permission and consented area master plan.

Councillor Kay asked about the assessment of the housing mix within the application, given the applicants had deviated from the guidance set out in the Local Plan. The Principal Planning Officer (Majors) informed of a 10% deviation allowable within individual land parcels under Section 106, provided that the site as a whole would deliver policy-compliant 30% affordable units. H16 and H19 were comprised of more mid-range units with some blocks of flats, but the housing mix should be considered within the context of the overall development. Smaller, affordable units would be more densely concentrated towards the centre of the resultant overall site. As the rest of the proposals were brought forward into the future, Officers would ensure a balanced mix was being delivered across the site as a whole, the onus for which lay with the developers. Councillor Miles raised concerns around the shortfall of 0.25% affordable houses within this application and the potential accumulation of such deficits leading to a denser cluster of affordable units further down the line. This had been checked with the Housing Enabling Officer and there were no concerns.

Councillor Clifton asked about the lack of amenity areas around the block of flats at the southeastern corner of the site, and an apparent shortfall in parking in this area. Members were informed that the Highways Authority had indicated that the number of parking spaces was policy-compliant and therefore acceptable. The block of flats had sufficient outside space to cater for the drying of clothes and refuse areas, and there was access to significant public open space in immediate proximity. Overall, amenity areas were deemed acceptable.

During questions from Councillor Lydon, the involvement of local residents in consultation on the developing scheme was raised. Site notices had been displayed as part of the application, Parish Council meetings were an established mechanism for participation and the Head of Development Management added that social media was increasingly being used to enhance engagement with local communities around larger planning applications.

Councillor Miles proposed and Councillor Clifton seconded the recommendation.

On being put to the vote, the Motion was carried with 11 votes for and 1 abstention.

**RESOLVED To APPROVE Permission for Application S.20/1898/REM**

**DC.026 PIER VIEW, 34 OLDMINSTER ROAD, SHARPNESS, BERKELEY**  
**(S.19/2678/FUL)**

The Senior Planning Officer informed Members that the Pier View Hotel was a non-designated heritage asset, for which there were local and national planning policies that seek to protect the significance and historic importance of the building. The site had a long history of planning applications for residential development both at formal and pre-application stages. A previous application was refused under delegated powers and dismissed upon appeal in 2016, due to the consideration of the Planning Inspector that any development, even well-designed, would cause an unacceptable impact on the heritage asset. The current application was largely reflective of this but with key changes: a reduction in the site area, changes to the unit design and the removal of a number of proposed units to be built in front of the Pier View Hotel. The Local Planning Authority were recommending refusal of the application due to the impact the development would have on the setting of the heritage asset as well as the total development of the site's substantial grounds which acted as an important feature for the asset and the community in which it served.

The application had not provided the required 30% affordable housing quota or the required financial contribution towards the adopted Ecological Mitigation Scheme. Confirmation had subsequently been received from the agent of the applicant that these issues would be

addressed via legal agreement should the application be carried. Notwithstanding this, principal objections over the scheme remained:

- The location of the development;
- The modern architectural style which was uncomplimentary to the heritage asset, and
- The general layout of the development and its impact as a whole.

Information had been received about a spring on the site. No concerns had been raised by the Lead Local Flood Authority nor the council's Water Flood Engineer. EA surface water flood maps had been checked and the site did not sit within any at-risk areas.

Ward member Councillor Craig spoke in support of the application, highlighted its green credentials, informed of a written agreement reached with an elderly neighbour to maintain the height and density of green screening and vehicular access, cited the natural spring which surfaced on the applicant's land near the boundary and asked whether these matters could be conditioned into the plan. A query was also raised about the ammonium nitrate store nearby and whether the Health and Safety Executive (HSE) had been consulted. The Senior Planning Officer informed that the size of the development would not warrant automatic consultation with the HSE, but the application had been run through the HSE online system which returned no recommendations to refuse. The right of access would be a civil matter and not come under planning scope. Screening would be possible to control under ecology and biodiversity guidelines and a suite of conditions could be added if the application were to be approved.

Ward member Councillor Green expressed further support for the development and highlighted that it had local support and had been well-considered including the innovative, eco-friendly design. This could set a positive example in the District of a sustainable, carbon neutral development on a small site. The applicant was a longstanding well-liked landlady who had served the local community for 33 years with dedication and created a thriving hub for the local community at the Pier View Hotel. If the application were to be refused, the community would lose this asset, causing wider community implications for Sharpness.

Christine Hawley, Applicant and Sarah Gibson, Architect from LABOX Design spoke in favour of the application and highlighted its strengths which included:

- It would help to provide a much-needed solution to the current lack of affordable housing for young local families;
- It would safeguard the future of the Pier View Hotel at the heart of the Sharpness community and inject a much needed boost to local life especially coming out of the Covid-19 pandemic;
- The understated, contemporary design features and materials referenced the Pier View Hotel whilst ensuring its ongoing precedence in appearance and scale;
- The low to zero-carbon design principles making it an ideal site for, and example of, sustainable development within the area, and
- All the appeal inspector's concerns had been addressed.

Councillor Williams sought clarification on whether the site was within the ammonium nitrate blast zone. The Majors & Environment Team Manager confirmed it was in the medium area according to HSE's consultation framework. No issues were raised for granting permission. Councillor Kay asked about ecological pressure caused by the development. The Senior Planning Officer detailed anticipated tensions between the existing green buffers and new private gardens and residences in immediate proximity in a small area. This would be likely to cause pressure to reduce or remove the ecology. Bats were known to roost on the site and the Biodiversity team had stated that external lighting would also need to be conditioned.

Councillor Miles asked about the distinction in affordable housing between rental and shared ownership, given the need for affordable rented housing within the Local Plan. The Senior

Planning Officer confirmed that the applicant had been proposing 100% shared ownership and the Affordable Housing Officer had confirmed this as not reflective. This would be taken forward through negotiations and revisions under Section 106 to ensure this was addressed.

Councillor Jones' questions included an enquiry about the consultation with the Strategy Team. Members were informed that this consultation had raised two issues, in line with the recommendations of Planning Officers: the impact on the historic building and policy EI6 regards impact on the community facility. It was considered that the development, if built, would detract from the future functionality of the public house and therefore lead to a negative impact on its attractability, as well as the loss of the open spaces surrounding the Pier View Hotel which were invaluable for community use.

Councillor Lydon asked, given the proposed development had previously been turned down at appeal by the Planning Inspector and the changes to the current application had not been deemed sufficient to warrant recommended approval, what would the implications be if the Committee were to vote to permit this application and would there be any subsequent appeal. The Head of Development Management confirmed the Officers' view that the scheme did not go far enough to overcome the earlier concerns of the independent Planning inspector. The current application still presented a harmful impact upon the non-designated heritage asset and there was a legal obligation to give this considerable weight. If the proposal was passed, Members would need to clearly outline and document the reasons why this proposal was deemed not to have a harmful impact on the non-designated heritage asset. This legal obligation was confirmed by the Principal Planning Lawyer.

