

# Public Document Pack



## 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](mailto:democratic.services@stroud.gov.uk)

Monday, 21 March 2022

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 29 MARCH 2022** 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 and will be streamed live on the Council's [YouTube Channel](#). A recording of the meeting will be published onto the [Council's website](#). 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.

Due to the length of the agenda the meeting may be adjourned at a time decided by the Chair or as soon thereafter as the item then under discussion is concluded and, if so, will be reconvened at 6pm on Wednesday 30<sup>th</sup> March 2022 to consider the remainder of the items on the agenda.

If you wish to attend this meeting, please contact [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk). This is to ensure adequate seating is available in the Council Chamber.

### 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 - 6)**  
To approve the minutes of the meeting held on 15 February 2022.
4. **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING (Pages 7 - 12)**  
(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 HAMBUTTS END, EDGE ROAD, PAINSWICK, STROUD (S.21/2625/HHOLD)  
(Pages 13 - 20)**  
Rebuild garage on existing base.
- 4.2 137A SUMMER STREET, STROUD, GLOUCESTERSHIRE (S.21/2825/FUL)  
(Pages 21 - 38)**  
Demolition of agricultural barn and erection of passivhaus dwelling.
- 4.3 DUDBRIDGE INDUSTRIAL ESTATE, DUDBRIDGE ROAD, STROUD,  
GLOUCESTERSHIRE (S.21/1225/REM) (Pages 39 - 54)**  
Details of appearance, landscaping, layout and scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for the retrofit of Building A (Redler), Building B and Building J, providing 30 apartments, historic archive, cafe and associated bin and bike stores.
- 4.4 DUDBRIDGE INDUSTRIAL ESTATE, DUDBRIDGE ROAD, STROUD,  
GLOUCESTERSHIRE (S.21/1152/REM) (Pages 55 - 72)**  
Details of appearance, landscaping, layout & scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for residential development comprising 94 no. dwellings.
- 4.5 LAND NORTH OF, CIRENCESTER ROAD, MINCHINHAMPTON,  
GLOUCESTERSHIRE (S.21/0484/FUL) (Pages 73 - 112)**  
Proposed Medical Centre and Dentist, associated access, car parking and landscaping.
- 4.6 LAND PARCELS A & B, NEAR WHITMINSTER, GLOUCESTERSHIRE  
(S.21/0465/FUL) (Pages 113 - 174)**  
The construction, operation, maintenance and decommissioning for a renewable energy scheme of up to a 49.9 megawatt (MW) solar farm and up to a 49.9MW battery storage facility.

### **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



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## DEVELOPMENT CONTROL COMMITTEE

15 February 2022

6.00 - 6.52 pm

Council Chamber

### Minutes

#### Membership

##### **Councillor Martin Baxendale (Chair)**

Councillor Chris Brine

Councillor Martin Brown

Councillor Helen Fenton

Councillor Victoria Gray

Councillor Jason Bullingham

\*= Absent

##### **Councillor Trevor Hall (Vice-Chair)**

Councillor Haydn Jones

Councillor Loraine Patrick

Councillor Lucas Schoemaker

Councillor Ashley Smith

Councillor Mark Ryder

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#### Officers in Attendance

Head of Development Management

Principal Planning Lawyer, One Legal

Majors & Environment Team Manager

Development Team Manager

Senior Planning Officer

Democratic Services & Elections Officer

#### DCC.37

#### Apologies

Apologies for absence were received from Councillors Bullingham, Ryder and Smith.

#### DCC.38

#### Declarations of Interest

Councillor Jones raised a query whether Stroud District Council (SDC) had an interest due to their ownership of the neighbouring land. It was agreed to be noted in the minutes that SDC owned the neighbouring land but it was not felt necessary to disclose an interest at this time.

#### DCC.39

#### Minutes

**RESOLVED** That the Minutes of the meeting held on 18 January 2022 were approved as a correct record.

#### DCC.40

#### Planning Schedule and Procedure for Public Speaking

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

1	S.21/2829/HHOLD	2	S.21/1829/OUT
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## Agenda Item 3

2021/22

The Chair informed the Committee that as a result of the decision made at the last meeting, he had consulted with Group Leaders and confirmed the membership of the Development Management Advisory Panel (D-MAP).

- Councillor Haydn Jones
- Councillor Helen Fenton
- Councillor Martin Brown
- Chair of Development Control Committee (DCC)

### **DCC.41      Woodside Farm, Woodside Lane, Kings Stanley, Stonehouse (S.21/2829/HHOLD)**

The Senior Planning Officer introduced the report and showed the Committee the plans for the proposed application. They summarised the report and followed it up with the response received from the Parish Council which was a request to replace any trees lost as part of the development.

Councillor Brine questioned whether there was anything put in place to prevent the garage being used as living accommodation. The Senior Planning Officer confirmed the building would be for incidental use which meant it could only be used as a store. To be used as anything else would require an additional planning application.

In response to Councillor Brown's question regarding a condition to replace any trees lost, the Senior Planning Officer explained that the trees surrounding the application site were not protected.

Councillor Brine proposed and Councillor Patrick seconded.

After being put to a vote, the Motion carried unanimously.

**RESOLVED To PERMIT the application.**

### **DCC.42      Sunnyside Nurseries, Cam, Dursley, Gloucestershire (S.21/1829/OUT)**

The Majors and Environment Team Manager introduced the proposal and explained it was for the re-development of an existing site. They further explained that it included three units for industrial storage use, one unit for retail use and a change of use from the existing house into offices. They informed the Committee that it was an outline application therefore, Members would be considering the access, layout and scale of the development.

The Majors and Environment Team Manager explained the access had been amended since the previous application which came to DCC on 15 June 2021. They further explained that it was proposed to be located on the existing access and included a filter lane and a right turn only lane which Gloucestershire County Council (GCC) Highways were now satisfied with. However, GCC Highways were still objecting based on sustainability criteria.

The Head of Development Management read some written comments submitted from the following Ward Members.

Councillor Craig:

- The site was in a very rural area, with the exception of the SDC's recycling facility, the land was largely undeveloped.

2021/22

- The build on the current site was relatively small and this application would urbanise the area in contrary to Policy CP of the local plan.
- GCC Highways had safety and transport concerns regarding the application being in contradiction of policies SO4, CP11, CP13 and EL12 of the Local Plan and PD01, PD03 & PD04 of the local transport plan.
- Concerns over the appearance of the access. Cutting back the growth would improve safety however it would highlight the development of the area.

Councillor Green:

- The green space of the rear of the shop area has not been used for growing to her knowledge and would therefore set a precedent for building in a field.
- Concerns regarding the access. Trying to pull out of the site heading south on a very fast road was dangerous.
- Not many supporting businesses in the locality to compliment the site.
- No bus stops therefore no public transport links.

Councillor Stayte spoke on behalf of the Parish Council. He explained that since the demise of the garden centre it had become an unused brown-field site. He then touched upon the affect the recycling centre has had on the current occupiers of the property. He expressed the Parish Councils support of the application and backed this up with the following reasons:

- The majority of the site previously had been for commercial use.
- The existing house would be retained as offices.
- The existing road access would be improved.
- Traffic using the site wouldn't be much more than the traffic currently utilising the recycling centre.

Mrs McNally, the applicant, spoke in support of the application. She asked the Committee to support the application for the following reasons:

- The previous application was only refused due to the highways safety concerns which had now been addressed and accepted by GCC Highways.
- They had support from both the Parish Council and SDC Officer recommendation.
- They had received interest from investors looking to invest in the site and the surrounding area.
- The proposal would bring economic and employment benefits to the area particularly in the challenging post Covid environment.
- They felt that this proposal could encourage the reinstatement of public transport in the area.
- Paragraphs 2.3.7 through to 2.3.10 of the draft local plan encouraged employment growth along the A38 corridor where this application was proposed.
- The recycling centre was in such a close proximity that the site could no longer be viable as a residential dwelling.

Councillor Jones questioned what the increase in the departure from the local plan was. The Majors and Environment Team Manager explained that there hadn't been sufficient evidence to show the paddocks areas commercial use. Therefore, the extra bit of land to the rear and the small pond were both classed as being outside the original site which led to a greater departure from the local plan.

## Agenda Item 3

2021/22

Councillor Jones further questioned if that changed the Officer advice. The Majors and Environment Team Manager confirmed the advice remained to approve and the committee needed to decide if the benefits outweighed the harm.

The Majors and Environment Team Manager gave the following responses to questions asked:

- This wasn't an ideal site (therefore not recognised for employment in part of the local plan) however, it was an existing employment site in the countryside.
- It was unknown how much employment would be provided on the site.

The Chair confirmed that the officer advice was to permit and in the event that this was agreed it would be delegated to the Head of Development Management to make the final decision having regard to the ongoing consultation.

Councillor Jones questioned the discrepancies between the report and the comments made by highways regarding the use of splitter islands. The Majors and Environment Team Manager explained that the decision would be delegated to Highways to discuss directly with the applicant.

Councillor Patrick Proposed and Councillor Hall Seconded the officer's advice.

Councillor Brine thanked the applicants for listening to the objections made at the previous meeting regarding the highway safety issues, he also noted the rural area had already been urbanised due to the recycling facility situated next to the site. For those reasons he expressed his support for the application.

Councillor Patrick debated access and explained there were many sites whose access stemmed from the A38. She echoed Councillor Brines support.

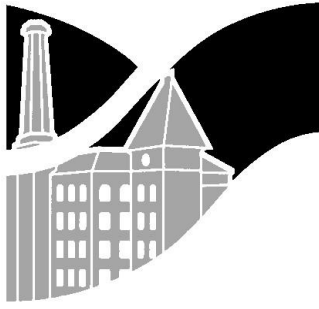
Councillors Jones, Schoemaker, Hall, Brown and Fenton all expressed their support for the application with the amended access. They noted the concerns regarding the departure from the local plan and the lack of local transport links. They also noted the close proximity of the recycling facility and the issues that this had caused to the applicant.

After being put to a vote, the Motion was carried unanimously.

**RESOLVED To PERMIT the application and to delegate to the Head of Development Management to decide once consultation has concluded.**

The meeting closed at 6.52 pm

Chair



# **Stroud District Council**

## **Planning Schedule**

### **29<sup>th</sup> March 2022**

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.

**Planning Schedule 29/03/2022**

**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 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 29/03/2022

### **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

## Planning Schedule 29/03/2022

### **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.
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**Planning Schedule 29/03/2022**

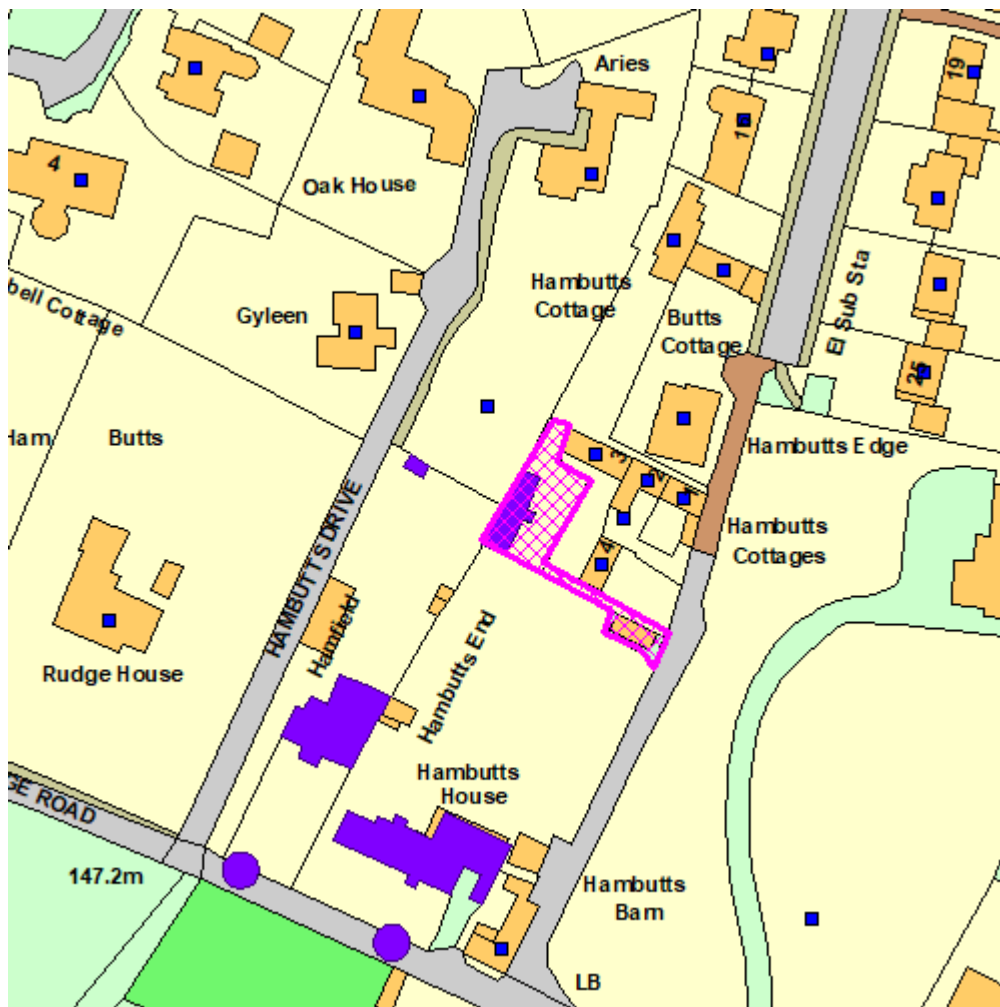
<b>Parish</b>	<b>Application</b>	<b>Item</b>
Painswick Parish Council	Hambutts End, Edge Road, Painswick. S.21/2625/HHOLD - Rebuild garage on existing base	01
Stroud Town Council	137A Summer Street, Stroud, Gloucestershire. S.21/2825/FUL - Demolition of agricultural barn and erection of passivhaus dwelling.	02
Cainscross Town Council	Dudbridge Industrial Estate, Dudbridge Road, Stroud. S.21/1225/REM - Details of appearance, landscaping, layout and scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for the retrofit of Building A (Redler), Building B and Building J, providing 30 apartments, historic archive, cafe and associated bin and bike stores.	03
Cainscross Town Council	Dudbridge Industrial Estate, Dudbridge Road, Stroud. S.21/1152/REM - Details of appearance, landscaping, layout & scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for residential development comprising 94 no. dwellings.	04
Minchinhampton Parish Council	Land North Of, Cirencester Road, Minchinhampton. S.21/0484/FUL - Proposed Medical Centre and Dentist, associated access, car parking and landscaping	05
Moreton Valence Parish Council / Whitminster Parish Council	Land Parcels A & B, Near Whitminster, Gloucestershire. S.21/0465/FUL - The construction, operation, maintenance and decommissioning for a renewable energy scheme of up to a 49.9 megawatt (MW) solar farm and up to a 49.9MW battery storage facility.	06

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**Development Control Committee Schedule  
29/03/2022**

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.21/2625/HHOLD
<b>Site Address</b>	Hambutts End, Edge Road, Painswick, Stroud
<b>Town/Parish</b>	Painswick Parish Council
<b>Grid Reference</b>	386416,209795
<b>Application Type</b>	Householder Application
<b>Proposal</b>	Rebuild garage on existing base
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Painswick Parish Council



## Agenda Item 4.1

	<h3>Development Control Committee Schedule</h3> <h3>29/03/2022</h3>
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<b>Applicant's Details</b>	Mr F McLean Hambutts End, Edge Road, Painswick, Stroud, Gloucestershire GL6 6UP
<b>Agent's Details</b>	Keith Angus Chartered Architect The Old Co-op, Brewery Lane, Nailsworth, Stroud, Gloucestershire GL6 0JQ
<b>Case Officer</b>	Madison Brown
<b>Application Validated</b>	23.11.2021
<b>CONSULTEES</b>	
<b>Comments Received</b>	Painswick Parish Council Conservation North Team Contaminated Land Officer (E)
<b>Constraints</b>	Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Consult area Listed Building Within 50m of Listed Building Painswick Parish Council Settlement Boundaries (LP)
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential amenity
- o Highways
- o Heritage assets

### DESCRIPTION OF SITE

The application site comprises of a detached Grade II listed dwelling and associated amenity space. The two storey stone dwelling is set back from Hambutts Lane and is surrounded by neighbouring properties. The garden is well screened by fencing and vegetation with further amenity space located to the southeast of the site on Hambutts Lane. The application site is located within the Cotswold Area of Outstanding Natural Beauty and is located within close proximity to other Grade II listed properties.

### PROPOSAL

This application seeks planning permission for the erection of a detached garage.

### REVISED DETAILS

Revised plans were submitted on 19.01.2022 omitting a rear window on the north-west elevation and inserting a roof light on the north east elevation.



## Development Control Committee Schedule 29/03/2022

### RELEVANT PLANNING HISTORY

S.22/0437/LBC - Retrospective permission for the demolition of domestic garage & integral stone wall & permission to replace demolished garage

*This application is currently being considered by the Local Planning Authority and has a target determination date of 22nd April, 2022.*

S.12/0788/LBC - Single storey extension and replacement garage structure. Listed building consent granted on 18.06.2012.

S.12/0786/HHOLD - Single storey extension and replacement garage structure (Revised plans received 14/5/12). Planning permission granted on 18.06.2012.

### MATERIALS

Walls: Stone, timber boarding, concrete block

Roof: Plain concrete tiles

Windows: Timber

Doors: Timber

### REPRESENTATIONS

#### Statutory Consultees:

Painswick Parish Council - Painswick Parish Council considered this application in their meeting held on Wednesday 8th December 2021. The Council agreed to Object to this application as it considers that the proposed development is overbearing and will have a detrimental impact on the adjoining listed building, furthermore it agreed that if the SDC Planning Officer is minded to support the application then it would wish for the application to be considered by the SDC DCC.

Conservation Specialist - The site is in proximity to the Grade II listed Hambutts House, Hambutts End and Hambutts Edge. 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. In heritage terms, due to the degree of separation between the listed buildings and the site, the proposed development would not represent an unacceptable intrusion into the setting of the listed buildings. There would be no harm caused to the special interest of the identified heritage assets.

Contaminated Land Officer - Thank you for consulting me on the above application. I have no comments.

#### Public:

At the time of writing on 07/03/2022, eight public comments had been received in response to this application which raised an objection to the proposal for the following reasons:

- Overdevelopment
- Overbearing
- Loss of light
- Light spill



## **Development Control Committee Schedule 29/03/2022**

- Loss of privacy
- Visual impact on the street scene
- The development is sited on land not owned by Hambutts End and would overhang the boundary of Hambutts House
- No provisions for suitable drainage leading to potential flooding issues
- Impact on the setting of the listed building Hambutts House
- Impact on parking provisions

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

National Planning Policy Framework.

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

Section 66(1)

Section 72(1)

Stroud District Local Plan 2015

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES7 - Landscape character.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

Gloucestershire Manual for Streets.

### **PLANNING CONSIDERATIONS**

#### **PRINCIPLE OF DEVELOPMENT**

Policy HC8 allows for the erection of outbuildings incidental to the enjoyment of the dwelling subject to relevant criteria.

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

This application seeks planning permission for the erection of a detached garage forward of the principal elevation of Hambutts End, a Grade II listed property in Painswick. Owing to the orientation of the residential curtilage, the proposed garage would be set forward of the host property by 18.2 metres. Historically a garage was sited in the same location, forward of the principal elevation but has been demolished, along with a stone wall. The demolition of this garage and integral stone wall and permission to replace the garage is also subject to listed building consent, and is pending a decision by the Local Planning Authority under the application S.22/0437/LBC.

This application is a resubmission of the previously permitted application S.12/0786/HHOLD and the changes to the previously approved scheme are: increase in footprint and height to accommodate an office within the detached garage.

The detached garage will: measure 4.15 metres in width; 6.95 metres in length; have a height of 3.75 metres; and, provide parking provisions for one car and an ancillary office. The plot is large enough to accommodate the development without appearing cramped or





## Development Control Committee Schedule 29/03/2022

overdeveloped. Concern has been raised that the development will result in the overdevelopment of the street scene. The modest scale and height of the structure the development would not erode the grain of development or the character and appearance of the street scene. The garage will not compete with the surrounding built form and would not appear unduly prominent with the built form within the surrounding locality.

The height, size, and design of the detached garage are in keeping with the scale and character of the host property and the garage is appropriately sized for its intended purpose. When viewed in relation to the house, the proposed structure would appear as a subservient outbuilding with a simple and unassuming design. Although owing to the orientation of the plot the garage would be set forward of the host property it would not appear visually discordant with the pattern of development with the area. The proposed materials are acceptable and would not cause harm to the wider setting. A condition is recommended to ensure that the proposed timber boarding is not treated, which will allow the material to weather naturally.

### **RESIDENTIAL AMENITY**

Officers contacted the agent and raised concerns that the initial scheme, due to the placement of the rear window on the north-west elevation, would result in loss of privacy; the window would have allowed for direct views into the garden of Hambutts House. Revised plans were submitted on 19.01.2022 omitting the rear window on the north-west elevation and inserting a roof light on the north-east elevation. Following this amendment, officers are satisfied that the proposal would not give rise to a loss of privacy.

Letters of objection have been received from neighbouring properties raising concern that the detached garage will be an overbearing form of development that will give rise to a loss of light and will increase the flood risk on site. The impact of this development on the amenities of neighbouring properties has been fully assessed. The modest height and scale of the single storey structure, which measures 3.75 metres in height with the eaves at 2.0 metres, would not give rise to a detrimental loss of light and would not be materially overbearing. Furthermore, as the development will be sited upon an existing area of hardstanding, the garage will not give rise to an increase in flood risk on the site. The provisions for drainage would be dealt with through building regulations and the construction of the development would be required to comply with the relevant building standards.

An additional concern has been raised that the repositioned roof light will result in an unacceptable level of light spill to the occupiers of 4 Hambutts Cottage. Whilst the roof light will be located on the north-east elevation, adjacent to the neighbouring property, the level of light spill produced from the modest roof light will be proportionate to the residential nature of the site and will not be materially detrimental to residential amenity.

Finally, concern was also raised that the development would be situated on land not owned by Hambutts End. In submitting the application, 'Certificate A' was completed; this certificate is used when the applicant is the sole party with an interest in the land over which the application is made. While the local planning authority require an ownership certificate to be submitted, land ownership is a separate civil matter and, subject to the correct certificate being served, is not a material planning consideration.



### **Development Control Committee Schedule 29/03/2022**

In conclusion any loss of light or privacy, or an overbearing impact resulting from this development would not be prejudicial to residential amenity and therefore would not warrant refusal of the application.

#### **HIGHWAYS**

The detached garage would provide a covered parking space for one vehicle, with the internal dimensions measuring 3.5 metres x 6.6 metres. This complies with the car parking space standards as set within the adopted Stroud District Local Plan (which requires parking spaces to be a minimum of 2.4 metres x 4.8 metres). The internal dimensions are also in accordance with the Gloucestershire Manual for Streets (which requires internal dimensions of 3 metres x 6 metres). One additional off road parking space would remain within the residential curtilage of Hambutts End and this space would also comply with the car parking space standards (measuring 2.4 metres x 6.6 metres). Following construction of the development, two parking spaces would be provided in compliance with the council's parking standards. As the garage would accord with the Gloucestershire Manual for Streets, it is not reasonable to condition that the garage is only used for car parking as it is large enough to cater for a car to be parked, cycle parking and / or household storage. Finally, as the proposal is for a detached garage with an ancillary office, the development will not give rise to any increase in traffic movements to the site and therefore will not be detrimental to highway safety.

#### **HERITAGE ASSETS**

As Hambutts End is a Grade II listed building and is located within close proximity to the Grade II listed Hambutts House, consideration must be given to the impact of the development on designated heritage assets. The council's Conservation Specialist has been consulted who advised that owing to the degree of separation between the listed buildings and the site, the proposed development would not represent an unacceptable intrusion into the setting of the listed buildings. Taking Hambutts House separately, this property is located 38 metres to the south of the proposed garage and is separated by ample garden serving the neighbouring property. Consequently, there would be no harm caused to the special interest of any of the identified heritage assets. Additionally, there is evidence that the site historically contained a detached garage of a smaller scale. Whilst the development proposed is larger in scale, its siting would not appear out of keeping with the historic pattern of development within the area.

As noted above, the demolition of the previous domestic garage and integral stone wall is subject to listed building consent, and is pending a decision by the Local Planning Authority under the application S.22/0437/LBC.

#### **LANDSCAPE IMPACT**

The development would generally be viewed against the existing built form and domestic context of the setting and would not appear intrusive in the wider setting of the Cotswolds Area of Outstanding Natural Beauty.



## **Development Control Committee Schedule 29/03/2022**

### **TREES**

The proposed garage would be sited upon an existing area of hardstanding and would therefore not impact upon the adjacent trees to the south and west of the site.

### **REVIEW OF CONSULTATION RESPONSES**

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file. The objections and comments raised have been duly noted and considered in full in the main body of this report.

### **RECOMMENDATION**

In light of the above, it is considered that the proposal complies with the policies outlined; and therefore is recommended for permission.

### **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.

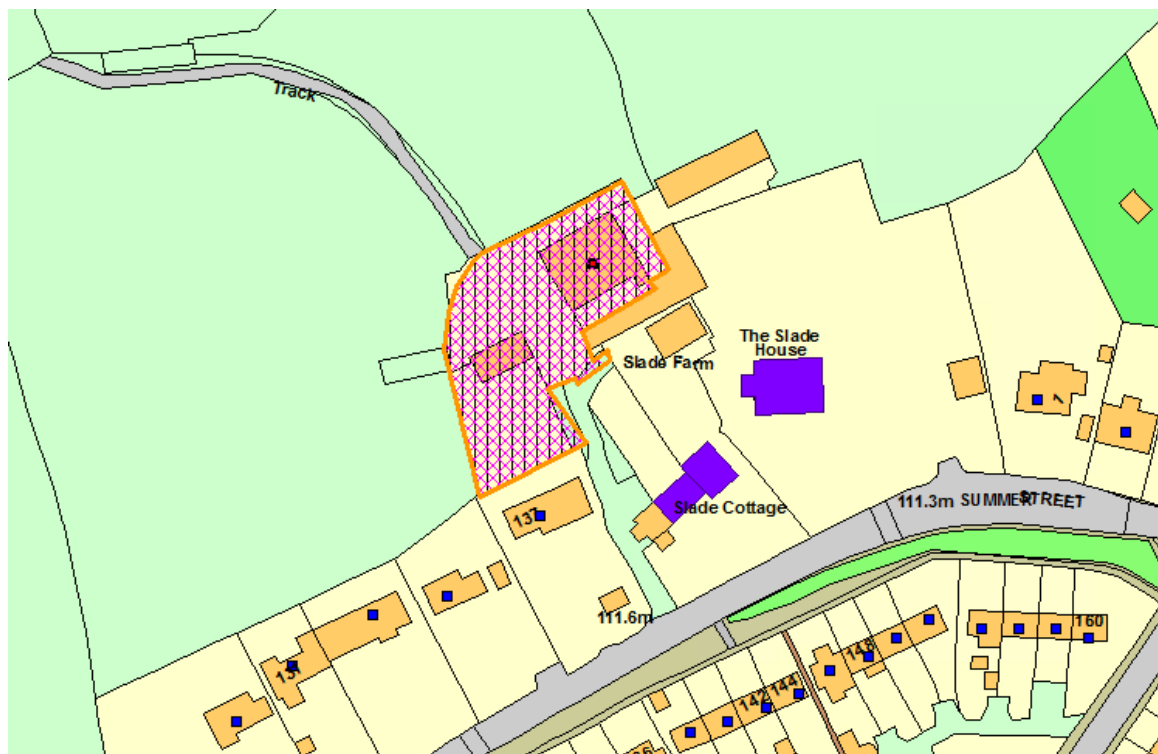
	<p align="center"><b>Development Control Committee Schedule</b> <b>29/03/2022</b></p>
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<p><b>Subject to the following conditions:</b></p>	<ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration 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.</li>   <li>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:  Proposed floor plan and elevations. Drawing number: 21/534/04 revision E submitted on 19/01/2022.  Block plan. Drawing number: 21/534/02 submitted on 03/11/2022.  Site location plan. Drawing number: 21/534/01 submitted on 03/11/2022.  Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</li>   <li>3. The timber boarding for the development hereby approved shall not be treated, oiled or stained and shall be maintained as such thereafter.  Reason: In the interests of the visual amenities of the area.  Informatives:  1. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.</li> </ol>
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**Development Control Committee Schedule  
29/03/2022**

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.21/2825/FUL
<b>Site Address</b>	137A Summer Street, Stroud, Gloucestershire, GL5 1PH
<b>Town/Parish</b>	Stroud Town Council
<b>Grid Reference</b>	386450,205601
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Demolition of agricultural barn and erection of passivhaus dwelling.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Cllr Martin Baxendale



## Agenda Item 4.2

	<h3>Development Control Committee Schedule</h3> <h3>29/03/2022</h3>
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<b>Applicant's Details</b>	Dr & Mrs S & R Kingdom Slade Farm, 137A Summer Street, Stroud, Gloucestershire , GL5 1PH
<b>Agent's Details</b>	PJS Development Solutions Ltd 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU,
<b>Case Officer</b>	Sarah Carruthers
<b>Application Validated</b>	08.12.2021
	<b>CONSULTEES</b>
<b>Comments Received</b>	Conservation North Team Conservation North Team Historic England SW Biodiversity Officer Environmental Health (E) Development Coordination (E) SDC Water Resources Engineer
<b>Constraints</b>	Within 50m of Listed Building Stroud Town Council Rodborough 3km core catchment zone Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

Principle of Development  
Design and Appearance  
Residential Amenity  
Highways  
Landscape  
Ecology  
Archaeology and Heritage Assets  
Obligations

### DESCRIPTION OF SITE

The application site is a plot of agricultural land measuring 1306 square metres (0.13ha). It consists of a large agricultural barn that sits within a group of smaller buildings. The site is located on the edge of a residential area in Stroud and is accessed via a driveway that runs between two properties from Summer Street. A further 5.46 hectares of agricultural land falls within the applicant's ownership lies to the north of the site.

The existing large concrete framed barn has a footprint measuring 262 square metres. It has an asbestos roof and timber clad walls. A Prior Notification for its conversion into one dwelling was given prior approval under Class Q of the GPDO 2015 on 5 November 2020 (S.20/1880/P3Q) and is an extant approval that could be implemented.

The modern outbuilding, denoted on the plans as the 'small barn', that lies to the southwest of the main barn has recently been renovated and converted to a flexible commercial use under Class R of the GPDO 2015 (S.21/2369/P3R).



## Development Control Committee Schedule 29/03/2022

The nearest building, a former milking parlour and store, falls outside the application site although it is within the applicant's ownership.

The site does not fall within any special land designation. The nearby Grade II\* Slade House, and Grade II listed Slade Cottage and The Coach House are to the south and southwest of the site. It has been determined by the Conservation Team that the adjacent milking parlour is not curtilage listed, although it is a non-designated heritage asset.

### PROPOSAL

The application seeks permission for the demolition of the agricultural barn and erection of a 'passivhaus' dwelling. The proposed dwelling is to be located on a similar footprint to the main barn and is based on the same form of the barn.

The proposed building has a footprint measuring 197 square metres, which includes the bike store area, covered roof overhang and balcony. The dwelling would be set down within the sloping land levels and a gabion basket retaining wall shall be constructed around the dwelling, alongside the southwest, southeast and north elevations.

### ADDITIONAL DETAILS

Additional drainage details received 31/1/22

S.106 agreement to secure mitigation for impact on SAC received 10/1/22

Revised location, block and landscape plans received 9/3/22 that reduced the scale of the residential unit.

Revised drainage plan received 10/3/22

### MATERIALS

Walls: Untreated vertical timber cladding

Roof: Standing seam metal

Doors/windows: Aluminium clad timber windows

Retaining wall: gabion baskets of local stone

### REPRESENTATIONS

#### Statutory Consultees:

At the time of writing this report, the consultation responses are set out below. A re-consultation has taken place on the revised red line and plans (received 9/3/22). Members will be advised of any further responses received, following the re-consultation in the late pages.

CONSERVATION TEAM - Thank you for consulting the Conservation Officers on this matter. We would like to offer the following comments:

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.



### **Development Control Committee Schedule 29/03/2022**

The historic assets in this case are 139 and 141 Summer Street and Slade House. The proposal is demolition of agricultural barn and erection of a dwelling at 137a Summer Street.

There is an existing agricultural barn on the site and it is proposed to replace this with a new building of similar footprint and appearance. Due to the presence of an existing barn and the separation of the development from the listed buildings by an historic stable building, it is considered that no harm will arise to the setting of the listed building. The application has been assessed in accordance with paragraphs 189 - 202 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

HISTORIC ENGLAND - Thank you for your letter of 9 December 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

BIODIVERSITY TEAM - Comments relate to the following document:  
Preliminary Ecological Appraisal and Nocturnal Bat Survey Results, Cotswold Environmental, dated August 2021

Recommendations:

Acceptable subject to the following:

- The site falls within the 3.3 km core catchment zone of the Rodborough Common SAC designated site, the applicant has the opportunity to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide the LPA with their own mitigation strategy and enhancement features which would need to be agreed by SDC as the competent authority and Natural England.

If the above legal agreement or bespoke mitigation package cannot be provided Refusal is recommended for the following reasons:

- The proposals do not adequately address the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).

-

I also recommend the following conditions:

- No development shall commence until details of the Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:

A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.

Reason: The above strategy will ensure that the development does not significantly affect the Cotswold Beechwood's Special Area of Conservation, this enable Stroud District Council as





## Development Control Committee Schedule 29/03/2022

the competent authority to discharge its Statutory duty in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

- All works shall be carried out in full accordance with the recommendations contained in the Preliminary Ecological Appraisal and Nocturnal Bat Survey Results, Cotswold Environmental, dated August 2021 already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 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.

- Within 3 months of commencement, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 180 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.

### Comments:

The site falls within the 3.3 km core catchment zone of the Rodborough Common SAC therefore, the applicant can either make a one-off S106 contribution per new dwelling to the Stroud District Council's avoidance mitigation strategy; the cost is £200 per new dwelling. Or the applicant can provide their own bespoke strategy to mitigate the identified impacts the proposed development will cause.

