



Monday, 7 June 2021

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 15 JUNE 2021** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm**

Kathy O'Leary
Chief Executive

Please Note: The meeting is being held in the Council Chamber at Stroud District Council

Due to current Covid-19 regulations a maximum of 6 members of public will be permitted in the Council Chamber at any one time, if you would like to attend this meeting please contact democratic.services@stroud.gov.uk.

AGENDA

1. **APOLOGIES**
To receive apologies of absence.
2. **DECLARATIONS OF INTEREST**
To receive Declarations of Interest in relation to planning matters.
3. **MINUTES (Pages 3 - 10)**
To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 30 March 2021.
4. **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING (Pages 11 - 16)**
(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 **SUNNYSIDE NURSERIES, CAM, DURSLEY (S.20/2148/OUT) (Pages 17 - 26)**
Redevelopment of the site for an industrial use (Use Class B2/B8) and retail use (Use Class A1) including the change of use of an existing dwelling house to office use (B1) with associated works, infrastructure and the creation of a new highway access onto the A38 with all matters relating to appearance and landscaping reserved

Members of Development Control Committee

Councillor Martin Baxendale (Chair)

Councillor Chris Brine
Councillor Martin Brown
Councillor Jason Bullingham
Councillor Helen Fenton
Councillor Victoria Gray

Councillor Trevor Hall (Vice-Chair)

Councillor Haydn Jones
Councillor Loraine Patrick
Councillor Mark Ryder
Councillor Lucas Schoemaker
Councillor Ashley Smith



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB
 Telephone 01453 766321
 www.stroud.gov.uk Email: democratic.services@stroud.gov.uk

DEVELOPMENT CONTROL COMMITTEE

30 March 2021

6.00 pm – 9.08 pm

Remote Meeting

Minutes

3

Membership

Councillor Martin Baxendale (Chair)	P	Councillor Steve Lydon	P
Councillor Miranda Clifton (Vice-Chair)	P	Councillor Jenny Miles	P
Councillor Dorcas Binns	A	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	Development Team Manager
Majors & Environment Team Manager	Senior Planning Officer
Principal Planning Lawyer, One Legal	Senior Democratic Services & Elections Officer

Other Member(s) in Attendance

Councillor Dave Mossman
 Councillor Mark Ryder
 Councillor Nick Hurst

Others in Attendance

Stephen Hawley, GCC Highway Team Leader

DC.033 APOLOGIES

Apologies for absence was received from Councillors Binns and Reed.

DC.034 DECLARATIONS OF INTEREST

There were none.

DC.035 MINUTES

RESOLVED That the Minutes of the meeting held on 23 February 2021 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.20/2729/HHOLD	2	S.18/2697/OUT	3	S.18/1947/OUT
---	-----------------	---	---------------	---	---------------

DC.036 **MANOR HOUSE, LOWER LITTLEWORTH, AMBERLEY, STROUD**
(S.20/2729/HHOLD)

The Development Team Manager introduced the report which outlined an application seeking planning permission for the erection of an outbuilding to be used as a music studio and recording facility. He emphasised planning permission had previously been granted for an almost identical building in February 2020, and the resubmission sought to revise the location of the building on the site due to underground constraints associated with the original position. The revised location allows for the proposed building to sit behind an existing outbuilding to have a better physical relationship with the main house. The only change in physical appearance is the re-positioning of the double doors into the studio.

In response to concerns about the impact of the proposal on the special historic and architectural character of the listed building Moor Court, more information was provided which demonstrated that the proposed building would not be visible in long range views of Moor Court and therefore there would be no impact on the heritage asset. This position did not change following consideration of a Heritage Impact Assessment submitted by local residents.

Local residents also submitted a report on land stability. The Development Team Manager clarified that as the application did not propose any change of use of land from the existing residential use, it would not be appropriate to apply any conditions to manage any land stability issues.

The recommendation was therefore to grant planning permission subject to the conditions listed in the report.

Councillor Hurst, as Ward Councillor for Minchinhampton, responded to the application following discussion with local residents who had raised a number of concerns. Whilst in principle supporting the recommendation, he sought clarification on a number of conditions:

1. He proposed that a Site Datum be established so that the height of the proposed building cannot be more than 150mm higher than the adjoining track;
2. In relation to noise he suggested that some acoustic control be registered at the boundary between the proposed building and Moor Court which should not exceed 50-55 decibels;
3. In relation to light spillage, he indicated the applicant was prepared to introduce light control blinds on the building’s roof lights so it would be appropriate to include this as a condition.

The Development Team Manager indicated that any issues relating to light spillage should be covered by condition 7, which requires a strategy for any external lighting, so any condition relating to blinds would have to meet the test of a condition. In relation to noise, as the Environmental Health Officer had been consulted on the application, and had not raised objections, members would need to justify any condition in this regard.

Councillor Jones asked how a condition on noise could be justified. The Development Team Manager explained that the application relates to operational development, and members would have to evaluate whether the proposed element of residential use is particularly different to how other parts of the residential area are being used. In addition, enforcement of acceptable noise levels is controlled through specific Environmental Protection legislation, not through planning, so members would need to agree this constitutes a significant concern in this case to justify a condition.

In response to some concerns raised about the boundary between domestic and commercial use of the proposed building, the Development Team Manager indicated that this is covered in conditions 3 and 4 as set out in the report.