Councillor Clifton asked about legal minimum unit size and usable amenity space. The Senior Planning Officer confirmed the unit size, although small, was passable. The Council's Residential Design Guide was referenced, which whilst allowing for individual variation, proposed an average garden area of 100m<sup>2</sup> across the whole development. At 75m<sup>2</sup>, the average garden area fell short for this application.

Councillor Binns asked about the criteria for a non-designated heritage asset. The Senior Planning Officer outlined that the Council's Conservation Officer and Planning Inspector had both highlighted that although it would not be eligible for national listing, the Pier View Hotel was a building of significant local, social and historical merit which warranted protection.

Councillor Kay proposed and Councillor Binns seconded the recommendation to refuse.

On being put to the vote, the Motion was carried with 9 votes for and 1 against.

**RESOLVED To REFUSE permission for Application S.19/2678/FUL**

**DC.026 APPLICATION & ENFORCEMENT PERFORMANCE STATISTICS OVERVIEW**

The Head of Development Management advised that future reports will follow from April 2021 then October 2021 and half-yearly thereafter, in line with the financial year.

**RESOLVED To NOTE the Application & Enforcement Performance Statistics Overview Report.**

The meeting closed at 8.40 pm.

Chair





# **Stroud District Council**

## **Planning Schedule**

### **23<sup>rd</sup> February 2021**

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 encourages public speaking at meetings of the Development Control Committee (DCC). This procedure sets out the scheme in place to allow members of the public to address the Committee at the following meetings:

#### 1. Scheduled DCC meetings

#### 2. Special meetings of DCC

#### Introduction

Public speaking slots are available for those items contained within the schedule of applications. Unfortunately, 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 application consultation process. Therefore, you must have submitted written comments on an application if you wish to speak to it at Committee. If this is not the case, you should refer your request to speak to the Committee Chairman in good time before the meeting, who will decide if it is appropriate for you to speak.

Those wishing to speak should refrain from bringing photographs or other documents for the Committee to view. Public speaking is not designed as an opportunity to introduce new information and unfortunately, such documentation will not be accepted.

Scheduled DCC meetings are those which are set as part of the Council's civic timetable. Special DCC meetings are irregular additional meetings organised on an ad-hoc basis for very large or complex applications.

#### Before the meeting

You must register your wish to speak at the meeting. You are required to notify both our Democratic Services Team [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk) and our Planning Team [planning@stroud.gov.uk](mailto:planning@stroud.gov.uk) by 12 noon 1 clear working day before the day of the meeting, exceptionally, the council will consider late representations if appropriate.

#### At the meeting

If you have registered to speak at the meeting, please follow the instructions contained within the "Guidance for Public Participants for Remote Meetings which will have been provided to you by Democratic Services. Where more than one person wishes to speak, you may wish to either appoint one spokesperson or share the slot equally, democratic services will inform you by email should there be more than one speaker sharing the timeslot.

## **1. Scheduled DCC Meetings**

There are three available public speaking slots for each schedule item, all of which are allowed a total of **four minutes** each:-

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

**Please note:** to ensure fairness and parity, the four minute timeslot is strictly adhered to and the Chairman will ask the speaker to stop as soon as this period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- Names of speakers will also be recorded in the Committee Minutes which will be published on the website.

The order for each item on the schedule is

1. Introduction of item by the Chair
2. Brief presentation and update by the planning case officer.
3. The Ward Member(s)
4. Public Speaking
  - a. Parish Council
  - b. Those who oppose the application
  - c. Those who support the application
5. Committee Member questions of officers
6. Committee Members motion tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

## 2. Special DCC meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of up to **eight minutes** each:-

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

**Please note:** to ensure fairness and parity, the eight minute timeslot will be strictly adhered to and the Chairman will ask the speaker to stop after this time period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- Names of speakers will also be recorded in the Committee Minutes which will be published on the website.

The order for each item on the schedule is:

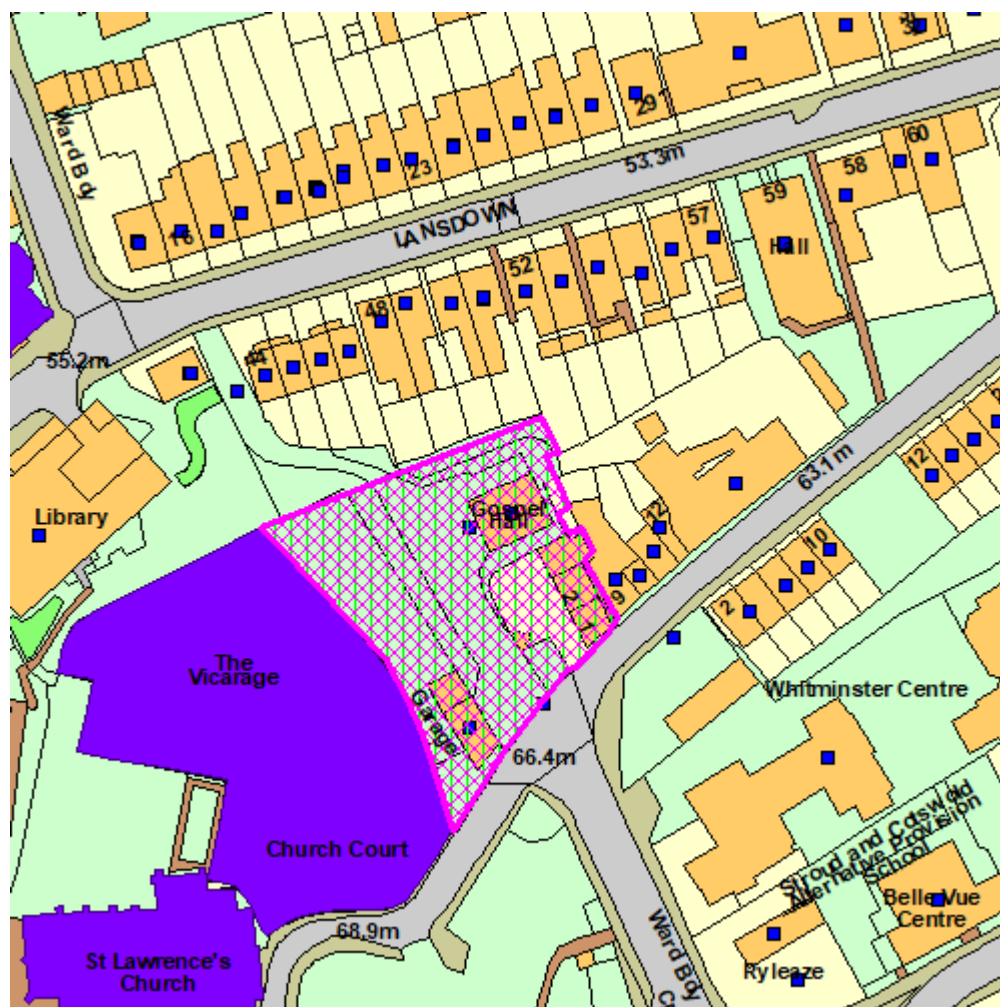
1. Introduction of item by the Chair
2. Brief presentation and update by the planning case officer.
3. The Ward Member(s)
4. Public Speaking
  - a. Parish Council
  - b. Those who oppose the application
  - c. Those who support the application
5. Committee Member questions of officers
6. Committee Member tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