The proposed site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods, identified via visitor surveys undertaken by Footprint Ecology and agreed with Natural England. The core catchment zone indicates that any new dwelling or holiday accommodation within the core catchment zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods; at a level considered detrimental to the sites qualifying features. The Cotswold Beechwoods has been designated as a Special Area of Conservation and as such is classed as a National Site Network, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is also notified at National level as The Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI). After carrying out a preliminary screening regarding this application, SDC as the competent authority have determined, that there is potential that without appropriate mitigation the proposed dwelling could result in negative effects to the site through increased recreational pressure. Therefore, SDC as the competent authority has undertaken an Appropriate Assessment and has identified additional mitigation measures considered necessary to address the uncertainty of the proposal. As a result, a homeowner information pack will need to be created for the new resident(s). This will need to be



### **Development Control Committee Schedule 29/03/2022**

submitted to and agreed in writing by the Local Planning Authority, it will need to detail the ecological importance of the Cotswold Beechwoods, appropriate code of practice for using the woodlands and alternative local recreational sites.

The submitted report ascertained the absence of roosting bats in addition, the ecologist did not record any other notable or protected species utilising the site. However, the ecologist did note the site provides suitable habitat and as such, has outlined reasonable avoidance measures in the unlikely event that nesting birds, reptiles or small mammals are discovered during the construction works.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bat and bird boxes, both features would be suitable and provide refuge for protected species. Both features should be installed at least 3m above the ground to reduce predation rates. Bat boxes should be installed on a southern or western elevation whereas bird boxes should be installed on an eastern or northern elevation. Both features need clear flight paths and should not be illuminated by artificial lighting including, street lighting. Any additional advice should be sought from an ecologist.

**ENVIRONMENTAL HEALTH** - With respect to the above application, I would recommend that any permission should have the following conditions and informative attached:-

#### 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. This should include an assessment of the presence of all asbestos containing materials and how these will be safely dealt with.

#### Informative:

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.

**LOCAL HIGHWAY AUTHORITY** - 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 Control Committee Schedule 29/03/2022

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 subject to conditions and financial obligations.

The justification for this decision is provided below.

I refer to the above planning application ref S.21/2825/FUL which was received on 16 December 2021. The site is located on Summer Street a residential street with no footways that has speed restricted to 20mph by the provision of traffic calming measures. The site location is within 800m of shops, facilities and services and would therefore be considered a sustainable location which meets the requirements of the NPPF Promoting Sustainable Transport policies. Access to the site will be gained over the existing access which is sub standard as it does not provide acceptable visibility splays or provide a width of 4.1m for the first 15m, however, the proposed development replaces an existing agricultural barn which has the potential to generate a similar or larger amount of vehicle movements than the proposed development and therefore the use of the existing access will not be intensified and will therefore be acceptable.

The application proposes to provide a 4-5 bedroom dwelling. Manual for Gloucestershire Streets (July 2020) Addendum - October 2021 requires that a minimum of 3 parking spaces are provided for a 5 bedroom dwelling. Drawing Landscape Plan Proposed November 2021 shows 3 parking spaces which will be acceptable. A 7kW electric vehicle charging point has been provided which is also acceptable but should be conditioned for retention. Manual for Gloucestershire Streets (July 2020) requires that 1 cycle parking space per 2 bedrooms is provided to meet the needs generated by the development. 2 secure and undercover cycle parking spaces will be required.

### Conditions

#### Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

#### Electric Vehicle Charging Points (Residential)

The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.



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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.

**WATER RESOURCES ENGINEER** - Whereas I do not object to the development in principle, there is not enough information for me to comment. Please can the applicant confirm the proposals for the surface water discharge. As things stand the applicant proposes to harvest greywater for use elsewhere and within the property, they also propose that this same greywater is discharged to the foul sewer network. A discharge to the foul sewer network would represent an increase in flood risk elsewhere (as it will be an additional burden to the existing scenario). I do not think this is necessary in a system with harvesting.

Following the submission of a revised drainage plan and further information, the WRE was consulted and made the following comments: -

Those clarifications allow me to understand their proposals and I am therefore happy that their designs are sufficient. I have no further comments or observations.

**TOWN COUNCIL** - We are pleased to see a good quality passivhaus and would like to see more in the valleys.

**Public:**

Eleven letters of support received, many referring to -

Good design

Sustainable development with good eco credentials

Enhance setting of the listed building and surroundings

**NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

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).

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)

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP3 - Settlement Hierarchy.

CP14 - High quality sustainable development.



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- CP15 - A quality living and working countryside.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES12 - Better design of places.
- ES15 - Provision of outdoor play space.

The proposal should also be considered against the guidance laid out in:

- National Design Guide (2019)
- Residential Design Guide SPG (2000)
- Stroud District Landscape Assessment SPG (2000)
- Planning Obligations SPD (2017)

There is no Neighbourhood Development Plan for this area.

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:

### **BACKGROUND**

Prior Approval was granted on 5 November 2020 following notification of a change of use under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO"). Application S.20/1880/P3Q proposed the change the use of the barn from agricultural to one residential dwelling.

Condition 2 (contaminated land) of S.20/1880/P3Q was discharged under application S.21/2319/DISCON and the approval is extant and could be implemented.

### **PRINCIPLE OF DEVELOPMENT**

The Local Plan has been adopted and full weight should be given to its contents, in accordance with paragraphs 11 and 12 of the NPPF.

Policy CP1 of the Stroud District Local Plan (the "Local Plan") reiterates the NPPF presumption in favour of sustainable development. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise. The Local Plan seeks to do that throughout its policies, but the key strategy of the Local Plan to deliver sustainable development in the local context is to focus development in the most sustainable locations in the district i.e. at designated employment or retail areas, at strategic allocations near the largest settlements and within the settlement development limits of other settlements identified in the settlement hierarchy. Those constitute the 'designated areas' described in policy CP2 of the Local Plan.



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The site falls just outside of but adjoins the defined settlement limits of Stroud and is therefore classed as being within the open countryside. Therefore, the proposal must be considered against Core Policy CP15 as this addresses all development outside settlement development limits.

Policy CP15 is a restrictive policy and seeks to protect the separate identity of settlements and the quality of the countryside. It does allow development in the open countryside subject to it complying with at least one of six principles. Upon satisfying these, the development must then satisfy six criteria.

In this instance, the proposal is for a new dwelling within the open countryside. There is no essential need established to allow development in this rural location and the proposal would not fall within any of the exceptions set out in Policy CP15.

Given the above, the proposal is contrary to policies CP1, CP2, CP3 and CP15 of the adopted Stroud District Local Plan.

Whilst the proposal is contrary to local plan policy, in considering the NPPF and its guidance on rural housing, planning policy should direct development to identified settlements in order for them to thrive and grow. Paragraph 80 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or under used buildings that would result in an enhancement of its immediate surroundings. In this instance, the proposed dwelling would sit adjacent to residential properties that fall within the settlement development limits of a First Tier settlement and would not be considered 'isolated'.

#### **Considering a 'Fallback Position'**

Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations dictate otherwise. The proposed demolition of the barn and erection of a new dwelling clearly conflicts with the development plan; however prior approval was recently granted for conversion of the barn into a dwelling (S.20/1880/P3Q). This provides a 'fallback position' where a residential use of the site could be established and is a material consideration.

There have been numerous appeal decisions where a consent under Class Q has been considered a fallback position which is given weight in the planning decision as a material consideration. Those Inspectors refer to High Court Judgement *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 where it clarifies in principle considering new proposals for development, decision makers should have regard to the fallback position of lawful development which has a real prospect of taking place.

In the case of this site, the fallback position has been established by the Prior Approval under Class Q and there would appear to be a clear desire from the applicant to develop the site. Therefore, it is considered that the previous consent is a material consideration and should be given significant weight.



## Development Control Committee Schedule 29/03/2022

Any principle harm in terms of policy conflict with Local Plan Policies CP2, CP3 and CP15 would need to be balanced against any resulting harms and the fallback position.

CP15 seeks to locate development within settlement boundaries to reduce the need to travel by private vehicles. Given that the dwelling would be located within the same location as the fallback position, which incidentally is located on the edge of a settlement boundary, adjacent to properties, there is only limited harm in terms of location.

Officers raised concerns regarding the extent of the residential planning unit which encompassed the commercial building and was considered to be excessive and intrude into the open countryside. In view of these concerns and following negotiations with the agent, the proposed residential unit has been reduced in scale by approximately one third. As a result, although the curtilage of the building and the residential use is significantly larger than that approved through permitted development, the development would result in encroachment into the countryside. While there would be some agricultural land lost, this is not significant and therefore represents only a limited harm.

### **DESIGN AND LAYOUT**

The proposed dwelling would follow the same footprint and form of the existing barn. It is of a similar height and slightly smaller scale. It would appear as a dwelling of similar dimensions as the 'fallback position'. Its overall scale and appearance would be barn like and the timber cladding and metal sheet roofing would reflect its agricultural setting.

As stated above, Officers had concerns with the scale of the residential unit that was originally proposed. Revised plans were received that amended the red line so that it did not include the agricultural land and flexible commercial use building on the west side of the track. The residential unit is now confined to the area around the proposed dwelling and is more compatible with the scale and layout of the surrounding residential development.

The NPPF and Local Plan policies strongly encourage and support sustainable construction and design. It is acknowledged that the applicants wish to build a sustainable home and the proposed dwelling has been referred to as a 'Passivhaus' dwelling, although there are limited details on its overall sustainable design and credentials. The Design and Access Statement and elevation plans refers to using high performance triple cell windows in order to achieve the Passivhaus certification. A Sustainable Design Checklist (Policy ES1) was not submitted with the application, although a letter was submitted by an ecological and design construction company setting out the environmental benefits to a new build rather than a conversion.

### **RESIDENTIAL AMENITY**

The proposed dwelling would be located adjacent to properties within a residential area. There would be an adequate degree of separation so not to have a significant impact on the residential amenities of neighbouring occupiers.

Due to the level of demolition works which involves the removal of an asbestos roof, the council's Environmental Protection Manager has recommended a pre-commencement condition to ensure that dust levels and the disposal of asbestos are safely dealt with



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throughout the demolition and construction works. This condition has been agreed by the agent/applicant.

#### **HIGHWAYS**

The proposal would utilise the existing farm access from Summer Street. This residential street has no footpaths along this section and traffic speeds are restricted to 20mph

The Local Highways Authority has commented that whilst the access is substandard due to restricted visibility splays and width, given that the proposal replaces an existing barn which has the potential to generate a similar level of vehicular movements, then the use of the access will not be intensified and is considered acceptable.

The level of vehicle movements associated with the proposed dwelling would be comparable with those generated by the 'fallback position'.

Adequate parking facilities will be provided in accordance with the council's adopted standards and Manual for Gloucestershire Streets. The provision of electric vehicle charge points and secure cycle storage are shown on the proposed plans, and therefore conditions are recommended to ensure their implementation and future provision.

The proposal would not have a detrimental impact on highway safety and accords with Policy ES3(5).

The site bounds a first tier settlement and is within easy walking distance of shops, services and facilities. It is in a sustainable location and meets the requirements of the NPPF and with Local Plan policies CP14 and EI12.

#### **LANDSCAPE**

The site is situated on the gently sloping hillside on an edge of settlement location and the proposal is visible from some long distance views across the valley.

The site falls within the Landscape Character Assessment classification 'Secluded Valleys', where one of the key priorities are to 'ensure careful and stringent planning controls on the siting and design of new development to maintain the character of this landscape type and protect the AONB landscape'. The AONB lies 160m to the northeast of the site.

Given that the building is of a slightly reduced scale and similar form and materials as the 'fallback position' the proposed dwelling would not have a significant impact on the appearance of the landscape. The dwelling would be viewed against the existing residential area and would not appear overly prominent or out of place. The proposed residential unit has been reduced to the area directly around the dwelling and to ensure that associated landscaping and domestic paraphernalia does not intrude into the open countryside. A condition is recommended to control boundary treatments; to ensure they are appropriate for the rural setting.

The proposal would cause no harm to the character and appearance of the natural landscape and accords with Policy ES7.





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### ECOLOGY

The proposal involves the demolition of the barn and the ecology report established no evidence of roosting bats or any other notable or protected species utilising the site. However, the ecologist did note the site provides suitable habitat and as such, has outlined reasonable avoidance measures in the unlikely event that nesting birds, reptiles or small mammals are discovered during the construction works. A condition has therefore been recommended to ensure that the works are undertaken in accordance with the report and its recommendations.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Therefore, a condition is recommended to ensure that simple biodiversity enhancements are incorporated into the scheme in the form of bat and bird boxes.

The site lies within the 3km core catchment zone of the Rodborough Common Special Area of Conservation (SAC). Policy ES6 of the adopted Local Plan requires development proposals to contribute to appropriate mitigation and management measures. The applicant has committed to make a one-off S.106 contribution of £200 to the council's avoidance mitigation strategy and a legal agreement securing this contribution has been submitted as part of the application.

The proposed site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods. The core catchment zone indicates that any new dwelling or holiday accommodation within the zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods (SAC and SSSI); at a level considered detrimental to the sites qualifying features. Therefore, Stroud District Council as the competent authority has undertaken an Appropriate Assessment and has identified additional mitigation measures considered necessary to address the uncertainty of the proposal. As a result, should the development be supported, a home information pack will need to be created. This will need to be submitted to and agreed in writing by the Local Planning Authority, it will need to detail the ecological importance of the Cotswold Beechwoods, appropriate code of practice for using the woodlands and alternative local recreational sites. This requirement could be dealt with by planning condition and a suitable condition has been recommended.

The time constraints of complying with the recommended Biodiversity conditions have been amended to prior to first occupation of the dwelling, as are not deemed to be required prior to commencement or within 3 months of the permission.

### ARCHAEOLOGY AND HERITAGE ASSETS

The heritage assets in this case are 139 (Slade Cottage) and 141 (The Coach House) Summer Street and Slade House. These properties front Summer Street and the proposal site lies to the rear/north of the properties, set down at a lower level.

The existing barn is proposed to be replaced by a dwelling or a similar footprint, scale and appearance. Due to the presence of an existing barn and the separation from the listed buildings by an historic stable building, it is considered that no harm will arise to the setting of



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the listed building. The application has been assessed in accordance with paragraphs 189 - 202 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

**OBLIGATIONS**

A legal agreement has been submitted by the applicant to secure a financial contribution towards appropriate mitigation and management measures for Rodborough Common (SAC).

**REVIEW OF CONSULTATION RESPONSES**

The letters of support from the Town Council and the public have been acknowledged.

**PLANNING BALANCE**

Officers consider that the effect of the development would be similar to that of the 'fallback position', which has been acknowledged as having a real prospect of being implemented. The 'fallback position' establishes a residential use of the site and has significant weight in favour of granting planning permission.

In principle harm has been identified as the proposal conflicts with policy CP2, CP3 and CP15. However, as the site abuts the settlement boundary of a First Tier settlement, the site is sustainable. Only limited resulting harm has been identified from the location. A further harm has been identified through the encroachment into the countryside. Again, while there is some additional land take, this is limited and as a result, the overall harm is limited.

With regard to design and appearance, residential amenity, highways, heritage, landscape, and ecology, there is either no resulting harm or the impacts of the development can be satisfactorily managed through appropriate planning conditions.

The weight in favour of granting planning permission outweighs the identified harms.

**RECOMMENDATION**

The proposal is considered to be acceptable due to the reasons given above and the application. It is recommended that, following the end of the re-consultation period and subject to no new material planning issues being raised, planning permission is granted subject to the conditions listed below.

**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.

<b>Subject to the following conditions:</b>	1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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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:

Site Location Plan of 09/03/2022

Landscape Plan of 09/03/2022

Proposed Block Plan of 09/03/2022

Proposed Roof plan of 29/11/2021

Proposed Ground Floor plan of 29/11/2021

Proposed First Floor plan of 29/11/2021

Proposed West Elevations of 29/11/2021

Proposed North Elevations of 29/11/2021

Proposed East Elevations of 29/11/2021

Proposed South Elevations of 29/11/2021

Waste and Water Management plan of 10/3/2022

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

3. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

4. All works shall be carried out in full accordance with the recommendations contained in the Preliminary Ecological Appraisal and Nocturnal Bat Survey Results, Cotswold Environmental, dated August 2021 already submitted with the planning application and agreed in principle with the local planning authority prior to determination.



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Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 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.

5. The dwelling hereby permitted shall not be occupied until details of the Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy have been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:

A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.

Reason: The above strategy will ensure that the development does not significantly affect the Cotswold Beechwood's Special Area of Conservation, this enable Stroud District Council as the competent authority to discharge its Statutory duty in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

6. Prior to the first occupation of the dwelling hereby permitted, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 180 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. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for the people living/ or working nearby, in accordance with Stroud District



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Local Plan Policy ES3.

8. 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. This should include an assessment of the presence of all asbestos containing materials and how these will be safely dealt with.

Reason: To protect the residential amenities of neighbouring occupiers and to ensure that risks from asbestos to future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is required prior to commencement to avoid any adverse impact on human health.

9. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with the approved plans and thereafter shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

10. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. The dwelling hereby permitted shall not be occupied until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details and similarly maintain thereafter.

Reason: In the interests of the visual amenities of the area.

Informatives:

1. This planning permission is subject to a legal agreement and the



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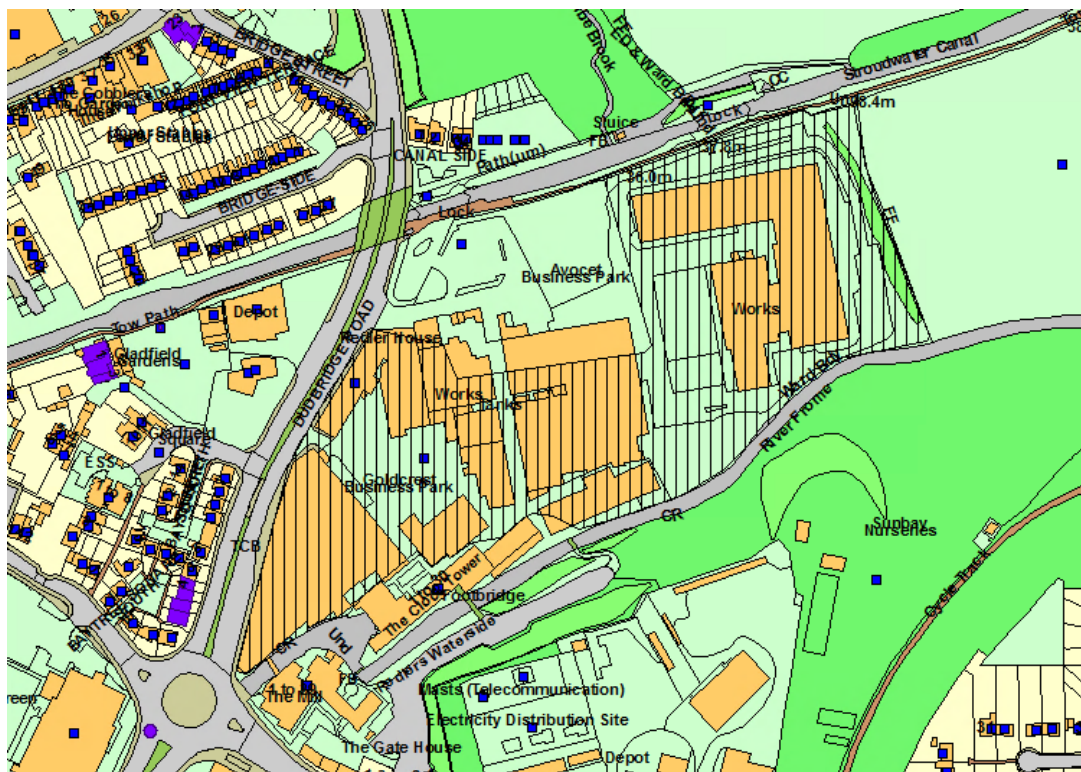
applicant/developer's attention must be drawn to the obligations within it.

2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.
3. **ARTICLE 35 (2) STATEMENT** - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.



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<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.21/1225/REM
<b>Site Address</b>	Dudbridge Industrial Estate, Dudbridge Road, Stroud, Gloucestershire
<b>Town/Parish</b>	Cainscross Town Council
<b>Grid Reference</b>	383590,204751
<b>Application Type</b>	Reserved Matters Application
<b>Proposal</b>	Details of appearance, landscaping, layout and scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for the retrofit of Building A (Redler), Building B and Building J, providing 30 apartments, historic archive, cafe and associated bin and bike stores.
<b>Recommendation</b>	Approval
<b>Call in Request</b>	Requested by Head of Planning



## Agenda Item 4.3



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<b>Applicant's Details</b>	Avocet Industrial Estates LLP C/O Walsingham Planning, 1 Gas Ferry Road, Hotwells, Bristol, BS1 6UN
<b>Agent's Details</b>	Miss S Bridges Walsingham Planning, 1 Gas Ferry Road, Hotwells, Bristol, BS1 6UN
<b>Case Officer</b>	Ranjit Sagoo
<b>Application Validated</b>	14.05.2021
	<b>CONSULTEES</b>
<b>Comments Received</b>	Contaminated Land Officer (E) Mr M Taylor - South Cotswold Group Development Coordination (E) Contaminated Land Officer (E) Mr M Taylor - South Cotswold Group SDC Water Resources Engineer Contaminated Land Officer (E) Mr M Taylor - South Cotswold Group Public Rights Of Way Officer
<b>Constraints</b>	Adjoining Canal Affecting the Setting of a Cons Area Consult area Conservation Area Flood Zone 2 Flood Zone 3 Glos Centre Env Records - Species Key Employment Land (LP) Key Wildlife Sites - Polygons Within 50m of Listed Building Cainscross Parish Council Affecting a Public Right of Way Rodborough 3km core catchment zone Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

#### MAIN ISSUES

- \* Principle of development
- \* Reserved matters compliance
- \* Appearance
- \* Landscaping
- \* Layout
- \* Scale

#### DESCRIPTION OF SITE

The site comprises of 3.11ha of land (approx.) to the west of Stroud town centre. The site lies between the Stroudwater Canal to north and the River Frome to the south. To the west is Dudbridge Road (the A419) that provides site access. Directly to the east of the boundary is relatively flat land that is the new build element of the Dudbridge Industrial Estate





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regeneration (pending reserved matter application for the erection of 94 residential units). Further east is the Marling School playing field.

The adjacent site, on the other side of the river, is Dudbridge Mill, which is of late 19th century brick-built mill with close associations with the nearby watercourses and road network. The Mill has since been converted to residential use.

The existing site comprises three buildings be retained and refurbished to the north of Dudbridge Industrial Estate access road. The north-west part of the site (under the hybrid application) lies the retail foodstore.

The site is located within the Industrial Heritage Conservation Area (IHCA) and is an integral part of the industrial heritage of the Stroud Valleys.

As defined by the Stroud Local Plan (adopted 2015), the site is allocated as a regeneration site under Policy E12 (Regenerating existing employment sites).

Based on the Environment Agency's Flood Map for Planning, the site is located within Flood Zone 3 (high probability of flooding).

### RELEVANT PLANNING HISTORY

Planning application ref: S.17/1987/OUT granted (25th May 2018) as a hybrid consent. The full planning permission related to the retail foodstore and flood mitigation measures. The outline (particularly relevant to this application) concerned outline permission for residential development to the east and south of the site area. The outline consent element requires the submission of reserved matters, the basis of this application.

Condition 21 of the hybrid application requires the approval of a Design Code for the outline element. This was approved on 11th January 2019 under planning application ref: S.18/2270/DISCON. This informs the design and detailing of this reserved matters application.

It is noteworthy that the applicant has also submitted a reserved matters application for appearance, landscaping, layout and scale (under ref: S.21/1152/REM) - presented at Committee today as well. The proposal relates to the erection of 94 no. residential units and associated infrastructure.

### PROPOSAL

This proposal seeks approval of the reserved matters (details of appearance, landscaping, layout and scale) pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT) for the refurbishment and conversion of the existing buildings to comprising 30 no. apartments, historic archive and café.

Development relates to the following buildings onsite:

Building A (Redler) - (ground floor 8 units; first floor 8 units) 16 units

Building B - (ground floor 7 units) 7 units

Building J - ground floor 5 units; first floor 2 units) 7 units



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A total of 30 units comprising of 1 bedroom x2 and 2 bedroom x28.

As indicated on the Masterplan and drawings, the proposal shows an access road off the Dudbridge Road Industrial Estate running south-east boundary towards the carpark.

#### REVISED DETAILS

Revised drawings have been submitted following extensive consultations undertaken on the design details between the applicant and the Conservation Officer.

An Addendum will be issued when the applicant has submitted revised plans to address concerns raised relating to highways. The highways issues are explained further below:

- 1051-ARD-APG-XX-ZZ-0012-COMPARATIVE SOUTH & SOUTH-EAST ELEVATIONS (rev P05)
- 1051-ARD-APG-XX-ZZ-0013-COMPARATIVE NORTH & NORTH-WEST ELEVATIONS (rev P05)
- 1051-ARD-APG-XX-ZZ-0014-PROPOSED ELEVATIONS (rev P04)
- 1052-DBB-APG-XX-01-0001-GROUND FLOOR AND ROOF PLAN (rev P09)
- 1052-DBB-APG-XX-ZZ-0002-PROPOSED ELEVATIONS (rev P08)
- 1052-DBB-APG-XX-ZZ-0003-COMPARISON TO OUTLINE PERMISSION (rev P02)
- 1063-DBJ-APG-XX-ZZ-0001-GROUND FLOOR PLAN (rev P12)
- 1063-DBJ-APG-XX-ZZ-0002-FIRST FLOOR PLAN (rev P10)
- 1063-DBJ-APG-XX-ZZ-0003-ROOF PLAN (rev P10)
- 1063-DBJ-APG-XX-ZZ-0004-PROPOSED ELEVATIONS (rev P07)
- 1063-DBJ-APG-XX-ZZ-0005-COMPARISON TO OUTLINE PERMISSION (rev P07)
- 1065-0014 Dudbridge-Redlar House Bldg\_J-HARD\_LANDSCAPE\_PLAN (rev C)
- 1065-0015 Dudbridge-Redlar House Bldg\_J-BOUNDARY\_TREATMENT (rev D)

#### MATERIALS

External alterations are minimal and primarily related to roof covering, reclaimed windows and new doors, below lists main external materials relating to the buildings:

- Building A (Redlar) - roof covering, window and door material / colours
- Building B - roof covering, window, door, reclaimed red brick wall, example of blue / black brick to frame window, render colour
- Building J - roof covering

#### REPRESENTATIONS

##### Statutory Consultees:

Revised drawings have been submitted following discussions with the applicant. As a consequence, consultees have been notified of revised information and an opportunity to make any further comments. Changes have primarily been to the detailed materials, external elevations, landscaping and access from the main route towards the parking garage at the south of the site.

Rodborough Parish Council (24.06.2021) - Rodborough Planning Committee make neutral comments but note concerns with increase in traffic and already high levels of pollution. Active Travel should be promoted and swift bricks to be installed in the buildings.

Cainscross Parish Council (25.05.2021) - application noted.

Stroud Town Council (25.05.2021) - following concerns raised:



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No detail relating to bin storage, bike stores and electric charging points  
Lack of permeable surface, open space and landscaping  
A high density development  
Therefore, contrary to Policies CP5, CP8 and HC1 of the SDC Local Plan

SDC Environmental Health Officer (12.05.21 and 29.09.2021) - no objection. Attention drawn to Condition 47 of the hybrid application (ref: S.17/1987/OUT). This relates to the safeguarding of any noise from the supermarket service yard impacting upon future occupiers of the development.

SDC Contaminated Land Officer (26.05.2021 and 21.09.2021) - no objection. Attention drawn to Part C (Remediation Statement) of Condition 31 that has not been discharged for residential development.

SDC Conservation Officer (24.08.2021 and 13.09.2021) - detailed plans considered acceptable with the exception of the corner of the lower entrance. The glazed element rising straight up from the boundary wall on the crank is a striking structure within the Conservation Area, and one of the key buildings in the development. The building as proposed, set back from the boundary on the corner, has none of the impact of the original, and cannot be deemed to preserve or enhance the character of the conservation area.

The applicant has subsequently provided amendments to the design which has now addressed the concerns raised above. No objections.

Local Highway Authority (GCC) (13.05.2021) - application is deferred based on the following reasons:

#### Location

The site is located to the east of the A419 Dudbridge Road, a dual carriageway classified road with a 30mph speed limit which is bound to the south by the River Frome and to the north by the Lidl foodstore approved under S.17/1987/OUT and the Stroudwater Navigation.

#### Access

Access to the site will be gained from A419 Dudbridge Road which was approved under application S.17/1987/OUT. The site is split into 2 area with Building A Redler House and Building B being located to the north of the access road and Building C being located to the south of the Building B to the south.

Access to Building C is shown on DBL-APG-XX-DR-A 0021 PO1 Site Layout and is taken from a point approximately 15m west of the A419 in a location which is likely to be an acceptable length to allow vehicle to wait to turn into the site without impacting on A419 Dudbridge Road and will be acceptable.

Drawing ARD-APG-XX-ZZ-L 0014A Hard Landscape Plan shows the access as a bellmouth which will not be acceptable. A dropped kerb footway crossing will be required to maintain pedestrian priority which should be shown on an amended drawing. The access road within the site is 4.1m wide at the junction with the main access road which is acceptable but narrows to 3m as it approaches the undercover parking area which will not be wide enough to allow 2 cars to pass and should be amended to provide a 4.1m length for the entire length.



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Access to Building A and Building B is not clearly defined on the submitted drawings. A priority crossing for pedestrians and cyclists to provide access will be required and should be shown on amended drawings.

Whilst outside of the red line of both sites it should be noted that the drawing shows footways on either side of the access road which will need to be amended to provide to provide tree lined streets and foot/cycleways to LTN 1/20 with priority crossings for pedestrians to comply with Manual for Gloucestershire Streets (MfGS) Addendum (October 2021) Concerns are also raised regarding the location of the bin store which will require the refuse vehicle to wait on the main access road at the junction of A419 Dudbridge Road which will be detrimental to highway safety and will not be acceptable.

#### Highway Capacity

Vehicle movements generated by the site have been previously considered under application S.17/1987/OUT and are considered to have minimal impact on the capacity and safety of the highway network which will be acceptable.

#### Layout and Parking

The Design and Access Statement describes the site as providing 29 flats, a café and historic archive. The letter from Walsingham Planning seeks to amend the description of the proposal to Details of appearance, landscaping, layout and scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for the retrofit of Building A (Redler), Building B and Building J, providing 30 apartments, historic archive, café and associated bin and bike stores.

Drawing DBB-APG-XX-01-DR-A 0001/P07 Ground Floor and Roof Plan shows that Building B will now have 7 flats replacing Drawing DBB-APG-XX-01-DR-A 0001/P03 Ground Floor and Roof Plan which comprised 6 flats and a 100m<sup>2</sup> café. It is noted that some flats have 1 bedroom plus a 'study', however, these are large enough to be used as a bedroom and as future use by tenants cannot be secured the 'studies' must be considered as bedrooms Building A and Building B are located on the northern side of the main access road.

Building A will provide 16 x 2 bedroom flats. Building B will provide 7 x 2 bed flats. DBL-APG-XX-DR-A 0021 PO1 Site Layout shows a bank of 6 parking spaces and 1 remote space. The layout of the spaces is not acceptable as the remote space will be vulnerable and should be relocated.

Building J is located to the south of the main access road and will provide 7 x 2 bedroom flats. The Site Layout drawing shows 11 parking spaces and a car parking area. 9 spaces are laid out to the front of Building J which will be acceptable. 2 spaces at the side of the Building J do not have a 6m manoeuvring area to the rear and will therefore be inaccessible and unacceptable. Drawing ARD-APG-XX-ZZ-DR-L 0014A Hard Landscape Plan shows the internal layout of the car parking area which will accommodate 18 spaces.

Stroud District Local Plan Appendix 2 Table B requires an average 1.5 car parking spaces/dwelling. MfGS Addendum (October 2021) requires a minimum of 1 car parking space for a 1 or 2 bedroom dwelling which is summarised below:

Building A: 16 x 2 bed flats 7 (provided); 24 (SDLP); 16 (MfGS)



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Building B: 7 x 2 bed flats 7 (provided); 11 (SDLP); 7 (MfGS)

Building J: 7 x 2 bed flats 9 (provided); 11 (SDLP); 7 (MfGS)

Covered Parking: 18

Total: 41 (provided); 46 (SDLP); 30 (MfGS)

The site therefore provides an acceptable level of parking, however, the spaces in the covered parking area by Building J will not be acceptable parking for vehicles from the Buildings A and B as the walk distance is too far which will encourage indiscriminate parking on the highway to the detriment of will be required and should be shown on a revised drawing with a visitor hoop being provide close to the entrance of each building.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

Public Rights of Way (GCC) (25.01.2022) - This development does not appear to affect any public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.

Lead Local Flood Authority (GCC) (17.05.2021) - landscaping shown in this proposal is in agreement with the requirements of the agreed drainage scheme, the LLFA recommend that this information is suitable to satisfy the reserved matters for this development from the perspective of flood risk management.

Environment Agency (14.06.2021 and 22.09.2021) - no objection.

SDC Water Resources Engineer (07.06.2021) - the proposals are sited within FZ3 - applicant to submit a flood risk assessment.

County Archaeologist (GCC) (01.06.2021) - no objection, subject to archaeological works being carried out under the approved Written Scheme of Investigation that forms part of the outline consent.

Historic England (27.05.2021 and 08.02.2022) - initial comments from Historic England and follow up discussions below:

The application site is located within the Stroud Industrial Heritage Conservation Area and specifically the Dudbridge Hub Character Area. This Conservation Area has been designated to protect the industrial components of the built heritage associated with the mill industry. Dudbridge Mill is a coherent example of a late 19th century brick-built mill and has close associations with the watercourses and road networks that surround it. Brick built mills are relatively rare in Stroud and as such this holds particular heritage significance. The buildings retained as part of the outline approval are locally important heritage assets and define the overall character of the site and should be seen as steering the design approach for the details of the Reserved Matters application.

The proposed layout of the site has evolved during previous iterations of the outline application and the current application seeks approval for the detailed design of the new residential development, as highlighted within the dotted boundary on the submitted site plan. Pertinent to this application is the approved Design Codes, submitted as part of



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S.18/2270/DISCON. We advised at the time that the codes represented a design tool that would will help deliver a development that would knit well into the existing historic industrial fabric. These codes would also ensure a character of development that would be interpreted as locally distinct, while not slavishly aping to the industrial aesthetic or presenting a pastiche of the surviving structures.

While the reserved matters details follow the massing and form of the residential units, as approved in the design code submission, there are some general changes, principally to fenestration that, in our view, have compromised the industrial aesthetic that the design codes secured. Windows on principal elevations have generally been reduced in size and depth, often resulting in overly squat proportions, presumably an adjustment to provide standard internal sill heights? Also, a degree of introduced asymmetry (for example units 75-77) creates a more domestic aesthetic which moves away from the more successful arrangement, as prescribed by the design codes. This is a general observation which is found throughout the proposed detailed elevational treatments. The overall result will not deliver the quality of place-making that we envisaged for this site and we therefore advise a closer approach to the approved design codes.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990. In 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.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 200 of the NPPF. In determining this application you should bear in mind the statutory duty of 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.