The substantive Motion, in accordance with the Officer's recommendation to grant permission, was proposed by Councillor Williams and seconded by Councillor Clifton.

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

RESOLVED To grant Permission for Application S.20/2729/HHOLD

DC.037 LAND SOUTH OF RAILWAY LINE, BOX ROAD, CAM, GLOUCESTERSHIRE (S.18/2697/OUT)

The Senior Planning Officer introduced the proposal which she confirmed was an outline application with all matters reserved except for access. The application was seeking in principle approval for up to 42 dwellings, including 30% affordable housing, and the provision of a car park for users of Cam and Dursley Railway Station. It is the last undeveloped site along Box Road which does not benefit from allocation in the Local Plan or implementable permission for development. It is therefore outside the residential settlement boundary and contrary to the Local Plan. However, given the quantum of recent applications for residential and mixed-use developments around the site and their outcomes, the LPA has concluded that the location of this site is acceptable and sustainable for residential development.

The Senior Planning Officer noted that there had been significant public concerns raised about traffic, car parking and flooding relating to this application. She explained that the LPA relies on the technical knowledge of the Highways Authority to form an assessment on traffic issues and is content that the Box Road could take the additional traffic generated as a result of this development. The LPA has negotiated with the developers to secure a railway overspill car park on the site providing 19 vehicle spaces to help alleviate on street parking issues. The Gloucestershire LLFA had rejected the original drainage scheme of infiltration for the site but considered the resubmitted pump scheme to be a viable strategy.

The Senior Planning Officer requested that three standard biodiversity conditions be added to the permission should it be approved. These are:

1. Standard CEMP condition
2. Ecological design strategy to be submitted at REM stage
3. Lighting Strategy to be submitted.

Councillor Tomblin, as Ward Councillor for Cam West, joined the meeting and raised the following issues:

1. More information on the scheme to address flooding on the site would be important.

Agenda Item 3

2020/21

2. As raised by the Parish Council, it is likely that 1.5 parking spaces per household on this site will be insufficient and it is therefore likely that residents would use the 19 additional spaces provided for railway users. She suggested that consideration be given to providing exclusive access to the overflow car park from the station car park.
3. Further consideration needs to be given to suggested widening works on the Box Road junction and to the general deterioration of the surface of the road.
4. Concerns about the safety of pedestrians on Box Road given the configuration of footpaths.
5. If the outline application is approved, a request for the LPA to consult with the Parish Council on the design and layout of the development prior to agreement.

Stewart Angell joined the meeting to speak on behalf of Cam Parish Council and raised the following points:

1. Access to the additional parking spaces, by road and by foot, should be from the station car park only to ensure they are used by train station users.
2. Concern that two parking spaces per home had been provided for other adjacent residential developments but not this one.
3. A request for more information on the mitigation to be put in place for the traffic issues which would be exacerbated as a result of this development.

Stephen Hawley, GCC Highway Team Leader, explained that a number of the issues raised by Councillor Tomblin were not related to the outline planning application under consideration. Highway maintenance and car parking were Reserved Matters whilst traffic calming and widening works were consented schemes outside the proposal. The number of parking spaces per home would be appraised as part of the Reserved Matters application based on local ward data to ensure that it is evidence led. Stephen Hawley further explained that, in relation to wider mitigation the applicant had provided a transport assessment, and in a sustainable location with good transport links, the provision of 42 houses was relatively modest in the context of background traffic flows and of existing consented developments. No further specific off-site mitigation would be required to address this.

The Senior Planning Officer clarified that, at the Reserved Matters stage, Cam Parish Council would be consulted on the design and layout of the site as the LPA is legally obliged to consult on all applications. She confirmed that access to the overspill car park would be provided under the section 106 agreement and discussion could take place at that stage on whether it should be segregated from the remainder of the built development.

Nick Freer, speaking in support of the application on behalf of the developers, joined the meeting and highlighted the following points:

1. Amendments had been made to the application in response to concerns from local residents including the provision of at least 19 additional parking spaces. The owners of the site wish to ensure that access to the station car park is possible from the application site, but would also wish to explore management options to ensure that the additional spaces are not used for residential parking.
2. Following extensive discussion with the LLFA a drainage scheme utilising a pump solution had now been agreed as a viable strategy.
3. The application proposes a policy compliant scheme with the inclusion of 30% affordable housing.
4. The site is at the heart of a location which is planned and accepted as a focus for sustainable growth.

Councillor Clifton asked whether any thought had been given to the impact of noise from the railway line on this development.

The Senior Planning Officer noted that the site would be the closest development to the railway station but other housing was planned next to the railway line itself. At Reserved Matters stage, details of landscaping would be required to separate the development further. No objection regarding noise had been received from the Environmental Health Officer who had confirmed that properties in those locations are acceptable.

Councillor Jones asked for confirmation, and supporting evidence, that discharge from the site into the River Cam would not cause issues further down the river. The Senior Planning Officer confirmed that evidence was not available at this stage as only a strategy is presented in an outline application, but that technical details would be required at Reserved Matters stage as part of the conditions imposed. The Major & Environment Team Manager clarified that the technical details would have to be at green field and climate change levels so there is an attenuation scheme to hold water on site and release it slowly. Consequently, it was unlikely that any issues would be caused elsewhere.