| Parish                               | Application   | Item |
|--------------------------------------|---|------|
| Stroud Town Council                  | Gospel Hall, Church Street, Stroud.<br>S.20/2473/VAR - Variation of Condition 2 (Approved Plans) of S.17/2622/FUL. All units subject to increase in ridge height, increased steeping between units, insertion of catslide dormer and roof lights, reduced glazing unit to living room and internal alterations. Extended porch to units 1-6 and additional external door to lower ground floor to units 7-12.   | 01   |
| Brimscombe And Thrupp Parish Council | Brimscombe Port Business Park , Port Lane, Brimscombe.<br>S.19/1502/FUL - Demolition of units 1, 2a, 2b, 3, 4 and the Port House on the Brimscombe Port Business Park and units, 1, 2, 3, 4a, 4b, 6, 7 and 8 on the Industrial Estate, the construction of the infrastructure for the future redevelopment of the Port to include the reinstatement of the canal from Bourne Mill to Goughs Orchard lock and a new basin, a new access road off the A419 and bridge works on Brimscombe Hill to enable a canal and river crossing | 02   |
| Brimscombe And Thrupp Parish Council | Brimscombe Port Business Park , Port Lane, Brimscombe.<br>S.19/1503/LBC - Demolition of industrial modern buildings attached to Port Mill and the demolition of the Port House  | 03   |



## Development Control Committee Schedule 23/02/2021

|                         |   |
|-------------------------|---|
| <b>Item No:</b>         | <b>01</b>   |
| <b>Application No.</b>  | S.20/2473/VAR   |
| <b>Site Address</b>     | Gospel Hall, Church Street, Stroud, Gloucestershire   |
| <b>Town/Parish</b>      | Stroud Town Council   |
| <b>Grid Reference</b>   | 385281,205349   |
| <b>Application Type</b> | Variation of Condition  |
| <b>Proposal</b>         | Variation of Condition 2 (Approved Plans) of S.17/2622/FUL. All units' subject to increase in ridge height, increased steeping between units, insertion of catslide dormer and roof lights, reduced glazing unit to living room and internal alterations. Extended porch to units 1-6 and additional external door to lower ground floor to units 7-12. |
| <b>Recommendation</b>   | Resolve to Grant Permission   |
| <b>Call in Request</b>  | Councillor Martin Baxendale   |





## Development Control Committee Schedule 23/02/2021

|                              |  |
|------------------------------|--|
| <b>Applicant's Details</b>   | Mr L Bales<br>Bales Homes, 265A London Road, Cheltenham, GL52 6YG  |
| <b>Agent's Details</b>       | Nick Mills<br>Vision Mill Architects Limited, 15 Gloucester Street, Stroud, GL5 1QG,   |
| <b>Case Officer</b>          | Nick Gardiner  |
| <b>Application Validated</b> | 24.11.2020   |
|                              | <b>CONSULTEES</b>  |
| <b>Comments Received</b>     | Stroud Town Council<br>Conservation North Team<br>Arboricultural Officer (E)<br>SDC Water Resources Engineer<br>Archaeology Dept (E)<br>Environmental Health (E)<br>Contaminated Land Officer (E)<br>Development Coordination (E)<br>Biodiversity Officer                          |
| <b>Constraints</b>           | Affecting the Setting of a Cons Area<br>Consult area<br>Conservation Area<br>Listed Building<br>Within 50m of Listed Building<br>Neighbourhood Plan<br>Stroud Town Council<br>Rodborough 3km core catchment zone<br>Settlement Boundaries (LP)<br>Stroud Town Centre Boundary (LP) |
|                              | <b>OFFICER'S REPORT</b>  |

### MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity
- Highways
- Landscape impact
- Ecology
- Archaeology and Heritage Assets
- Flood risk
- Obligations

### DESCRIPTION OF SITE

The application site is the former Gospel hall site and 2 adjacent cottages on Church Street/Brickrow. The site main frontage is onto Church Street/Brickrow with a narrow access onto Lansdown. The site slopes down from Church Street with the neighbouring properties on Lansdown being significantly lower level.



## Development Control Committee Schedule 23/02/2021

The site is located within the settlement boundary and is also near to the Conservation Area and Listed buildings including Church Court and St Lawrence's Church. The site is also within the catchment zone of the Rodborough Common SAC.

The site is currently under construction with the planning permission S.17/2622/FUL having been implemented.

### PROPOSAL

This application seeks a Variation to condition 2 (approved plans) from planning application S.17/2622/FUL, which permitted the demolition of existing meeting hall, garage building, 2 cottages and outbuildings and then the construction of twelve new houses in two terraces of six each.

This application proposed the following alterations to the approved plans:

- Alterations to ridge height to all units
- Additional roof lights to all units including skylight catslide
- Alteration to stepping of units by 30mm
- Additional external door at lower ground floor level to units 7-12
- Extended porch area to units 1-6 onto Brick Row
- Internal layout changes to all units
- Reduction in bi-fold doors to living room on all units.

### REVISED DETAILS

The original documents submitted for the application were not clear as to what the variation was seeking permission for, therefore, a suite of additional plans have been submitted, these did not alter what was being applied for so a full re-consultation had not been undertaken.

### MATERIALS

Roof: Slate

Walls: Brick/coloured glazed bricks

Fenestration: Painted wood

### REPRESENTATIONS

#### Statutory Consultees:

Stroud Town Council comment: We object on the grounds of:

- Increase in height which will create significant overshadowing and further loss of light and privacy to existing properties. This is contrary to SDC Local Plan policy GE1.
- The proposed Variation of Condition does not comply with SDC Local Plan policies CP5 and CP4 as it is not in keeping with neighbouring historic buildings and the surrounding conservation area.
- The proposal does not comply with NDP policy AP6 as it will effect preservation views of surrounding landscapes which provide an important setting to the town centre.





## **Development Control Committee Schedule 23/02/2021**

Environmental Heath have no comments on this application.

SDC's Contaminated Land Officer has no comments on this application.

GCC Highways comment: Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection. The justification for this decision is provided below:

There is no highway implication shown on the supporting material.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

SDC's Tree Officer Comments: I have no objection to the application subject to the following condition.

A scheme of hard and soft landscaping for the development must be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/ densities, and management to aid establishment.

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

GCC Archaeology: Thank you for consulting the archaeology service on this application. The county Historic Environment Record informs that the proposed development is located within the medieval settlement area of Stroud, referred to as 'la Strode' in 1221. Also St Lawrence's Church lies approximately 40m from the proposed development which is a Grade II\* Listed Building (NHLE no.1267652), founded as a chapel-of-ease to Bisley before 1279.

Due to its potential for archaeological remains dating to the medieval period our advice on S.17/2622/FUL was that a condition be attached to planning permission to allow for archaeological monitoring during all belowground construction work. This advice remains current for this variation application:

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



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Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The

archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework. I have no further observations.