Follow up conversations and revised drawings presented to Historic England, confirmed no objection and the elevation treatment would be positive aligning with the outline consent.

Ramblers Association (21.09.2021) - no objection

#### Public

Two letters of objection have been received from local residents, comments make reference to Stroud Civic Society objections. An objection has also been raised by Cllr Bloxsom relating to pedestrian safety as there would be no crossing at Dudbridge Road. Additional comments



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relate to the canal tow path does not link to Queen Elizabeth II Park with no towpath directly onto the west side of Dudbridge Road.

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

National Planning Policy Framework (NPPF) July 2021

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

Specific reference to, but not limited:

- Paragraph 11 - Presumption in favour of sustainable development
- Paragraph 110 - promoting sustainable transport
- Paragraph 119 - making effective use of land
- Paragraph 129 - use of design guides and codes in support of an application
- Paragraph 130 - achieving well-designed places
- Paragraph 131 - new street trees
- Paragraph 158 - Climate change and flooding
- Paragraph 130 - achieving well-designed places
- Paragraph 174 - contribute to and enhance the natural local environment
- Paragraph 183 - Pollution
- Paragraph 197 - heritage assets and determining applications

### **Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66(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)

CP1 - Presumption in favour of sustainable development.

CP4 - Place Making.

Site Allocation SA1a - Land at Dudbridge

CP7 - Lifetime communities

CP8 - New housing development

CP14 - High quality sustainable development.

ES1 - Sustainable construction and design.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES10 - Valuing our historic environment and assets.

ES11 - Maintaining, restoring and regenerating the District's Canals.

ES12 - Better design of places.

EI2 Regenerating existing employment sites

Neighbourhood Plan

Cainscross Parish does not have a Neighbourhood Plan.



### **Development Control Committee Schedule 29/03/2022**

#### Draft Local Plan

At the time of producing this report, the Council have submitted draft Local Plan to the Planning Inspectorate for Examination.

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**

The principle of development has been established with the approval of the hybrid application.

As mentioned above, the applicant has submitted a separate application for the erection of 94 dwellings with associated infrastructure.

Under Policy EI2 of the adopted Stroud Local Plan, the site is identified as a regeneration site and is allocation under SA1a - Land at Dudbridge. The commercial/retail part of the hybrid (full planning application) is the built and operational Lidl store. Therefore, the principle of development has already been established.

#### **RESERVED MATTERS COMPLIANCE**

The approved hybrid application specifies several planning conditions which must be adhered to as part of any reserved matters submission:

-Condition 1 - 'For those parts of the development which are hereby permitted in Outline, details of the access, layout, scale, external appearance of the buildings, and the landscaping (hereinafter called the "reserved matters") within each part of the development shall be submitted to the local planning authority for approval.'

-Condition 2 - 'Applications for the approval of reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.'

-Condition 5 - 'development hereby permitted shall be carried out in accordance with the following drawings but only in respect of those matters not reserved for later approval:

- a. Site Location Plan - ref. 1689/PA01
- b. Existing Site Plan Based on Topographical Survey - ref. 1689/PA02
- c. Proposed Lidl Floor and Roof Plan - ref. 1689/PA06
- d. Proposed Lidl Elevations - ref. 1689/PA07
- e. Existing Redler House Survey 1689/PA08
- f. Proposed Demolitions Plan - ref. P16-1427\_04 Sheet No: 02 Rev: B
- g. Proposed Demolitions Plan Contact Sheet - ref. P16-1427\_04 Sheet No: 04 Rev: A
- h. Indicative Site Layout - ref. P16-1427\_01 Sheet No: 02 Rev: J
- i. Indicative Building Heights Plan - ref. P16-1427\_06 Sheet No: 01
- j. Indicative Street Scenes - ref. P16-1427\_02 Sheet No: 02 Rev: H,
- k. Façade Retention Plan - ref. P16-1427\_05'

-Condition 18 - 'The Reserved Matters applications submitted pursuant to condition no.1 shall be in substantial accordance with the Indicative Site Layout - ref. P16-1427\_01 Sheet No: 02 Rev: J'





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-Condition 19 - 'The Reserved Matters applications submitted pursuant to condition no.1 shall be in substantial accordance with the Indicative Building Heights Plan - ref. P16-1427\_06 Sheet No: 01.'

-Condition 20 - 'The Reserved Matters applications submitted pursuant to condition no.1 in relation to the buildings fronting on to the canal shall be in substantial accordance with the Indicative Street Scenes - ref. P16-1427\_02 Sheet No: 02 Rev: H.'

-Condition 21 - 'Notwithstanding the approved plans, a Design Code for the outline element of the development hereby approved shall be submitted to the local planning authority either prior to or alongside the first application for approval of reserved matters which includes the erection of a new building. The Design Code shall be in substantial accordance with the approved Indicative Site Layout - ref. P16-1427\_01 Sheet No: 02 Rev: J, Indicative Building Heights Plan - ref. P16-1427\_06 Sheet No: 01 and Indicative Street Scenes - ref. P16-1427\_02 Sheet No: 02 Rev: H except where other planning conditions require otherwise and shall include a set of Design Principles including:

- a. the principles for determining the design, form, and external appearance of the buildings;
- b. potential arrangements for car parking;
- c. the principles for the design of the public realm;
- d. the principles for the laying out of the green infrastructure including the approved Flood Channel at the southern part of the site
- e. The location and general extent of the areas of play;
- f. Existing landscape features to be retained;
- g. Boundary treatments
- h. The palette of materials to be used
- i. The phasing or sequencing of the development.

Submissions for the approval of the reserved matters shall accord with the Design Code, or any revised version of the Design Code which has been submitted to and approved in writing by the local planning authority.'

-Condition 36 - 'Applications for approval of Reserved Matters submitted pursuant to condition 1 shall ensure that there will be no less than 2no. 3m wide pedestrian links to the northern canal-side of the site. The links shall thereafter be retained and kept available for public use within the hours of 08:00 and 18:00 for 364 days of any year.'

-Condition 37 - 'The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment, including Surface Water Drainage Strategy, (FRA Dated Feb 2018 and Addendum dated 22nd Feb 2018). No development shall take place within a phase until details of foul and surface water disposal serving that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed before any buildings within that phase are occupied.'

-Condition 43 - 'Applications for approval of Reserved Matters for any phase containing new buildings shall include details of finished floor levels for the buildings in that phase. The finished floor levels shall be set no lower than 600mm above the modelled 1 in 100 year flood level including an allowance for climate change. The development shall thereafter be carried



### **Development Control Committee Schedule 29/03/2022**

out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.'

The reserved matters for which this application is concerned with relate to appearance, landscaping, layout and scale. Each of these reserved matters is discussed in turn below and demonstrates that the scheme accords with the principles established by the hybrid consent and embodied in the conditions, in particular, the ones listed above.

#### **APPEARANCE**

The conversion of buildings will involve re-roofing, however, the external material conversion of the buildings would have a similar design concept to the new buildings proposal and seeks to reflect the industrial feel of the previous use of the site but with a contemporary design approach. The concept (outline stage) through to reserved matters very much retains a varied architectural appearance that incorporates different colours, types of materials and built form / shape.

The development is based on four character areas / theme:

- Canal Boatyard - adjacent to the Canal at the northern boundary
- Sheet Metal - central area of the site
- Historic - south-east corner
- Woollen Mill - south-west

To name a few materials that have been used throughout:

- Brick (three colours - red, grey and slate blue)
- Render (four colours - cream, light green, blue and orange)

This incorporates a fusion of traditional brick built with pitched roof buildings and modern rendered external finish with external cladding roof adds a richness and interest. Single storey carports attached to the front of the units along the south-west have also been proposed.

As mentioned above, the original reserved matters drawings have been revised to address detailed design and to maintain the high standard of quality expected. This includes review and amendments to the glazed element rising straight up from the boundary wall.

With the conversion of the buildings and the design approach Officers are satisfied that the scheme preserves the character of the site and the wider setting and character of the Conservation Area.

#### **LANDSCAPING**

The main access into the site includes street trees to soften the hard road surface and built form.

The proposed grassed swale is located to the southern boundary that connects into the River Frome. To the north of the swale is built form with grassed linkages that lead onto the site access road.

The outdoor amenity space backs onto the swale and is enclosed by build form to the west and north which would provide overlooking of this space.



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It is noted that the access into the site is a 3-metre-high red brick acoustic wall required running along the fence of the superstore carpark at the north. However, this is required to mitigate against noise and disturbance from the car park. Its stark appearance will be softened with a row of street trees.

Hard surfacing materials include:

Access road - mid grey coloured asphalt

Footpath - black coloured asphalt

Parking spaces - either light grey asphalt or concrete grass paving system with amenity grass infill

Surface around buildings - block paving

Landscape improvements have been made to Building A (Redler) courtyard parking (drawings pending) which now defines the parking area with planting and a vehicle access gate to control vehicle access and parking.

This application is primarily the conversion of the existing buildings with the wider scheme providing further landscaping elements. Officers are therefore satisfied that the landscaping is acceptable.

### LAYOUT

The built form has been dictated the access and the linear route into the wider parts of the site which then opens up into a relatively large rectangular site area towards the east where the new build element of the wider scheme are located.

Buildings overlook the public realm and are in terraced formation with one example of one block that has a back-to-back arrangement with a shared courtyard at either end of the block.

The routes and buildings do relate to one another and access is now indicated as shared space making use of the existing built form which is proposed to be converted and provides the strong industrial character of the site.

Pedestrian access can be achieved from the site onto the towpath at the north of the site via the new building element of the site. Given the location of these buildings access to the Dudbridge Road, to the foodstore and beyond is also available providing connectivity.

The access road to the southern building has also been widened to 4.1 metres which would address comments from the GCC Highways. Sufficient parking has been provided but has not been allocated. This is not considered to be a safety concern but could be addressed by appropriate management if this becomes an issue.

Officers therefore consider the layout is acceptable.

### SCALE

The existing building heights range between 2/2.5 storey. Building A (Redler) is a rectangular building facing onto Dudbridge Road, north of the access. Building B (to the east of Building



### **Development Control Committee Schedule 29/03/2022**

A) comprises of a mix of extensions and alterations with a height range between 2 / 2.5 storey. Building J appears to have a 2.5 / 3 storey height.

It is noted that the hybrid application included the demolition of the majority of the buildings at Dudbridge Road Industrial Estate and this has already taken place. Part of Building B and J have been demolished as part of the proposed development under the hybrid application.

The proposal does not involve alterations to the height, length or width of existing buildings which are retained and converted as part of the scheme. Therefore, the scale will be maintained and consistent with the approved hybrid application and Design Codes.

Therefore, Officers consider the scale of the scheme is acceptable.

#### **REVIEW OF CONSULTATION RESPONSES**

Comments raised by residents have been addressed above, summary of key points below:

Historic England - observations were made concerning the detailed design and compliance with the outline consent and design codes. Discussions held with the applicant and SDC with the involvement of the Conservation Officer have resulted in enhancements to key elevations. This has addressed Historic England's concerns relating to the Conservation Area.

Concerns have been raised regarding the need for a pedestrian crossing for the wider scheme and the connectivity. This application is for reserved matters, details of appearance, landscaping, layout and scale of the conversion element of the outline planning consent. Matters relating to off-site crossing at Dudbridge Road which has not been conditioned (within the decision notice) cannot be a material factor in the assessment and determination of this reserved matters application. The connectivity of the site links into the wider site, the towpath and the adjacent Dudbridge Road.

The scheme has incorporated cycle storage within the design and proposes to install electric vehicle charge points. GCC Highways have queried the level of provision. Officers are satisfied with the details submitted and also note that this is already addressed by the outline consent and condition 35.

Rodborough Parish Council make neutral comments but raised concerns with increases in traffic and pollution levels. With the principle already addressed at outline stage this stage does not seek to re-open the issue but does provide sustainable transport options along with the conditions of the outline planning permission.

The previous industrial use of the site and the landscaping and ecological enhancement the wider scheme proposed are noted to address the concerns raised.

The SDC Drainage engineer has queried that the site is located with Flood Zone 3. No objections has been received from the Environment Agency or GCC as LLFA relating to the proposal in terms of the site being within FZ3. The principle of development on this site has already been addressed at outline stage with proposed flood mitigation/compensation and the drainage being assessed and controlled via the approved details and conditions.



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**CONCLUSION AND RECOMMENDATION**

This proposal seeks to convert the existing retained buildings which form part of the wider regeneration of this site. Officers consider that this reserved matters application is consistent with the approved outline planning consent and that the details provided would maintain a high quality development.

Although, the initial objection from the GCC Highways is noted, it is felt that the subsequent amendments (pending) which includes widening the southern access to 4.1 m and demarcating the parking spaces within the courtyard of the Building A (Redler) with soft landscaping and showing the gate to provide a defined space for pedestrian would provide some pedestrian / cycle safety enhancements will address their safety concerns.

The proposal would create a scheme that balances the significance of the historical industrial character but converting these characterful buildings and provide a high quality development which relates to the wider development and its place within the Industrial Heritage Conservation Area.

Officers recommendation is therefore for Approval subject to minor revised drawings to address highways issue.

**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.

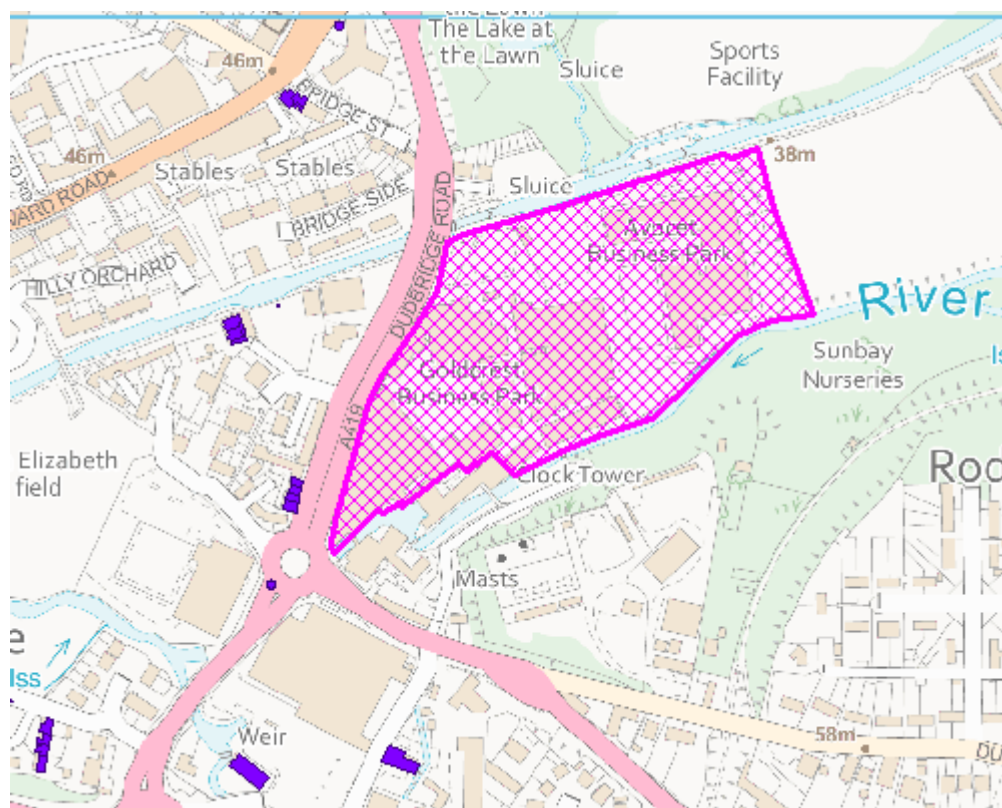
<b>Subject to the following conditions:</b>	<p>1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Listed to be updated</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p>
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## Development Control Committee Schedule 29/03/2022

<b>Item No:</b>	<b>04</b>
<b>Application No.</b>	S.21/1152/REM
<b>Site Address</b>	Dudbridge Industrial Estate, Dudbridge Road, Stroud, Gloucestershire
<b>Town/Parish</b>	Cainscross Town Council
<b>Grid Reference</b>	383590,204751
<b>Application Type</b>	Reserved Matters Application
<b>Proposal</b>	Details of appearance, landscaping, layout & scale pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT dated 25th May 2018) for residential development comprising 94 no. dwellings.
<b>Recommendation</b>	Consent
<b>Call in Request</b>	Requested by Head of Planning



## Agenda Item 4.4



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<b>Applicant's Details</b>	Avocet Industrial Estates LLP C/O Walsingham Planning, 1 Gas Ferry Road, Hotwells, Bristol, BS1 6UN
<b>Agent's Details</b>	Miss S Bridges Walsingham Planning, 1 Gas Ferry Road, Hotwells, Bristol, BS1 6UN
<b>Case Officer</b>	Ranjit Sagoo
<b>Application Validated</b>	06.05.2021
	<b>CONSULTEES</b>
<b>Comments Received</b>	Biodiversity Officer Contaminated Land Officer (E) The Environment Agency Mr M Taylor - South Cotswold Group Housing Strategy And Community Infrastructure Environmental Health (E) Historic England SW Contaminated Land Officer (E) Mr M Taylor - South Cotswold Group Environmental Health (E) Contaminated Land Officer (E) Mr M Taylor - South Cotswold Group Stroud Valleys Canal Company Rodborough Parish Council Biodiversity Officer Arboricultural Officer (E) Archaeology Dept (E) Historic England SW Cainscross Town Council Contaminated Land Officer (E) Mr M Taylor - South Cotswold Group Public Rights Of Way Officer Flood Resilience Land Drainage Housing Strategy And Community Infrastructure Environmental Health (E)
<b>Constraints</b>	Adjoining Canal Affecting the Setting of a Cons Area Berkeley Safeguard Area Consult area Conservation Area Flood Zone 2 Flood Zone 3 Glos Centre Env Records - Species Key Employment Land (LP) Key Wildlife Sites - Polygons Within 50m of Listed Building Cainscross Parish Council Affecting a Public Right of Way





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	Rodborough 3km core catchment zone Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- \* Principle of development
- \* Reserved matters compliance
- \* Appearance
- \* Landscaping
- \* Layout
- \* Scale

### DESCRIPTION OF SITE

The site comprises of 3.11ha of land (approx.) to the west of Stroud town centre. The site lies between the Stroudwater Canal to north and the River Frome to the south. To the west are existing buildings (conversion under separate reserved matters application) running along Dudbridge Road (the A419) that also provides site access. To the east is the Marling School playing field.

Adjacent to the site, on the other side of the river, is Dudbridge Mill, which is of late 19th century brick-built mill with close associations with the nearby watercourses and road network. The Mill has since been converted to residential use.

The existing site comprises has now been cleared of buildings / structures in readiness for the proposed residential development. It is noted that the site is relatively flat.

The north-west part of the site (approved under the hybrid application as full planning) lies the retail foodstore.

The site is located within the Industrial Heritage Conservation Area (IHCA) and is an integral part of the industrial heritage of the Stroud Valleys.

As defined by the Stroud Local Plan (adopted 2015), the site is allocated as a regeneration site under Policy E12 (Regenerating existing employment sites).

Based on the Environment Agency's Flood Map for Planning, the site is located within Flood Zone 3 (high probability of flooding).

### RELEVANT PLANNING HISTORY

Planning application ref: S.17/1987/OUT granted (25th May 2018) as a hybrid consent. The full planning permission related to the retail foodstore and flood mitigation measures. The outline (particularly relevant to this application) concerned outline permission for residential development to the east and south of the site area. The outline consent element requires the submission of reserved matters, the basis of this application.



### **Development Control Committee Schedule 29/03/2022**

Condition 21 of the hybrid application requires the approval of a Design Code for the outline element. This was approved on 11th January 2019 under planning ref: S.18/2270/DISCON. This informs the design and detailing of this reserved matters application.

It is noteworthy that the applicant has also submitted a reserved matters application for appearance, landscaping, layout and scale (under ref: S.21/1225/REM) - presented at Committee today as well. The proposal relates to the retrofit of Building A (Redler), Building B and Building J, providing 30 apartments, historic archive, cafe and associated bin and bike stores.

#### **PROPOSAL**

The proposal seeks approval of reserve matters (details of appearance, landscaping, layout and scale) pursuant to the grant of outline planning consent under hybrid planning permission (S.17/1987/OUT) for residential development comprising 94 no. dwellings.

13x Two-bedroom units

81x Three-bedroom units

The proposal follows on from the general layout and positioning of buildings and that front onto the site access off Dudgridge Road. The proposed swale runs along the southern boundary with the River Frome.

The proposed buildings primarily comprise terraced blocks of about 5 / 6 plots that have parking at the front with some private amenity space at the rear. Height of the plots are over three storeys that includes a wide variety of materials, colours, texture and design features (such as, balconies, rooflights, pitched and flat roofs).

As indicated on the Masterplan and drawings, notable aspects of the development includes street trees, public space and shared cycle storage facilities.

#### **REVISED DETAILS**

Revised drawings have been submitted following extensive consultations undertaken on the design details between the applicant and the Conservation Officer.

An Addendum will be issued when the applicant has submitted revised plans to address concerns raised relating to highways. The highways issues are explained further below:

- DUD-REMNB-02/21-A01 PROPOSED UNITS 1-6, 7-12, 13-18 (rev C)
- DUD-REMNB-02/21-A02 PROPOSED UNITS 19-23 (rev C)
- DUD-REMNB-02/21-A03 PROPOSED UNITS 24-26 (rev B)
- DUD-REMNB-02/21-A04 PROPOSED UNITS 27-28 (rev C)
- DUD-REMNB-02/21-A05 PROPOSED UNITS 29-34 (rev C)
- DUD-REMNB-02/21-A06 PROPOSED UNIT 35 (rev B)
- DUD-REMNB-02/21-A07 PROPOSED UNITS 36-45 (rev C)
- DUD-REMNB-02/21-A08 PROPOSED UNITS 46-55 (rev C)
- DUD-REMNB-02/21-A09 PROPOSED UNITS 56-58 (rev B)
- DUD-REMNB-02/21-A10 PROPOSED UNITS 59-62 (rev C)
- DUD-REMNB-02/21-A11 PROPOSED UNITS 63-76 (rev C)
- DUD-REMNB-02/21-A12 PROPOSED UNITS 77-79 (rev C)
- DUD-REMNB-02/21-A13 PROPOSED UNITS 80-85 (rev C)



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- DUD-REMNB-02/21-A14 PROPOSED UNITS 86-87 (rev C)
- DUD-REMNB-02/21-A15 PROPOSED UNITS 88-91 (rev C)
- DUD-REMNB-02/21-A16 PROPOSED UNITS 92-94 (rev C)
- DUD-REMNB-02/21-A17 PROPOSED CARPORTS, BIN&BIKE STORAGE (rev C)  
Landscape Plans:
  - 1065-0010 HARD LANDSCAPE PLAN (rev H)
  - 1065-0011 BOUNDARY TREATMENT (rev E)
  - 1065-0017 LANDSCAPE DETAIL (-)
  - 1065-0017 PUBLIC OPEN SPACE LAYOUT PLAN (rev G)
  - 1065-0018 PLANTING PLAN (rev G) o 1065-0019 PLANTING PLAN 1 (rev E)
  - 1065-0020 PLANTING PLAN 2 (rev E) Street Scenes and Sections
- DUD-REMNB-02/21 -SE01 Street Elevation A-A (rev C)
- DUD-REMNB-02/21 -SE02 Street Elevations B-B; B'-B'; C-C (rev C)
- DUD-REMNB-02/21 -SS0 1 Site section 1-1 (rev C) Masterplan and Additional Drawings
- DUD-REM-02/21 -00 Site Location Plan A
- DUD-REMNB-02/21 -01 Proposed Masterplan (rev I)
- DUD-REMNB-02/21 -02 Proposed Roof Plan (rev D)
- DUD-REMNB-02/21 -03 Proposed Heights Plan (rev D)
- DUD-REMNB-02/21 -04 Proposed Materials Plan (rev D)
- DUD-REMNB-02/21 -05 Proposed Ground Levels And FFL (rev D)
- DUD-REMNB-02/21 -06 Proposed buildings names and regions (rev C)
- DUD-REMNB-02/21 -07 Samples of Materials (rev B)

### MATERIALS

Proposed Material Plan sets out the wide range of proposed materials used, below lists main external materials relating to the buildings:

- Brick - smooth red, blue engineering and grey distorted
- Cladding - colours include: grey, dark grey, blue, green and orange
- Render - colours include: light beige, pacific blue, orchra, green
- Doors / windows - aluminium / timber

### REPRESENTATIONS

#### Statutory Consultees:

Revised drawings have been submitted following discussions with the applicant. As a consequence, consultees have been notified of revised information and an opportunity to make any further comments. Changes have primarily been to the detailed materials, external elevations, landscaping and a shared surface for the main access into the site.

Key concerns raised by consultees have also been address further below (Review of Consultation Responses).

Cainscross Parish Council (25.05.2021) - application noted.

Rodborough Parish Council (24.06.2021) - Rodborough Planning Committee make neutral comments but note concerns with increase in traffic and already high levels of pollution. Active Travel should be promoted and swift bricks to be installed in the buildings.



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Stroud Town Council (25.05.2021) - following concerns raised:

No detail relating to bin storage, bike stores and electric charging points

Lack of permeable surface, open space and landscaping

A high density development

Therefore, contrary to Policies CP5, CP8 and HC1 of the SDC Local Plan

SDC Environmental Health Officer (12.05.21 and 29.09.2021) - no objection. Attention drawn to Condition 47 of the hybrid application (ref: S.17/1987/OUT). This relates to the safeguarding of any noise from the supermarket service yard impacting upon future occupiers of the development.

SDC Refuse / Waste Management (08.03.2022) - there does not appear to be a vehicle sweep analysis within the documents which indicates the suitability of accommodating a 26 tonne waste collection vehicle within the development. In order to ensure waste can be collected from all properties within new developments, any roads and its underlying utilities need to be able to bear the weight of a fully laden 26 tonne vehicle and have sufficient space for a vehicle of this size to safely navigate through the development.

We would expect residents to remove waste containers from bin cupboards and bring them up to the highway to be collected.

SDC Contaminated Land Officer (26.05.2021 and 21.09.2021) - no objection. Attention drawn to Part C (Remediation Statement) of Condition 31 that has not been discharged for residential development.

SDC Tree Officer (18.05.2021) - unable to support the application as originally submitted and requesting additional information, summary of reasons include:

The tree planting needs to be extended into the car park (as illustrated on the master plan) to break up the hard surfacing. Fastiate species need to be selected and detailed.

- No details of lighting or signage have been shown on the landscape plans.

- The proposed landscaping needs to be increased on the southern boundary to help reduce flooding.

- A Planting specification needs to be submitted for the proposed landscaping at the entrance to the store (illustrated on the master plan).

- No information provided on establishment.

- No information provided on plant handling.

- The report does not contain any information on the following British Standards and how they relate to hard and soft landscaping.

- No information on the quality of the stock? Where will it come from? Who will check it for defects or disease?

SDC Conservation Officer - no objections following extensive engagement with the applicant's design team.

SDC - Biodiversity Team (16.09.2021) - Recommendations:

The landscaping scheme needs to be revised to show planting schemes along the proposed swale and within the development.



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If the above information cannot be provided Refusal is recommended for the following reasons:

The proposals do not fulfil the requirements of Local Plan Policy ES6 or the revised NPPF.

There is limited detail provided with regards to Landscaping and ecological enhancement.

The proposed swale should consist of native planting ideally larger native vegetation such as willow and alder in order to screen the development from the River Frome, we would also seek longer grassland including a wildflower mix. It is widely known that bats use the River Frome to commute through the landscape, making it a very important wildlife corridor through the more urbanised areas of Stroud. A study was undertaken by local bat experts assessing the species and usage of the river Frome corridor for foraging and commuting bats, out of this study one of the major barriers to some species particularly some of our rarer species was the lack of vegetation on the bank side and increased artificial lighting.

Increased vegetation along the swale will also provide further benefits to other wildlife such as birds, otter and invertebrates.

Soft landscaping within the development is limited and as such SDC would prefer to see increased street tree planting that will help to provide ecological and green infrastructure connectivity within the site.

Local Highway Authority (GCC) (13.05.2021) - application is deferred based on the following reasons:

The proposed development does not appear to conform to local design requirements and clarification is needed. The following matters should be addressed by the applicant.

The proposed street needs to be explained. There is no explanation from the designer on how the street has been derived and the layout does not appear to align with the outline masterplan which condition 18 sought to promote. The initial design was a "shared space" whereas the current proposal is a traditional road with physical traffic calming.

The alignment is straight and relies on "artificial" traffic calming to maintain slow speeds, these features are not desired and the design philosophy should naturally seek to maintain a slow speed environment through visual treatments and strong urban design. It is not clear how these feature assist in the promotion of active travel modes and appears to cause some difficulty in manoeuvring into and out of parking spaces.

The design needs to provide engineering details on width of streets, visibility splays at bends, junctions and accesses, and long and cross sections are required.

The street between plots 68 and parking spaces for 61 is excessively wide.

The pedestrian desire lines are not clear from the propose drawing both internally or at the site boundary. The layout shows a 1 in 3 slope adjoining the retail use but does not show how pedestrians are managed in this area. The footway also appears to reduce below 2m between plots 84-92, 26-37, 69-74.

The proposal has a significant level of frontage parking resulting in a near continuous run of dropped kerbs throughout the site. The local design guide, Manual for Gloucestershire Streets (MfGS), states that a maximum of 6 parking spaces should be consecutive.

Parking spaces have a poor relationship to the individual plots eg plots 45 and 54 MfGS requires that no junctions or accesses are within the "Y" distance of a junction, many accesses do not comply with this, additionally some are positioned where the Y distance for each access cannot be achieve due to the proposed road alignment.



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The relationship between cycle parking and vehicles is welcomed where is in a car port, however LTN 1/20 suggests that 1 cycle space per bedroom should be provided and as such the level of storage appears too limited. Additional so plots do not appear to have cycle parking ie plot 45.

The roads terminate on the eastern boundary without turning heads, these are required on all prospective highways.

The bend/junction opposite plot 78 is not acceptable as the balance of vehicle flows conflicts with the suggested priority.

Why does the street narrow at plot 86?

Lead Local Flood Authority (GCC) (17.05.2021) - landscaping shown in this proposal is in agreement with the requirements of the agreed drainage scheme, the LLFA recommend that this information is suitable to satisfy the reserved matters for this development from the perspective of flood risk management.

County Archaeologist (GCC) (01.06.2021) - no objection, subject to archaeological works being carried out under the approved Written Scheme of Investigation that forms part of the outline consent.

Historic England (27.05.2021 based on original plans) - the application site is located within the Stroud Industrial Heritage Conservation Area and specifically the Dudbridge Hub Character Area. This Conservation Area has been designated to protect the industrial components of the built heritage associated with the mill industry. Dudbridge Mill is a coherent example of a late 19th century brick-built mill and has close associations with the watercourses and road networks that surround it. Brick built mills are relatively rare in Stroud and as such this holds particular heritage significance. The buildings retained as part of the outline approval are locally important heritage assets and define the overall character of the site and should be seen as steering the design approach for the details of the Reserved Matters application.

The proposed layout of the site has evolved during previous iterations of the outline application and the current application seeks approval for the detailed design of the new residential development, as highlighted within the dotted boundary on the submitted site plan. Pertinent to this application is the approved Design Codes, submitted as part of S.18/2270/DISCON. We advised at the time that the codes represented a design tool that would will help deliver a development that would knit well into the existing historic industrial fabric. These codes would also ensure a character of development that would be interpreted as locally distinct, while not slavishly aping to the industrial aesthetic or presenting a pastiche of the surviving structures.

While the reserved matters details follow the massing and form of the residential units, as approved in the design code submission, there are some general changes, principally to fenestration that, in our view, have compromised the industrial aesthetic that the design codes secured. Windows on principal elevations have generally been reduced in size and depth, often resulting in overly squat proportions, presumably an adjustment to provide standard internal sill heights? Also, a degree of introduced asymmetry (for example units 75-77) creates a more domestic aesthetic which moves away from the more successful arrangement, as prescribed by the design codes. This is a general observation which is found throughout the proposed detailed elevational treatments. The overall result will not



## Development Control Committee Schedule 29/03/2022

deliver the quality of place-making that we envisaged for this site and we therefore advise a closer approach to the approved design codes.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990. In 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.

### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 200 of the NPPF. In determining this application you should bear in mind the statutory duty of 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.

Historic England (21.01.2022 based on revised plans) - The latest set of amendments do not appear to have addressed the advice in our letter of 27th May 2021, principally concerns over fenestration and the apparent departure from the approved Design Codes, approved as part of S.18/2270/DISCON. We therefore advise that the scheme better reflects the codes that have already been agreed with the council and revisions made that will deliver a more consistent and site specific design within the Conservation Area.

### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 206 of the NPPF. In determining this application you should bear in mind the statutory duty of 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.

Ramblers Association (21.09.2021) - no objection

Environment Agency (22.09.2021) - no comment

**Public:** two letters of objection have been received from local residents, comments make reference to Stroud Civic Society objections.

Stroud Civic Society (20.05.2021) - have raised a number of concerns, summary below:  
Proposal incorrect on number of units



### **Development Control Committee Schedule 29/03/2022**

Technical errors noted on drawings

Comments made relating to related cases on the Council's planning applications

Noted that some of the concerns raised relating to elevation treatment, however, there are substantial concerns still remaining

Revised proposal is mainly 3 / 4 storey buildings that have an industrial appearance

Soft landscaping has been mostly removed

Change in the arrangement of buildings

Approved Design Codes had little consultation and changes noted between the hybrid application

Cramped / high density residential accommodation

Limited green spaces - lack of vegetation, apart from the flood relief swale area

Lack of permeable surfaces

Lack of open space and landscaping

Pollution and noise from traffic

Preference towards a 21st century approach to design

Hard landscaping has been led by highway engineering

Concerns with main approach as shared surface street will be more like a 'drag strip' - narrow and raised crossing points have been removed

No detailed materials / samples specification for walls and roofs

Now resulting in a low quality landscape

Loss of the vegetation barrier to the east been removed to be totally removed, opening site to adjacent open space

Hedgerow planting will not be similar to the one lost

Only 24 / 25 trees spread throughout the development

Private gardens

Support concerns raised by the Biodiversity Team

Below seeks to capture comments relating to the detailed design:

It is noted that reference is made to attached carports and how this will result in reduced natural daylight into habitable room on ground floor

Units with render have random colours

Concern raised relating to those units with living room above ground floor with carrying shopping / taking rubbish out

Concerns raised relating to how some

Concerns relating to privacy have been raised for houses 31 and 33; 42 and 44

Consider that units with utility rooms are inefficient use of space and layout should be re-configured

Some units have balconies and some adjoining units do not, this is not consistent throughout

Building 1-6, 7-12, 13-18 parapets differ from the approved Design Code to the submitted drawings. Panels are shown on the submitted drawings but the Design Codes indicate them as brick

Difference in fenestration

Safety and security issues from location of bin / cycle storage

Some units have remote vehicle parking spaces

Outlook for house 34 directly onto blank wall

Building 46 - 55 changed from approved masterplan to back-to-back style of housing

No details for flat roof on house 62

Fire safety concerns relating to the windows and single access for each house





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Other issues raised relating to sustainability and affordability, summarised below:

Sustainability - little information provided on the use of sustainable materials and technology (use of energy, water management, SuDS, electric charge points, materials and improving on Building Regulation requirements).