Councillor Jones reiterated the importance of putting a robust scheme in place to ensure that the Cam can take the additional capacity as it floods on a regular basis. He further asked how hydrocarbons would be handled within the drainage strategy proposed.

The Senior Planning Officer explained that the LLFA is very aware of the drainage issues on the site but the outcome is one of the consequences of the site being the last development going through the planning process. Whilst an integrated approach would have been preferable, with all developments along Box Road at different stages in the planning process, it has not been possible to broker such a scheme.

Councillor Clifton asked whether it was a requirement for applications to include 2 parking spaces per home or the 1.5 spaces referred to in discussion of this application.

The Senior Planning Officer confirmed that the number of spaces being proposed for the application would be submitted at the Reserved Matters stage. The Head of Development Management clarified that the Local Plan states 1.5 spaces per home and that is the policy. Any final decision would have to consider the form and nature of the scheme proposed.

The substantive Motion, in accordance with the Officer's recommendation to permit, with the addition of the three standard biodiversity conditions previously detailed, and agreement that the management of the overspill car park to ensure it is not used by residents should be included in the Section 106 agreement, was proposed by Councillor Cooper, seconded by Councillor Kay, and debated.

On being put to the vote it was carried, with 7 votes for and 1 against.

RESOLVED To GRANT planning permission for Application S.18/2697/OUT subject to a S106 agreement

DC.038**LAND AT QUADRANT DISTRIBUTION CENTRE, QUADRANT WAY,
HARDWICKE, GLOUCESTER (S.18/1947/OUT)**

The Majors & Environment Team Manager introduced the proposal which he confirmed was an outline application with all matters reserved except for access. It was for the erection of 160 dwellings on land which formed part of the former RAC Quedgeley, and which is a protected employment site in the current Local Plan. The applicant's viability argument was that the site is not viable as employment use and the district valuer had confirmed this position. As the site is unlikely to come forward as employment use, an alternative use for the site is sought despite this deviating from the Local Plan. Indicative layouts in the proposal suggest that a noise bund and landscaping around the perimeter of this site will provide noise attenuation between the residential buildings and the commercial buildings. Recent discussions with Gloucestershire Highways had resulted in an amendment to Condition 9 so that one cycle space would now be provided per bedroom rather than per dwelling. An electric vehicle charging condition would be added. It was noted that the proposal would now be within the boundaries of the new Parish of Hunts Grove.

Councillor Mossman, Ward Councillor for Hardwicke, joined the meeting to speak on behalf of the ward community and Hunts Grove Parish Council. He highlighted the following points:

1. The site is clearly identified in all plans for employment use only and is protected against change of use for any other purpose. There is a surplus of outstanding permissions for housing in the area and residents will need employment. It is unacceptable to allow the last piece of industrial land to change to residential use. There is a need to keep the carbon footprint of people travelling away to work to a minimum so employment land is very important. The proposal goes against SDC Policy CP11, CP5, EL1, EK13, SO2, NPPF Paragraph 12, and the Hardwicke NDP.
2. Environmental Health has set noise levels to be achieved, but given the experience of residents in other areas of Hunts Grove, it is very unlikely that noise levels could be reduced sufficiently to achieve the required levels for this application to be successful. This is particularly because of the industrial activity which surrounds the site on three sides.
3. The Hardwicke Neighbourhood Development Plan took four years of hard work to achieve and it was approved by SDC in 2017. It is now as important to consider as SDC policies and MPPF codes.
4. GCC's consideration of the proposal concluded that it would generate additional requirements for school places. It is unacceptable that the applicant has indicated he is unable to afford the contribution for education requested by GCC.

Councillor Mark Ryder joined the meeting to speak on behalf of Hardwicke Parish Council and highlighted the following points:

1. If the application was to be approved it would go against the SDC Local Plan, the Hardwicke Neighbourhood Development Plan and the National Planning Policy Framework.
2. Noise levels have been compromised in other parts of the Hunts Grove residential development which are not as close to the industrial activity as this site. This impact is permanent and the Council is now unable to change this position.
3. The application conflicts with 3 paragraphs of the MPPF, 11 policies of the SDC Local Plan, and 3 core policies of the Hardwicke Neighbourhood Development Plan.
4. Land must be protected for employment use. If 160 residences are erected in the middle of an industrial site it will compromise both residential and industrial occupiers forever.

The Majors & Environment Manager clarified that the proposal is a protected employment site but, as viability testing has shown that there is no sign of it coming forward as an employment site, the best alternative use of the brown field site is sought. The Environmental Health Officer had reviewed the submitted noise data which concluded that the majority of noise will be from highway traffic and that the noise bund and landscaping should be sufficient to alleviate this. He explained that there was no space in the finances of the scheme to provide an education contribution.

Rob Linnell joined the meeting to speak on behalf of the applicant. He confirmed that the proposed site has remained undeveloped for 18 years and that, despite significant marketing, limited interest for employment usage has been received despite there being a strong local market for employment land. A viability assessment demonstrates that the development of an employment scheme would incur considerable losses, and the district valuer has confirmed an employment development to be unviable. Rob Linnell referred to Paragraph 120 of the NPPF which states that where there is no reasonable prospect of an application coming forward to the use allocated in the plan, applications for alternative uses should be supported. The applicant has demonstrated the development to be viable with a 25% provision of affordable housing which would contribute to one of the Council's core objectives. The applicant has addressed all technical and environmental matters raised by consultees resulting in no technical objections to the proposal. Full design details will be brought forward at the Reserved Matters stage for the committee's consideration. The utilisation of the site as a residential development, with the provision of affordable housing, complies with the requirements of the NPPF and would contribute to boosting delivery of housing in the district.