SDC's Conservation Team comment: Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) requires that regard should be given to the setting of listed buildings. These requirements extend to all powers under the Planning Acts.

The proposed development site is out of the Stroud Town Centre Conservation Area and a reasonable distance away from the listed Church Court and St Laurence's church, therefore any detrimental impact on their setting might not appear to be immediately obvious. However, the setting of heritage assets is often complicated and subtle.

From Ryeleaze Road, there are spectacular views across the proposed development site, allowing an unbroken appreciation of visual relationship between the town, the Painswick Valley, including the planned planting at Grange Fields, then out across to the distant Whiteshill and beyond. The towns close association with its surrounding agricultural land, parkland and neighbouring settlements, near and far, is readily appreciable; this gives the conservation area and the listed buildings their historic context and therefore contributes to the understanding of their significance.

Following concerns over the ridge height of the originally submitted 2017 proposals, the height and mass of the scheme was reduced to maintain the key views. The proposed amendments do not come close to the height of the originally unacceptable 2017 proposals, and would not be so great a variation that they would undermine acceptability of the permitted scheme. Key views would be maintained and no harm would be done to the identified heritage assets.

SDC's Biodiversity Team comment: After reviewing the variation of condition 2 (approved plans), it is felt that additional biodiversity implications will not arise as a result of this variation. Therefore, the previously recommended and agreed conditions under S.17/2622/FUL still apply.

### **Public:**

There have been 17 public comments received by the LPA at the time of writing, (02/02/21). All comments have been in objection and surround the following material planning considerations:

- Loss of privacy and overlooking impact
- Overshadowing impact and loss of light
- Development too big in terms of footprint and height
- Alter the character of the area
- Impact to the Conservation Area



## Development Control Committee Schedule 23/02/2021

- Construction noise and impact to neighbouring properties
- Development being carried out in breach of the approved plans

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Stroud District Local Plan.

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

[https://www.stroud.gov.uk/media/1455/stroud-district-local-plan\\_november-2015\\_low-res\\_for-web.pdf](https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf)

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66(1) & Section 72(1).

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making.

CP7 - Lifetime communities.

CP8 - New housing development.

CP9 - Affordable housing.

CP13 - Demand management and sustainable travel measures.

CP14 - High quality sustainable development.

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

EI6 - Protecting individual and village shops, public houses and other community uses.

EI12 - Promoting transport choice and accessibility.

EI13 - Protecting and extending our cycle routes.

ES1 - Sustainable construction and design.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES5 - Air quality.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.

ES10 - Valuing our historic environment and assets.



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Stroud Town Council Neighbourhood Development Plan (2016) and specifically the following policies:

AP4 - General Housing  
AP6 - Setting

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 Planning Obligations (2017) Heritage Strategy SPA (2018) and IHCA SPD.

### **PLANNING CONSIDERATIONS PRINCIPLE OF DEVELOPMENT**

The application site falls within the defined settlement development limits of Stroud, however of most relevance is the extant planning permission (S.17/2622/FUL), that this application seeks to vary that establishes the principle of development.

### **DESIGN/APPEARANCE/IMPACT ON THE AREA**

The proposal is for amendments to the approved plans from planning permission S.17/2622/FUL and the consideration of the application is limited to those amendments. The proposed layout of the site, orientation of the buildings, amenity areas for example are deemed to be acceptable by virtue of the extant planning permission and are not proposed to be altered as part of this application, and therefore fall outside the scope of consideration of this application.

All units are proposed to be increased in ridge height over the approved plans. The land levels across the site are complex which has also resulted in the stepping of the units to be increased 30mm to 300mm rather than 270mm.

The units raise from east to west, meaning that the western units are the tallest. The proposed increase to the ridges are as follows:

- 330mm to Units 6 and 12
- 360mm Units 5 and 11
- 390mm Units 4 and 10
- 420mm Units 3 and 9
- 450mm Units 2 and 8
- 480mm Units 1 and 7

The North Block, units 7 to 12 set within the site are currently under construction with the developer building to the heights proposed within this variation. They have provided the LPA with the exact ridge heights of these units as built currently within a table in drawing PA022J.

These heights are measured to the top of the roof sarking and still require the roof finishes (slates and battens) which would add a further 75mm to the heights specified.



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When taking the exact measurement of the North Block and adding the 75mm to finished ridge would give rise to following differences in relation to the heights being sought:

Unit 7 would be 15mm higher,  
Unit 8 is 15mm lower,  
Unit 9 is 5mm higher  
Unit 10 and 11 are 65mm lower  
Unit 12 is 105mm lower

Building tolerances could allow for variances of 300mm, so the area of margin from the built height to the proposed variation height falls within this potential tolerance, and on the most part falls lower than the ridge heights proposed.

The other external changes such as the cat slide dormer, additional Velux and altered entrance to the lower level are modest changes that do not alter the design fundamentally. The cat slide dormer works within the roofs cape and would not appear incongruous or visually strident within the wider site context.

The proposed landscaping has not been altered and will be subject to the conditions as found on the original permission.

Overall, the proposed external alterations do not undermine the overall design of the approved scheme with the amended scheme still considered to be acceptable in accordance with the policies within the Local Plan.

Similarly, the proposed changes are not considered to have harmful impact on the setting of the adjacent conservation area of listed buildings as later addressed in the report.

### **RESIDENTIAL AMENITY**

The proposed layout does not change and therefore the amenity areas, dwelling orientation and location within the site and therefore their proximity to boundaries and surrounding properties remain as previously approved.

The proposed change in ridge heights being a maximum of 480mm over the approved plans is not such a significant change that the impact to residential amenity by overshadowing, overbearing, loss of light over the impact of the approved scheme to warrant refusal of the scheme.

The increase in ridge height simply relates to the roof height and does not alter the height, position, size or location of the proposed fenestration within the wall plate.

The agent has submitted a sun/shadowing study to demonstrate the limited impact on the neighbouring properties.

The additional roof lights to the third floor in the roof space do not increase the impact of overlooking to such a degree that would warrant refusal.



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### **ARCHAEOLOGY & HERITAGE ASSETS**

GCC Archaeology have no additional comments in relation to this proposal over the suggested condition that was attached to the 2017 permission. This condition required a Written Scheme of Investigation for an Archaeological Watching Brief which was submitted and approved (S.20/1093/DISCON) meaning that the full condition is not required as work will continue in accordance with this and the approved watching brief.

The proposed development site is out of the Stroud Town Centre Conservation Area and a reasonable distance away from the listed Church Court and St Laurence's church. Therefore, any detrimental impact on their setting might not appear to be immediately obvious but it is acknowledged that the setting of heritage assets can be often complicated and subtle.

However, as the proposed amendments would not be so great a variation to the permitted scheme, they are considered acceptable. Key views would be maintained and no harm would be done to the identified heritage assets.