Affordability - no affordable housing provided, no indication of housing association for rent or sold under shared ownership. Housing mix has changed since the hybrid application.

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

National Planning Policy Framework (NPPF) July 2021

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

Specific reference to, but not limited to:

- Paragraph 11 - Presumption in favour of sustainable development
- Paragraph 110 - promoting sustainable transport
- Paragraph 119 - making effective use of land
- Paragraph 129 - use of design guides and codes in support of an application
- Paragraph 130 - achieving well-designed places
- Paragraph 131 - new street trees
- Paragraph 158 - Climate change and flooding
- Paragraph 130 - achieving well-designed places
- Paragraph 174 - contribute to and enhance the natural local environment
- Paragraph 183 - Pollution
- Paragraph 197 - heritage assets and determining applications

### **Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66(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)

CP1 - Presumption in favour of sustainable development.

CP4 - Place Making.

Site Allocation SA1a - Land at Dudbridge

CP7 - Lifetime communities

CP8 - New housing development

CP14 - High quality sustainable development.

ES1 - Sustainable construction and design.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES10 - Valuing our historic environment and assets.

ES11 - Maintaining, restoring and regenerating the District's Canals.

ES12 - Better design of places.

EI2 Regenerating existing employment sites



### **Development Control Committee Schedule 29/03/2022**

#### Neighbourhood Plan

Cainscross Parish does not have a Neighbourhood Plan.

#### Draft Local Plan

At the time of producing this report, the Council have submitted draft Local Plan to the Planning Inspectorate for Examination.

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**

The principle of development has been established with the approval of the hybrid application. As mentioned above, the applicant has submitted a separate application for the conversion of the existing buildings for residential development. This phase of the development would be new build with associated infrastructure.

Under Policy EI2 of the adopted Stroud Local Plan, the site is identified as a regeneration site and is allocation under SA1a - Land at Dudbridge. The commercial/retail part of the hybrid (full planning application) is the built and operational Lidl store. Therefore, the principle of development has already been established.

#### **RESERVED MATTERS COMPLIANCE**

The approved hybrid application specifies several planning conditions which must be adhered to as part of any reserved matters submission:

Condition 1 - 'For those parts of the development which are hereby permitted in Outline, details of the access, layout, scale, external appearance of the buildings, and the landscaping (hereinafter called the "reserved matters") within each part of the development shall be submitted to the local planning authority for approval.'

Condition 2 - 'Applications for the approval of reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.'

Condition 5 - 'development hereby permitted shall be carried out in accordance with the following drawings but only in respect of those matters not reserved for later approval:

- a. Site Location Plan - ref. 1689/PA01
- b. Existing Site Plan Based on Topographical Survey - ref. 1689/PA02
- c. Proposed Lidl Floor and Roof Plan - ref. 1689/PA06
- d. Proposed Lidl Elevations - ref. 1689/PA07
- e. Existing Redler House Survey 1689/PA08
- f. Proposed Demolitions Plan - ref. P16-1427\_04 Sheet No: 02 Rev: B
- g. Proposed Demolitions Plan Contact Sheet - ref. P16-1427\_04 Sheet No: 04 Rev: A
- h. Indicative Site Layout - ref. P16-1427\_01 Sheet No: 02 Rev: J
- i. Indicative Building Heights Plan - ref. P16-1427\_06 Sheet No: 01
- j. Indicative Street Scenes - ref. P16-1427\_02 Sheet No: 02 Rev: H,
- k. Façade Retention Plan - ref. P16-1427\_05'



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Condition 18 - 'The Reserved Matters applications submitted pursuant to condition no.1 shall be in substantial accordance with the Indicative Site Layout - ref. P16-1427\_01 Sheet No: 02 Rev: J'

Condition 19 - 'The Reserved Matters applications submitted pursuant to condition no.1 shall be in substantial accordance with the Indicative Building Heights Plan - ref. P16-1427\_06 Sheet No: 01.'

Condition 20 - 'The Reserved Matters applications submitted pursuant to condition no.1 in relation to the buildings fronting on to the canal shall be in substantial accordance with the Indicative Street Scenes - ref. P16-1427\_02 Sheet No: 02 Rev: H.'

Condition 21 - 'Notwithstanding the approved plans, a Design Code for the outline element of the development hereby approved shall be submitted to the local planning authority either prior to or alongside the first application for approval of reserved matters which includes the erection of a new building. The Design Code shall be in substantial accordance with the approved Indicative Site Layout - ref. P16-1427\_01 Sheet No: 02 Rev: J, Indicative Building Heights Plan - ref. P16-1427\_06 Sheet No: 01 and Indicative Street Scenes - ref. P16-1427\_02 Sheet No: 02 Rev: H except where other planning conditions require otherwise and shall include a set of Design Principles including:

- a. the principles for determining the design, form, and external appearance of the buildings;
- b. potential arrangements for car parking;
- c. the principles for the design of the public realm;
- d. the principles for the laying out of the green infrastructure including the approved Flood Channel at the southern part of the site
- e. The location and general extent of the areas of play;
- f. Existing landscape features to be retained;
- g. Boundary treatments
- h. The palette of materials to be used
- i. The phasing or sequencing of the development.

Submissions for the approval of the reserved matters shall accord with the Design Code, or any revised version of the Design Code which has been submitted to and approved in writing by the local planning authority.'

Condition 36 - 'Applications for approval of Reserved Matters submitted pursuant to condition 1 shall ensure that there will be no less than 2no. 3m wide pedestrian links to the northern canal-side of the site. The links shall thereafter be retained and kept available for public use within the hours of 08:00 and 18:00 for 364 days of any year.'

Condition 37 - 'The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment, including Surface Water Drainage Strategy, (FRA Dated Feb 2018 and Addendum dated 22nd Feb 2018). No development shall take place within a phase until details of foul and surface water disposal serving that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed before any buildings within that phase are occupied.'



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Condition 43 - 'Applications for approval of Reserved Matters for any phase containing new buildings shall include details of finished floor levels for the buildings in that phase. The finished floor levels shall be set no lower than 600mm above the modelled 1 in 100 year flood level including an allowance for climate change. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.'

The reserved matters for which this application is concerned with relate to appearance, landscaping, layout and scale. Each of these reserved matters is discussed in turn below and demonstrates that the scheme accords with the principles established by the hybrid consent and embodied in the conditions, in particular, the ones listed above.

#### **APPEARANCE**

The design concept of new buildings seeks to reflect the industrial feel of previous use of the site but with a contemporary design approach. The concept (outline stage) through to reserved matters very much retains a varied architectural appearance that incorporates different colours, types of materials and built form/shape.

The development is based on four character areas/theme:

- Canal Boatyard - adjacent to the Canal at the northern boundary
- Sheet Metal - central area of the site
- Historic - south-east corner
- Woollen Mill - south-west

To name a few materials that have been used throughout:

- Brick (three colours - red, grey and slate blue)
- Render (four colours - cream, light green, blue and orange)

Incorporating a fusion of traditional brick built with pitched roof buildings and modern rendered external finish with external cladding roof adds a richness and interest.

Single storey carports attached to the front of the units along the south-west.

Initially, concerns had been raised by the Conservation Officer relating to the design detailing compared to this submission along the towpath facing onto the canal. This is considered a prominent view into the site and is important to display high quality built form.

Following extensive discussions with the applicant's design team and the Conservation Officer, adequate improvements have been made. The enhancements primarily relate to the external aesthetics of the buildings to better reflect the outline approval.

To assist Committee, the applicant has prepared a comparison between the outline (CGI heavy image), the first set of drawings under this reserved matters application and the amended drawings. It is apparent from this that the detailing has been reinstated and better reflects the overall design concept of the outline consent.



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As mentioned above, the original reserved matters drawings have been revised to address detailed design and to maintain the high standard of quality expected. Officers are therefore satisfied that the design of the proposal is acceptable.

### LANDSCAPING

The main access into the site includes street trees to soften the hard road surface and built form. The proposed grassed swale is located to the southern boundary that connects into the River Frome. To the north of the swale is built form with grassed linkages that lead onto the site access road.

The outdoor amenity space backs onto the swale and is enclosed by build form to the west and north which would provide overlooking of this space.

It is noted that the access into the site is a 3-metre-high red brick acoustic wall required running along the fence of the superstore carpark at the north. However, this is required to mitigate against noise and disturbance from the car park. Its stark appearance will be softened with a row of street trees.

Hard surfacing materials include:

Access road - mid grey coloured asphalt

Footpath - black coloured asphalt

Parking spaces - either light grey asphalt or concrete grass paving system with amenity grass infill

Surface around buildings - block paving

Although, initial concerns raised by the Tree Officer were made relating to the proposed landscaping scheme along the swale and within the development. However, there is a balance relating to soft landscaping and the character of the development reflecting the industrial heritage of the Conservation Area.

Nonetheless, concerns were raised with the applicant and through discussions with the Conservation Officer and the Biodiversity Team, additional landscaping has been introduced along part of the swale (south-west boundary between adjoining reserved matters application). There are additional planting (native hedge planting) along the south-west corner and additional tree planting between the access route (unit 18 and 19).

There are also additional tree planting and further tree planting agreed through the removal of visitor parking between the acoustics wall and unit 27.

It is noted that the additional units (two) have resulting in the loss of some trees, however, taking into consider the additional planting, it is felt that there is a balance struck between soft landscaping and character relating to the Industrial of the Conservation Area. Officers therefore consider the landscape is acceptable.



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#### **LAYOUT**

The built form has been dictated by the linear route into the site and then opens up into a relatively large rectangular site area towards the east. This follows the indications given at outline stage and during the design code approval.

Buildings overlook the public realm and are in terraced formation with one example of one block that has a back-to-back arrangement with a shared courtyard at either end of the block.

The routes and buildings do relate to one another and access is now indicated as shared space. Pedestrian access can be achieved from the site onto the towpath at the north of the site. It is noted that there are two access points onto the towpath with a width of 3.2 metres (approx.). This is considered acceptable and meets the requirements of the outline and provides accessible connectivity. Officers therefore consider the layout is acceptable.

#### **SCALE**

The southern boundary comprises primarily of a terraced row of around six units that are 3 storey with roof terrace. The units to the northern boundary are also arranged in a terraced block of 3 storey but with pitch roof. A four storey terraced units along the eastern boundary. There is a pair of semi-detached two storey located centre west of the site area. Finally, there are relatively small (single storey) cycle / bins storage potted throughout the development.

The scale of development is consistent with the approved outline application and Design Codes and Officers consider it acceptable.

#### **REVIEW OF CONSULTATION RESPONSES**

Comments raised by residents have been addressed noted above, this section will summaries key points made in relation to the application:

Historic England - observations were made concerning the revised plans as there did not appear to have changed compared to the original plans. The officer followed up with a tel-conference with the Conservation Officer to run through the details. Additionally, the applicant produced a comparison of changes which has now addressed the consultee's concerns.

GCC Highways as LHA - the site is constrained with a relatively narrow linear access that then runs following the boundary of the acoustics fence. Therefore, the design of the access and location of buildings is a compromise due to heavy site constraints and physical features.

Since submission of the application, the applicant has made several changes which now incorporates shared surfacing. Whilst it is acknowledged that there has been deviation from shared space towards a traditional road with physical traffic calming. Taking into consideration amendments, such as, raised tables on three sections of the access road; bollards on one section of the bend to separate pedestrians from vehicle; removing some vehicle parking on the short section of the access; and a footpath on the north side of the access into the site, would help reduce vehicle speeds.



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The Conservation Officer has been instrumental in championing high quality design and ensuring that the standard has been maintained from outline stage through to reserved matters.

Biodiversity Team have requested further planting along the proposed swale and within the development, the comments have been taken on board and as explained above, the scheme has now incorporated more planting.

Comprehensive comments have been received from Stroud Civic Society. The development is based on the principle of an industrial appearance to reflect the historical significance of the site and the wider Conservation Area. As explained above, design enhancements have been made to the canal elevation and in parts which better reflects the outline planning application.

The proposal does incorporate more soft landscaping and there is the balance between the planting and the character of the Conservation Area.

The design is made up of character areas and this is reflected with the canal side (to the north), industrial heritage (main part of the site / central) and the river (to the south). The typology, mixed palette of materials and external design details are key attributes to a high quality development.

Although, carports would reduce natural daylight windows, it is not felt that this would have an adverse effect due to the internal layout of rooms and that light can be captured from windows on the opposite elevation.

It is also noted that units positioned at right angles would not result in 'direct overlooking'. This is due to the window positioning and sizes, thus not have an overbearing impact. The room width, narrow windows closest to the inside corner of the building and practical field of view.

Traffic calming has been address.

To include private gardens on all the units would not be in accordance with the Design Code and outline consent. Additionally, the mix between some with balconies and some without has been deliberate to follow on form the design concept of an industrial.

During the outline stage, viability was taken into consideration and the cost of site remediation, therefore, it providing affordable housing would have made the development unviable.

The scheme has incorporated cycle storage within the design and proposes to install electric vehicle charge points, although it may not be possible to enforce without a condition attached within the planning decision.

### **CONCLUSION AND RECOMMENDATION**

This reserved matters application is considered consistent with the approved outline planning consent and in general accordance with the approved design codes, specifically relating to the residential elements of the scheme.

Although, the objection from the GCC Highways is noted, it is felt that subsequent amendments (pending) which includes a raised table at the two bends would reduce vehicle



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speeds and the removal of some vehicle parking spaces at the corners address the safety concerns raised with the other matters having already been approved by the outline permission.

The proposal would create a scheme that balances the significance of the heritage and character of the site and provide a high quality development that is consistent with the outline approval.

The proposal is therefore recommendation for approval subject to the minor revised plans relating to the highway works.

**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.

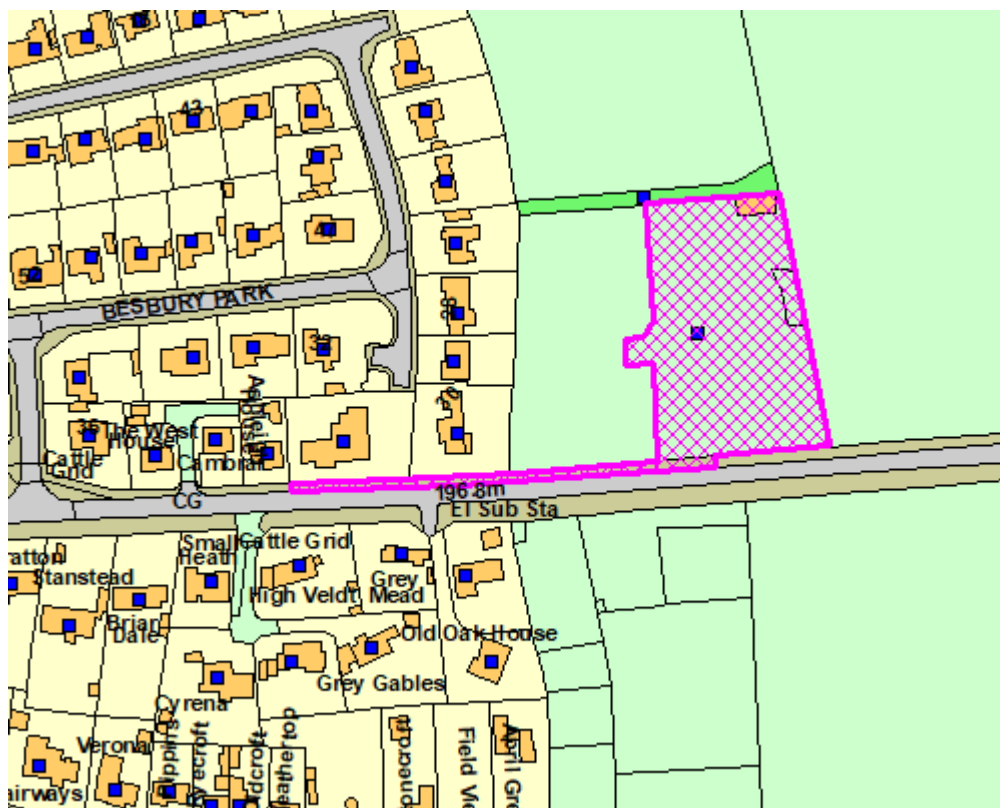
	<p>1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Listed to be updated</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p>
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## Development Control Committee Schedule 29/03/2022

<b>Item No:</b>	<b>05</b>
<b>Application No.</b>	S.21/0484/FUL
<b>Site Address</b>	Land North Of, Cirencester Road, Minchinhampton, Gloucestershire
<b>Town/Parish</b>	Minchinhampton Parish Council
<b>Grid Reference</b>	388051,201213
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Proposed Medical Centre and Dentist, associated access, car parking and landscaping
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	Requested by Head of Planning



## Agenda Item 4.5

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<b>Applicant's Details</b>	Minchinhampton Surgery C/O West Hart Partnership, 5 Aldergate, Tamworth, B79 7DJ,
<b>Agent's Details</b>	Mr C Cheal West Hart Partnership, 5 Aldergate, Tamworth, B79 7DJ,
<b>Case Officer</b>	Simon Penketh
<b>Application Validated</b>	24.02.2021
<b>CONSULTEES</b>	
<b>Comments Received</b>	Development Coordination (E) Environmental Health (E) Biodiversity Officer Conservation North Team Archaeology Dept (E) Flood Resilience Land Drainage Development Coordination (E) SDC Water Resources Engineer Arboricultural Officer (E) Contaminated Land Officer (E) Cotswolds Conservation Board
<b>Constraints</b>	Aston Down Airfield Consultation Zones Area of Outstanding Natural Beauty Consult area Kemble Airfield Hazard Neighbourhood Plan Minchinhampton Parish Council Rodborough 3km core catchment zone Settlement Boundaries (LP) TPO Areas (Woodland/ Groups)
<b>OFFICER'S REPORT</b>	

### 1 MAIN ISSUES

- o Principle of development
- o Open Space and Sports Facilities
- o Design, appearance and landscape impact
- o Archaeology & Historic Environment
- o Ecology
- o Drainage
- o Residential Amenity
- o Highway Impact
- o Planning Obligations
- o The Planning Balance



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### **2 DESCRIPTION OF THE SITE**

2.1 The site is part (approximately half) an open agricultural field (albeit containing some agricultural sheds) with a field gate access onto Cirencester Road close to the eastern boundary of the site. The site is located in the Eastern half of the field and approximately 45 to 50 metres beyond the settlement development limits associated with Minchinhampton.

2.2 The site is not located in any specific wildlife designations. The site is 340 metres West from the Cirencester Milestone (listed building) and 540 metres East from the Blueboy Corner group of listed buildings. It is not in the Minchinhampton Conservation Area and is located some 600 metres due Northeast. However, the site is located within the wider Cotswold Area of Outstanding Natural Beauty.

2.3 The site does not contain any trees protected by a Tree Preservation Order, however the bank of Beech Trees located immediately to the North of the site are contained within a group Tree Preservation Order (Beech TPO/0469). There are no Public Rights of Way passing through the site. Public Right of Way (MINCHINHAMPTON FOOTPATH 146) is located approximately 275 metres to the North of the site, whilst Public Right of Way (MINCHINHAMPTON FOOTPATH 142) is located approximately 180 metres to the Southeast of the site.

### **3 PROPOSAL**

3.1 The proposed development consists of the provision of a Primary Healthcare Surgery and associated parking, access and landscaping. The accommodation is provided over two floors with a total floor area of 986 sqm whilst the overall site area is approximately 0.5 hectares (just over 5000 metres square). The development is designed to cater for a patient list of circa 8225 over the same catchment area as the existing surgery currently located in Minchinhampton Town Centre. The ground floor accommodation will include 18 consulting/treatment rooms and associated facilities (such as a reception/waiting area and administrative accommodation and store rooms) as well as dentist accommodation. For the avoidance of doubt, the proposal no longer includes a pharmacy. The first floor would provide staff, administrative and associated plant/equipment facilities.

3.2 The development is proposed to be accessed from Cirencester Road, approximately half way along the Southern boundary of the existing field. This would provide access to a total of 71 parking spaces and a dedicated drop off area/ambulance facility. Parking facilities include 5 spaces for disable users and 7 spaces with electric vehicle charging points. 24 of the spaces would be dedicated to staff whilst the remaining 47 spaces are for patients and visitors. 28 cycle parking spaces are also proposed and the development includes a new footway along the Northside of Cirencester Road (joining the existing footway to the west).

3.3 The Local Planning Authority has screened the application under the Environmental Impact Assessment (EIA) Regulations 2017. The proposed development is Schedule 2 development but does not trigger the requirement for an Environmental Impact Assessment.



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## **4 REVISED DETAILS**

No revisions have been submitted. However, further information has been submitted in relation to off-site highway works addressing the concerns raised by the Highway Authority. The applicant has also confirmed that the pharmacy is no longer part of the proposal.

## **5 MATERIALS**

5.1 Walls Natural Cotswold Stone  
Off White/Buff Render  
Larch Cladding

5.2 Roof Slate Effect Tiles

5.3 Windows, Doors and Rainwater Goods Dark Grey Aluminium

## **6 REPRESENTATIONS**

### **6.1 – Parish/Town Councils:**

#### **6.1.1 – Minchinhampton Parish Council**

6.1.1.1 The Parish Council indicates that it neither objects or supports the proposed development. Minchinhampton Parish Council wishes the public to understand why it is unable to express a formal opinion about the planning application for a new doctors' surgery on the Vosper Field off Cirencester Road.

6.1.1.2 As the Council owns the land on which the application has been lodged it has, in legal terms what is formally known as an "interest" in the outcome of the potential development and is therefore prohibited from expressing any view supporting or otherwise commenting in response to the application MPC was bequeathed the field in 2008 in the will of the late Johnny Vosper, a well-known local resident. There was nothing specific in the gift as to how the land should be used, but it was felt amongst those councillors who knew him that Johnny would have wanted his land to be used for community benefit. The land is currently in agricultural use but does NOT enjoy Commons grazing rights.

6.1.1.3 The council was approached by the Minchinhampton Surgery which sought use of the Vosper Field for its proposed replacement facility, their existing site being woefully inadequate to modern expectation and delivery.

6.1.1.4 Well attended public meetings in March 2016 at the Annual Assembly and again in September 2017, saw the Doctors share their proposal in more detail. Following that MPC entered into a legal agreement with the GP practice to enable the surgery project to proceed, subject to various conditions and considerations.



## Development Control Committee Schedule 29/03/2022

6.1.1.5 This information was shared with the public in the adopted Neighbourhood Development Plan in April 2019. On all occasions members of the Council have recognised the importance of maintaining a fit for purpose medical facility in the Parish.

### **6.3 - Stroud District Council Technical Officers**

#### **6.3.1 - Bio-Diversity Officer**

6.3.1.1 The Biodiversity Officer advises that the habitats on site are considered to be that of common and widespread habitat types. In addition, it is unlikely that the site is utilised by protected or notable species however, the submitted report has included appropriate mitigation that should be adhered to. The mitigation will ensure that in the unlikely event protected or notable species enter the site, they are safeguarded from the site clearance/construction phase. Furthermore, the report has included appropriate mitigation and enhancement features including, a SUDs pond, native hedgerow and shrub planting, bird and bat boxes and log and brash piles. The Biodiversity Team encourage the applicant to implement these features alongside the development, these features will enhance the site and provide stepping stones to the wider ecological network.

6.3.1.2 The Biodiversity Officer considers that the proposal is acceptable subject to the following condition;

i) All works shall be carried out in full accordance with the recommendations contained in the Ecological Impact Assessment, Swift Ecology, dated January 2021 already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**REASON** To protect and enhance the site for biodiversity in accordance with paragraph 174 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

#### **6.3.2 - Arboriculture Officer**

6.3.2.1 The constraints posed by the trees, both above and below ground inform the site layout design. The Arboriculture consultant has produced a constraints plan showing the extent of the root protection areas. Please note. The figures given are the minimum required. The constraints plan has been ignored by the design team and the parking bays are shown within the root protection areas. The default position is that all structures must be located outside the root protection areas. Clarity is sought in respect of the overriding justification for building in the root protection areas.

6.3.2.2 The engineering document referenced in the report (NJUG) relates to the installation of utilities within the root protection area, not the construction of parking bays. The impact hasn't been fully assessed. An arboriculture impact assessment and method statement needs to be submitted to justify the layout.



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6.3.2.3 The soil type hasn't been considered within the report. If an alternative solution to the standard construction of the parking bays is going to be recommended (cellweb), or a similar three dimensional load spreading product, the arboriculture consultant would need to work with an engineer to ensure that this type of product is suited to the ground conditions.

6.3.2.4 The author of the report makes reference to the construction / impact of the parking bays being treated as reserved matters after construction. This is a full application, not an outline application. The impact of any development that would result in the loss or damage of trees within or adjacent to the development needs to be included within the submitted application. The submitted report and layout need to be reviewed to deal with the issues mentioned above.

#### 6.3.3 - Senior Conservation Officer

6.3.3.1 The Senior Conservation Officer advises that The site is a significant distance away from the listed group at Blueboys Corner, and would not be seen in conjunction with any views of the Minchinhampton Conservation Area. As such the Senior Conservation Officer raises no concerns on heritage grounds.

#### 6.3.4 – Water Resources Engineer

6.3.4.1 No objection. Confirms agreement with the position of the Lead Local Flood Authority; and recommends a compliance condition to secure the drainage design/maintenance.

#### 6.356 - Environmental Health Officer

6.3.5.1 No objection. The following conditions are suggested;

- i) 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
- ii) 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.
- iii) The Western boundary fencing to the parking area should be solid rather than post and rail to provide screening of properties to the West from car headlights utilising the car park and the one way system.
- iv) Before the development commences a scheme shall be submitted to, and agreed in writing by, the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority, in accordance with Stroud District Council Local Plan Policy GE1



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### 6.3.6 - Contaminated Land Officer

6.3.6.1 The proposed site is on the list of potentially contaminated sites due to asbestos. As such the full contaminated land condition should be applied to any permission granted.

### 6.4 - Gloucestershire County Council Technical Officers

#### 6.4.1 - Highway Authority

6.4.1.1 No Objection subject to conditions and financial obligations.

6.4.1.2 Additional information has been submitted in support of this application, in the form of a Technical Note (TN) – ref. Final (01) dated 19 January 2022. The TN seeks to address the highway authority's previous comment in its consultation response dated 9 April 2021 in which it recommended that planning permission should be refused.

6.4.1.3 The reasons for the recommendation in that [earlier] response were as set out below;

- i) *The site access as proposed would be unacceptable given the immediate vicinity of the speed limit change, and the application does not include suitable proposals for necessary off-site works.*
- ii) *The site is in a poor location in terms of sustainability and enhanced access to the local bus service would be required.*

6.4.1.4 The highway authority noted that the site frontage straddles the existing 30/40 mph speed limit change and the proposed site access would be within a few metres of the change point. Submitted speed survey data provided clear evidence that traffic speeds in both directions along Cirencester Road are high despite there being a traffic calming build-out situated around 60 metres to the west.

6.4.1.5 The proposed development would extend the built-up development boundary of the town and, accordingly, the highway authority would require the 30mph speed limit to be extended eastwards to a new point at the end of the east facing visibility splay.

6.4.1.6 The traffic calming feature would similarly need to be relocated and consideration must be given to a scheme, rather than an isolated measure, that would connect with the existing speed reduction measure at the junction with Besbury Park.

6.4.1.7 The highway authority further commented that the proposed development site is not in a highly sustainable location and would be beyond a comfortable walking distance from the nearest existing bus stops for many users of the proposed medical centre. Consequently, an additional pair of bus stops would be required in the vicinity of the site, comprising poles, flags, information cases, shelters and hard standing areas for waiting passengers.



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6.4.1.8 The TN proposes an offsite highway works scheme which would provide for the existing speed limit change on Cirencester Road to be re-located to accord with the extension of the built-up limit of the town boundary. The existing 'build-out' would be removed and a similar feature would be constructed further to the east so as to remove the conflict with the proposed site access. A pair of bus stops is also proposed to be provided. The scheme is shown on an indicative highway improvement works plan in Appendix A to the TN.

6.4.1.9 The highway authority notes that the scheme shown is indicative. As such it is considered that the scheme indicates the carriageway works that would be satisfactory to make the proposed access proposals acceptable. However, matters of layout and detail design would need to be addressed. Notably, the separation distance shown on the plan may result in there being a conflict of movements between a vehicle travelling westwards past the build-out, therefore being on the 'wrong' side of the road, and a vehicle turning left out of the site access. This could result in an increased risk of collisions.

6.4.1.10 A drawing no TK03 has been submitted to show the proposed 'build-out' feature and the tracking for a refuse vehicle. This indicates that a westbound vehicle travelling through the build-out could be driven to return to the left hand side of the carriageway before a conflict would be caused between it and a second vehicle turning left onto the road from the site access. However, the exit path from the build-out that any vehicle might take would be dependent upon driver behavior and it might be that a conflict would arise if the driver did not return to the left as quickly as indicated on the drawing.

6.4.1.11 A Road Safety Audit Stage 1/2 must be undertaken to provide assurance that the highway improvement works scheme would be satisfactory. Any problems raised by the audit would be required to be addressed and closed out through design improvement.

6.4.1.12 It would be necessary for the location of the speed limit (30/40) to be changed and this would require a Traffic Regulation Order. The County Council would require a financial contribution of £10,000 to cover the costs of preparing, publishing and making an Order for the re-located speed limit.

6.4.1.13 A Travel Plan (TP) has been prepared to accompany the application and it would be necessary as the development proceeded to monitor and review the TP to ensure that measures and targets remained appropriate and were being achieved. The County Council would require a financial contribution of £10,000 to cover the costs of monitoring the Travel Plan for a period of 10 years (£1,000 per year).

6.4.1.14 It is anticipated that these contributions could be satisfactorily secured by a commitment from the Applicant within a Unilateral Agreement with the County Council, to be in place prior to the granting of a planning permission.

6.4.1.15 The highway authority has commented previously regarding the details for car and cycle parking, and servicing.





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6.4.1.16 The construction of the proposed development would inevitably result in significant impacts and proposals must be developed to address and mitigate these in the form of a Construction Management Plan.

### 6.4.1.17 Suggested Conditions

i) Prior to the commencement of the development hereby permitted details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include but not be restricted to:

- 1 - Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- 2 - Advisory routes for construction traffic;
- 3 - Any temporary access to the site;
- 4 - Locations for loading/unloading and storage of plant, waste and construction materials;
- 5 - Method of preventing mud and dust being carried onto the highway;
- 6 - Arrangements for turning vehicles;

Reason: In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development.

ii) No gate shall be erected or installed across the site access within 5 metres from the adjoining carriageway edge. Any gate shall be made to open inwards only.

Reason: In the interest of Highway Safety

iii) Prior to first occupational use of the development hereby permitted a 2.0 metres wide footway shall be constructed and completed from the site access road to extend westwards along the north side of Cirencester Road for around 125 metres to link with the existing infrastructure.

Reason: In the interest of Highway Safety

iv) Prior to the first operational use of the development hereby permitted a scheme of off-site improvement works substantially as indicated in principle on drawing no B/WHPMINCHINHAMPTON2.1/03 shall have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

v) Prior to the first occupational use of the development hereby permitted car parking and turning areas within the site shall be provided in accordance with the submitted drawings.

Reason: To ensure conformity with submitted details.



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- vi) Prior to the first occupational use of the development hereby permitted an electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points and shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging points installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

- vii) Prior to the first occupational use of the development hereby permitted secure and covered cycle parking shall be provided in accordance with the submitted drawings.

Reason: To ensure conformity with submitted details.

- viii) Prior to the first occupational use of the development hereby permitted a Full Travel Plan shall be submitted to the County Council for approval.

Reason: In the interests of promoting sustainable travel

- ix) Prior to the commencement of any development hereby permitted a traffic regulation order (TRO) relating to the speed limit on Cirencester Road shall have been implemented.

Reason: To restrict the impact and harm of the development and in the interests of public safety.

6.4.1.18 Suggested Informatives

- i) Highway works and permissions required s278 (Highways Act) agreements  
ii) Requirements for Highway Authority to agree Traffic Regulation Orders (TRO)

6.4.2 - County Archaeologist

6.4.2.1 The County Archaeologist advises that there are no known heritage assets within the area of the proposed development. It is however situated within an area with a high potential for prehistoric remains, in particular, the site of a possible Bronze Age round barrow lies approximately 60m to the east. For that reason it is advised to make provision for archaeological monitoring of the ground works required for the construction of this scheme, so that any significant archaeological remains revealed during the development can be recorded.



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6.4.2.2 It is recommended 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, as follows;

- i) '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 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

### 6.4.3 - Lead Local Flood Authority (LLFA)

6.4.3.1 No Objection. The LLFA notes that there is no drainage information provided with this application to comment but advises that given the location, in flood zone 1 an area with geology suitable for surface water management by soakaway; and that The drainage solution should be managed through building control and use of standard building regulations so there will be no requirement for additional drainage conditions.

### 6.5 – Other External Organisations

#### 6.5.2 – Cotswold Conservation Board (CCB)

6.5.2.1 The CCB has confirmed that its comments do not imply either support for, or an objection to, the proposed development.

6.5.2.2 The CCB sets out that, in reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should:

(i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and

(ii) take into account the following Board publications;

1 - Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023

2 - Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Type (LCT) 9 (High Wold Dip Slope);



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3 - Cotswolds AONB Landscape Strategy and Guidelines particularly, in this instance, with regards to LCT 9, including Section 9.1;

4 - Cotswolds AONB Local Distinctiveness and Landscape Change

5 - Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to the Dark Skies and Artificial Light Position Statement and its appendices

#### **6.5.2 – The National Trust**

6.5.2.1 The National Trust is a conservation charity that looks after nature, beauty and history for the nation – for everyone, for ever.