Councillor Kay asked whether the site would not perhaps be suitable for either employment or residential use given its contamination. The Majors & Environment Team Manager clarified that a remediation strategy for the site could be put in place, but the cost of this affects the viability of the scheme, which is why a residential use has been proposed which yields higher land revenues. Councillor Kay asked whether sufficient time for interested employment providers to come forward had been allowed as once the land is determined for residential use this precludes any future employment use. The Majors & Environment Team Manager confirmed that the site had been marketed as an employment site for a significant period of time, the applicant is a commercial property developer, and the district valuer has stated that the viability is unlikely to change in a positive way in the medium term. Councillor Kay asked why the recommendations suggested by Highways England were not included in the set of recommendations in the report, and the Majors & Environment Team Manager confirmed that the highway works had already been put in place.

Councillor Williams asked why the other three sides of the site are viable but the proposed site is not. The Majors & Environment Team Manager explained that the other land did not have the abnormal costs associated with removal of contamination, and it was also part of the wider Hunts Grove development which could have affected viability figures. Councillor Williams asked whether the mix of dwellings proposed could be changed at a later date by the developer. The Majors & Environment Team Manager confirmed that the viability figures are based on the mix of housing in the proposal, but a condition had been added to the recommendations to ensure levels of control, and the mix will be addressed at the Reserved Matters stage.

Councillor Cooper expressed concern that viability seemed to be presented as the primary justification for an application which contravenes many policies and goes against the Local Plan, and asked what flexibility remained. The Head of Development Management

Agenda Item 3

2020/21

explained that the NPPF recognises that, where sites do not come forward for their intended use, Councils should look to permit alternative developments where they meet unmet need in the area. Members were asked to consider the application on its own merits despite being in conflict with the Neighbourhood Development Plan and the Local Plan.

Councillor Jones asked if more detail could be provided on how the applicant will carry out traffic monitoring as suggested in the proposal. The Majors & Environment Team Manager explained the applicant would be required to provide a travel plan to encourage residents to use sustainable means of transport other than private cars. The developers would have responsibility for promoting other options and this would be controlled by a S106 agreement. The effectiveness of the plan would be monitored with expert input from Highways' personnel.

Councillor Kay suggested that it would have been helpful if an environmental impact assessment had been provided for the proposal. The Head of Development Management explained that there was no expectation that that level of detail would be provided in an outline planning application. She clarified that the purpose of the application is to get clarity as to the principle of the development on this site.

Councillor Miles asked whether, at the next stage of scrutiny of the application, the provision of community facilities would be considered. The Majors & Environment Team Manager confirmed that in Reserved Matters details of layout including open space would be looked at as well as pedestrian and cycle links to the wider Hunts Grove development.

Councillor Williams proposed and Councillor Cooper seconded a Motion to refuse the application. It was clarified that the Motion was to refuse the application for being non-compliant with the following policies: CP11, CP5, CP2, SO2, EI1 (site EK13), NPPF paragraph 12, the Hardwicke Neighbourhood Development Plan EC1 and GEN1. The Committee agreed delegated authority to refuse subject to the Chair and Vice-Chair's agreement.

On being put to the vote the Motion was carried with 7 votes for and 1 against.

RESOLVED To REFUSE planning permission for Application S.18/1947/OUT with the refusal reasons to be agreed with the Chair and Vice-Chair.

The meeting closed at 9.08 pm

Chair



Stroud District Council

Planning Schedule

15th June 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 and our Planning Team 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 try to arrive at the Council Chamber 10 minutes before the Committee starts so that you can liaise with the democratic services officer and other speakers who have also requested to speak in the same slot. Where more than one person wishes to speak, you may wish to either appoint one spokesperson or share the slot equally.

Planning Schedule 15/06/2021**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