### **HIGHWAYS**

The site layout and therefore the proposed access and parking provision does not alter with this variation. This application does not give rise to any detrimental impacts to highway safety GCC Highways have been consulted and confirmed that they have no objections to the proposed variation subject to the conditions suggested as part of the original consent are maintained.

### **LANDSCAPE IMPACT**

The site is located within the built-up area of Stroud. Therefore, it is considered that the amended scheme will not result in harm to the character and appearance of the Cotswold AONB.

### **BIODIVERSITY**

The amendments to the approved scheme S.17/2622/FUL do not give rise to any additional biodiversity implications and therefore subject to the previously agreed conditions, to which still apply are applied the application is deemed to be acceptable.

I would like to draw specific attention to the sites proximity to the Rodborough Common SAC as well as the Cotswolds Beechwoods. The original application was subject to a S.106 agreement for the mitigation contribution towards Rodborough Common SAC and a homeowner's pack prior to occupation in relation to the Cotswolds Beechwoods SAC, which the content to which is required to be agreed with the LPA.

The applicant has agreed to the same contributions and details to be secured by an amended S.106 specific to this application, which is currently with our legal team.



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### FLOOD RISK

The application does not alter the drainage proposals and the proposed alterations will not have a detrimental impact to flood risk, as such the condition as per the original consent is sufficient.

### OBLIGATIONS

SDC is a CIL Charging Authority.

The contribution towards Rodborough Common SAC mitigation (£200 per net dwelling) is addressed above.

### RECOMMENDATION

In light of the above it is considered that the proposal complies with the policies outlined and therefore the recommendation is to Resolve to Grant subject to the completion of the S.106.

### HUMAN RIGHTS

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

### Subject to the following conditions:

1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:  
  
Location and Proposed Block Plan of 21/01/2021  
Plan number = 2016-36 PA 013E  
  
Site Plan Proposed of 26/02/2018  
Plan number = 2016-36 PA 014D  
  
Proposed floor plan of 21/01/2021  
Plan number = 2016-36 PA 015F  
Plan number = 2016-36 PA 016E  
Plan number = 2016-36 PA 017E  
Plan number = 2016-36 PA 018G  
Plan number = 2016-36 PA 019F  
  
Roof plan of 21/01/2021  
Plan number = 2016-36 PA 020E  
  
Proposed North Block Elevations 1 Plots 7-12 of 21/01/2021  
Plan number = 2016-36 D303E



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Proposed North Block Elevations 2 Plots 7-12 of 02/02/2021  
Plan number = 2016-36 PA 022J

Proposed Southern Block Elevations 1 Plots 1-6 of 28/01/2021  
Plan number = 2016-36 PA 023J

Proposed Southern Block Elevations 2 Plots 1-6 of 21/01/2021  
Plan number = 2016-36 D301F

Section of 21/01/2021  
Plan number = 2016-36 PA 024E

Proposed External Lighting Layout -dated 4 June 2020 (under  
S.20/1093/DISCON)  
Plan number = 1000 PS

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the materials submitted and approved by the Local Planning Authority under S.20/1093/DISCON. The materials to be used in the development shall be in accordance with the approved details and retained in perpetuity unless otherwise approved by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, in accordance with Policies CP8, CP14, HC1, ES7 and ES10 of the adopted Stroud District Local Plan, November 2015.

3. The development hereby permitted shall not be commenced until details of a scheme of hard and soft landscaping for the site (including boundary treatments) has been submitted to and approved by the Local Planning Authority. This shall include the type, height and position of the proposed boundary treatments, species and size of plant, planting distances/densities and details of how the planting will be undertaken.

Reason:

In the interests of the visual amenities of the area and to protect the amenities of local residents in accordance with Policies CP14, HC1 and ES3 of the adopted Stroud District Local Plan, November 2015.





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4. All hard and soft landscape works shall be completed in full accordance with the approved scheme, within the first planting season following first occupation of the development hereby approved, or in accordance with a programme submitted to and approved by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area and to protect the amenities of local residents in accordance with Policies CP14, HC1 and ES3 of the adopted Stroud District Local Plan, November 20

5. The development hereby permitted shall be carried out in accordance with the Written Scheme for Investigation for an Archaeological Watching Brief dated 4th June 2020 as approved by the Local Planning Authority under S.20/1093/DISCON.

Reason:

It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

6. Prior to the first occupation of plot 12, the first floor windows in the North (side) elevation of plot 12, shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass and shall remain so in perpetuity.

Reason:

In the interests of the amenities of the occupiers of the adjacent residential properties in accordance with Policies CP14 and ES3 of the Stroud District Local Plan, November 2015.

7. The development hereby permitted shall be carried out in accordance with the details of the submitted Construction Site Management Plan documentation submitted and approved by the Local Planning Authority under S.20/1093/DISCON. The approved Statement shall be adhered to throughout the construction period.



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Reason:

To reduce the potential impact on the public highway, accommodate the efficient delivery of goods and supplies and in the interest of the amenities of the surrounding area and local residents in accordance Policies ES3 and CP13 of the adopted Stroud District Local Plan, November 2015.

8. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.5m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 22m 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 point and between 0.26m and 2.0m at the Y point 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 Policies HC1, ES3 and CP13 of the adopted Stroud District Local Plan, November 2015 and the National Planning Policy

9. The vehicular access hereby permitted shall not be brought into use until the existing vehicular access on Lansdown have been permanently closed, and the footway/verge in front has been reinstated, in accordance with details to be submitted to and approved by the Local Planning Authority.

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 Policies HC1, ES3 and CP13 of the adopted Stroud District Local Plan, November 2015 and the National Planning Policy Framework.

10. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.



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Reason:

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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the granting of further specific planning permission from the Local Planning Authority.

Reason:

To retain garages/car spaces for parking purposes to provide an appropriate level of vehicular parking and avoid unacceptable increase in inappropriate and on-street parking which could be detrimental to highway and pedestrian safety in accordance Policies CP13, HC1, E112 and ES3 of the adopted Stroud District Local Plan, November 2015.

12. The development hereby permitted shall not be occupied until cycle storage facilities for minimum of 12 spaces have been made available for use and those facilities shall be maintained for the duration of the development.

Reason:

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Policies CP13 and E112 of the adopted Stroud District Local Plan, November 2015 and paragraph 32 of the National Planning Policy Framework.

13. No dwelling of the development hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established and details of which submitted and approved by the Local Planning Authority.



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Reason:

In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies HC1 and ES3 of the adopted Stroud District Local Plan, November 2015 and the National Planning Policy Framework.

14. The development hereby permitted shall not be occupied until details of the tactile pedestrian crossing and pavement along the Church Street frontage of the site have been submitted to and approved by the Local Planning Authority. These works shall then be completed in accordance with the approved details prior to first occupation of the development to the satisfaction of the Local Planning Authority.

Reason:

In the interests of public safety and to improve connectivity and encourage pedestrian movements whilst minimises conflicts between traffic, cyclists and pedestrians in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015 and paragraph 35 of the National Planning Policy Framework.

15. No dwelling of the development hereby approved shall be occupied until the carriageway (including surface water drainage/disposal and vehicular turning head) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway 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.