6.5.2.2 The Trust is the custodian of over 200 hectares of land at Minchinhampton Common, including The Park, Old Common and Besbury Common. The Common is designated as a biological and geological SSSI, and a large part is a scheduled monument. It lies within the Cotswolds National Landscape (the AONB), where great weight should be given to conserving and enhancing landscape and scenic beauty.

6.5.2.3 In response to planning applications and Local Plan consultations, the Trust has previously raised concerns about additional development at Minchinhampton. This can lead to increased vehicular traffic and recreational impacts, which can adversely affect the Common land (which is maintained by grazing animals). New development can also reduce nature connectivity, urbanise the setting of the Commons, and impact on the landscape and rural character of the wider AONB.

6.5.2.4 With the current application, the proposed development is for a community facility rather than new housing, yet it would extend the built envelope of the settlement eastwards along Cirencester Road. This could in itself increase the likelihood of new housing development on adjacent fields. More broadly, our concern is that it forms part and parcel of the incremental building up of the area around the Commons, and the expansion of Minchinhampton, along with other current proposals [the writer refers to land at The Knapp and East of Tobacconist Road].

6.5.2.5 In light of our [the National Trust's] concerns, we would ask that – should the District Council support a new community facility for Minchinhampton in principle – alternative locations are explored that avoid contributing to the further build-up of development around the Commons.

#### **6.6 - Public**

*6.6.1 - There has been 117 responses received from the local community. The comments raise both support and objection to the proposed development. The key issues identified in the responses are summarised below*



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### **Support**

#### Strategic Issues

The proposed medical centre is much needed in Minchinhampton.

Responding to growing population.

The existing premises are inadequate and not up to standard (not fit for purpose, cramped waiting room, lack of consulting space).

Services are being relocated to Nailsworth.

Provision of an up to date and sustainable facilities (fit for future).

Improved medical provision for Minchinhampton and surrounding communities.

Good use of community land.

Best option available.

Practice looking for new accommodation for 12 years.

Improve many lives.

Support medical needs of expanding aging population.

The alternative is to lose the service all together.

No impact on pharmacy services in the town centre.

Dentist provision supported.

Will help to avoid need to go to other locations such as Stroud Hospital to access more up to date facilities.

Support but no justification for dentist accommodation.

#### Design, Landscape Local Character issues

Limited landscape impact addressed by landscaping.

Good quality design.

Better design for practicing staff.

Will not affect the surrounding Common areas.

Improved building efficiency and carbon footprint over existing facilities.

#### Highway and Access Issues

The existing site is difficult to access by car and on foot.

Development will help to ease current traffic congestion.

Existing site suffers/causes conflict with school and library access/traffic.

Lack of parking at the existing site.

New site will provide adequate parking so relieving congestion (free up parking in town).

Easy access to all.

Community Transport/PPG can still be provided to those who need it.

Support but additional pedestrian crossing needed.

#### Ecology/Biodiversity Issues

Limited environmental impact.

#### Residential Amenity

Sited sufficiently distanced from residential dwellings.

#### Other Issues

Bequeath would have wanted the use of the land for the benefit of the community.



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#### ***Object***

##### *Strategic Issues*

Development is contrary to the Minchinhampton Neighbourhood Development Plan (NDP), Stroud District Local Plan and National Planning Policy Framework.

NDP suggests that the surgery should be kept in the Town Centre.

The proposed location of the development is unacceptable and is outside the development boundary.

The development should make use of alternative previously sites in Minchinhampton or the surrounding are prior to the use of green field sites.

Development will attract patients from outside Minchinhampton rather than supporting the local community.

The development is commercial.

Dental Practice is not needed.

The site is green belt marking the extent of the built area.

Development would result in urban sprawl.

Loss of agricultural land.

The existing surgery has sufficient capacity.

Existing site should be re-used or retained.

The site is not in a sustainable location.

Town Centre Feasibility study is yet to be carried out and should be completed and considered before choosing a site for the surgery

##### *Design, Landscape Local Character issues*

The development would have a detrimental impact on the AONB.

The development will spoil the character of the common.

The proposed development is out of character with a village setting.

Scale of development is too large for the local area.

Development is similar to a small hospital.

Loss of important green space.

Potential negative impact on the Beech Trees adjacent to the site and loss of TPO

Lack of 'wellbeing space'.

##### *Highway and Access Issues*

The development is not in a convenient location and is not accessible on foot for older people or disable people.

It is too far from the centre of Minchinhampton.

Poor pedestrian access available.

Poor Cycling safety and access.

Lack of Public/Community transport.

Other potential sites are closer to the Town Centre.

Increased traffic movements.

Cirencester Road is already busy with no safe crossings.

Vehicles speed along Cirencester Road.

Insufficient parking.

Increased catchment would result in more traffic.

The area of highway close to the site is prone to traffic accidents.



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The proposed off site highway works would result in potential increased speeds after the traffic calming and within Minchinhampton, a detrimental impact on highway safety and vehicular conflict for traffic using the access onto Cirencester Road from the proposed site.

### Ecology/Biodiversity Issues

Long term impact upon wildlife.

Protected species are present on the site.

Potential loss/decline of cattle associated with The Common.

### Residential Amenity

Negative impact on the amenity of nearby residents due to noise and light pollution

Negative impact as a result of the proximity of car parking to the neighbouring properties

Overlooking from the proposed building to existing residential properties.

### Other Environmental Issues

The development would result in air borne pollution.

Increased surface water run off and flood risk.

The site is polluted with asbestos.

The proposed foul water package treatment is not practical and potentially polluting.

### Other Matters

Lack of information about the development due to the Pandemic.

Potential impact on tourism in the town and local area.

Consulting can be carried out on line reducing the need for face to face consultation

Community views have not been accounted for in the choice of the site.

The development would result in the closure of the existing pharmacy.

A local satellite surgery is suggested if the Vosper Field is to be used.

Other sites have been suggested by commentators.

Sets precedent for residential development.

Loss of Town Centre business.

Impact upon the existing dental practice.

Dental Practice is private and not community based.

Dental practice removed could reduce the impact of the building.

## **7 NATIONAL AND DEVELOPMENT PLAN POLICIES**

### 7.1 - National Planning Policy Framework July 2021

### 7.2 – Adopted Local Plan; Stroud District Local Plan (adopted) 2015.

#### *Strategic Objectives*

SO1 – Accessible Communities

S04 – Transport and Travel

S05 – Climate Change and Environmental Limits

#### *Core Policies – Making Places*

CP1 – Presumption in favour of Sustainable Development.



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CP3 – Settlement Hierarchy.  
CP4 - Place Making

*Core Policies - Homes and Communities*  
CP7 - Lifetime Communities

*Core Policies – Economy and Infrastructure*  
CP12 Retail and Town Centres  
CP13 – Travel and Transport

*Core Policies – Environment and Surroundings*  
CP14 – High Quality Sustainable Development  
CP15 – Quality Living and Working Countryside

*Delivery Policies - Economy and Infrastructure*  
EI12 - Promoting Transport Choice and Accessibility.  
EI13 – Protecting and Extending our cycle routes

*Delivery Policies - Environment and Surroundings*  
ES1 - Energy Efficiency and Sustainable Construction  
ES2 – Renewable or Low Carbon Energy Generation  
ES3 – Maintaining Quality of Life Within Our Environmental Limits  
ES4 – Water Resources, Quality and Flood Risk  
ES6 - Biodiversity and Geodiversity  
ES7 - Landscape Character  
ES8 - Trees and Hedgerows and Woodlands  
ES10 - Valuing Historic Environment and Assets  
ES12 - Better Design of Places.

#### 7.3 – Minchinhampton Neighbourhood Development Plan 2018 to 2036 (Adopted July 2019)

MP Env 1 Landscape Conservation  
MP Env 2 Geological Conservation  
MP Env 3 Nature Conservation  
MP Dev 1 New Development  
MP Emp 1 Business and Employment  
MP Traffic 1 Transport Statements  
MP Traffic 2 Traffic Movement Improvement  
MP Transport 2 Safe and Convenient Walking/Cycling Routes  
MP Parking 1 Parking Facilities  
MP Parking 2 Off Street Parking

7.5 – County Level Development Plan  
Gloucestershire Local Transport Plan (2020 to 2041)

7.6 – Emerging Development Plan  
Stroud District Local Plan Review – Pre-submission Draft Plan (May 2021)





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Local Plan Review; Infrastructure Delivery Plan (May 2021)

### 7.6 – Other relevant documents

Stroud District Landscape Assessment Supplementary Planning Guidance (November 2000).  
Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023  
Cotswolds AONB Landscape Character Assessment (Landscape Character Type (LCT) 9 (High Wold Dip Slope)  
Cotswolds AONB Landscape Strategy and Guidelines  
Cotswolds AONB Local Distinctiveness and Landscape Change  
Cotswolds Conservation Board Position Statements (Dark Skies and Artificial Light Position Statement)

## **8 PRINCIPLE OF DEVELOPMENT**

8.1 The starting point for the consideration of this application is its' location in the context of Minchinhampton and the settlement hierarchy identified under Policy CP3 of the Stroud District Local Plan (Adopted November 2015). Policy CP3 identifies the Town of Minchinhampton as a Second Tier where it is considered that the settlement has the ability to support sustainable patterns of development.

8.2 Notwithstanding this, the site is located beyond the settlement limits associated with Minchinhampton (approximately 50 metres to the East). Whilst there is a close relationship to Minchinhampton, the site is not within its settlement limits and as such Policy CP15 of the Stroud District Local Plan (Adopted November 2015) is the principle policy for consideration.

8.3 Policy CP15 makes a presumption against new development subject to limited exceptions. The exceptions include development that would provide 'essential community facilities', provided that (in the case of new buildings) they cannot be accommodated within the settlement limits or through the re-use or replacement of an existing building. The supporting text identifies development for health as being community facilities.

8.4 Accordingly, it is necessary to consider whether or not the proposed development would amount to the provision of a new building for 'essential community facilities' that cannot be otherwise provided by re-use or replacement of existing buildings; thereby meeting this policy objective.

8.5 The back drop to this assessment is the current Minchinhampton Surgery. It is widely acknowledged that the existing facilities are no longer fit for purpose. The applicant has identified significant constraints to the operation of the existing surgery and argues that the practice is unable to provide adequate medical services in accordance with modern requirements; and is unable to accommodate the existing and projected population associated with the catchment area of the surgery. This is a factor acknowledged in the Minchinhampton Neighbourhood Development Plan (MNDP) acknowledges that the existing Minchinhampton Surgery is inadequate.

8.6 The Stroud District Council Infrastructure Delivery Plan (May 2021) (SDC IDP) recognises that the Primary Care Infrastructure Plan (NHS Gloucestershire) identifies the



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replacement of the Minchinhampton Surgery as being a project to address capacity issues associated with projected growth in the catchment – and that the business case for this project has been approved. It is of note that the proposed development would also provide dental facilities. The SDC IDP identifies that there is a demand for further dental facilities in the Stroud Valleys generally that would likely be provided as a private business decision to expand – and as such the proposed development would contribute to this demand.

8.7 Accordingly, officers are satisfied that there is an identifiable need to replace the existing Surgery facilities and that this would be in the wider public interest. Officers are also satisfied that the proposed development would contribute towards identified need for dental services in the wider Stroud Valleys.

8.6 The MNDP acknowledges that there is a strong desire to retain the surgery in Minchinhampton – and in particular draws attention to the need to consider the centrality of the existing facilities in the context of the sustainability of the town centre.

8.7 The applicant has acknowledged this preference in considering the potential sites for the development of a new surgery. The applicant argues that the option to redevelop the area around the existing surgery and land between the School, Library and Social Services building has been carefully considered (referred to as site 2 in the submitted sequential analysis of potential sites) but was ruled out due to physical and financial constraints being in conflict with the timeframe for NHS funding (Gloucestershire Clinical Commissioning Group(CCG)).

8.8 A total of 17 sites (including the application site). The applicants sets out that the basic criteria for site selection is that it is able to provide for medical centre facilities that will meet the needs for the Minchinhampton Community and surrounding catchment and which meets the clinical requirements with scope for future enhancement. The applicant sets out that the minimum site area is 0.43 hectares and a floor space area of 966 square metres. The assessment has also included other factors and constraints such as accessibility and landscape sensitivity.

8.9 The key factors identified in the case of the application (the selected site) is that it meets the ‘site size’ objectives. The site is accessible from the town centre and the surrounding locality; and the site is available and the development achievable.

8.10 The remaining (non-selected sites) are as follows. The list includes the basic reason for being discounted by the applicant.

- i) Site 2 (within settlement boundary) – Minchinhampton Medical Centre, Minchinhampton Library, School Lane, Minchinhampton (Part Existing Site). As referenced above this site is discounted as there is a complex ownership and no benefit or enhancement of access arrangements.
- ii) Site 3 (within settlement boundary) School Playing Field, Minchinhampton School, School Road, Minchinhampton. The school academy does not wish to sell the land and there would be a need to offset existing school facilities elsewhere. The land



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value is too high. The site is not available and would not meet the time frames required.

- iii) Site 4 (within settlement boundary) Stewart Court, Minchinhampton. The site is in residential use and private ownership. Land value too high.
- iv) Site 5 (within settlement boundary) Minchinhampton Cricket Club and Sports Pitches, Minchinhampton. The site is designated open space with no opportunity to provide sports facilities elsewhere in Minchinhampton.
- v) Site 6 (within settlement boundary) Youth Centre, Tobacconist Road, Minchinhampton. The owner not in position to sell and the site is too small.
- vi) Site 7 (within settlement boundary) Allotment Site, Tobacconist Road. Poor vehicular access and Community Asset. Not available in required time scales.
- vii) Site 8 (within settlement boundary) Lemon Field Friday Street, Minchinhampton. Poor vehicular access and too small. Site constraints make site unviable.
- viii) Site 9 Land at Blueboys Corner, Cirencester Road, Minchinhampton. Landscape impact and the site is not available.
- ix) Site 10 Land South of Cirencester Road, Minchinhampton. Residential value makes the site unviable.
- x) Site 11 Glebe Farm, North of Woefulane Bottom. Noted proposed site allocation in the Local Plan Review and that the site cannot cater for timescales required.
- xi) Site 12 Land north of Woefulane Bottom, Minchinhampton. Identify the linear nature of the site as being unsuitable for the requirements of the surgery.
- xii) Site 13 Land at Chapel Farm, off Tetbury Street, Minchinhampton. The access is constrained and sensitive location. The site is not available within the time frames required.
- xiii) Site 14 Land South of West End, Minchinhampton. No direct access means harm to Conservation area wall features. The site is not available within the time frames required.
- xiv) Site 15 Land off Box Lane, Minchinhampton. New access required - the site is not available within the time frames required.
- xv) Site 16 Longfield Hospice, Minchinhampton – The site is available but it isolated from Minchinhampton and had poor access.
- xvi) Site 17 Land South of Old Commons Road, Minchinhampton – residential value of site makes development unviable.



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8.11 The applicant has carried out a comprehensive assessment of potential sites located within or on the edge of Minchinhampton. The assessment has provided a broad view to the constraints affecting each site such as size, access and availability. The financial and timeframe constraints are also an important factor in terms of NHS funding (Gloucestershire Clinical Commissioning Group) that would fund the proposed facilities. Officers are satisfied that the sequential approach to site selection is robust. Notwithstanding this, officers note that three sites that were not selected are also outside the settlement boundary (sites 10, 11 17) and where the only constraint is the apparent residential value. These sites lie to the East of Minchinhampton and are located in the AONB with medium sensitivity to development. Of these, site 11 identified as Glebe Farm by the applicant is a proposed allocation in the Local Plan Review (Land East of Tobacconist Road (PS05)). This would bring about considerable time scale implications and potential to interfere with future site delivery. Site 10 and 17 are not future housing allocations and as such it is not clear why there would be a financial constraint due to residential land value. However, these sites have very similar constraints to the selected site (site 10 being immediately to the south of the selected site off Cirencester Road). The key difference with the selected site is that it can be made available quickly and within the cost parameters of the NHS funding.

8.12 Having regards to the submitted assessment of potential sites, officers are satisfied that the selected site responds to the need for ‘new community facilities’ and that there is no other viable option that would meet the needs of the community in respect of primary medical care. Accordingly, the proposed development is in accordance the principles set out in Policy CP15 (6 and vi). The proposal also responds to the recognition in the Minchinhampton NDP that the existing Surgery facilities are inadequate. However, it is necessary to consider the impacts of the development in respect of the following matters.

8.13 Substantial weight in favour of the proposed development is attributed to this factor.

**9 IMPACT ON MINCHINHAMPTON TOWN CENTRE**

9.1 The application site is located beyond the Settlement Limits associated with Minchinhampton and is located outside of the identified Town Centre (which in this instance is identified as a ‘district centre’). However, the proposed Medical Centre (including Dentist Accommodation) is not defined as a ‘Main Town Centre Use’ within annex 2 (glossary) of the National Planning Policy Framework and as such is are not uses that require a sequential assessment in respect of the relationship with an existing town centre. It is of note that the proposed development does not include a pharmacy; which has been removed from the proposal.

9.2 Concerns raised that the location of the proposed development would undermine the existing Minchinhampton Dental Practice and Pharmacy are noted (a pharmacy is no longer part of the proposed facilities in the development). However, it is considered that the proposed dentist accommodation would offer an alternative facility and (as set out earlier in this report) would address an identified need for dentist accommodation over and above the existing. Furthermore, the dentist accommodation would be ancillary to the main use as a primary care facility and would not stand alone in that respect. Officers are satisfied that the proposed development would not undermine the purpose of Minchinhampton Town Centre or



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conflict with the scope of Policy CP12 of the Stroud District Local Plan (adopted) November 2015. Furthermore, the development would continue to provide a viable benefit that would support the local rural economy associated with Minchinhampton; and in the public interest.

9.3 Significant weight in favour of the proposed development is attributed to this factor.

### **10 LANDSCAPE and AONB CONSIDERATIONS**

10.1 *Location of the Site* – The site is located in the Cotswold Area of Outstanding Beauty (AONB)/The Cotswolds National Landscape. The National Planning Policy Framework (NPPF) (para 176) sets out that ‘great weight’ should be given to conserving and enhancing landscape and scenic beauty in the AONB.

10.2 Paragraph 177 of the NPPF sets out that when considering planning applications for development within the AONB, permission should be refused for ‘major development’ other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The NPPF goes on to set out three criteria of consideration that should be included in the assessment of a proposal that is regarded as major for the purposes of paragraph 177. Namely, that it can be demonstrated that the development is in the public interest, and;

- i) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- iii) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

10.3 These criteria are reflected in the Stroud District Local Plan (Policies CP15 and ES7). Accordingly, the basis of this assessment should be considered in the context of whether or not the development is major in the context of paragraph 177 of the NPPF. For the avoidance of doubt, the definition of major development in this context is not the same as that provided by the Town and Country Planning (Development Procedure) (England) Order (GPDO) which provides a specific size/amount criteria. In this instance the proposed development is not defined as major development in the context of the GPDO – it is just below the floor area threshold of 1000 square metres. This would imply, to a certain extent, that the impacts of the scale and size of the development would be reduced.

10.4 Notwithstanding this, it is considered that in the context of paragraph 177 of the NPPF, ‘major development’ should not be considered by scale alone and should include an assessment that accounts for the local and immediate context. Footnote 60 of the NPPF sets out that for the purposes of Paragraph and 177, whether a proposal ‘major development’ is a matter for the decision maker (in this instance the LPA), taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. These are factors considered further in this report.



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10.5 *Local Character* – The site is made up of part of an existing agricultural field situated immediately East of the Minchinhampton Settlement Boundary. The development site itself is on the Eastern half of the site approximately 50 metres from the settlement boundary.

10.6 The field is relatively flat and made up of high plateau. It is located within the 'Wold Tops' as identified in the Stroud District Character Assessment (Supplementary Planning Guidance). The site is characterised by stone wall field boundaries and hedging as well as the belt of beech trees enclosing the North elevation of the site. In terms of the contribution to the wider landscape, the applicant argues that this is limited. Whilst officers do not disagree with this argument and note that the site itself is not in a particularly good condition (containing a small amount of disused or derelict agricultural paraphernalia), the existing field does allow views to continue beyond the site and as such remains an important part of the wider AONB. In the very local context, it is considered to be less valuable. Views towards the site from the East are such that the proposed development would sit against the backdrop of existing dwellings at the edge of the settlement, with the beech trees to the North, Cirencester Road immediately to the south with open fields beyond.

10.7 Existing views from the site towards the East are characterised by the flat open fields, dry stone walls, hedges, trees and sparsely populated countryside. Views towards the East from the extent of the settlement limits are enclosed by existing dwellings, walls and trees with Cirencester Road clearly defining the Southern Boundary of the site.

10.8 The applicant has carried out a Landscape and Visual Impact Assessment (LVIA) and this includes a series of seven landscape photographs of the site from a range of locations close to and further away from the site including publically accessible routes (PROW's and roads). It is considered that the photographs demonstrate that the site has a close relationship with Minchinhampton and its associated built up areas. The applicant argues that the greatest degree of impact of the proposed development is in close proximity to the site (including existing residential dwellings due west of the site). The applicant argues that, in longer views, the development will be observed against the backdrop of development associated with Minchinhampton. In views further out still the site becomes less visible due to topographical characteristics and landscape features; where views of the building would be limited to its roof slope and its stepped eastern elevation. Officers are comfortable with this assessment and that careful design can reduce the impact of the development in the landscape. For the reasons set out later in this report, it is considered that the proposed development would not have a harmful impact upon night time light levels and the landscape character objectives of 'dark skies' policy on the AONB.

10.9 *The Landscape, Scale and Visual relationship of the Proposed Development* – The detailed design of the development is considered later in this report. However, in order to assess the impact of the development in the context of paragraph 177 of the NPPF it is necessary to address the broad characteristics of the development against the landscape character of the AONB in which it sits.

10.10 The LVIA submitted by the applicant draws the conclusion that the landscape and visual effects are not significant and, on balance, the proposed development is considered acceptable in landscape and visual terms.



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10.11 The applicant argues that it is based around a ‘barn type massing’ to address the rural location and reduce the overall impact of the first floor element. Nonetheless, officers consider that the building is modern in its appearance. However, it is considered that the careful use of materials that reflect the locality and the simple design detailing results in a building of a scale consistent with the rural character of the area. Similarly, the use of dry stone walling, country sawn post and rail fencing and careful planting provides a strong rural characteristic. The proposed building is relatively modest and designed so that its scale appears reduced.

10.12 Whilst officers acknowledge that the proposed development will result in some adverse impact in landscape terms, it is considered that this impact will not be significantly adverse such that it would otherwise undermine the purposes for which the area has been designated or defined; which is a very large and diverse landscape.

10.13 This is because it is considered that the close relationship of the site with the built area of Minchinhampton, the scale of the development and the relatively low value of the development site would not act to undermine the wider landscape value of the AONB. Indeed, the development would not result in the loss of the bank of Beech trees on the Northern boundary – which are an important feature in the landscape. The design of the building and the general layout (utilising local materials, rural detailing and indigenous plant species) is such that over time the site will mature and assimilate with the wider rural character. Furthermore, given the nature of the existing site officers are satisfied that there would be no material impact upon the recreational activities in the AONB. Landscaping, ecological improvements and other environmental mitigation (as noted later in this report) are such that these impacts can be moderated.

10.14 *Landscape Conclusions* – As set out above, it is necessary to first establish whether or not the proposed development is ‘major development’ for the purpose of paragraph 177 of the NPPF. The trigger for this is that the proposed development would have a significant adverse impact on the character of the AONB and the purpose of including the land within it. Whilst this is somewhat subjective (and a matter of judgement for the decision maker), officers consider that the existing character of the site, the scale of the development and its relationship with the wider AONB is such that the development would not result in a significant adverse impact. For the purpose of paragraph 177 of the NPPF, officers are satisfied that the proposal does not constitute ‘major development’ and as such there is not a presumption against approving the development.

10.15 In this instance, it is not necessary to consider the special criteria for otherwise permitting ‘major development’ in the context of paragraph 177 of the NPPF, the assessment of the principle of the proposed development has established that (due to the lack of available sites within Minchinhampton) the scope of the proposal does respond well to those tests. In particular, the development, whilst being outside the settlement limits of Minchinhampton must still serve the catchment area associated with the Minchinhampton Surgery. It would not serve its purpose if the surgery was located in an area that is outside the designated area (AONB) and as such there is no scope meeting the need for the development in some other way. Similarly, it is considered that the continued provision of a



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viable primary care facility would be in the interest of the local economy and the public interest.

10.16 Notwithstanding the above, officers acknowledge that there would be some adverse impact in landscape terms resulting from the proposed development. For the reasons set out in this report, it is considered that the impact can be moderated/mitigated through careful design and landscaping. On this basis moderate weight against the proposed development is attributed to this factor.

#### **11 BUILDING DESIGN, LAYOUT/LANDSCAPING AND APPEARANCE**

11.1 The proposed building is bespoke in its design and modern in style. It provides simple detailing combined with materials that are contemporary with the local area – including natural Cotswold Stone and slate effect roofing materials. Contemporary detailing includes large areas glass to the principal elevation in high quality aluminium window frames with wood architectural features that highlight architectural features of the building.

11.2 The building is arranged on a 'T' shape with a strong principal elevation facing onto Cirencester Road. Whilst the main public entrance to the building is to the back of the front wing of the building this relates to the car parking and access well – and would be legible from those areas. The overall height of the proposed building is approximately 10.5 metres. The first floor covers approximately 30% to 40% of the overall footprint. This allows the building to remain relatively low height in its setting and maintain a more 'domestic' scale against the back drop of existing dwellings to the West.

11.3 The position of the proposed building is such that it is located towards the Southern elevation of the site so presenting the principal elevation close to Cirencester Road set in simple landscaping (lawn sown with flowering mix and 4 lime trees) with the existing stone wall retained. Whilst it is acknowledged that the stone wall would need to be altered to provide the access, officers are satisfied that this can be done in a sympathetic way. Positioning the building in this way allows for it to maintain strong presence on the site and a strong sense of arrival. The provision of parking predominantly to the rear of the site; screened by the building and associated landscaping ensures that the development does not appear dominated or surrounded by parking facilities and as such is a well thought out design solution.

11.4 The proposed landscaping of the development is well considered and would retain the dry stone wall features present on the application site. The area to the West of the application site (not subject to this application) would be retained as paddock (with a separate access gate). The West boundary of the site would be enclosed by a 1.2 metre high timber post and rail fence with a beech hedge enclosing the car parking spaces adjacent to this boundary. Grass planting is proposed adjacent to the access drive which would be a 'wetland meadow mix' to account for the presence of a linear drainage basin in this position. A number of drainage basins are proposed to be installed within the site as part of the landscaping which would provide a good quality landscape solution as well as biodiversity and drainage benefits. The same approach to the grass planting around those features is proposed. On the East side of the site it is proposed to introduce a native hedge planting mix immediately





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inside the existing stone wall on the East boundary of the site. The area to the side of the building would also include flowering lawn mix, bulb planting, tree planting (birch trees) as well as wetland grass to be associated with the main drainage basin on the development. Low level shrub (including climbing species) and grass planting is proposed to be used in the areas immediately adjacent to the surgery building whilst it is proposed to introduce further hedging and trees (including hornbeam) into the parking areas to punctuate the parking areas.

11.5 Officers consider that the proposed development is of a high quality design that responds well to its rural and edge of settlement setting. Officers have carefully considered the broad impact of this development in terms of its scale in the context of the wider Cotswold AONB; and considers that the development does not represent 'major development' for the purpose of paragraph 177 of the NPPF. Whilst it is fully acknowledged that the presence of the new building, associated car parking and access would negatively alter the character immediate locality, officers consider that the detailed design and layout of the development would preserve the wider character of the AONB. The proposed development would respond well to its immediate context and provide some residual environmental benefit (as discussed further in this report). These factors ensure that the negative impact of the development is appropriately moderated. On this basis moderate weight against the proposed development is attributed to this factor.

## **12 ARCHAEOLOGY & HISTORIC ENVIRONMENT**

12.1 The site is located some 600 metres due Northeast from the Minchinhampton Conservation area and is separated from it by existing development, topographical and landscape features. Similarly, the listed buildings associated with the group on Blueboys Corner (Blueboys Cottage, House and Barn) are approximately 540 metres due West and separated by existing development, topographical and landscape features. Accordingly, it is considered that the proposed development would not be seen in conjunction with the Listed Buildings and Conservation Area.

12.2 The Cirencester Milestone (Grade II listed) is located on Cirencester Road approximately 340 metres to the East. Given the small scale of the structure, the setting of it is confined to the stone wall and the main highway. Whilst views of the development site are available from it, the distance and the fact that it is set against the back drop of existing buildings (to the West of the site) and a number of buildings in the closer foreground, it is considered that the proposed development would not materially affect the setting of the Milestone.

12.3 Accordingly, officers are satisfied that the development would not materially impact upon the setting of listed building heritage assets and is consistent with the scope of Policy ES10 of the Stroud District Local Plan (adopted November 2015)

12.4 The County Archaeologist has been consulted in respect of this proposal. The Local Planning Authority is advised that the site does not contain any known heritage assets. However, the site is situated in an area with high potential for prehistoric archaeological remains. The County Archaeologist sites the presence of a possible Bronze Age round



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barrow approximately 60 metres due east. Accordingly, the County Archaeologist suggests that an appropriately worded condition is imposed in the event that the application is approved. This would secure the provision of archaeological monitoring during the early construction phase, the method for which set out in a Written Scheme of investigation for agreement by the LPA and County Archaeologist.

12.5 Officers are satisfied that such a condition is reasonable and will ensure that the development can proceed whilst recording any archaeological remains discovered during construction. Subject to this condition, officers consider that the archaeological potential for the site is adequately addressed and is consistent with the scope of Policy ES10 of the Stroud District Local Plan (adopted November 2015). Neutral weight is attributed to this factor.

### **13 ENVIRONMENTAL ISSUES**

13.1 *Ecology* – The existing site is made up of agricultural land. The District Ecologist advises that the site contains common and widespread habitat types and that the site is unlikely to be used by protected or notable species. The applicant has set out appropriate mitigation to ensure that in the unlikely event that protected or notable species are or become present on the site this can be safeguarded at the clearance/construction phase of the proposed development.

13.2 The site does not contain any priority habitats and is of a low ecological value. The development would introduce ecological mitigation and enhancement. This includes the creation of ponds and wet areas as part of the sustainable drainage system, and the introduction of native hedgerow, shrub planting, log piles and brush piles and bird and bat boxes. These measures can be secured by appropriate planning condition in the event that the planning application is approved. Whilst officer acknowledge that the development would reduce the amount of undeveloped land associated with the site, the introduction of ecological features and enhancements would allow the site to connect better to the wider ecological network. As such, officers consider that the development would bring a net gain in terms of biodiversity.

13.3 As such, it is considered that the proposed development is acceptable in this regard and that there would be a positive ecological outcome. Moderate weight in favour is attributed to this factor.

13.4 *Water Environment* – The site is not within a flood risk area. The proposed development includes a comprehensive Sustainable Drainage Scheme to handle surface water which include features such as attenuation ponds. The Lead Local Flood Authority and the District Water Resources Engineer have both confirmed that the proposed scheme is acceptable – and that this would be a matter for building regulation approval ultimately. Waste water is to be dealt with via the existing foul drainage system and this is acceptable in planning terms. It is a matter for the agreement with Severn Trent Water and the developer. However, the proposed sustainable drainage measures can also be secured by appropriately worded planning condition should the application be approved.



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13.5 Accordingly, officers consider that the proposed development is acceptable in this regard. Neutral weight is attributed to this factor.

13.6 *Arboriculture* – There are no trees located within the boundary of the application site. However, a bank of protected (Group TPO) Beech trees are located adjacent to the Northern boundary of the site. The proposed development would introduce car parking/vehicular circulation space into the Root Protection Areas (RPA) of the trees.

13.7 The District Arboriculturalist has raised some concern about the provision of the parking area and works within the Beech Trees RPA and indicates that a solution would be to utilise specialist construction techniques (such as Cellweb) that can support the development without encroaching into the RPA. However, this information should be provided as part of an Arboricultural Method Statement. Notwithstanding this, the Arboricultural Officer is confident that Cellweb or similar construction can be used and would address those concerns. On this basis, an appropriately worded planning condition can be used to secure further details of construction around the trees, and subject to that condition, the proposed development is acceptable in that regard. Neutral weight is attributed to this factor.

13.8 *Carbon Reduction* – The proposed building would utilise the ‘fabric first’ construction method design to improve the physical performance of the building such as insulation, ventilation and sustainably sourced materials. The applicant has set out that the building is designed to achieve a BREEAM ‘excellent’ rating. This rating will account for the construction methods, materials, orientation and use of natural light and ventilation as well as measures such as providing positive ecological features. The building also utilises an array of solar panels that would offset energy consumption and carbon footprint. In this regard, the building makes a positive contribution in respect of the sustainable construction and renewable energy generation objectives of Policies ES1 and ES2 of the Stroud District Local Plan. The development will also include provision for cycle parking and facilities for electric vehicle charging on site.

13.9 It is also noted that as part of this development proposal, the applicant has committed to the provision of an extension to the existing footway along Cirencester Road and new bus stop location. These are positive measures that will improve the accessibility and choice of transport modes to the Medical Centre.

13.10 Whilst officers acknowledge that the location of the proposed is away from the Centre of Minchinhampton, the proposed development would introduce a new building with vastly improved performance when compared to the existing surgery building. As such, it is considered that the comparative location is outweighed by the building performance and other mitigations such as transport improvements noted above.

13.11 Accordingly, officers consider that the proposed development would provide a positive contribution to carbon reduction and the climate change agenda. Moderate weight in favour of the proposal is attributed to this factor.

13.12 *Ground Contamination* – The site is known to potentially contain asbestos contaminates. As such measures for the investigation of the site and appropriate remediation



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are required. The applicant has indicated that the area in the Northeast corner of the site is affected. Officers are satisfied that this work can be done and remediation carried out. This can be secured by appropriately worded planning condition should the application be approved. Subject to the use of this condition the proposed development is acceptable. Neutral weight is attributed to this factor.

13.13 *Dark Skies* – The Cotswold Conservation Board (CCB) have highlighted the need to ensure that the proposed development does not undermine the objective of preserving and improving access to dark skies within the AONB. The CCB recognises the requirement to provide artificial lighting and advises that artificial lighting should be directed to where it is needed – and so avoiding unnecessary light spill outwards and upwards.