Agenda Item 4

Planning Schedule 15/06/2021

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

Planning Schedule 15/06/2021

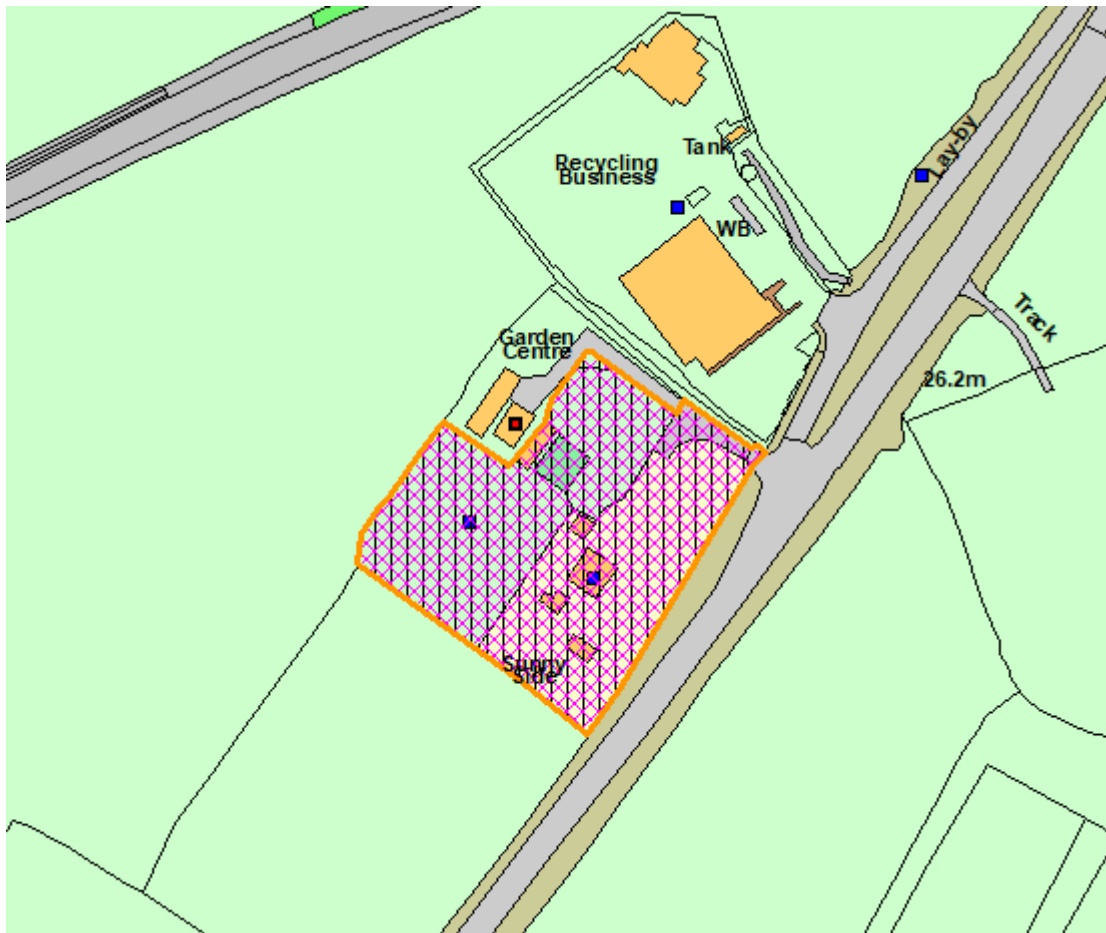
Parish	Application	Item
Slimbridge Parish Council	Sunnyside Nurseries, Cam, Dursley. S.20/2148/OUT - Redevelopment of the site for an industrial use (Use Class B2/B8) and retail use (Use Class A1) including the change of use of an existing dwelling house to office use (B1) with associated works, infrastructure and the creation of a new highway access onto the A38 with all matters relating to appearance and landscaping reserved	01

This page is intentionally left blank



Development Control Committee Schedule 15/06/2021

Item No: 01	
Application No.	S.20/2148/OUT
Site Address	Sunnyside Nurseries, Cam, Dursley, Gloucestershire
Town/Parish	Slimbridge Parish Council
Grid Reference	373566,201702
Application Type	Outline Planning Application
Proposal	Redevelopment of the site for an industrial use (Use Class B2/B8) and retail use (Use Class A1) including the change of use of an existing dwelling house to office use (B1) with associated works, infrastructure and the creation of a new highway access onto the A38 with all matters relating to appearance and landscaping reserved
Recommendation	Refusal
Call in Request	Requested by Head of Development Management



Agenda Item 4.1

	<h3>Development Control Committee Schedule</h3> <h3>15/06/2021</h3>
---	---

Applicant's Details	Mr & Mrs M McNally Sunnyside, Cam, Dursley, Gloucestershire, GL11 5JA
Agent's Details	Stuart Leaver Powells Rural
Case Officer	Amy Robertson
Application Validated	09.10.2020
	CONSULTEES
Comments Received	Slimbridge Parish Council Contaminated Land Officer (E) Biodiversity Officer Development Coordination (E) Environmental Health (E) Flood Resilience Land Drainage
Constraints	Consult area Slimbridge Parish Council SAC SPA 7700m buffer Village Design Statement
	OFFICER'S REPORT

MAIN ISSUES

- * Principle of development
- * Highways
- * Residential amenity
- * Landscape impact and ecology
- * Flood risk
- * Archaeology and Heritage Assets

DESCRIPTION OF SITE

The application site relates to Sunnyside Garden Centre, a recently closed business site on the A38.

The site is covered with a mixture of hard standing and a range of buildings associated with the last use of the site as a garden centre. Access to the site is from a lay by off the A38 which serves the application site and residential property (Sunnyside), as well as the waste transfer centre next door.

The site is well screened from the road by mature vegetation that conceals the site in its majority whilst travelling along the A38.

PROPOSAL

Redevelopment of the site for an industrial use (Use Class B2/B8) and retail use (Use Class A1) including the change of use of an existing dwelling house to office use (B1) with associated works, infrastructure and the creation of a new highway access onto the A38 with all matters relating to appearance and landscaping reserved.



Development Control Committee Schedule 15/06/2021

REPRESENTATIONS

Statutory Consultees

Slimbridge Parish Council - Object in relation to highway safety.

GCC as LLFA - No objection.

GCC Highways - recommend refusal (see highway section below).

Senior Contaminated Land Officer - No comments on application.