16. Prior to the first occupation of the dwellings hereby permitted, all ecological measures and works contained in the submitted Ecological Appraisal and Bat Emergence and Pre-Dawn Re-Entry Surveys (All Ecology dated August 2017 and September 2017) received on 18 November 2017 shall be carried out in accordance with the approved details unless an appropriate alternative ecological strategy has first been submitted to and approved by the Local Planning Authority. The approved ecological mitigation, including bat tubes, shall be maintained as approved thereafter.



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Reason:

To ensure the protection of biodiversity in the long-term in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015.

17. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission ("Church St Stroud FRADS V3, 20/03/2018"; "Church St Stroud Addendum V1, 04/04/2018" and "Drain Responsibilities Plan V2"). The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason:

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

Informatives:

1. ARTICLE 35 (2) STATEMENT - Whilst there was little, if any, pre-application discussion on this project it was found to be acceptable and required no further dialogue with the applicant.
2. The responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. Your attention is drawn to the possibility that the building(s) to be demolished may have been constructed with materials that contain asbestos. It is a legal requirement that this work is either done by a HSE licensed contractor or a contractor complying with the Control of Asbestos Regulations 2012. Guidance on how to comply with these regulations can be found on the HSE website [www.hse.gov.uk/asbestos/](http://www.hse.gov.uk/asbestos/)



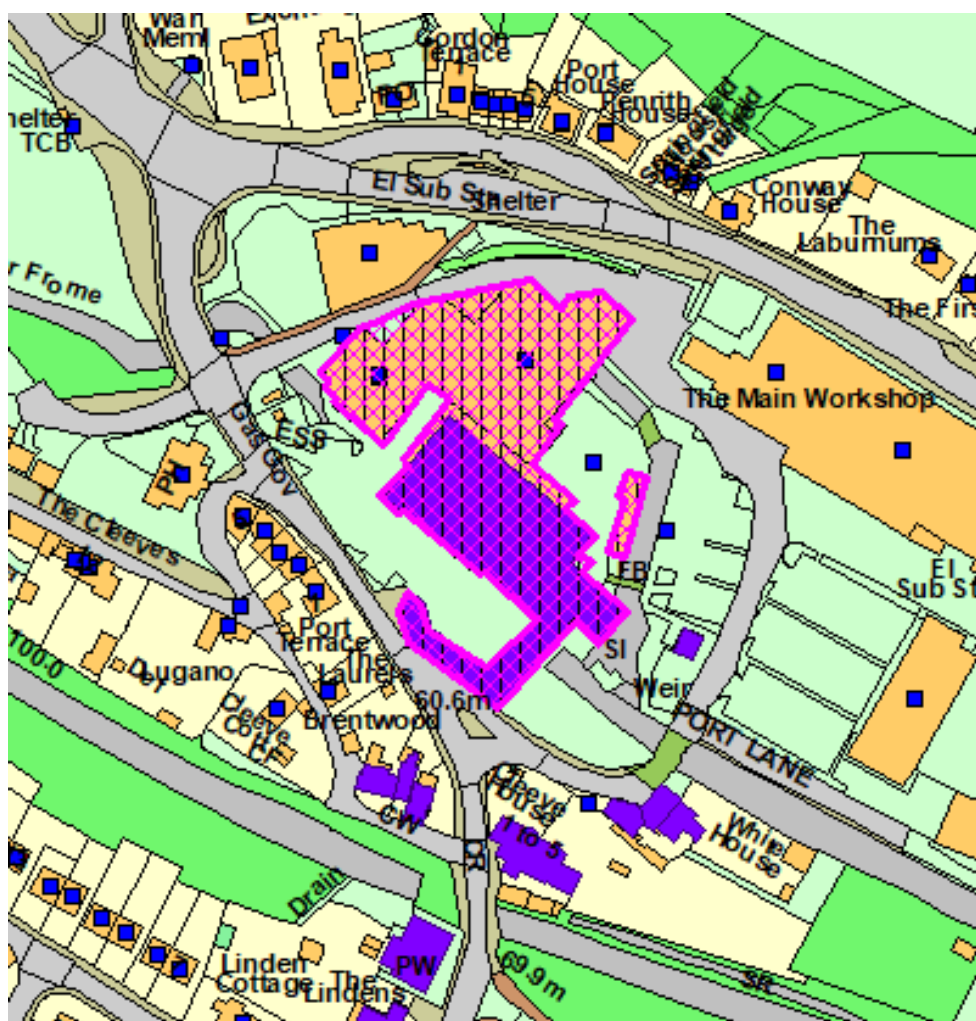
## Development Control Committee Schedule 23/02/2021

3. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works. The developer will also be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
4. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information, please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.
5. This application is subject to a legal agreement and the applicant's attention is drawn to the requirements and obligations contained therein and the need to ensure compliance as the development progresses.



## Development Control Committee Schedule 23/02/2021

|                         |   |
|-------------------------|---|
| <b>Item No:</b>         | <b>02</b>   |
| <b>Application No.</b>  | S.19/1502/FUL   |
| <b>Site Address</b>     | Brimscombe Port Business Park, Port Lane, Brimscombe, Gloucestershire   |
| <b>Town/Parish</b>      | Brimscombe And Thrupp Parish Council  |
| <b>Grid Reference</b>   | 386891,202331   |
| <b>Application Type</b> | Full Planning Application   |
| <b>Proposal</b>         | Demolition of units 1, 2a, 2b, 3, 4 and the Port House on the Brimscombe Port Business Park and units, 1, 2, 3, 4a, 4b, 6, 7 and 8 on the Industrial Estate, the construction of the infrastructure for the future redevelopment of the Port to include the reinstatement of the canal from Bourne Mill to Goughs Orchard lock and a new basin, a new access road off the A419 and bridge works on Brimscombe Hill to enable a canal and river crossing |
| <b>Recommendation</b>   | Permission  |
| <b>Call in Request</b>  | Requested by Head of Development Management   |





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





## Development Control Committee Schedule 23/02/2021

### MAIN ISSUES

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

### DESCRIPTION OF SITE

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

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

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

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

### PROPOSAL

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

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

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



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

### REVISED DETAILS

Heritage statement received on 06 Aug 2019.

CEMP received on 23 Jan 2020.

Environmental Statement received on 28 July 2020.

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

### REPRESENTATIONS

#### Statutory Consultees:

Brimscombe and Thrupp Parish Council: Support

#### Revised plan - Brimscombe and Thrupp Parish Council:

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

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

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

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

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

Minchinhampton Parish Council: Support

Stroud Town Council: neither object or supports

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



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

### Historic England:

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

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

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

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



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

### Recommendation

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

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

### GCC Archaeology:

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

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

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

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



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

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

I have no further observations.

### Natural England:

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

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

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

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

Revised Natural England: to be reported

Environment Agency: to be reported

GCC Highways: to be reported

SDC Environmental Health:

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

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

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



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

### SDC Contaminated Land Officer:

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

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

1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority. No part of the development hereby permitted shall be occupied until: -

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

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

### GCC as Local Lead Flood Authority (LLFA):

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

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

### SDC Water Resources Engineer:

Defer to LLFA.