13.14 The site is located beyond the settlement boundary where there is very limited external lighting. However, the site is not located in an area of lowest levels of light pollution (CPRE Dark Skies mapping) and this reflects its position close to the settlement of Minchinhampton. However, light levels are just under the midpoint radiance level. Street lighting is present up to the settlement boundary and the site itself is not lit under its current use. The proposed development includes external lighting. The majority of this is located in the car parking and access areas and consist of 21 bollards, whilst there are 6 bulk head units placed on the building itself. The equipment utilises modern LED low energy bulbs that are designed to distribute light precisely. The lighting drawings show that the light is confined very closely to the area of the development site, car park and circulation around the building. The nature of the lighting equipment is such that light is directed downwards and would result in very limited impact beyond the site.

13.15 Accordingly, officers are satisfied that the development would not undermine the objectives of the CCB dark skies policy and as such is compliant with the Cotswolds AONB Management Plan 2018-23 in that regard. Neutral weight is attributed to this factor.

## **14 HIGHWAY IMPACT AND ACCESSIBILITY**

14.1 Following initial concerns about the accessibility of the site, the Highway Authority confirms that it does not raise objection to the proposed development subject to conditions and the provision of 'off site' highway works. The Highway Authority also confirms that the proposed travel plan accompanying the application provides appropriate measures for encouraging sustainable travel and that these will need to be monitored by the Highway Authority. The Highway Authority also confirms that offsite works can be secured by 'Grampian Style' condition and that the application under s278 and s38 of the highways act will require a safety audit to confirm technical safety matters.

14.2 The access to the site is from Cirencester Road, approximately half way along the Southern boundary of the existing field. It is also proposed to extend the existing footway along the Northern side of the footway. The Highway Authority initially raised issues about the accessibility of the site by means other than a private car and the potential conflict with the proposed access and the existing traffic calming build out.



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14.3 Subsequent discussion with the applicant has allowed the submission of details that show the provision of bus stop facilities (with an uncontrolled crossing) that would provide the opportunity for the Medical Centre to be served by public transport. This is considered to address issues raised about accessibility to the site and would make a positive contribution. In order to address the potential conflict of the vehicular access and the existing traffic calming build out, the applicant has provided details for the relocation of the traffic calming build out so that it is positioned approximately 50 metres East from its current position. This would be accompanied by corresponding extension of the 30 mph speed limit on Cirencester Road (under a revised Traffic Regulation Order). The Highway Authority has confirmed that this is acceptable in principle. However, noting comments made by members of the local community in respect of the safety of those measures, the Highway Authority has also confirmed that the final design/position of the new traffic calming build out would be subject to s278 approval and the findings of an accompanying safety audit that would support that process. This is a matter for the Highway Authority. In planning (land use) terms it is necessary for the Local Planning Authority to be satisfied that an appropriate solution can be found to make the development safe in respect of highway safety. In this instance, officers (in conjunction with the Highway Authority) are satisfied that an appropriate solution can be secure and would be consistent with the submission made by the applicant under this planning application. In order to secure off site works, it is appropriate to apply an appropriately worded condition that would ensure that the works are agreed and implemented prior to the first use/occupation of the development. Subject to this condition, officers are satisfied that the proposed development is acceptable in highway safety terms.

14.4 Notwithstanding the above, it is considered that the nature of the proposed off site works would not materially alter the character of the AONB or the relationship of Minchinhampton with the wider area.

14.5 The development would also provide a total of 71 parking spaces. These include 5 spaces for disable drivers and 4 spaces with charging facilities for electric vehicles. There is also 26 cycle parking spaces and two spaces for motor cycle. Facilities also include drop off and ambulance access. It is considered that this level of parking is satisfactory.

14.6 The Highway Authority has requested that appropriate funding for the monitoring and review of the supporting Travel Plan to ensure that the measures and targets therein remain appropriate and achievable. This is subject to a monitoring fee which is requested by the Highway Authority. This can be secured by appropriate legal agreement in the form of a Unilateral Undertaking (to benefit the Highway Authority as monitoring organisation). However, the cost of required changes to the existing speed limits (traffic regulation order) would not be necessary as the physical works required to do this can be secured by way of Grampian style condition.

14.7 Accordingly, officers are satisfied that the proposed development can be made safe in highway terms and as such is acceptable in that regard. Neutral weight is attached to this factor.



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**15 RESIDENTIAL AND GENERAL AMENITY**

15.1 Comments have been received raising concern about the impact of the development as a result of potential overlooking, airborne noise/particles and light pollution.

15.2 *Overlooking Considerations* The site is located in an open field due East of existing dwellings associated with Besbury Park. Numbers 27 to 30 abut the West field boundary. The West boundary development site is located approximately 45 to 50 metres from the boundaries of those residential properties whilst the building itself is some 80 metres distant. The West facing elevation of the proposed building contains windows that face the rear elevations of the dwellings referred to above. The majority of those windows relate to the ground floor accommodation and include internal circulation space. First floor fenestration relates to a 'void' floor area above the main reception area and the practice managers office. The first floor windows noted are approximately 90 metres distant from the rear elevation of the existing dwellings and approximately 75 metres from the property boundaries. Officers acknowledge that the presence of the new building will introduce a view towards the existing dwellings that was not previously available. It would also introduce human activity within the car parking area and the building itself that would have access to that view. However, given the distances involved and the nature of the activities within the building and outside areas, officers are satisfied that users of the building would not linger in such a way as to obtain deliberate views into nearby dwellings or gardens. Accordingly, it is considered that, whilst the proposed development would result in some impact, this would be minimal. The proposed development is considered acceptable in that regard.

15.3 *Noise/Particle and Light Pollution* – The proposed development is expected to generate around 50 to 60 vehicular movements during peak hours. Whilst this would substantially increase activity when compared to the existing field this should be read in the backdrop of movements and noise levels already associated with Cirencester Road. As previously set out, the distance of existing dwellings to the proposed development site is approximately 50 metres and as such noise levels at the nearest receptors (dwellings) are not likely to be significantly greater than the existing levels. The building includes a 'plant room' which would house equipment associated with air conditioning and other mechanical infrastructure. This is positioned on the East side of the building and unlikely to generate unacceptable noise levels at the nearest dwellings.

15.4 Vehicular movements are likely to introduce some additional lighting during the winter months where vehicles are manoeuvring in the car parking areas. However, the landscaping and distance to the nearest dwellings is considered to provide adequate mitigation so reducing the potential impact. The car park and outside circulation areas include specific lighting which are to be housed on low level bollards and at key points on the building itself. The lighting equipment would utilise modern LED type bulbs that have highly controlled light pools. It is unlikely that the equipment would generate direct light towards existing dwellings and given the distance between the proposed building and existing dwellings it is considered that the development would not result in an unacceptable impact in this regard.

15.5 It should also be noted that noise and/or light nuisance issues are a matter for specific Environmental Health Legislation and any complaint made in that respect is a matter for investigation under that legislation. In planning (land use) terms, the LPA need only be satisfied that the development is compatible with residential uses. In this respect, officers are



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satisfied that the proposed primary care medical centre is compatible with existing residential uses. Furthermore, the proposed opening hours (08:00 until 20:00 daily) is acceptable and would not take place in anti-social periods.

15.6 Having regards to the above, officers are satisfied that the proposed development is acceptable in residential amenity terms. Neutral weight is attributed to this factor.

### **16 CONCLUSION AND THE PLANNING BALANCE**

16.1 The proposed development is located at the edge of Minchinhampton in the open countryside. The site is located within the AONB where the NPPF requires that 'great weight' should be attributed to its enhancement and conservation. This implies the highest level of protection and there is a presumption against 'major development' (in the context of the AONB definition) subject to meeting certain criteria.

16.2 In this instance, given the local characteristics of the site in relation to Minchinhampton and the wider AONB, officers consider that the proposal does not represent 'major development' in the AONB. Nonetheless, officers have recognised that the development would result in a negative impact. However, given the relationship of the site, its characteristics and the high quality design of the proposed development it is considered that the impact can be moderated to the extent that the wider character of the AONB and the purpose of including the land within it would be conserved. As such moderate weight against has been attributed to this factor.

16.3 It is important to balance this issue against the identified essential need for improved primary care in the Minchinhampton catchment area. The existing facilities are inadequate and officers consider that the applicant has demonstrated that the selected site is the only viable option. On this basis, the principle of development (notwithstanding the AONB considerations) is acceptable in terms of delivering the development beyond the settlement boundary. Officers consider that Substantial weight can be attributed to the fact that there is a demonstrable need to deliver improved primary care facilities. It is also important to recognise that the viability of the settlements within the AONB are an important part of the function of the landscape designation. Officers consider that the facilities would enhance and complement (rather than detract from) the function of Minchinhampton and significant weight is attributed to this factor.

16.4 In respect of the accessibility and highway impact, officers are satisfied that measures can be introduced that will ensure that a choice of transport modes (such as additional bus stops) can be provided. Officers are also satisfied that the access can be made safe. Accordingly, potential impact in this regard can be adequately mitigated.

16.5 Other environmental impacts can also be mitigated appropriately. Indeed, officers consider that there is some benefit from the proposal in respect of the biodiversity impact of the development.

16.6 Officers consider that the positive benefit to Minchinhampton community (and Primary Care catchment) as well as the positive contribution that the development would bring to the



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function and viability of the settlement as part of the AONB and as a Second Tier settlement carries substantial weight. Collectively the benefits together with the moderating characteristics of the development and site are sufficient to outweigh the identified harm to the character of the AONB. On this basis, officers recommend approval as set out below.

### **17 HUMAN RIGHTS**

In compiling this recommendation, the Local Planning Authority has 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.

### **18 RECOMMENDATION**

22.1 That Planning Permission is **GRANTED** subject to the planning conditions as set out in this report and the applicant first entering into an appropriate legal agreement (with the Highway Authority) to secure the following;

- i) Travel Plan monitoring and fee of £10,000 (10 years at £1000 per year).





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<b>Subject to the following conditions:</b>	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p> <p>2. Plans The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <table style="margin-left: 20px;"> <tr><td>572-90 Rev A</td><td>(Site Location Plan)</td></tr> <tr><td>572-90</td><td>(Block Plan)</td></tr> <tr><td>572-100 Rev R</td><td>(Proposed Site Plan)</td></tr> <tr><td>572-101</td><td>(Proposed Footpath Plan)</td></tr> <tr><td>572-200 Rev T</td><td>(Proposed Floor Plans)</td></tr> <tr><td>572-205</td><td>(Proposed Roof Plan)</td></tr> <tr><td>572-300 Rev B</td><td>(Proposed Elevations)</td></tr> <tr><td>20009-DR-E901</td><td>External Lighting Layout</td></tr> <tr><td>LA-19-D61-001</td><td>(Soft Landscape Proposals)</td></tr> </table> <p>As received by the Local Planning Authority on 24th February 2021.</p> <p>Reason: For the avoidance of doubt</p> <p>3. Drainage The surface water drainage shall be implemented in accordance with the details as shown upon drawing number 20-3937-100 Rev P1 (Outline Drainage Scheme) as contained within the Sustainable Drainage Assessment, Operation and Maintenance Plan (by GHW Consulting) as received by the Local Planning Authority on 24th February 2021.</p> <p>Reason: In order to achieve sustainable measures for surface water drainage in the interests of the water environment and in accordance with Policy ES3 and ES4 of the Stroud District Local Plan (adopted) November 2015.</p> <p>4. Archaeology No development shall take place within the application site until 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. Thereafter the development shall proceed in accordance with the agreed details.</p>	572-90 Rev A	(Site Location Plan)	572-90	(Block Plan)	572-100 Rev R	(Proposed Site Plan)	572-101	(Proposed Footpath Plan)	572-200 Rev T	(Proposed Floor Plans)	572-205	(Proposed Roof Plan)	572-300 Rev B	(Proposed Elevations)	20009-DR-E901	External Lighting Layout	LA-19-D61-001	(Soft Landscape Proposals)
572-90 Rev A	(Site Location Plan)																		
572-90	(Block Plan)																		
572-100 Rev R	(Proposed Site Plan)																		
572-101	(Proposed Footpath Plan)																		
572-200 Rev T	(Proposed Floor Plans)																		
572-205	(Proposed Roof Plan)																		
572-300 Rev B	(Proposed Elevations)																		
20009-DR-E901	External Lighting Layout																		
LA-19-D61-001	(Soft Landscape Proposals)																		



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Reason: To protect and allow the recording of the potential presence of archaeological remains in accordance with Policy ES10 of the Stroud District Local Plan (adopted) November 2015. This is a pre-commencement condition to avoid unauthorised/accidental removal of archaeological remains without recording.

5. Ecology

All works shall be carried out in full accordance with the recommendations contained in the Ecological Impact Assessment, Swift Ecology, as received by the Local Planning Authority on 24th February 2021. Thereafter the development shall be retained as such.

Reason: To protect and enhance the site for biodiversity and to comply with Policy ES6 of the Stroud District Local Plan 2015

6. Arboricultural Method Statement

The development shall not commence until a detailed Arboricultural Method Statement (AMS) (in compliance with BS 5837) for the construction of the development in respect of the protected trees (Group TPO) located adjacent to the North Boundary of the site has been submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed AMS.

For the avoidance of doubt the AMS shall include (but not exhaustively) details for the protection of the trees during the construction phase and the methods for the construction of car parking and other hard surfaces within the root protection areas of the trees.

Reason: In the interest of protected trees associated with the site and to comply with Policy ES8 of the Stroud District Local Plan 2015. This is a pre-commencement condition to avoid the requirement for unnecessary remediation works and damage to protected trees.

7. 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:

i). A Phase I site investigation carried out by a competent person to include a desk study, site walkover, the production of a site



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conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice.

ii). If identified as required by the above approved Phase 1 site investigation report, a Phase 2 intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.

iii). If identified as required by the above approved Phase 2 intrusive investigation report, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

iv). 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.

v). 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.

For further details, as to how to comply with this condition, please contact Katie Larner, Senior Contaminated Land Officer - tel: (01453) 754469.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and



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	<p>ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>8. Provide Landscaping All soft landscaping as detailed upon drawing number LA-19-D61-001 (Soft Landscape Proposals) shall be provided within the first planting season following the first occupation of the development hereby approved and shall be maintained in accordance with the maintenance guidelines contained therein. Thereafter the development shall be retained as set out on this drawing. Any planting which becomes diseased, dies or is removed within the first 5 years of planting shall be replaced with like for like species.</p> <p>Reason: In order to ensure that the appropriate landscaping is provided and maintained in the interest of the landscape character of the site and the landscape and to accord with Policy ES7 of the Stroud District Local Plan 2015.</p> <p>9. Prior to the commencement of the development hereby permitted details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include but not be restricted to:</p> <ul style="list-style-type: none"> <li>1 - Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);</li> <li>2 - Advisory routes for construction traffic;</li> <li>3 - Any temporary access to the site;</li> <li>4 - Locations for loading/unloading and storage of plant, waste and construction materials;</li> <li>5 - Method of preventing mud and dust being carried onto the highway;</li> <li>6 - Arrangements for turning vehicles;</li> <li>7 - Dust Management</li> </ul> <p>Reason: In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development; and in the interest of Highway Safety and to accord with policy ES3 of the Stroud District Local Plan (adopted) 2015. This is a pre-commencement condition to avoid the requirement for unnecessary remediation works.</p> <p>10. No gate shall be erected or installed across the site access within 5 metres from the adjoining carriageway edge. Any gate shall be made to open inwards only.</p>
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	<p>Reason: In the interest of Highway Safety and to accord with policy ES3 of the Stroud District Local Plan (adopted) 2015.</p> <p>11. Prior to first occupational use of the development hereby permitted a 2.0 metres wide footway shall be constructed and completed from the site access road to extend westwards along the north side of Cirencester Road for around 125 metres to link with the existing infrastructure.</p> <p>Reason: In the interest of Highway Safety and to accord with policy ES3 of the Stroud District Local Plan (adopted) 2015.</p> <p>12. Prior to the first operational use of the development hereby permitted a scheme of off-site improvement works substantially as indicated in principle on drawing no B/WHPMINCHINHAMPTON2.1/03 (as received by the Local Planning Authority on 19th January 2022) shall be constructed and completed. For the avoidance of doubt the works shall be completed in accordance with the agreement of Gloucestershire Highway Authority and shall be subject of an appropriate highway safety audit. Thereafter the development shall be retained as such.</p> <p>Reason: In the interest of Highway Safety and to accord with policy ES3 of the Stroud District Local Plan (adopted) 2015.</p> <p>13. Prior to the first occupational use of the development hereby permitted car parking and turning areas within the site shall be provided in accordance with the details shown upon 572-100 Rev R (Proposed Site Plan) as received by the Local Planning Authority on 24th February 2021.</p> <p>Reason: In the interest of Highway Safety and to accord with policy ES3 of the Stroud District Local Plan (adopted) 2015.</p> <p>14. Prior to the first occupational use of the development hereby permitted the electric vehicle charging facilities shall be installed in accordance with the details shown upon 572-100 Rev R (Proposed Site Plan) as received by the Local Planning Authority on 24th February 2021; and, shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. The charging points installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.</p> <p>Reason: To promote sustainable travel and healthy communities in accordance with Policy CP13 of the Stroud District Local Plan (adopted) November 2015.</p>
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	<p>15. Prior to the first occupational use of the development hereby permitted secure and covered cycle parking shall be provided in accordance with the details shown upon 572-100 Rev R (Proposed Site Plan) as received by the Local Planning Authority on 24th February 2021.</p> <p>Reason: To promote sustainable travel and healthy communities in accordance with Policy CP13 of the Stroud District Local Plan (adopted) November 2015.</p> <p>16. Prior to the first occupational use of the development hereby permitted a Full Travel Plan shall be submitted to the Local Planning Authority for approval.</p> <p>Reason: To promote sustainable travel and healthy communities in accordance with Policy CP13 of the Stroud District Local Plan (adopted) November 2015.</p> <p>17. Prior to the commencement of any development hereby permitted a traffic regulation order (TRO) relating to the speed limit on Cirencester Road shall have been implemented.</p> <p>Reason: In the interest of Highway Safety and to accord with policy ES3 of the Stroud District Local Plan (adopted) 2015.</p> <p>18. Working Hours 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</p> <p>Reason: To protect the landscape from unnecessary light pollution and in the interest of residential amenity and to accord with Policies ES3 of the Stroud District Local Plan 2015.</p> <p>19. No Additional Lighting There shall be no additional external lighting installed at the site other than that shown on drawing number 20009-DR-E901 (External Lighting Layout) as received by the Local Planning Authority on 24th February 2021.</p> <p>Reason: To protect the landscape from unnecessary light pollution and in the interest of residential amenity and to accord with Policies ES3 and ES7 of the Stroud District Local Plan 2015.</p>
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### 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. Please note that if consent is granted, the applicants are informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licenses required. All bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Legal protection covers bats and elements of their habitats. A European Protected Species licence is required in order to allow prohibited activities, such as disturbing bats or damaging their breeding sites or resting places, for the purposes of this development.
3. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact should be made with the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:
  - Drafting the Agreement
  - A Monitoring Fee
  - Approving the highway details
  - Inspecting the highway works
4. Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the highway authority's technical approval and inspection fees paid before any drawings will be considered and approved.
5. You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).



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You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

The Highway Authority cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

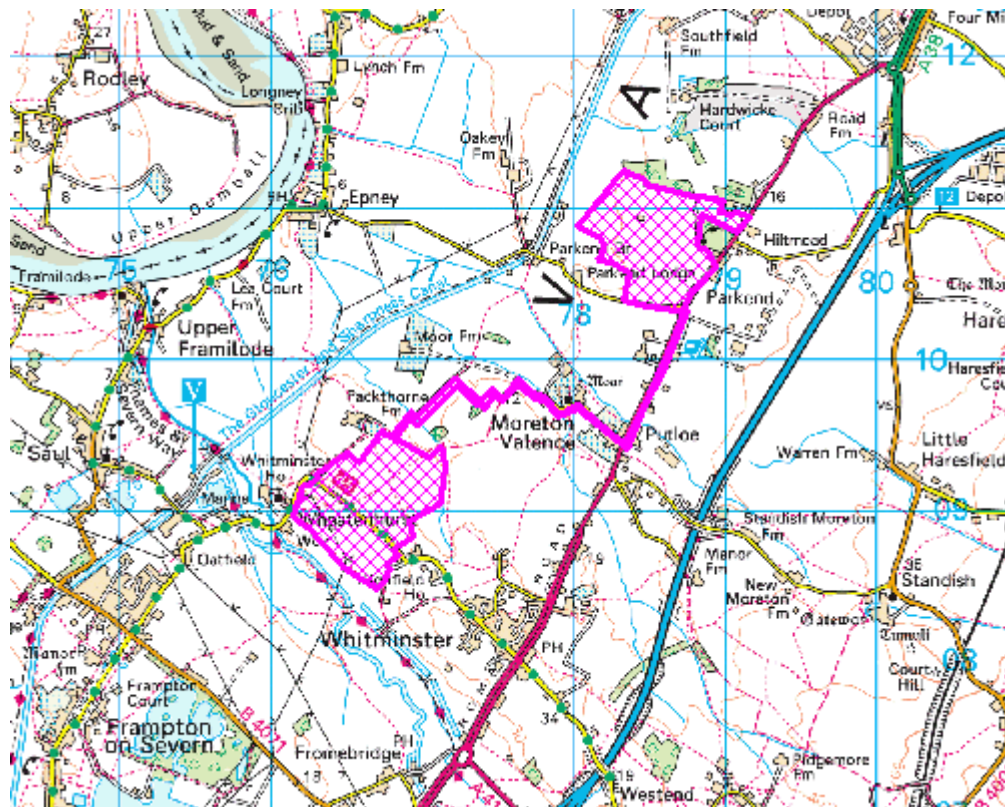
The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.





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<b>Item No:</b>	<b>06</b>
<b>Application No.</b>	S.21/0465/FUL
<b>Site Address</b>	Land Parcels A & B, Near Whitminster, Gloucestershire,
<b>Town/Parish</b>	Moreton Valence Parish Council and Whitminster Parish Council
<b>Grid Reference</b>	378496,210794
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	The construction, operation, maintenance and decommissioning for a renewable energy scheme of up to a 49.9 megawatt (MW) solar farm and up to a 49.9MW battery storage facility.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Head of Development Management



## Agenda Item 4.6

	<h3 style="text-align: center;">Development Control Committee Schedule</h3> <h4 style="text-align: center;">29/03/2022</h4>
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<b>Applicant's Details</b>	JBM Solar Projects 7 Ltd C/O Pegasus Group, First Floor, Equinox North, Great Park Road, Almondsbury Bristol BS32 4QL
<b>Agent's Details</b>	Mark Herbert Pegasus Group, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Case Officer</b>	Helen Cooper
<b>Application Validated</b>	23.02.2021
<b>CONSULTEES</b>	
<b>Comments Received</b>	Biodiversity Officer Environmental Health (E) Natural England (E) Conservation North Team Contaminated Land Officer (E) Historic England SW Moreton Valence Parish Council Whitminster Parish Council SDC Water Resources Engineer Flood Resilience Land Drainage Biodiversity Officer Conservation North Team Archaeology Dept (E) Development Coordination (E)
<b>Constraints</b>	Affecting the Setting of a Cons Area Consult area Conservation Area Flood Zone 2 Flood Zone 3 Gas Pipeline Glos Centre Env Records - Species Listed Building Within 50m of Listed Building Moreton Valence Parish Council Whitminster Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Village Design Statement
<b>OFFICER'S REPORT</b>	



## Development Control Committee Schedule 29/03/2022

### MAIN ISSUES

- \* Principle of development
- \* Landscape and Visual Impact
- \* Residential Amenity
- \* Noise
- \* Highways
- \* Contaminated land
- \* Ecology
- \* Flood risk
- \* Archaeology and Heritage Assets

### DESCRIPTION OF SITE

The application site comprises two parcels of land which are located within open countryside and in total measure approximately 116 hectares in area. They are set to the south west of Gloucester.

Parcel A lies to the north of Whitminster and near to Moreton Valence. The site comprises a series of fields which are currently agricultural. The A38 runs adjacent to the south east boundary of the site. A residential area, Parkend, lies to the other side of the A38 in proximity to the site. No Public Rights of Way (PROW) run within or adjacent to this site.

Parcel B, which is also currently used for agriculture, is set to the north west of Whitminster. Whitminster Lane runs through the land leading to Frampton-on-Severn. The topography rises gently on the site with the highest section near Whitminster. Seven PROW run adjacent to and within the site boundary.

The surrounding area is primarily flat and the land use in the wider area is predominantly agricultural. Whitminster is the largest village within the area and Parcel B is set within 0.5 km to this village.

The site is approximately 2.5 km away from a number of highly sensitive designated areas including an SSSI, SAC, SPA and RAMSAR sites within the Severn area. These contain important habitats for a number of species. The site also lies within the Severn Estuary SAC/SPA 7.7 linear buffer and Cotswolds Beechwoods SAC 15.4km core catchment zone.

The site is neither set within a designated Landscape character area nor a conservation area. However, the Industrial Heritage Conservation Area is set adjacent to the south west boundary of Parcel B.

### PROPOSAL

The proposed development consists of a 49.9 MW solar farm and up to a 49.9 MW battery storage facility. The solar panels would be set in straight arrays and would sit within the existing agricultural field pattern, the distance between each array would be between 4 and 7 metres depending on ground conditions and topography. The panels would be mounted on



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aluminium racks and the posts would be driven into the land to depths of between 1 and 2.5 metres. The panels would measure 3 metres in height.

The solar arrays would be set on a tracking system which means that the panels angle throughout the day to face the sun. This helps to maximise energy generation particularly during the morning and evening which fixed panels may not fully capture.

The cabling is concealed to the underside of the panel and within trenches which would measure approximately 0.5 to 1.1 metres in depth and 0.5 metres in width. These would be back filled to the original ground level. The cabling feeds into central inverters and battery storage stations. These would be positioned together and strategically located throughout the site as indicated on the accompanying drawing number P18\_2617.

The inverters would convert the Direct Current (DC) energy into Alternating Current (AC) energy which is used by the grid. The AC cable would also be set within a trench and the cable would run from parcel A into parcel B where it would feed into the main substation which is labelled on the drawings as the Western Power Distribution (WPD) Compound. From here the site would connect into the main grid.

The WPD compound would house the largest equipment in terms of its height, with the transformer, circuit breaker and associated structures measuring approximately 6.3m at their highest points.

The boundary treatment proposed is stock proof deer fencing measuring 2 metres in height and this would mainly follow the existing field boundaries. The site would have 3 m high CCTV poles located throughout the site. Planning permission is sought for the operational lifespan of 40 years.

The northern parcel, Parcel A, would be accessed via a layby set adjacent to the A38 during construction works and when operational through an access along Castle Lane. Parcel B is effectively split in two by Whitminster Lane and each section would be served by its own access from this Lane.

#### **RELEVANT PLANNING HISTORY**

An Environmental Screening Opinion reference 2020/0506/EIAS for the Provision of a 49.9MW solar farm and battery storage units was issued on the 22nd October 2020. This advised that whilst the proposal was considered to be 'Schedule 2' development under the Environmental Impact Regulations having regard to the requirements of Schedule 3, the proposal was not EIA development. As such an Environmental Statement was not required to accompany this planning application.

Furthermore, a Screening Direction was requested by a member of the public from the Secretary of State in relation to the proposal. The Local Planning Authority are in receipt of a letter dated the 28.01.2022 from the Secretary of State which advises that in the opinion of the Secretary of State the proposed development is not EIA development agreeing with the previous screening opinion of the Council.



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### REVISED DETAILS

A Revised Landscape Visual Impact Assessment reference P18-2617 and Landscape Strategy reference P18-2617\_13L was submitted on the 24.12.2021. This slightly alters the layout and widens the public rights of way within the site.

A revised Construction Traffic Method Plan reference P18-2617\_TR01\_CTMP and Construction Traffic Method Statement reference P18-2617\_TR02\_CTMS was submitted on the 24.12.2021. A key revision within these documents is the relocation of the construction traffic access for plot A, which has been moved from Castle Lane to the lay by along the A38.

A Heritage Addendum was submitted on the 3rd December 2021.

### MATERIALS

PV solar panels – Blue, grey and black in colour. Steel posts and aluminium frame.

Fencing – stock proof deer fencing and wooden posts, acoustic fencing would comprise timber posts and wire fence.

WPD control room and inverter building details – colour to be agreed.

### REPRESENTATIONS

#### Statutory Consultees:

**Moreton Village Parish Council:** Members of the public raised the following comments and concerns about the application as follows:

Wheelwashing – All vehicles will need to be sprayed with a power wash or the roads will get very muddy and parish council are keen that the water that is used for this is recycled.

Hours of work – Council believes that the proposed hours of work are excessive on a Saturday from 8:00am-7:00pm and would like to see these reduced.

Construction vehicles to comply with the hours of work and if these are ignored a fine system should be put in place. Suggested £200 and this money will go to charity.

Residents noted that there are bats in the area and need to be protected

Field View – there doesn't appear to be a noise assessment for Field View which is the closest house to the proposed development. Council would like to see the developers discussing screening with owners of houses that are closest to the development and therefore are most impacted with loss of views. Residents attending the meeting were keen that all residents are involved in discussing screening.

A resident commented that the contractors have agreed to plant Oak trees but it will take a long time for them to mature and therefore this solution is not adequate and won't cover the view in the residents' lifetimes.



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The panels that are proposed to be 10ft high and residents are concerned that this will impact views. This will also be motorised to move with the sun and residents are concerned about the noise impact. Anything possible to reduce the noise of the panels should be done. Residents asked the question as to whether the panels emit a droning noise as this will have an impact on bats?

There are a number of solar farms in the Severn Vale- We are getting to a point of saturation with solar farms and it will start to destroy the view on the AONB and the view from the Forest of Dean

On the corner of Castle Lane there is a group of trees with protected species-Wood peckers are they are protected?

Where is the area of the compound and where is the vector going to be situated?

What is the result of the survey around ponds?

What Traffic Management procedures will be undertaken on Church Lane?

Access to the site – Can the site be accessed following the access opposite Hiltmead Lane? Presently all farm vehicles use this access point to access the agricultural land

Church Lane is a narrow, single lane country lane. At the moment on both sides of the lane in the verges there are utility pipes in the verges. Will these be damaged on construction? A lot of residents will be extremely inconvenienced when trying to use the lane and residents are concerned about damage to the bridle paths in this area

Do they have an emergency plan for services if there is any damage to the ground?

There is no mention about site offices, places for parking, toilets etc which means that there will be extra machinery on site

Making good repairs to the Highway-The village has worked hard to make the village look tidy and heavy vehicles will make an impact on A38. Will the A38 be dug up and if so how quickly are they going to make good?

Will there be any light pollution on construction? Can we have more details on this topic?

Local residents are concerned that the panels might create a glare due to their movement of the panels

The panels are close to the A38. Will this cause a distraction to drivers on the A38?

On Moreton Lane (Green Lane) there is are a variety of species such as Buzzards, deer, badgers, foxes bats and these need to be protected during construction



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**Whitminster Parish Council:** At a recent meeting of Whitminster Parish Council the above application was considered. After detailed deliberation Council resolved to OBJECT to the proposal on the following bases:

- loss of agricultural land-whilest the applicant has advised, during consultation meetings, that the proposed installations will enable the grass below to be grazed it is rarely the case that this is done in practice. There are already a number of installations in the locality and these appear to have been removed entirely from productive use, whether or not continued agricultural is possible. The panels also reduce the light reaching the ground and restrict or prevent the growth of a good grass crop. It is also the case that areas of the site are used for arable cropping and that would clearly no longer be possible. Whilst the objective of increasing renewable energy is clearly important it must be weighed against the country's need to produce food.
- Visual impact- The site in Whitminster, is sloping and will be very hard to screen from both local and wider viewing points. Therefore, this will give rise to a massive visual intrusion into the countryside as a result of both the overall mass and positioning.
- Scale – The size of the proposed scheme appears to be unprecedented for the area. There are already a number of the solar schemes within the Severn Vale and the impact of those already installed, taken as a whole, is notable. The additional proposal and of the size suggested would move toward a point of oversaturation and would envelop and fundamentally change the character of a rural village and its associated hamlet.
- Disruption of habitat and harm to wildlife – The area is home to a wide range of songbirds, small mammals and other wildlife. The consideration of the impact through site investigations would appear to be limited in scale but the land is understood to be of significance to Skylarks that are in decline. It should also be looked in the wider context of the interaction with the Severn Estuary Ramsar site and other close by Sites of Special Scientific Interest. If the proposal is to be given consent more detailed consideration should be given to the impact on wildlife and mitigation measures.
- Glare and noise nuisance – The applicant has advised that the proposed panels will be motorised and track the Sun. It is understood that, if consented, this would be the first solar farm of this type in the UK and therefore, as yet, it is untested and the impacts unknown. For this to be trialled in such a way and on such a large scale, with potential impacts that would apply for many decades, could give rise to notable unforeseen impacts on wildlife, the local residents and wider visual aspects through the noise of many thousand motorised units moving panels and the glare of the units maintaining their focus on the Sun. The applicant has advised that no data is available in regard to the noise created by the motorised operation. It is understood that the storage facilities will generate noise through cooling systems and other equipment but this has not been quantified. The impact of glare could be applied across a very wide area but there does not appear to be any assessment in which to review this that takes consideration of the movement of the panels.
- Impact on adjacent residents – not only will the outlook of a number of residential properties be significantly compromised but several properties will, essentially, be encircled by the proposed installations. This will be to the detriment and well being of the occupiers and it will also impact on the setting of the affected properties including a number of Listed Building, the Parish Church and other heritage assets.
- Industrial Heritage Conservation Area – The District Council, long with its partners, is investing significant sums in the restoration of the Stroudwater Canal. This is of importance to



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the local economy and will also provide routes for outdoor exercise essential to good mental health and wellbeing. The proposal is sited alongside the Industrial Heritage corridor and will be of severe detriment.

- Impact of construction – Contrary to assertions made within the application there have been a number of recent accidents on School Lane (Whitminster) becoming Whitminster Lane (Frampton). This is a stretch of road largely subject to the national speed limit and with tight bends that vehicles fail to negotiate at speed and are not easily or at all passible by HGV and LGV traffic. There does not appear to have been any analysis if the swept path necessary for delivery and construction vehicles. Deliveries to site may cause a hazard and disruption or if delivered by smaller vehicles will give ruse to significantly more vehicle movements than anticipated. Consideration has been given to school start times but not to busy periods along the route of School Lane and past the school for school closing nor nursery ½ day operations. If consent were to be given Council would wish to see a prohibition on traffic at least during school closing times and, given the likely noise arising from piling operations, a prohibition of all work on site prior to 8 am and no work at all over weekends and public holidays. It should be noted that for both construction and operation there is no public transport route allowing access to the site and therefore the use of motor vehicles will be essential and detrimental.