EHO - No objections subject to standard conditions.

Senior Biodiversity Officer - Acceptable subject to conditions.

Public

At time of writing, one letter of representation was made, objecting to the scheme. The issues raised covered:

- * Potential noise concerns
- * Industrial use in this area not appropriate
- * Light pollution concerns
- * Highway safety concerns

RELEVANT PLANNING POLICY GUIDANCE

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions. The NPPF was revised in July 2018.

Full details of the NPPF is available to view at

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

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

<http://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/stroud-district-local-plan>

Local Plan policies considered for this proposal include:

CP1 - Presumption in favour of sustainable development.

CP13 - demand management and sustainable travel measures

CP15 - A quality living and working countryside

EI3 - Small employment sites (outside identified employment areas)

EI4 - Development on existing employment sites in the countryside

ES1 - Sustainable construction and design.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.



Development Control Committee Schedule 15/06/2021

PRINCIPLE OF DEVELOPMENT

The National Policy Framework (NPPF) sets out the Government's overarching planning policies for England. Paragraph 11 states that 'Planning law requires that applications for planning permission must be approved in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 continues that 'proposed development that accords with an up to date local plan should be approved and proposed development that conflicts should be refused...'

As a procedural note, the application was submitted in October 2020. In September 2020 there was an amendment to use classes within England, meaning traditional retail uses A1/2/3 and Office B1 uses should be treated as Class E. The application forms submitted as part of this application refer to the 'old' A1 and B1 use classes.

The application proposes the re-development of the former Sunnyside Nursery into a mixed B2/B8/B1 complex. The majority of the application site is to be assessed against policy EI4 of the Local Plan as it is considered existing employment land in policy terms. Policy EI4 allows for the extension to buildings, erection of new buildings, and the infilling in-between existing employment buildings on employment sites within the countryside providing they adhere to certain criteria.

The proposed development proposes new employment units within the existing parameters of the garden centre and is to this regard, acceptable in principle terms.

Notwithstanding this, a small parcel of land to the South of the site would not fall under policy EI4, as it is not within the existing boundary of the nursery site, and cannot therefore be considered policy compliant.

This small section of land is to be the location of a proposed attenuation pond, with no industrial or built development located on it. Although this element would not technically comply with the policy and would thus constitute development in the open countryside, the LPA consider there to be a limited negative impact as a result of such. The land to which the attenuation pond is to be located is read as part of the site when assessing the application site as a whole, and sits within the clear parameters associated with the existing garden centre via mature hedgerow boundary treatments.

In policy terms, retail uses (former A1 classes) should be targeted towards town centre locations and not countryside ones as per the application as submitted. However, the last known use of the site was as a garden centre with a residential property. Although the garden centre use has not been formally ratified by way of any applications or decisions, it has been established for some time and we have no evidence before us to conclude this is not a lawful use. Given this history of a retail use and that the inclusion of a proposed retail element of the development is only an ancillary part of the scheme it is considered this does not undermine the retail hierarchy with the Local Plan (CP12).

On balanced assessment, the principle of development for B2/B8/A1 is considered acceptable.



Development Control Committee Schedule 15/06/2021

HIGHWAYS

Ensuring safe and accessible highways for all users is a key planning consideration that falls under both local policy CP13 and the policies contained within the National Planning Policy Framework (paras 102 and 108-111). As such, it is imperative that any proposal for planning permission be adequately assessed in terms of its projected impact upon the existing highway networks.

The application seeks to construct a new access onto the site from the southern boundary. The existing access will remain in use, but only for the use of the Colts Communication site which lies to the rear of the application site. All traffic associated with the proposed development will be via new access.

The new access is proposed as a priority junction with right turn lane facility. A total of 60 vehicular spaces are proposed within the site.

As with all application for major developments, Gloucestershire County Council Highways department were consulted and provided their formal response. A copy of the formal response is available to view in full on the website.

GCC Highways have recommended refusal of the application on highway safety grounds, and the non-compliance with the policies contained within the NPPF and the Stroud District Local Plan.

The proposed access does not comply with regulations in terms of entry tapers and visibility splays. As the site is to be accessed and egressed onto a fast flowing and busy highway where documented traffic speeds indicate that 85%ile speeds are in excess of the prescribed limits, a non-compliant site in terms of highway design and the intensification of the site as a result of this proposal would undoubtedly increase the potential for significant highway incident.

The Highways department have also passed comment on omission of electronic vehicle charging spaces from the site. According to Manual for streets, 5% of total parking spaces should be initially provided for electric vehicle charge point and a further 5% of the total parking spaces at an agreed trigger but no later than 3 years from the first opening. The application provides no electric charging capacity and therefore is contrary to Gloucestershire Manual for Streets and the policies promoting sustainable transport options within the NPPF.

In terms of the location and proposed use of the site, the highways department have considered that whilst the site is located next to an established group of industrial complexes, it has very little local services to support the users of the development - particularly those in association with A1 and B1 use classes. Whilst it is indeed noted that there are limited bus services available nearby and therefore it will be inevitable that the development would be reliant on car journeys, the site has an existing A1 (and C3) use class. It is nonetheless acknowledged that an intensification of the site in terms of potential visitors will exacerbate potential problems associated with the proposed substandard access.