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### SDC Senior Arboriculture Officer:

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

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

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

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

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

### Revised SDC Biodiversity Officer: Acceptable subject to conditions:

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



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### Bats:

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

### Reptiles:

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

### Badgers:

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

### Water-vole and Otter:

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

### Public:

#### Sport England:

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

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

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

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

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





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

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

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

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

### Gloucestershire Society for Industrial Archaeology:

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

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

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

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



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

About 117 letters of objection have been received:

Contamination risk - previous industrial use, asbestos and infill materials

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

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

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

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

Exacerbation of flood risk on adjacent land.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework 2.2.

Available to view at:

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

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66(1).

Section 72(1).

Stroud District Local Plan.

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

[https://www.stroud.gov.uk/media/1455/stroud-district-local-plan\\_november-2015\\_low-res\\_for-web.pdf](https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf)

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making.

CP5 - Environmental development principles for strategic growth.

CP13 - Demand management and sustainable travel measures.

CP14 - High quality sustainable development.

SA1 - Site allocation Stroud Valleys.

E11 - Key employment sites.

E12 - Regenerating existing employment sites.

E111 - Promoting sport, leisure and recreation.

E112 - Promoting transport choice and accessibility.

E113 - Protecting and extending our cycle routes.



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

The proposal should also be considered against the guidance laid out in:  
Stroud District Landscape Assessment SPG (2000)  
IHCA Conservation Area Management Proposals SPD (2008)

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

### **PRINCIPLE OF DEVELOPMENT**

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

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

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

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

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



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

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

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

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

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

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

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

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

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



## **Development Control Committee Schedule 23/02/2021**

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

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

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

### **DESIGN AND APPEARANCE**

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

### **ECOLOGY**

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

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

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

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



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

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

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

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

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

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

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





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### HYDROLOGY AND FLOOD RISK

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

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

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

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

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

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

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

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



## **Development Control Committee Schedule 23/02/2021**

### **HIGHWAYS**

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

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

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

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

### **ARCHAEOLOGY & HERITAGE ASSETS**

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

### **LANDSCAPE IMPACT**

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

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

### **CONTAMINATED LAND**

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



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### **NOISE & RESIDENTIAL AMENITY**

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

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

### **PLANNING BALANCE AND CONCLUSIONS**

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

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

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

### **HUMAN RIGHTS**

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



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### Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

#### to be updated

Reason:

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

3. No above ground works shall commence on site until full details of a scheme of hard and soft landscaping have been submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas including the crane loading area and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/densities.

Reason:

In the interests of visual amenity, biodiversity and the character of the area in accordance with Policies CP8, CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015.

4. All hard and soft landscape and boundary treatment works shall be completed in full accordance with the approved scheme, within the first planting season following the first occupation of the development hereby approved, or in accordance with a programme submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenity, biodiversity and the character of the area in accordance with Policies CP8, CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015.



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5. No development including demolition shall take place until a detailed phasing plan has been submitted to and approved by the Local Planning Authority. The phasing plan shall include a timetable and sequence of the works proposed and include the demolition and construction phases of the proposed development. The approved scheme shall then be implemented in accordance with the approved phasing plan.

**Reason:**

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

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

**Reason:**

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

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



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

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

Reason:

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

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

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

Reason:

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





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

1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

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

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

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, Section 15, paragraph 178.

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

-

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



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

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

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

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



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

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

Reason:

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

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

Reason:

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

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



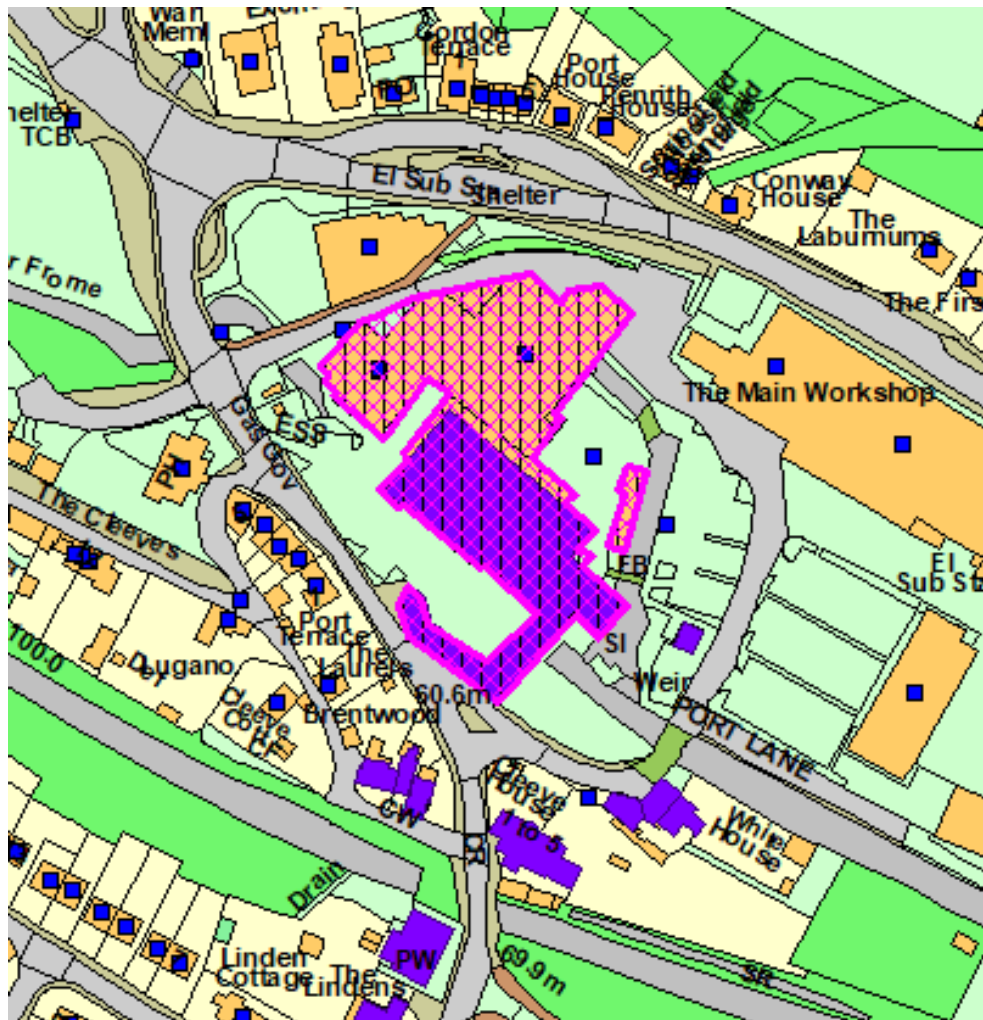
## Development Control Committee Schedule 23/02/2021