- Alternative options – it is understood that the Severn Vale is considered a good location for solar farms. However, it does not appear that any consideration has been given to alternative locations within the wider area that would be of loess detrimental impact. Sites adjacent to the M5 and on the fringe of industrial areas could offer potential with the a much reduced impact on open countryside and residents.

- Public Rights of Way- During the ongoing pandemic footpaths within the area have been heavily used by both local residents but also those seeking exercise from the surrounding urban areas and the expanding residential developments West of Stonehouse and South of Gloucester. Enclosing the many paths that cross the site within fenced corridors will notable impact on the amenity and wider local community value that they currently provide. If fenced in such a way allowances will need to be made to measure the safety of those using these fenced in routes and also to prevent the use of them by motorbikes, small cars and other motorised vehicles for antisocial purposes.

- Impact on National Cycle Route 45 – This cycle route passes through the proposed site and will be impacted by the increase in traffic proposed and the loss of the rural views currently enjoyed that make it a much used route.

- Drainage – Whilst the applicant contends that the impact on drainage is minimal due to open ground remaining beneath the panels, it must be the case that rainwater collects on the panels, runs down and falls off collected on the bottom edge. This concentrates run off in channels beneath the panels in a focused area that would not otherwise be the case. It is therefore suggested that this will give rise to greater likelihood of erosion and resultant discharge to nearby watercourses and appropriate mitigation should be considered along with a requirement for boundary watercourses and ditches to be maintained.

- Community Benefit – If the District Council is minded to give consent this should be conditional on the agreement of a clear community benefit being agreed and of a quantum that reflects the generations capacity of the units proposed for installation within the Parish Boundary of Whitminster.





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- Construction – Also should the District Council be minded to grant consent, detailed consideration will be necessary to facilities such as wheel washing, road sweeping and ancillary measures.
- Decommissioning – It is understood that the applicant is not a developer of sites and would look to dispose of the site to be constructed and owned by a third party following the grant of consent. Therefore, whilst the applicant has put forward a desire to be considerate both during construction and at the end of the useful life of the equipment it will be outside their gift to do so and very detailed conditions will be necessary, through further liaison with the Parish Council and community, in order to achieve this in to the future.

In addition to the points set out above, Council has strong concerns over the consultation process. This is one of the most significant applications to be considered within the Parish of Whitminster over recent years and yet it has not been drawn to the attention of those residents signed up to alerts for developments within the Parish and it is not shown on the Whitminster page of the District Council's planning consultation website. Therefore whilst Council has commented on the application as invited to do so by the District Council it consider the operation of the consultation undertaken by the District Council fundamentally flawed and reserved its right to apply a legal challenge in this respect. This matter has been drawn to the attention of the Head of Planning and others by District Councillor John Jones, on behalf of the Parish, and no acceptable response has been received and the matter has not been addressed.

Council trusts that its view will be taken into account when determining this application and that it will be refused.

**Frampton On Severn Parish Council:** Councillors are concerned that traffic should not be routed through Frampton on Severn to the proposed solar farm location as this route is already being allocated to the Longney solar farm traffic.

It is also noted that no community benefit is being offered and it is felt that the developers should enter into negotiations with adjacent parish councils about community benefit. Planners making a decision should note that community benefit is not being derived from this development (comments received on the 9th April 2021).

Frampton on Severn Parish Council is opposing this application on the following grounds:

- Damage to landscape value and biodiversity.

The Stroud Local Plan (2015) lays out the policies of the council in relation to landscape value and biodiversity in ES6:

### ES6 New Development and the Natural Environment

“All new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species. The Council will support development that enhances existing sites and features of nature conservation value (including wildlife corridors and geological exposures) that contribute to the priorities established through the Local Nature Partnership. Consideration of the ecological networks in the District that may be affected by development should take account of the Gloucestershire



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Nature Map, river systems and any locally agreed Nature Improvement Areas, which represent priority places for the conservation and enhancement of the natural environment. In this respect, all developments should also enable and not reduce species' ability to move through the environment in response to predicted climate change."

In addition, your policy in the Local Plan ES11 states this:

"All developments adjacent to the canals must respect their character, setting, biodiversity and historic value as well as have regard to improving and enhancing views along and from the canals. Environmental improvements to any canal's appearance will include enhancement of its historic and biodiversity value. In assessing any proposals for development along or in the vicinity of any of the Districts three canals, the Council will have regard to any relevant adopted design guidance."

The statements above accord with NPPF 174, 'Habitats and Diversity'

174. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;

The Stroud-water canal development is being promoted by Stroud District Council and Gloucestershire County Council as a leisure facility and wildlife corridor. Close views of the surrounding countryside from the new canal towpath include the fields where solar farm panels are proposed to be erected in 'Pocket B'. The views from the canal will seriously deteriorate if the development goes ahead on this site. The existing wildlife canal corridor will be disrupted and the current plans for its enhancement will be damaged.

The Design and Access statement and Winter Bird Survey provided with the documentation understate the presence of target bird species in the southern site. Listed below are observations made by the county bird recorder. This clearly shows that the presence of red and amber listed birds is far more extensive than indicated on the applicant's survey. Many of these could be threatened by a solar farm development and this is in direct contravention of the statement above "All new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection)

Full - Bird recordings table available on online file.

In the light of the above, our council feels that the proposed solar farm would be a totally inappropriate development in the site proposed.

**Contaminated Land Officer:** Thank you for consulting me on the above application. I have no comments.

**Lead Local Flood Authority (LLFA):** I have no comments or objections to make to this application.



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The drainage strategy provided in the Flood Risk Assessment is suitable that there is no requirement for any drainage conditions to be applied to any permission granted against this application.

**SDC: Water Resources Engineer:** Whereas I do not object to the proposals in principle, the applicant will be required to submit an application under the Land Drainage Act for any development within 8m of a watercourse.

**The Gloucestershire Gardens and Landscape Trust:** The Garden Trust, as Statutory Consultee for planning proposals that might impact on Listed or registered parks, gardens and landscapes, has notified The Gloucestershire Gardens and Landscape Trust (GGLT) to respond on its behalf.

It is recognised that the agents and consultants acting on this scheme have adhered to the standard range of good practice survey and specification that one expects from proposals of this scale. This has had a tendency to suppresses the potential for landscape enhancement within an area devastated in the 1970's by Dutch Elm Disease. This is exemplified by the application of a standard menu of detailing, such as growing out hedges (Including replanted hedgelines) to a height of 5.000m. This satisfies the notion that if one cannot see the panels, the scheme becomes visually acceptable. (But much of the hedging is flailed elm suckering that will be gappy at low level and will have a life of approximately 13 years before dieback).

However, little recognition has been given to the quality of the setting of adjacent heritage assets, such as Whitminster House (Grade II\*) and the church of St Andrew (Grade II\*) which lie immediately West of Site B. The original setting of Whitminster House has been documented and its site defined by GGLT, as being of Local Significance in a letter to the Gloucestershire HER dated 1st March 2020 (copied to SDC). St Andrews is well documented in Verey and Brooks, Buildings of Gloucestershire: Vale and the Forest of Dean'.

GGLT recommend that a more substantial landscape intervention is warranted and created to recognise the importance of this heritage asset by reinforcing the quality of its landscape setting- rather than just encouraging a further 5.000m hedge line. A reasonably creative approach would be to remove the extreme western block of panels on land facing Whitminster House (NW of a line formed by a SW extension of the a notional line from the acoustic fence bordering the substation site). This would open up a site suited to a small woodland planted that would provide a long term landscape feature anchoring the House and Church into a wider landscape setting.

Overall, GGLT recognises the Government's stance on its sustainable energy policy. However, GGLT is not highly impressed by the scheme's contribution to the improvement of habitat diversity and landscape quality. On this basis GGLT recommends further focus on the establishment of long term landscape features; more varied detailing of hedge screening and barrier planting; and detailed and specialist ecological advice on the establishment and management of the species rich grassland, particularly to enhance opportunities for ground nesting birds, as recommended in the Application's Wintering Bird Survey Report.



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**Gloucester County Council Archaeologist:** Thank you for consulting the archaeology department on this application. I have been in pre-application discussions with the applicant's archaeological advisers to this scheme. Due to the archaeological potential within the proposed development site I have recommended that the results of archaeological evaluation be made available prior to determination of the application.

Geophysical survey has been carried out and trial trench evaluation is currently underway. I therefore recommend that the application is not determined until the reports on the archaeological investigations are made available.

I will be happy to advise further following receipt of this additional information.

### **Following the receipt of additional supporting documents:**

Further to my comment on 13th April. Archaeological evaluation has now been carried out at the proposed development site, following an earlier geophysical survey. Eight distinct areas of archaeological activity were recorded which mostly correlated with the geophysical survey. A number of additional features were recorded that were not shown on the geophysical survey. The activity in seven areas relates to the late Iron Age/Roman Period, consisting of a number of enclosures, pits, gullies, postholes likely to represent settlement. An area at the southern end of the scheme recorded a series of enclosure ditches dating to the medieval period and likely relates to the medieval settlement by Wheatenhurst Church to the east of the site.

The archaeological evaluation has established the presence of a number of areas of archaeological interest which will be impacted by the proposed solar development. Through discussions with the archaeological consultant it is understood that areas of archaeological interest can be preserved beneath the development through the use of ground-mounted panels which do not penetrate the ground such as using ballast blocks. I therefore advise that a strategy can be designed to mitigate the impact of the development on archaeological remains through designing a non-impact approach where possible or through preservation by record. The full extent of archaeological remains within the site has not been fully established, therefore I consider it necessary to have a further programme of archaeological investigation to inform the archaeological mitigation. This programme of archaeological mitigation can be made a condition of planning permission. You may wish to use the following condition:-

'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/mitigation 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 recording and conservation of any archaeological remains that may be impacted by ground works required for the scheme. The archaeological programme will advance understanding of any heritage



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assets which will be lost or preserved within the development area, in accordance with paragraph 205 of the National Planning Policy Framework.

This advice follows the guidance as set out in the National Planning Policy Framework and the recent Historic England guidance (Commercial renewable energy development and the historic environment Historic England Advice Note 15) 2021.

**Gloucestershire Group of Ramblers:** I am responding on behalf of the Gloucester Group of the Ramblers in respect of the proposed Moreton Valence site, as our area includes this Parish.

We object to this proposal. Although there are no public Rights of Way across the site there will be considerable visual impact to pedestrians and boaters on the Gloucester - Sharpness canal. In particular looking towards the Cotswold escarpment the present changing scenery will be replaced by a monochrome of colour and possible glare. Although it is said to be the intention to plant oak

trees, these will take several years before they have any visual impact on the scenery. We also have concerns over the loss of productive agricultural land.

**Biodiversity Team:** Comments relate to the following document:  
Wintering Bird Survey Report 2019-2020, Avian Ecology, dated February 2021

Recommendations:

Objection- there is insufficient information to enable SDC, the competent authority, to undertake an appropriate assessment.

Four on site winter wildfowl bird surveys were undertaken during February and March 2020 to inform a Habitats Regulations Assessment. In addition, the report also considered information gathered from winter wildfowl bird surveys carried out by Grassroot Ecology earlier in the winter period (November 2019 to February 2020). The results of those surveys concluded that the proposed site is not functionally linked to the SPA designated site and therefore, the proposed development would result in 'no likely significant effects' upon any EU sites.

However, this submitted information has been discussed with Natural England who feel that the survey effort undertaken to inform these conclusions are insufficient to adequately assess the usage of the site by qualifying species and thus an assessment of likely effects the development may have on those qualifying species. Natural England consider that developments likely to affect sites that are notified for their wild bird interest should be subjected to at least two years' worth of survey effort. This is felt reasonable given the locality's relative proximity to Slimbridge W&WT site, Frampton Pools SSSI and wider SSSI and SPA which at its closest point is 2.5 km from the proposed site. In light of this, it is concluded that currently Stroud District Council (SDC) have been provided with insufficient information and thus are unable to make an informed decision as to whether or not this development will result in likely significant effects on the Severn Estuary SPA/SAC/Ramsar.



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In addition to the above, please could the project ecologist confirm whether water ditches identified during the ecological assessment connect to the Severn Estuary. There is potential that European protected eels could be present on site, this information will be used by SDC to make an informed decision as to whether or not this development will result in likely significant effects on the Severn Estuary SPA/SAC/Ramsar.

Finally, the applicant has proposed short sections of hedgerows to be removed in order to widen existing access points. Could the project ecologist please confirm whether the hedgerows qualify as important hedgerows in accordance with the Hedgerows Regulations 1997.

#### **Following the receipt of additional supporting documents:**

Comments relate to the following documents:

Avian Ecology Comments, dated 15th September 2021

Natural England Comments, dated 22nd September 2021

Ecological Assessment, Avian Ecology, dated February 2021

Great Crested Newt Presence or Absence (eDNA) Survey Report, Avian Ecology, dated February 2021

Wintering Bird Survey Report (2019-2020), Avian Ecology, dated February 2021

Confidential Badger Report, Avian Ecology, dated February 2021

Landscape and Ecology Management Plan, Avian Ecology, dated February 2021

Landscape Strategy, Pegasus Environment, dated 15th February 2021

Recommendations:

Acceptable subject to the following conditions:

All works shall be carried out in full accordance with the recommendations contained in the following reports: Ecological Assessment, Table 5.1, Avian Ecology, dated February 2021, Landscape and Ecology Management Plan, Avian Ecology, dated February 2021, Badger Report, Avian Ecology, dated February 2021 as submitted with the planning application and agreed in principle with the Local Planning Authority.

REASON: To protect and enhance the site for biodiversity in accordance with paragraph 174 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.

No works shall take place (including demolition, ground works and vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- c) The locations and timings of sensitive works to avoid harm to biodiversity (e.g. daylight working hours only starting one hour after sunrise and ceasing



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one hour after sunset)

- d) Details of where materials will be stored
- e) Details of where machinery and equipment will be stored
- f) The timing during construction when an ecological or environmental specialist needs to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

**REASON:** To protect the site for biodiversity in accordance with paragraph 174 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.

### Comments:

After reviewing Avian Ecology's response dated 15/09/21 and Natural England's formal comments dated 22/09/21, it is felt the proposal will not have a significant adverse impact on the European designated site or any of its qualifying features. Therefore, the proposal has been screened out at the preliminary screening stage (preliminary screening has been submitted separately) of the Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The submitted ecological assessment report has outlined suitable avoidance, protection and mitigation measures to ensure that protected species are safeguarded from the development. Additionally, both the submitted great crested newt eDNA report and the LEMP have outlined detailed reasonable avoidance measures which will ensure amphibians reptiles and small mammals are protected from the development. A construction ecological management plan has been recommended to ensure that a ECoW or similar person(s) is present on site to oversee and facilitate the proposed mitigation additionally, further details regarding equipment and machinery storage is required to ensure adequate buffer zones are implemented to protect important ecological features.

(partly redacted) present in the wider countryside. Subsequently, the layout of the proposed development has been designed to avoid impacts to the identified sett onsite with the implementation of a 30m buffer. Additionally, proposed hedgerow planting, grassland management and mammal friendly gaps which will be incorporated within the perimeter fencing will enhance the site for badgers and maintain connectivity with the wider landscape. All developments should ecologically enhance sites as stated in paragraph 174 of the revised NPPF. The submitted Landscape and Ecology Management Plan (LEMP) has outlined appropriate ecological enhancement features such as: meadow planting, scrub planting, hedgerow planting, bird and bat boxes, hibernacula's and mammal friendly barriers.

The LEMP has also outlined appropriate maintenance and management regimes which should be adhered to in order to maximise the value for biodiversity and achieve the objectives of the ecological mitigation measures.



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**Environmental Health:** With respect to the above application, I would recommend that any permission should have the following conditions and informative attached:-

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 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.
3. The development shall be constructed and implemented in full accordance with the recommendations set out within the submitted LF Acoustics Noise Assessment (Jan 2021). This should include, but not be limited to:-  
the housing of equipment as set out in the report; the provision of additional noise mitigation measures set out in Figure 4 of the report; and the positioning of external condenser units serving battery containers on the sides of the containers facing away from residential receptors.

Informative:

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.

**Gloucestershire County Council Highways:** 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 recommends that this application be deferred. The justification for this decision is provided below.

Gloucestershire County Council recognises that solar PV development can contribute towards meeting national and local objectives for reducing carbon emissions and therefore supports in principle the development of solar PV developments.

The application covers the construction, operation, maintenance and





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decommissioning of a proposed solar farm. The operational period would be expected to be 40 years.

The application site comprises two distinctly separate land parcels. Land Parcel A is proposed to be accessed from Castle Lane which is a single-track rural road with a carriageway width of around 4 metres. Although the application asserts that there are passing places along the Lane, there are no formal passing places provided where large articulated lorries would be able to safely and satisfactorily pass other oncoming vehicles.

The Lane is not considered to be suitable for regular use by heavy goods vehicles. Speed survey data has not been provided to demonstrate that the proposed visibility splays at the access points from Castle Lane would be commensurate with actual approach speeds and therefore they are concluded to be non-compliant. While it is acknowledged that most of the traffic impact would be during the construction stage when the proposed access points could be traffic controlled, they would remain in use with no control during the whole of the operational period.

Land Parcel A is shown to extend westwards to have a boundary with A38, from which it would appear suitable access to the site could be achieved utilising the existing layby off the northbound side of the road. It is considered that a safe and satisfactory construction and maintenance access could be established from the rear of the existing layby to the north of the Castle Lane junction. This should be assessed as a potential safe and satisfactory alternative to the submitted proposals. In conjunction with this, the construction vehicle routeing - described in the Construction Traffic Management Plan (CTMP) - for Land Parcel A should be reconsidered so that vehicles travelling to the site would leave M5 at Junction 13 and continue northbound on A38, turning left into the layby and into the site access, while vehicles leaving the site would turn left out of the site access and the layby and travel northwards on A38 to join M5 at Junction 12. Such access arrangements would obviate the need to use the narrow Castle Lane.

Land Parcel B is proposed to be accessed from Whitminster Lane which has a 6 metres wide carriageway. While it is acknowledged that there is no other feasible access route to the site, the Lane is an extension of School Lane which runs through the Village of Whitminster and the impact of heavy goods vehicles travelling along School Lane, particularly past Whitminster Primary School and the Village Playing Field, must be carefully considered. More detailed construction traffic management measures should be proposed, including delivery time details, access points, and measures to avoid conflicts with busy school times.

Speed survey data has not been provided to demonstrate that the proposed visibility splays at the site access points from Whitminster Lane would be commensurate with actual approach speeds and therefore they are concluded to be non-compliant. While it is acknowledged that most of the traffic impact would be during the construction stage when the proposed access points could be traffic controlled, they would remain in use with no control during the whole of the operational period. There appears to be no overriding reason why the existing field access point must be



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used and the location of one, and probably both, of the proposed site accesses could be optimised by repositioning them.

There appears to be shown a further access point from Whitminster Lane further west, around 50 metres south of Lodge Cottage, using the existing access road leading to an Agricultural Supply Services business. However, this is unclear and details are required to confirm this.

All site accesses must be fit for purpose and should meet standards in terms of visibility splays (compliant with Manual for Streets), geometry, construction (for a length of 15 metres from the highway boundary) and drainage.

It is proposed that turning space would be available within the site to allow heavy goods vehicles to turn around. The internal layout has not been demonstrated. The application states that a single construction compound would be used, located off the main site entrance. It is not clear how the two distinctly separate site areas could be managed from one compound and it is not understood what is the main site entrance. These details need to be clarified.

The compound is described as accommodating, inter alia, a wheel washing facility comprising a portable automatic high-pressure washer. Elsewhere, wheel washing is proposed to be provided by a hose pipe within the site. Proper facilities need to be provided and details are required.

The planning application should contain layout plans to confirm the details of the size, location and duration of use of the construction compound(s). Offices, welfare, storage areas, vehicle parking and turning areas, wheel washing, and road access should be identified. The location of topsoil and subsoil that would need to be stripped from the compound area and stored during the construction period should be detailed.

The application comments that an underground cable is required to connect the two land parcels and is shown to be routed along the entire length of Church Lane from A38. Church Lane has a narrow single-track carriageway with narrow grass verges and is unsuitable for use by heavy goods vehicles. More details should be provided to demonstrate how and where this cable is to be installed, and what mitigation measures would be taken to maintain access for and minimise the impact of work on residents.

The cable route is proposed to continue from Church Lane northwards along A38 to Castle Lane, a length of almost one kilometre. There is a footway, bus stop and private accesses along this section of road and, again, details of how and where the cable is to be installed should be provided, including detailed traffic management proposals.

The application confirms that the public rights of way (PROW) affected by Land Parcel B would be retained but no information has been provided to confirm whether any temporary closures would be required or how the PROWs and their users would be protected during the construction period. The CMPT suggests that these routes would be affected and refers to a



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loss of stiles as a consequence of the development. Details are required to clarify impacts and proposed mitigations. No changes should be made to the public rights of way direction, width, surface, signing or structures and no vehicles should be taken along or across any of the public rights of way without the prior approval of the Gloucestershire County Council or the necessary legal process.

Notably, the CTMP does not cover the decommissioning stage of the proposed development therefore the application includes no proposals for managing traffic impacts during that stage.

As set out in the comments above, there are a number of aspects for which the development proposals should be modified and others for which more details should be provided.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

**Arboricultural Officer:** I have no objection to the application subject to the following conditions.

1) The development must be fully compliant with the Arboriculture Impact Assessment written by Barton Hyatt Associates dated November 2020.

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).

2) Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition, or construction) a pre-commencement meeting must take place with the main contractor / ground workers with the local planning authority tree officer.

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).

3) Monitoring tree protection. Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a qualified tree specialist ( where arboriculture expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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).

**Natural England:** Thank you for your consultation on the above dated 27 August 2021 which was received by Natural England on the same day. We are grateful for the extra time to reply. Natural England is a non-departmental public body. Our statutory purpose is to ensure that



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the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION WITH RESPECT TO PROTECTED SITES - Habitats Regulations Assessment 'screening' required**

Based on the plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. We provide further advice on your Habitats Regulations Assessment of the proposal below. We also provide advice on the development's relationship with the Cotswolds Area of Outstanding Natural Beauty (AONB). We note and welcome the proposed 'construction and environmental management plan' (CEMP), 'landscape strategy' and 'landscape and ecology management plan'. These will be essential in order to deliver the proposed biodiversity enhancements. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites 'Habitats Sites' – No objection – HRA screening required. Natural England notes the Council's biodiversity team advice and Avian Ecology's response dated 21.9.21. We note the consultation documents provided do not yet include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017

(as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

To assist you in screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site.
- the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment. When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects: Mobile species context: Special Areas of Conservation (SACs) are designated for rare and vulnerable habitats and species, whilst Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site. It should be noted that the potential impacts that may arise from the proposal relate to the presence of (SAC/SPA) interest features that are located outside the site boundary. Natural England advises that the potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.



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Relevant information for HRA screening:

Wild birds designated as part of the Severn Estuary Special Protection Area (SPA):

- Avian Ecology additional information – 21.9.21 – Field surveys, desk study (local records) and literature review.

- ‘Land with proven or possible linkages with the Severn Estuary SPA/SSSI Phase 5 (Gloucestershire and Worcestershire)’ – Natural England - Unpublished report1.

Migratory fish designated as part of the Severn Estuary Special Area of Conservation (SAC) and Ramsar Site:

- Avian Ecology additional information – 21.9.21 Sites of Special Scientific Interest – No objection Based on the plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Protected landscapes – Cotswolds Area of Outstanding Natural Beauty (AONB)

The proposed development is for a site within the setting of a nationally designated landscape namely the Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraphs 176-7 of the National Planning Policy Framework

which gives the highest status of protection for the ‘landscape and scenic beauty’ of AONBs and National Parks. For major development proposals paragraph 176-7 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the Cotswolds Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB’s statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area’s natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to ‘have regard’ for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Priority Habitats and species We note and welcome the proposed biodiversity enhancements focusing on ‘extensive grassland’, species rich field margins, wildflower/butterfly meadow, hedgerows including hedgerow trees, thicket and pond/s. We also welcome the proposed Constriction and environmental Management Plan, Landscape & Ecology Management Plan and Landscape Strategy.



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The Council should ensure that:

(i) provision for the proposed habitat features' delivery, ongoing management and monitoring is secured for the lifetime of the development as part of planning approval (if approved). A suitable mechanism such as a management company with the required skills and experience may be needed to be established.

(ii) The various delivery focused documents described above are also secured as part of any planning approval.

#### Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

We set out further additional advice for your information at Annex A.

For any queries relating to the specific advice in this letter only please contact me.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

**Historic England:** Thank you for your letter of 15 October 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice Significance of Designated Heritage Assets

There are a number of designated heritage assets within the area that surrounds the application site, including a number of highly graded (Grade I and II\*), Scheduled Ancient Monuments and Conservation Areas, for which Historic England has a statutory remit in advising on the impacts of the proposed development. Where there are likely to be impacts on the setting of Grade II heritage assets or undesignated heritage assets, we advise that you seek the views of your Conservation Officer. The development area has the potential to impact on known and unknown archaeology and this needs to be assessed by your archaeological advisor.

Of the heritage assets that would or have potential to be affected by the proposals, we refer to the following:

- Hardwick Court (Grade II\*)
- Church of St Andrew, Wheatenhurst (Grade II\*)
- Whitminster House (Grade II\*)
- Church of St Stephen, Moreton Valance (Grade I).
- Stroud Industrial Heritage Conservation Area.



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- Moated site at Moreton Valence. (Scheduled Ancient Monument).

During a previous consultation on an EIA application, we also advised the council that the setting of other heritage assets further away from the site may be impacted and that these impacts should form part of the assessment. These include Haresfield Hill camp and Ring Hill earthworks, scheduled monument (NHLE 1004861). This monument has far reaching views out over the Severn Vale across to the River Severn and this development would be within those views.

As these heritage assets are designated as either Grade I or II\*, and as such, within the top 2% of listed buildings, greater weight should be given to their conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

### Summary of proposals.

The application proposes solar arrays on two parcels of land, connected by a section through the village of Moreton Valence where cabling would be laid under the highway. The areas of development would include PV arrays to a maximum height of 3m with associated inverter buildings and acoustic fencing.

### Impact of the Proposed Development

Impacts upon the historic environment will result from changes to their setting where this is presently defined by rural agricultural land with historic field systems divided by hedgerows. This tends to provide far-reaching views to and from individual heritage assets, asserting their primacy within the landscape. Settings vary for different assets and the proposed changes, as a result of the PV arrays, will have differing impacts for each. With this in mind we would offer the following advice regarding the setting of the highly graded heritage assets identified above:

- **Hardwicke Court:** The principal house has a south-easterly aspect with views over the parkland towards the Cotswolds escarpment. The extent of the historic park abuts the northern boundary of the application site and while this boundary was historically and is still mostly defined by an east-west plantation, there may be some limited intervisibility where the tree belt has been eroded over the years. There may be views of the proposed development from within the historic parkland, but these are probably very limited and therefore the impact on the setting of the Grade II\* house, as defined by its parkland setting is small.

- **Church of St Andrew, Wheatenhurst:** the landscape surrounding the church is relatively flat with gentle undulations, which gives prominence to its 15th century tower. Its primacy within the rural setting does contribute to its significance which would be eroded by the artificial change to the application site. The solar array would be prominent from within views along Whitminster Lane, north-east of the church and from points within the application site looking south west (notably from Viewpoint 12B). The green, rural landscape which presently defines



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the wider setting of the Grade II\* church would be altered and would result in some harm to significance, albeit less than substantial, under the definition of the NPPF.

- Whitminster House: The Grade II\* house sits lower into the landscape and appears subordinate to St Andrew's Church. Its setting is not substantial, although the historical association of a former owner with the creation of the Stroudwater Navigation Canal and Gloucester and Sharpness Canal is important to its significance. The area to the west and north of Whitminster House where the two canals meet is therefore an important and an intrinsic link to the GII\* house. There will be some limited intervisibility between the house and the application site, but with a low level of harm, as a result of the proposed artificial changes to the wider landscape.

- Church of St Stephen and Scheduled Moated site at Moreton Valance: the section of the application site in this area includes Churchend Lane, running roughly east-west. While we would task your archaeological advisor in assessing impacts upon any undesignated archaeology, we do not consider that the proposed cable routes in this area would impact detrimentally on the setting of these two high-graded heritage assets.

- Stroud Industrial Heritage Conservation Area: while the application site abuts the northern boundary of the Conservation Area, the proposed development would affect its setting. The Industrial Heritage Conservation Area was originally designated in 1987, with a Conservation Area Statement adopted in 2008. The site is immediate north of a section of the "Green Corridor- Rural Frome Vale" character area, and the Statement notes the Conservation Area "ranges in character from sparsely populated idyllic, rural extremities to functional unpretentious industrial areas- with an enormous amount of juxtaposition and variety in between." (pp23-24) It also notes the historic relationship between the agricultural, rural areas and the industrial uses elsewhere along the canal, as well as the visual distinction, and relationships, between settlement groups and mill complexes. It identifies uncharacteristic development of the canal sides and valley bottom, particularly the loss of green open space, as being one of a number of key issues affecting the Area. The wider Conservation Area which stretches for some miles along the Stroud valleys is on the national Heritage at Risk Register. While our statutory remit is limited when considering the impact of development upon the setting of Conservation Areas, we advise that the proposed PV array in the southern parcel of land would impact and cause a degree of harm to the setting of the Conservation Area. If, in the event of an approval, care should be taken in maintaining the green space setting of the Conservation Area with appropriate mitigation.

In addition to the impacts on the setting of close by heritage assets, we also advise that some further assessment is needed of the setting Haresfield Hill camp and Ring Hill earthworks, approx. 3.5KM east of the site on the brow of the Cotswold escarpment. The far-reaching views out over the Severn Vale across to the River Severn contribute to the significance of this heritage asset, and an assessment of impacts of the proposed development, which would be within those views, is required. Viewpoint 13 in the LVIA take a westerly view from Haresfeild Beacon, but the impact of the proposed development from this view needs to be included within the Heritage Statement.





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In summary, we advise that the proposed development will alter the setting of highly graded heritage assets, where this will impact and cause harm to their significance. The level of harm would be less than substantial under the definition of the NPPF and we therefore advise that the council weighs this harm against public benefits of the scheme, as required by para 202 of the NPPF.

### Planning Legislation & Policy Context

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 194 of the NPPF, the significance of the asset’s setting requires consideration. Para 199 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 200 goes on to say that clear and convincing justification is needed if there is loss or harm.

### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 199 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 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 and 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.

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.

**Conservation Officer:** Thank you very much for consulting me on this application. Section 72(1) 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) of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and in particular, listed buildings.

The applicants have identified all the potentially affected heritage assets, and have come to conclusions as to the level of impact. I would largely agree with their assessments, but have



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some reservations over a couple of their conclusions. The first is the impact of the listed group of St Andrew’s Church and Whitminster House both Grade II\*. The tower of the church and the house with its surrounding specimen trees, make the group an eye-catching feature in the landscape. New agricultural building at the entrance of the site notwithstanding, their setting when seen from the footpaths within the site, and from the high ground, is overwhelmingly rural. Part of the special interest of the buildings is their standalone quality as an exclusive group, a glimpse into the medieval (and pre-medieval) heart of Wheatenhurst. In my opinion, the conclusions drawn in the submitted heritage statement somewhat underplay the impact on the special interest on the listed group that these proposals would bring through development in its setting.

Similarly, in my opinion, there is some degree of dismissal in the assessment of the setting of the Industrial Heritage Conservation Area, which runs along the bottom of the southern site. The conservation area was subdivided into character parts at the time of its appraisal in 2008. This part of the conservation area was designated as being ‘Rural Frome Vale’. The majority of land falling within the Rural Frome Vale character type is overwhelmingly unpopulated agricultural land; this agricultural land forms the landscape through which the Stroudwater Navigation sliced in the late 18th century, and is a significant contributor to the character and appearance of the conservation area, a sharp contrast to the industrial stretches upstream.

This stretch of the IHCA is all the more significant given that adjacent river course predates the Navigation, having formed part of what became the Kemmett Canal, originally a scheme for making the Frome navigable, promoted by the then owner of Whitminster House, Richard Owen Cambridge.

It is considered that in medium and long range views, the proposals would result in the introduction of atypical, unnatural colours and forms into the verdant, pastoral surroundings of the group of highly graded listed buildings and of the conservation area, undermining some of their historic relationship with the wider agricultural landscape and each other, thereby eroding an appreciation of their significance. However, I agree with the applicants’ assessment that the harm would be less than substantial, albeit at a higher end of the scale than stated, therefore the public benefits of the scheme must be weighed against the harm to the designated heritage assets.

I have no significant concerns over the impact on the nearby designated heritage assets in proximity to the northern limb of the site.

**Public**

47 representations have been received objecting to the proposal. These are summarised in brief below:

*Principle*

- Brownfield/commercial sites and roof spaces should be focussed upon in the first instance
- Other more suitable non fertile sites elsewhere/smaller sites available with less impact
- Concern could lead to housing development in the future

*Visual Impact/Landscape/Heritage*



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- Concern raised with regard to the size and scale of panels/security measures and proposal in relation to the size of Whitminster
- Cumulative impact, Cambridge and Longney site are not far away
- Visual impact of development on landscape
- Parcel B visible from Stroudwater Canal and wider area including AONB
- Loss of views to the Forest of Dean
- Impact upon heritage assets – Industrial Heritage Conservation Area, listed buildings at Packthorne Farm, church, vista to St Andrews church
- Changing nature of countryside to semi-industrialised
- Impact upon Gloucester Sharpness Canal and Stroud Water Canal
- Sloping and uneven site will increase prominence
- Too close to Whitminster village, church and school
- Mitigation measures will take too long to grow
- Impact upon PROWs

### *Ecology/Biodiversity*

- Concern raised about the impact of proposal upon ground nesting birds/fatalities through burns/collisions
- loss of countryside/habitat loss
- Anthropogenic noise can harm natural populations/bats and owls
- Reduce hunting areas of barn owls and birds of prey/displacement of wildlife during construction
- Concern that an environmental report has not been carried out
- Fencing will force all wildlife apart from the smallest out of the area
- Application states sheep will graze the fields under the panels. No information has been provided to show that the panels are safe for animals to graze underneath
- Bat Conservation Trust should have been notified
- Weed control measures have not been adequately addressed

### *Highways/PROW*

- Concern raised in relation to the impact upon PROWs, horse rider's safety, spoil enjoyment of footpaths
- Construction traffic disturbance/noise/parking/congestion and construction hours
- Concern with regards to access along Castle Lane
- Concern over use of narrow Church Lane route for cabling/impact upon access/how cable would be installed
- Glare and highway safety
- Concern over HGVs on rural roads and 'S' bend on School Lane
- Damage to underground services

### *Amenity*

- Glare/light/noise pollution, rotating panels and battery stores
- Parcel A is too close to residential properties, approximately 6 metres away
- Disturbance during construction on residents and businesses
- Loss of views
- Concern regarding impact on Stroud Water Canal and the impact upon those trying to enjoy it
- Impact on privacy when being installed, also CCTV cameras on site
- Detrimental to enjoyment of property and countryside
- Impact upon quality of life and tourism



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- Loss of green space to the community/countryside good for mental health  
*Other Matters*

- Concern over structural damage to properties from HGVs using roads
- Loss of value of houses
- De-commissioning must be considered
- Loss of farmland for crops/livestock some of which is grade 3a
- Area already under pressure for new housing/incinerator
- Concern over submission, difficulty viewing documents
- Drainage, could form gully's

68 representations have been received in support of the proposal and these are summarised in brief below:

- Renewable energy alternatives, sustainable clean sources of energy are supported with regards to climate change and reaching zero CO2 emissions
- Reduce the use of fossil fuels, solar is preferable over nuclear power
- Ecological benefits to local nature, reintroduce wildflowers which will help insects
- Reduce dependence on other countries
- Request discounted energy for residents
- Need to invest in clean energy, particular as increase in local houses planned
- Request planting of wildflowers between panels
- Requests installation of high quality power conditioning modules that minimise the creation of RF Electromagnetic Interference
- Duty to have a safe planet for our children

#### **CPRE The Countryside Charity:**

We write to object to the proposed development and asked that it be considered by the DCC rather than as a delegated decision.