Development Control Committee Schedule 15/06/2021

Finally, the application put forward a request for the Highways Department to put in place a new Traffic Regulation Order (TRO) for 50mph speeds around the site. The Highways Authority are not in support of this request and have suggested that the TRO may not be accepted by statutory authorities, and therefore the development would be unable to proceed to construction (should permission be granted).

Although some correspondence between the agent for the application, highways contractor and the Highways Authority has occurred throughout the course of the application, no plans have been provided or submitted to rectify this highway objection and so the recommendation for refusal stands.

RESIDENTIAL AMENITY

The application site seeks to remove the part residential use from the site in favour of a mixed industrial/retail scheme. There are no immediate residential neighbours to the site and as such, there is considered to be no detrimental impact on any neighbouring properties as a result of the proposed development.

LANDSCAPE IMPACT AND ECOLOGY

The application site does not lie within any significant landscape or environmental constraints in policy terms. The site is however located within a countryside location and is bordered by mature vegetation.

The Councils biodiversity team were consulted on the application and provided a positive response. In assessing the submitted preliminary ecological assessment, the Biodiversity team are of the considered opinion that the existing buildings to be removed provide negligible potential to support roosting bats. It is also considered that the site as a whole provides limited potential to support protected species other than nesting birds within tree and tall herb habitats which are the areas to be retained.

As the NPPF requires all new development to see overall net biodiversity gain, a suite of standard ecological enhancement conditions have been proposed and are recommended should permission be granted.

FLOOD RISK

The application is accompanied by a flood risk assessment. The site lies within the environment agency flood zone 1-the lowest risk of flooding having an annual probability of less than 1 in 1000 years.

A sustainable urban drainage system (SUDS), is proposed to deal with the surface water run off on the site. All hardstanding areas will be constructed from porous paving with slot drains to help drain storm water. A wall mounted rainwater harvesting tank will be provided on each building to encourage the re-use of rainwater.

Remaining surface water is to be directed into an attenuation pond that has been calculated to a 1 in 100 years plus 40% climate change event capacity.



Development Control Committee Schedule 15/06/2021

The Lead Local Flood Authority have reviewed the application and the accompanied documentation and have provided no objection to the scheme.

ARCHAEOLOGICAL AND HERITAGE ASSETS

The application site does not lie within any conservation area, nor is located in close proximity to any listed building. The LPA is satisfied that there will be no significant negative impact on any archaeological or heritage assets as a result of this application.

CONCLUSION

The principle for development of this application is accepted by the LPA. However, the application put forward fails to provide a safe and suitable development that meets highway safety standards in compliance with paragraphs 102, 108-111 of the NPPF and policy CP13 of the Stroud District Council Local Plan.

As its role as statutory consultee, the Highway Authority have undertaken a full assessment of the merits of the application. When assessed against Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the application fails to comply with the required standard and as such, is recommended refusal.

RECOMMENDATION

The application is recommended for REFUSAL.