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|  | <p>Reason:<br/>To enable the Local Planning Authority to ensure the satisfactory appearance of the development and the provision canal facilities which was given positive weight within the planning balance of the scheme, in accordance with Policies CP4, CP14, ES3, ES7 and ES10 of the adopted Stroud District Local Plan, November 2015.</p> <p>16. No development shall take place until a timetable for the implementation of the surface water drainage scheme shown on the approved plans has been submitted to and approved by the Local Planning Authority. The approved drainage scheme shall then be implemented in accordance with the approved timetable.</p> <p>Reason:<br/>To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015.</p> <p>17. Environment Agency conditions tbc<br/>18. Highway conditions tbc</p> |
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|-------------------------|--|
| <b>Item No:</b>         | <b>03</b>  |
| <b>Application No.</b>  | S.19/1503/LBC  |
| <b>Site Address</b>     | Brimscombe Port Business Park, Port Lane, Brimscombe, Gloucestershire                                |
| <b>Town/Parish</b>      | Brimscombe And Thrupp Parish Council   |
| <b>Grid Reference</b>   | 386891,202331  |
| <b>Application Type</b> | Listed Building Application  |
| <b>Proposal</b>         | Demolition of industrial modern buildings attached to Port Mill and the demolition of the Port House |
| <b>Recommendation</b>   | Consent  |
| <b>Call in Request</b>  | Requested by Head of Development Management  |





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|                              |   |
|------------------------------|---|
| <b>Applicant's Details</b>   | Ms A Fisk<br>Stroud District Council, Ebley Mill, Stroud, Gloucestershire GL5 4UB   |
| <b>Agent's Details</b>       | None  |
| <b>Case Officer</b>          | Kate Russell  |
| <b>Application Validated</b> | 12.07.2019  |
| <b>CONSULTEES</b>            |   |
| <b>Comments Received</b>     | Historic England SW<br>Brimscombe And Thrupp Parish Council   |
| <b>Constraints</b>           | Aston Down Airfield Consultation Zones<br>Adjoining Canal<br>Affecting the Setting of a Cons Area<br>Consult area<br>Conservation Area<br>Flood Zone 2<br>Flood Zone 3<br>Kemble Airfield Hazard<br>Key Employment Land (LP)<br>Key Wildlife Sites - Polygons<br>Listed Building<br>Within 50m of Listed Building<br>Neighbourhood Plan<br>Brimscombe and Thrupp Parish Council<br>Rodborough 3km core catchment zone<br>Settlement Boundaries (LP) |
| <b>OFFICER'S REPORT</b>      |   |

### DESCRIPTION OF BUILDING

Brimscombe Port site is situated within the Stroud Industrial Heritage Conservation Area. The application site includes the Grade II listed Port Mill, a fine example of a stone-built mill complex of early to mid-19th century date, with high quality detailing, and a late C18 century Salt Warehouse, also Grade II.

### PROPOSAL

The proposed demolition relates to the Port House, an ancillary warehouse to the mill, and the 20th century portal framed buildings attached to the north-west side of the mill.

### REPRESENTATIONS

#### Statutory Consultees

The Parish Council has supported the application.

#### Historic England:

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



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

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

### Recommendation

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

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

### Public

One comment received, relating to planning matters and the potential impact of the wider scheme on the historic bridge into the Port.

## **PLANNING CONSIDERATIONS**

For the purposes of Regulation 2 of the Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003, the reasons for the Council's decision is summarised below. In considering the Application, the Council has given special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest that it possesses. Where relevant, reference is made to Government policy set out in the National Planning Policy Framework.



## **Development Control Committee Schedule 23/02/2021**

### **PLANNING POLICY AND GUIDANCE**

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 16(2).

Section 66(1).

Section 72(1).

#### **National Planning Policy Framework**

Paragraphs 189-202

#### **Historic England Advice Note 2 - Making Changes to Heritage Assets and The Historic Environment Good Practice Advice in Planning: Note 3 The Setting of Heritage Assets**

#### **Stroud District Council Local Plan, Adopted 2015**

Policy ES10. Valuing our historic environment and assets.

### **DESIGN/APPEARANCE/IMPACT ON THE BUILDING**

It is not just the set-piece landmark buildings that are important in the IHCA: the special historic interest of the earlier main mill ranges is greatly strengthened by the group value of their supporting cast of ancillary buildings. Most were built to serve the purposes of the original woollen mill; some were built to facilitate the later industries on the site in their various incarnations. These buildings, better than any written document ever could, help tell the story of the continuous advances in manufacturing processes and industry. Importantly, the ancillary buildings also bring with them a mixed palette of building materials, some reflecting the original mill range, others modern.

Although large, sheet and block construction buildings are part of the character of the Industrial Heritage Conservation Area, the loss of the attached buildings on the north-west side of the mill is non-contentious. In exposing the original elevation of the mill, the significance of the building would be better revealed.

There is likely to have been some physical impact on the fabric of the mill at the time of the affixation of the modern structures, therefore a making good condition is recommended to ensure that any damage is rectified.

Historic England has raised concerns over the loss of the Port House. This is a curtilage listed building, dating from the 19th century with later alterations; it has nice architectural detailing in the form of arch-headed windows, and through its siting and design, definitely plays a supporting role in the setting of the main mill building and the Salt Warehouse. It also has evidential value, being part of the historic expansion of the site.

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

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

With regard to the weighing the balance, Historic England's response noted,





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*"We are aware that the longer term plans for the wider site includes some meaningful heritage benefits to include the reinstatement of the canal basin and the presently severed section of canal. You should satisfy yourselves that these benefits cannot be delivered in a way that would retain the warehouse."*

The loss of the building is required in order to facilitate the installation of a sewer to serve the wider development. There are therefore demonstrably sound infrastructure reasons that would preclude the retention of the Port House; Officers are satisfied that the benefits of the wider scheme, which includes the reinstatement of the canal from Bourne Mill to Goughs Orchard lock and the construction of a new basin at Brimscombe Port, could not be achieved without its loss.

### REVIEW OF CONSULTATION RESPONSES

Noted and addressed above.

### RECOMMENDATION

The proposals are in accordance with the objectives and policies for the historic environment stated in the Government's National Planning Policy Framework (NPPF) and the Historic Environment Good Practice Advice in Planning, Note 2 - Managing Significance in Decision-Taking in the Historic Environment, and Planning Note 3- The Setting of Heritage Assets.

### 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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|  | <p>1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.</p> <p>Reason:<br/>To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site Location plan of 02 Aug 2019<br/>Plan title = Brimscombe Port Site Location Plan dated 20/08/2019</p> <p>Demolition Plan of 12 Jul 2019<br/>Plan title = B_PORT_LBC_PLAN_1250 dated 11/07/2019</p> |
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General arrangement plan of 21 Jan 2021  
Plan number = 5159615-ATK-ZZ-LR-DR-C-0100 P06

Reason:

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

3. Following the demolition of the buildings to the north-west side of the mill, full details (including an implementation timetable) of 'making good' exposed areas revealed by demolitions are to be submitted and approved by the Local Planning Authority. The work shall then be carried out in accordance with the approved details.

Reason:

To ensure the preservation of the character and special interest of the listed building these matters require further consideration.