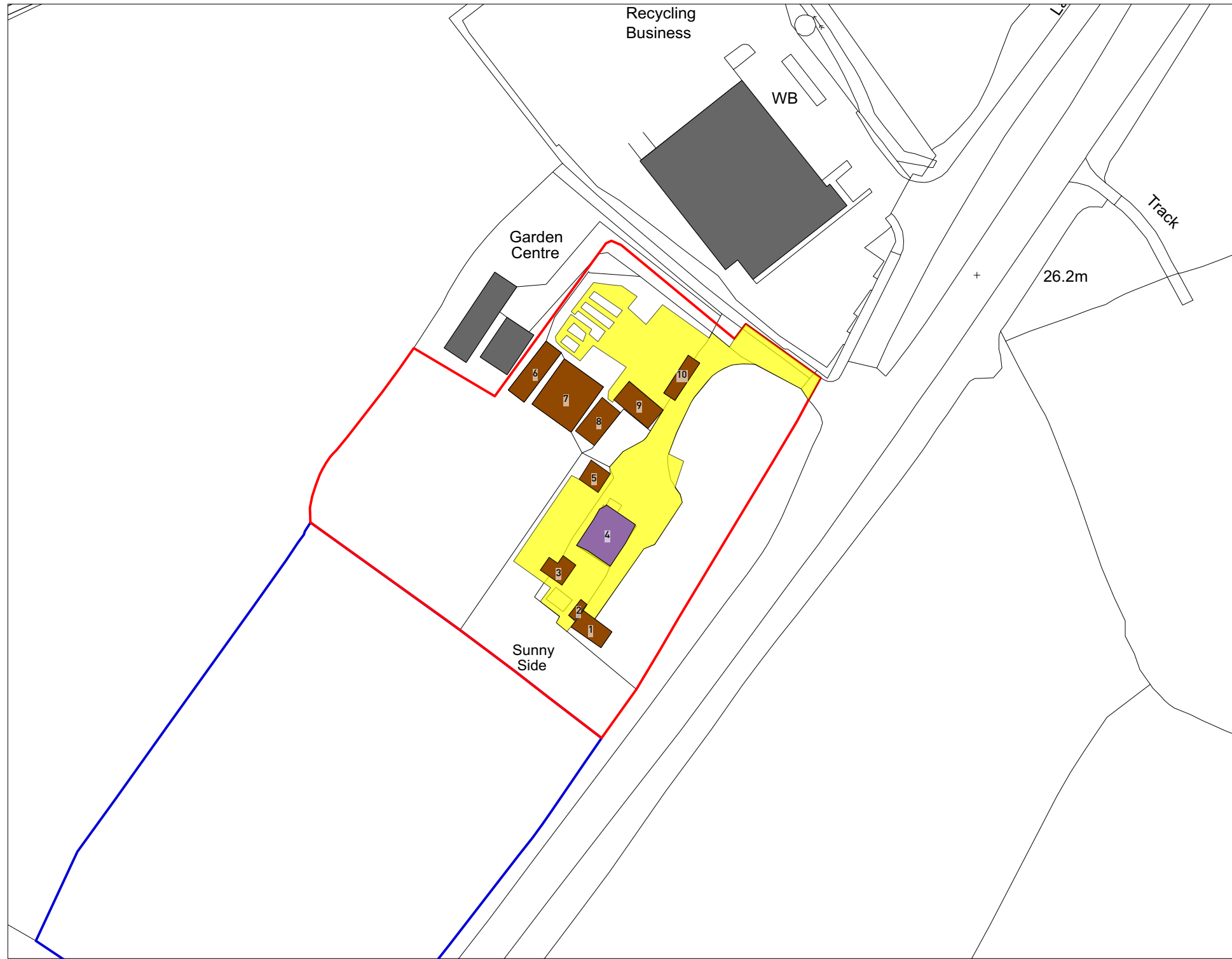
HUMAN RIGHTS

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

For the following reasons:

1. The proposed application is not compliant with the Design Manual for Roads and Bridges (DMRB) CD123. As such, the scheme proposed fails to provide a safe and suitable means of access for vehicle users which would cause a significant and detrimental impact on highway safety. The proposal is therefore not in accordance with Policies CP13 and EI4 (5) of the Stroud District Council Local Plan (2015), nor paragraphs 102 and 108-111 of the National Planning Policy Framework.

This page is intentionally left blank



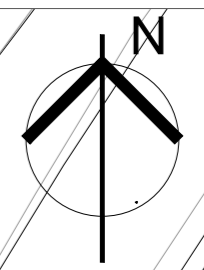
KEY

- SITE LOCATION
- LAND WITHIN SAME OWNERSHIP
- EXISTING SINGLE STOREY BUILT FORM (578 Sq.M)
- EXISTING TWO STOREY BUILT FORM (130 Sq.M)
- EXISTING HARDSTANDING (1840 Sq.M)

No.	Units	M ² (Approx)
1	Residential Property	49
2	Residential Outbuilding	11
3	Residential Outbuilding	38
4	Residential Property	260 (130)
5	Residential Garage	36
6	Garden Centre Shop	81
7	Garden Centre Greenhouse	180
8	Garden Centre Polytunnel	68
9	Garden Centre Polytunnel	73
10	Garden Centre Building	42
TOTAL		838

SUNNY SIDE REDEVELOPMENT, CAM - EXISTING BUILT FORM PLAN





- KEY**
- SITE BOUNDARY
 - LAND WITHIN THE SAME OWNERSHIP
 - ACCESS TO THE SITE
 - EXISTING RESIDENTIAL BUILDING TO BE CONVERTED TO THE OFFICE 260 m²
 - PROPOSED BUILT FORM 1856 m²
 - EXISTING BUILDINGS TO BE REMOVED
 - EXISTING HARDSTANDING 1502 m²
 - PROPOSED HARDSTANDING 2709 m²
 - PARKING SPACES
 - SOFT SURFACES
 - ATTENUATION POND
 - EXISTING VEGETATION

SITE AREA 10934m²

unit	use	area	roof area	parking required
A	A1	464 m ²	480m ²	19
B	B1a; B1b B1c; B2; B8	464 m ²	480m ²	9 - 19
C	B1a; B1b B1c; B2; B8	464 m ²	480m ²	9 - 19
D	B1a; B1b B1c; B2; B8	464 m ²	480m ²	9 - 19
Office	B1a	260 m ²	160m ²	19
TOTAL:		2116 m²	2080 m²	94 designed

use	requirements for parking spaces
A1	1/25m ²
B1a	1/25m ²
B1c	1/50m ²
B2	1/50m ²
B8	1/100m ²

A1 Shops - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.

B1 Business - Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:

- B1(a) Offices - Other than a use within Class A2 (see above)
- B1(b) Research and development of products or processes
- B1(c) Industrial processes

B2 General industrial - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

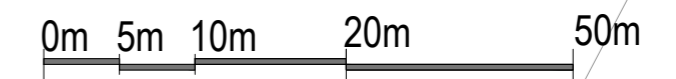
B8 Storage or distribution - This class includes open air storage.



SITE AREA 10934m²

Attenuation pond

proposed open access



Sunny Side
Bristol Road, Cam, Dursley GL11 5JA

Planning ref.: n/a

Drawing Title
MASTERPLAN SUN-OUT-08/20-01
Scale M 1:500 @ A2

- REV F (07/10/2020) site boundaries amended
- REV E (03/10/2020) attenuation pond added
- REV D (17/09/2020) amendments according ADL suggestions
- REV C (19/08/2020) enlarged area of drawing.
- REV B (16/08/2020) build form amended, roof areas, adequate number of parking, HGV turning point, additional information provided.
- REV A (12/08/2020)