CPRE nationally and locally recognises the need to generate energy from renewable sources and therefore supports in principle schemes to do so. Our local stance is set out in one of a number of Position Statements, No. 8 entitled Energy Production. We note also the District Council's own commitments and aspirations.

However, in this particular case CPRE opposes the proposed development on a number of grounds, of which landscape impact is the most important. We are not persuaded by the expected improvements in biodiversity, which must be set against the more certain prospect of a decline in food production. Britain has many advantages in this respect – a favourable climate and a well-developed and technologically advanced farming industry, but it also has a large population, limited land and heavy dependence on food imports.

#### Environmental Assessment

First of all, we note that the expected output of the proposed development is 49.9 MW, just below the threshold of 50 MW which would oblige the scheme to be determined at national level under the arrangements for nationally significant infrastructure projects. This should have led to the Council insisting on Environmental Impact Assessment, which requires proposals to be assessed with a greater degree of rigor and in particular a consideration of



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alternatives and cumulative impact. Neither of these issues is addressed in the documents accompanying the planning application.

### Landscape Impact

We have carefully considered the applicant's LVIA.

There are a significant number of solar arrays that must be taken into account when considering these two proposed blocks at Morton Valence and Whitminster.

Working north to south in the Berkeley Vale these are:

Longney 101 acres S.19/0760 or 118 acres S.18/0537 allowed on appeal – awaiting delivery of solar panels

Milton End, Arlingham 2021/0166/EIAS 50MW

Denfurlong Farm Frampton on Severn 173 acres 2018/0581 – EIAS required Hill House Farm, Cambridge 97 acres – operating

Land West of Cam-Dursley railway station – operating

Actrees Farm, Heathfield Alkington - operating

Manor Farm, Upper Wick – operating

Upper Huntingford Farm, Charfield – operating

In visibility terms the space between Longney and Hardwicke (Morton Valence) is a few fields and the canal. Similarly Frampton on Severn, Cambridge and Whitminster are visually close.

In the winter solar arrays stand out, despite hedges, and the felling for Ash Die Back disease has accentuated this. From the Cotswold Escarpment, Frocester Hill and Coaley Peak in particular, the Cambridge and the Cam Dursley station solar arrays stand out clearly despite their distance. When the permitted, but as yet unbuilt, arrays are completed they will be equally conspicuous. Haresfield Beacon will also have open views of arrays at Longney and also Morton Valence and Arlingham if these are permitted.

There will be a parallel river of solar arrays down the Severn Vale.

The proposed array at Whitminster 'B' puts a lot of pressure on its neighbours. It is too close to the listed Whitminster House and Whitminster Church, both Grade II\*. It crowds Church Cottage and Packthorn Cottages. It also crowds Sandfurlong. The south west boundary is the boundary of the protected Stroud Industrial Heritage Zone. This is too close. If it were AONB it would not even be considered. The Stroudwater canal system is currently being renovated at enormous cost and is being promoted as a major tourist attraction. It has level, easy walking footpaths along the canal side and the River Frome through a most attractive piece of countryside. 3m high solar arrays along the canal-side boundary is not good planning. It takes a long time to grow dense trees to screen an array like this. The proposed boundary should be moved back significantly.

The narrow dog leg bend in the lane at Sandfurlong will be blind due to the proposed hedge planting and nearness of the array.

The Morton Valence site 'A' will need careful planting along its boundaries which are visible from the canal – with clumps of trees not just a straight line of them. The view of the boundary from the canal must be softened. The canal is a major tourist attraction. Castle Lane is narrow, it could do with some new passing places.



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It is in respect of landscape impact that we consider the lack of any assessment of cumulative impact is especially serious.

#### **Biodiversity**

The planning application documents lay some emphasis on the improvement in biodiversity which would result from the proposed development. Although solar farms have been in operation for some years, their impact on biodiversity has not been definitively established. BSG Ecology published a report *The Potential Ecological Impacts of Ground-Mounted Photovoltaic Solar Panels in the UK* in April 2019. Paragraph 3.2 states “our original review, published in 2014, concluded that the ecological impacts of ground mounted solar panels in the UK were relatively limited and location-specific. Five years on the evidence base has not increased significantly (particularly with regard to UK studies) and most of the literature acknowledges the need for further research” [our emphasis].

The impacts on food production are clearer. The existing use is mainly arable farming with some pasture. The solar farm would prevent grazing by cattle, it also would prevent arable or vegetable farming altogether and hamper, if only in a small way, the switch to a plant based diet widely held to be essential to help mitigate climate change. The application states they will graze sheep in the winter and fill it with wild flowers in the summer, if so there should be provision for bee hives and their keepers and control of noxious weeds which always come up before wild flowers.

#### **The Planning Balance**

We disagree with paragraph 7.2 of the Planning Statement, which acknowledges a measure of adverse impact in respect of landscape and heritage assets, but concludes that these are “not significant” and do not outweigh the benefits. Our view is different: we consider that in this particular case the adverse impacts, especially on landscape, outweigh the benefits and indeed what we consider to be a lack of proper assessment (alternatives, cumulative impact) has tilted the balance in favour.

In respect of paragraph 7.4, the three aspects of sustainable development are no longer dimensions. They are objectives, as paragraph 8 of the NPPF clearly states. Whatever they are called, they receive cursory treatment here. We think that the social objective as defined in paragraph 8 is not relevant. It is difficult to see how the proposed development would assist the economic objective, unless the panels and other necessary equipment were manufactured in the UK from materials obtainable in the UK. This leaves the environmental objective. This focuses on the balance to be struck between the first and last of the considerations summarised in paragraph 8.

We note too the qualification in paragraph 9. While the three objectives are not “criteria against which every decision can or should be judged”, we think that insufficient account has been taken of the second sentence which states that “Planning ... decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area” [our emphasis]. The character of the area, a largely open vale landscape set close to a major estuary, between and visible from two upland areas, one an AONB, is too important and sensitive to sustain the damage which would be caused by this proposal. Needs for



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energy, unlike those for housing, do not necessarily have to be satisfied at a local level; and local solutions such as those advocated in our Position Statement would be preferable. The same can be said of opportunities.

### Potential Conditions

If the Council is minded to approve the application, we would like particular attention to be given to conditions relating to traffic impact and working hours in the construction stage, arrangements for the construction compound, and its impact on the narrow lanes and local residents, walkers, cyclists, and horse riders, particularly bearing in mind school arrival and departure times in Whitminster.

For the reasons given we respectfully request the Council to refuse this application.

### : Revised Plans:

: **Historic England:** Thank you for your letter of 5 January 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice Further to our advice letter of 26th October 2021, a further Heritage Statement Addendum has been submitted which aims to address the points of concern and further assessment outlined in our advice.

There is now a further appraisal of the significance of the scheduled monument of Haresfield Hill Camp, which includes an extensive setting from its elevated position on the Cotswold escarpment. The assessment, particularly paras 1.9-1.11, acknowledges the extent and importance of the wider setting of the camp. The clear and open views, which are fundamental to the defensive function of Haresfield Camp, contributes to its significance and will be sensitive to any change within the landscape.

Due to the flat landscape character it is possible that the proposed solar arrays will be visible in distant views from the hillfort and therefore has the potential to affect to the significance of the scheduled site from development within its setting. However, any harm derived from the development is considered to be less than substantial under the definition of the NPPF.

We have also previously identified less than substantial harm to the settings of the Church of St Andrew, Wheatenhurst and Whitminster House. We retain concerns over the impact of the proposed development on the settings of these highly graded heritage assets, in addition to the setting of the Conservation Area. We urge you seek changes to the proposed development or mitigation of the harm caused, in order to reduce the visual impacts. As the degree of harm is regarded as less than substantial, we task the council in balancing the harm against any perceived public benefits of the scheme, as required by para 202 of the NPPF.

### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning



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(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 and 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.

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.

: **Conservation:** Thank you for re-consulting me on this application. For the pre-amble, please refer to my previous response. I appreciate the amendments made, however, it is still considered that in medium and long range views, the proposals would result in the introduction of atypical, unnatural colours and forms into the verdant, pastoral surroundings of the Grade II\* listed buildings, comprising St Andrew's church and Whitminster House, and of the Industrial Heritage Conservation Area, so undermining some of their historic relationship with the wider agricultural landscape and each other, thereby eroding an appreciation of their significance.

The harm would be less than substantial in Framework terms, therefore the public benefits of the scheme must be weighed against the harm caused to the special interest and character and appearance of these designated heritage assets through this development in their setting.

I have no significant concerns over the impact on the nearby designated heritage assets in proximity to the northern limb of the site.

**GCC Highways:** 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 subject to conditions and financial obligations.

The justification for this decision is provided below.

The highway authority previously expressed concerns regarding the potential impacts resulting from the proposed access to development Parcel B using Whitminster Lane. An underground cable is proposed to be laid to connect the two land parcels of the development and this has been shown to be routed along the entire length of Church Lane from A38 and then along A38 for a distance of about one kilometre. The highway authority raised further concerns about the potential construction impacts of this work.

Further to the highway authority's previous comments and advice, additional information has been submitted in support of the application. This comprises the following documents –

Construction Traffic Management Plan – revised  
Construction Traffic Method Statement – revised





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This response is made following a review of the above documents.

The CTMP Rev A comments that the proposal is the construction, operation and maintenance of a ground mounted solar farm. It is important to note that the proposals are not stated to include the decommissioning phase of the development.

The highway authority previously advised that a CTMP should include -

Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); Routes for construction traffic; Any temporary access to the site; Locations for loading/unloading and storage of plant, waste and construction materials;

Method of preventing mud and dust being carried onto the highway; Arrangements for turning vehicles; Arrangements to receive abnormal loads or unusually large vehicles and Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Access will be taken to the northern parcel (A) via the layby on A38, as previously suggested by the highway authority. This will obviate any need for construction traffic having to use Castle Lane. During the operational phase of the development, maintenance vehicles will use Castle Lane via a new access to be constructed. However, these are expected to be smaller vehicles and not large HGVs. Access to both portions of the southern parcel will need to be taken via Whitminster Lane and the use of this Lane by large and heavy construction vehicles has caused concern to be raised.

It is proposed that there will be around 12 deliveries per day to the site equally split between the northern and southern parcels. Hence it would be expected that there would be six HGV deliveries and therefore 12 HGV two-way movements along Whitminster Lane each day during the six months' construction period.

Access arrangements have been shown for both parcels. The proposal to access the northern parcel from the rear of the layby on A38 is acceptable and would obviate the need for large construction vehicles having to use Castle Lane. A separate access on Castle Lane is proposed to be used by maintenance vehicles during the operational phase of the solar farm and would not be used for construction traffic. The proposals described in the CTMP are considered to be acceptable.

Access to the two portions of the southern parcel are proposed to be taken from Whitminster Lane. It is accepted that Whitminster Lane is the only viable means of achieving access to this portion of the site. The access points have been shown with appropriate visibility splays being provided and the accesses are shown to be constructed so that the effective size of the accesses can be reduced to serve maintenance vehicles only once construction has been completed and during the 40-years operational period of the development.

These proposals for site access are considered to be acceptable.

Suitable areas within the site are shown to be provided for the turning around of HGVs so that all construction vehicles will access and egress the site accesses in a forward gear.



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It is confirmed that each of the three portions of the solar farm will have a temporary construction compound. The CTMP acknowledges that Public Rights of Way would be affected by the proposed development of the southern parcel. It would be necessary for the developer to notify the highway authority's Rights of Way Team prior to undertaking any works that would have an impact on the PROW or their users.

The submitted Construction Traffic Method Statement (CTMS) has also been submitted. The CTMS is comprehensive and gives details of the procedures to be used for the installation of the underground cable required to link the separate portions of the site.

Directional drilling will be deployed where obstructions preclude the use of open trench excavations, and also along the narrow Church Lane. It confirms that on-site provisions would be made for plant and materials storage, and for operators' vehicle parking.

It is proposed a that banksman would be used to manage delivery vehicles in turning, entering and egressing the site. Section 50 Street Works Licenses would be applied for as required and detailed traffic management layouts, site specific risk assessments and method statements would be submitted for agreement with the highway authority.

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.

#### **Conditions**

The Construction Traffic Management Plan and the Construction Traffic Method Statement hereby submitted shall be fully complied with at all times during the construction and decommissioning stages of the development.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and subsequently during the decommissioning of the site.

Prior to the commencement of any other works related to the development, the means of vehicle access to each parcel or portion of the site shall have been constructed and completed in accordance with the approved plans. All gates shall be situated at least 20 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. The area of the access way within at least 20 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be so maintained thereafter.

Reason: In the interests of highway safety.

Prior to the first vehicular use of any site access visibility splays at that access point shall be provided from a point 0.9 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for the distances along the carriageway in each direction as



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shown on the submitted drawings. Nothing shall be planted, erected and/or allowed to grow on the triangular areas of the land so formed which would obstruct the visibility as described.

Reason: In the interests of highway safety.

No materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to any Public Right of Way that may obstruct or dissuade the public from using the Public Right of Way whilst development takes place.

No changes to any Public Right of Way direction, width, surface, signing or structures shall be made without the prior written approval of the Gloucestershire County Council or the necessary legal process.

No construction / demolition vehicle access shall be taken along or across any Public Right of Way without prior permission and appropriate safety/mitigation measures approved by the Gloucestershire County Council. Any damage to the surface of the Public Right of Way caused by such use will be the responsibility of the developer or their contractors to put right / make good to a standard required by the Gloucestershire County Council.

Reason: In the interests of the safety and amenity of users of the Rights of Way.

### Informatives

The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

There are Public Rights of Way running through the site and the applicant will be required to contact the PROW team to arrange for an official diversion as necessary. If the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the Right of Way for the duration of any works. The developer is advised to seek independent legal advice on the use of the Public Rights of Way for vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but in particular reference is made to "respecting the community". This says:

Constructors should give utmost consideration to their impact on neighbours and the public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.



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

National Planning Policy Framework.

Available to view at

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

National Policy Statements EN1 (2011)

National Policy Statement EN3 (2011)

Draft National Policy Statement EN3 (2021)

### **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 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)

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 sites

CP7 – Lifetime communities.

CP13 – Demand management and sustainable travel measures.

CP14 – High quality sustainable development.

CP15 – A quality living and working countryside.

EI12 – Promoting transport choice and accessibility.

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 SPG Stroud District Landscape Assessment (2000), Heritage Strategy SPA (2018), SPD Planning Obligations (2017).



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The Submission Draft Stroud District Council Local Plan and evidence base documents were submitted for examination to the Planning Inspectorate on the 25th October 2021 and it is anticipated that the plan may be adopted by winter 2022. The Emerging Local Plan currently carries limited weight in decision making. However, there are a number of Policies within this document that are of relevance to the proposal and these are listed below:

- DCP1 - Delivering Carbon Neutral by 2030
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy
- CP4 - Place Making.
- CP5 - Environmental development principles for strategic sites
- CP6 - Infrastructure and Developer Contributions
- CP14 - High Quality Sustainable Development
- CP15 - A quality living and working countryside
- SO4 - Transport and Travel
- SO5 - Climate Change and environmental limits
- SO6 - Our District's distinctive qualities
- EI12 - Promoting transport choice and accessibility
- EI13 - Protecting and extending our walking and cycling routes
- 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 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**

In 2019 the Climate Change Act 2008 was amended to require all greenhouse gas emissions to be reduced to net zero by 2050. This is further supported by the Energy White Paper: Powering our Net Zero Future (2020) and the National Policy Statements (NPS) EN-1 and EN-3 (2011) and the Draft NPS for Renewable Energy Infrastructure (EN-3) (2021).

Renewable energy generation and its storage are considered to play a key role in reaching the net zero target and this national drive is material whilst considering the merits of the proposal.

The National Planning Policy Framework (NPPF) further encompasses this principle and section 14 'Meeting the challenge of climate change, flooding and coastal change' is of



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particular relevance. Paragraph 152 advises that the planning system should 'support renewable and low carbon energy and associated infrastructure'. Whilst paragraph 158 b) advises that applications should be approved 'if its impacts are (or can be made) acceptable'.

In line with national legislation and guidance Stroud District Council has an ambitious target of becoming carbon neutral by 2030 and this is outlined by Stroud District Council 'The 2030 Strategy, Limiting, Adapting, recovering and Responding in a Changing Climate' (2021). The carbon neutral objective is further emphasised within the Emerging Local Plan by the new core policy, DCP1 'Delivering Carbon Neutral by 2030'.

The 2030 Strategy advises that 'nationally, approximately 29% of electricity is generated from renewable sources. Within Stroud District approximately 12% energy is generated from renewable sources'. One of Stroud's Energy 2030 Stretch Goals outlined by this document is to treble this figure and it is recognised that the proposal would help achieve this target.

To help put this into context a 49.9 MW site such as that proposed can power approximately 15,000 homes annually. The Stroud District Settlement Role and Function Study Update 2018 advises that in 2018 there were 391 dwellings in Whitminster and in total 53,078 dwellings within Stroud District. This site could therefore potentially provide approximately 28 % of Stroud District's energy supply from a renewable source and significant weight must be attributed to this.

Whilst limited weight can be attributed to current events in terms of local planning policy, Members may also wish to consider recent global events and the 'energy crisis' which refers to the recent price surges of electricity and gas which have been widely reported on within the UK. 'The energy price crunch' a document within the House of Commons Library, advises that 'gas has led the price rise, but electricity prices have followed as gas is one of the fuels used to generate electricity'. It must be acknowledged that in the longer term, renewable energy proposals will help the UK become less dependent upon overseas sources and reduce the country's reliance upon fossil fuels. This should reduce the UK's vulnerability to global gas price rises which are currently being experienced and enable self-reliance. In broader policy terms this would meet the economic objective outlined within the NPPF.

Against this background of support, the National Planning Practice Guidance (2015) advises that this 'does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities'. This is further reflected by local policy ES2 entitled 'Renewable or low carbon generation' of the Adopted and Emerging Local Plan as outlined below:

Policy ES2 of the Adopted Local Plan advises that the Council will support proposals that maximise the generation of energy from renewable or low carbon sources, provided that the installation would not have significant adverse impact (either alone or cumulatively) and includes an impact statement that demonstrates the following factors:

1. The impact of the scheme, together with any cumulative impact (including associated transmission lines, buildings and access roads), on landscape character, visual amenity, water quality and flood risk, historic features and biodiversity



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2. Evidence that the scheme has been designed and sited to minimise any adverse impact on the surrounding area for its effective operation
3. Any adverse impact on users and residents of the local area, including shadow flicker, air quality and noise
4. The direct benefits to the area and local community
5. Avoid the use of best and most versatile agricultural land, unless justified by clear and compelling evidence

Policy ES2 of the Emerging Local Plan advises that Decentralised renewable and low carbon energy schemes will be supported and encouraged, and will be approved where their impact is, or can be made, acceptable.

In determining applications for renewable and low carbon energy, and associated infrastructure, the following issues will be considered:

- a) The contribution of the proposals, in the light of the Council's pledge to be carbon neutral by 2030, to cutting greenhouse gas emissions and decarbonising our energy system.
- b) The impact of the scheme, together with any cumulative issues, on landscape character, visual amenity, water quality and flood risk, heritage significance, recreation, biodiversity and, where appropriate, agricultural land use, aviation and telecommunications.
- c) The impact on users and residents of the local area, including where relevant, shadow flicker, air quality, vibration and noise
- d) The direct benefits to the area and local community.

Policy ES2 of the Emerging Local Plan also advises that 'Ground-mounted solar energy developments are more likely to be supported in areas identified as suitable in principle as set out on the policies map. Outside these areas, applicants will need to provide a clear justification for the suitability of the chosen development site for solar development at the relevant scale. Ground-mounted solar developments are more likely to be supported if they fall within Landscape Character Areas of lower sensitivity to the relevant development scale.' The majority of the site appears to fall within an area identified as suitable for solar developments within Appendix B of the emerging Local Plan.

Taking the above legislation, national and local policies into account, in principle the installation of a solar farm and battery storage facility is acceptable subject to no significant effect and where any impact is identified, appropriate mitigation measures are provided. The key issues are addressed in turn below:

### **LANDSCAPE AND VISUAL IMPACT**

The landscape and visual impact of the proposal is considered to be one of the key issues. The proposal will introduce solar photovoltaic equipment and associated man-made structures across a large area of this landscape. Consideration must be given as to the impact this will have upon the landscape character area and the setting of the nearby designated area the Cotswold AONB as well as the further afield Wye Valley AONB in the Forest of Dean.



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The NPPF paragraph 174 seeks to ensure planning policies and decisions contribute to and enhance the local environment.

The NPPG for renewable energy (2015) advises that ‘the deployment of large-scale solar farms can have a negative impact upon the rural environment, particularly in undulating landscapes’. However, the NPPG also advises that ‘the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.’

Policy ES2 of the adopted Local Plan, as outlined in full within the principle section of this report, supports renewable energy proposals, provided that the installation would not have a significant adverse impact (either alone or cumulatively) upon landscape character as outlined by criteria 1).

Policy ES7 ‘Landscape Character’ and ES8 ‘Trees, hedgerows and woodlands’ of both the Adopted and Emerging Local Plan are relevant. Policy ES7 of the adopted Local Plan seeks to protect landscape character and diversity and advises that development will only be permitted if the following criteria are met:

1. The location, material, scale and use are sympathetic and complement the landscape character; and
2. Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.

Policy ES7 of the adopted Local Plan goes on to say that ‘opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened. The Stroud District Landscape Assessment will be used when determining applications for development within rural areas’.

Policy ES8 ‘Trees, hedgerows and Woodlands’ of the adopted Local Plan advises that ‘development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of protected trees, hedgerows, community orchards, veteran trees or woodland (including those that are not protected but are considered to be worthy of protection) will not be permitted. 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 and the site.’

The Stroud District Renewable Energy Resources Assessment (2019) is relevant and forms part of the evidence base for the emerging Local Plan. This document has informed the Submission Policies Map E: ‘Landscape sensitivity to solar and wind renewable energy development’.

Natural England identifies the site as lying within the 106 Severn and Avon Vales National Character Area (NCA). The Stroud District Landscape Assessment SPG (2000) further identifies the area as being set within the Rolling Agricultural Plain and more specifically within the Lowland Plain area. This document advises in brief, that the area is predominantly





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open flat plain with a strong field pattern, a dispersed pattern of isolated villages and a land use mix of arable and pasture.

This is considered to accurately reflect the site although it should be added that the Gloucester and Sharpness Canal is in proximity to the site and small woodlands are distributed in the area. This is more so true of Parcel A which has an adjacent woodland feature, which helps to provide some screening. Parcel B, the southern site, is more accessible to the public and arguably as a result of this has a higher visibility and susceptibility to the proposal with a number of PROWs in and adjacent to the site.

The Renewable Energy Resources Assessment and Policy Map E of the emerging Local Plan identifies both parcels of land as falling within a landscape area which has a medium sensitivity to very large scale solar energy development (50 – 100 hectares).

To address the predicted effect of the proposal upon the landscape a Landscape and Visual Impact Assessment (LVIA), Landscape and Ecology Management Plan (LEMP) and a Landscape Strategy Plan accompany the planning application.

The LVIA considers the impact of the proposal upon the landscape character of the local area and the impact upon landscape elements and features (e.g. vegetation, topography and water bodies). The document looks at the existing landscape and seeks to predict the effects that the proposal will have upon the visual amenity of the surrounding area by identifying local receptors.

A study area with a 5 km radius from the site boundaries was initially established, although subsequently a more focused approach was followed. The document outlines a methodology and creates a Zone of Theoretical Visibility (ZTV) which identifies, through viewpoints, the potential locations that the development could be visible from. They have also incorporated a screened ZTV which indicates the screening effects of woodlands and buildings. Receptor groups include residents, PROW, visitors and highway users.

To assist the Local Planning Authority in reviewing the submitted LVIA and associated documents an independent landscape specialist was consulted from Hankinson Duckett Associates (HDA).

The Landscape Consultant provided a critical analysis of the LVIA. Whilst in general the consultant was in agreement with the judgements regarding visual effects further assessment and mitigation measures were recommended. In response the applicant has revised the LVIA and Landscape Strategy Plan to carry out a further assessment to include additional viewpoints, address the issues raised and to provide further mitigation.

The revised LVIA identifies 16 viewpoints and assesses the impact of the proposal upon the landscape from these positions. Impact is considered during construction, at year 1, year 15 and at decommissioning. Receptor sensitivity is also a key consideration within the LVIA. It is summarised that the development will have a moderate or a minor adverse effect upon the majority of viewpoints and this will reduce to minor or negligible by year 15 and during decommissioning. However, a major adverse impact is identified during construction and by



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year 1 at six viewpoints. Table 11 within the LVIA advises that major adverse means that ‘the visual receptor is of high sensitivity with the proposals representing a high magnitude of change and/or the proposals would result in a major deterioration of the view’.

The viewpoints which the development would have a major adverse impact upon are as follows:

- Viewpoint 4: From the Gloucester and Sharpness Towpath Trail looking east (into parcel A)
- Viewpoint 8: From Whitminster bridleway 4 looking south (into parcel B)
- Viewpoint 10: from Frampton on Severn footpath 37, Thames and Severn Way looking North (into parcel B)
- Viewpoint 11: From Whitminster footpath 22, looking east (into parcel B)
- Viewpoint 12: From Whitminster footpath 8, looking north (into parcel B)
- Viewpoint 14: From footpath EWH22, looking northwest to northeast (into parcel B)

It is recognised that a major adverse impact can also be considered as significant in regard to Policy ES2 1) of the Local Plan. However, the LVIA further advises that by year 15 and during decommissioning the impact of the proposal upon the landscape at these points will reduce to a moderate adverse effect. Table 11 of the LVIA advises that this means that ‘the visual receptor is of medium sensitivity with the proposals representing a medium magnitude of change and/or the proposals would result in a clear deterioration in the view’.

It should also be acknowledged that the Landscape Consultant considered the moderate adverse impact to be cautious and that the impact should be higher. Concerns were also raised in relation to Parcel B’s suitability due to the number of PROW adjacent to and within the site. However, the Landscape consultant agreed that there would be minor long term benefits to the local landscape character. This is due to enhancement of landscape features through proposed mitigation measures.

It must therefore be acknowledged that there is some conflict with Policy ES7 1) of the Local Plan, in particular during construction and year 1. Following receipt of the Landscape Consultant’s response the LVIA and Landscape Strategy Plan has been revised and the layout amended. For instance, the PROW routes were reviewed and widths have been increased to allow for hedgerow planting. Taking the revised supporting document and plan into account Officers are now satisfied that following the establishment of mitigation methods the impact would be moderate adverse at year 15 and decommissioning. As such, whilst it is considered that the proposal will have a moderate adverse impact upon the character of the landscape in the longer term, on balance this must be weighed against the public benefits of the proposal. This is considered in more detail within the recommendation and planning balance section of the report.

#### **AONB**

The supporting documents advise that Parcel A is 2.3 km and Parcel B is 3.2km away from the Cotswold Area of Outstanding Natural Beauty (AONB). The LVIA advises that whilst the site will be visible from long distance views out of the Cotswold AONB and possibly from the Forest of Dean, that on balance the site would represent a small part of the wider panorama.



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The Landscape Consultant agreed with this conclusion and does not consider that the proposal would result in significant visual effects in views from the Cotswold AONB.

### *Vegetation, Trees and Hedgerows*

To allow for the required visibility splays at accesses into the site and perimeter security fencing the proposal will result in the loss of existing plants/hedgerows. Approximately 292 linear metres of hedgerow will be removed. This has been considered by the Biodiversity Specialists and they are satisfied that this loss is satisfactorily offset by hedgerow, tree and thicket planting as well as infilling existing hedgerow. The Arboricultural Officer has considered the Arboricultural Report and is satisfied with the proposal subject to condition. On this basis the proposal is considered to accord with Policy ES8 of the adopted Local Plan.

It should also be highlighted that the solar arrays and associated equipment would sit within the existing field pattern and additional planting would reinforce these boundaries and hedgerows. Policy ES7 2) of the adopted Local Plan seeks natural features that contribute to landscape character to be retained and managed appropriately. It is considered that the Landscape and Ecology Management Plan (LEMP) satisfactorily addresses this criterion and as such the proposal is considered to comply with Policy ES7 2) of the adopted Local Plan.

### *Cumulative Impact*

Policy ES2 of the emerging and adopted Local Plan seeks to ensure that the proposed installation would not have a significant adverse impact either alone or cumulatively. It is acknowledged that the cumulative impact of solar installations within the Severn Vale is an important consideration. A number of concerns have been raised by Parish Councils and members of the public in relation to this issue advising that they feel the area is becoming saturated with solar panels, examples of approved solar installations have also been cited.

In this instance, it is considered that the cumulative impact of the proposal is somewhat reduced as the site has been split over two different parcels of land which are separated by fields. The proposed planting and retention of the existing field pattern should also help reduce any cumulative impact. Longney, an approved solar installation reference S.18/0537/FUL (appeal decision), is set to the north of Parcel A and on the other side of the canal. Whilst it is recognised that the proposal would be in proximity to this site it is considered that the presence of the canal, separation distance and retention of the existing field pattern will help reduce any cumulative impact and provide a strong 'buffer' or degree of visual separation between the solar installations. In respect of Policy ES2 it is therefore not considered that the cumulative impact of the proposal is so great as to lead to a significant adverse impact upon the landscape character area and as such would not warrant refusal on these grounds.

## **AGRICULTURAL CLASSIFICATION**

The NPPF paragraph 174 seeks to ensure that policies and decisions recognise the 'economic and other benefits of the best and most versatile agricultural land'. The best and most versatile land is defined as grade 1, 2 and subdivision 3a. The PPG 'Renewable and low carbon energy' (2015) also encourages the use of poorer quality land.



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Local Policy ES2 5) of the Adopted Local Plan seeks to avoid the use of the best and most versatile agricultural land for renewable energy generation. However, whilst the Emerging Plan currently carries limited weight it should be recognised that revised Policy ES2 is not as stringent with regards to the avoidance of using higher grade agricultural land, however, it does expect any impact upon agricultural land to be considered by criterion b).

An Agricultural Land Classification document has been submitted with the application. This advises that the agricultural land at this site comprises approximately 5 ha of grade 3a – good quality agricultural land and approximately 100 ha of grade 3b – moderate quality agricultural land. The higher quality land is indicated as being located in the south west section of parcel B.

The vast majority of the site is not classified as the best and most versatile agricultural land and as such its loss is considered to comply with the NPPF and policy ES2 of the Adopted and Emerging Local Plan.

The loss of a small section of good quality, grade 3a, agricultural land results in some conflict with Policy ES2 5) of the adopted Local Plan. However, the accompanying planning statement advises that the grade 3a good quality agricultural land does not comprise whole fields and as such it is only possible to farm to the lower grade 3b). It is also recognised that the proposed lifespan of the proposal is 40 years. This is a temporary period of time and the land can be reinstated to its agricultural use following the removal of the solar arrays and associated equipment. As such, on balance the loss of a small area of good quality agricultural land in this instance is considered to be acceptable.

#### **RESIDENTIAL AMENITY**

Policy ES2, ES3 and CP14 of the Adopted and Emerging Local Plan are relevant and seek to ensure development proposals do not have an adverse impact upon residential amenity.

It is acknowledged that there are a number of nearby residential properties and consideration must be given as to any potential impact the proposal may have upon them.

The LVIA identifies residential receptors around each parcel of land. This document advises that there is a potential for temporary major adverse effects during construction works due to the potential for a medium to high magnitude of change to views. However, by year 15 a moderate to negligible impact is anticipated, due to the proposed established planting mitigation. Officers consider that whilst there may be a temporary major adverse impact upon views from properties, sufficient mitigation measures satisfactorily address these issues and on balance it is not considered that the proposal would have such an adverse impact upon outlook in the long-term as to warrant refusal in accordance with Policies ES2, ES3 1) and CP14 7).

A glint and glare report has been submitted with the application. This primarily focuses upon the potential impact upon receptors (road users and residents) within a 1km radius. The document identifies and numbers dwellings in the locality and advises the effect on each grouping. Out of 149 dwellings assessed 117 have the potential to experience some solar



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reflections. The assessment further subdivides these dwellings into green, yellow and orange bands. No predicted impacts are required for green due to existing screening. Properties identified as yellow will experience impact for less than 60 minutes a day for less than 3 months a year and the document advises that the overall impact is low and mitigation is not required. A moderate impact is identified in relation to the orange category. This is where solar reflections may be experienced for less than 60 minutes a day for more than 3 months a year.

The majority of properties fall into the green band where they will not experience solar reflections in practice due to existing structures and vegetation. However, a moderate impact has been identified in relation to 13 properties within the report. The document advises that existing vegetation would reduce any impact to three of these properties and as such no further mitigation measures are necessary. Mitigation measures in the form of hedgerow planting are proposed in proximity to the 10 remaining dwellings identified.

It is therefore recognised that solar reflections may affect a relatively small number of dwellings, although the impact is considered to be limited in terms of the amount of time they would be experienced for each day (less than 60 minutes). The level of harm would further reduce over time once planting becomes established. As such, it is not considered that the proposal would lead to a level of harm which would warrant refusal in accordance with Policy ES2 3), ES3 1) and CP14 7) of the adopted Local Plan.

### **NOISE**

The NPPF seeks to ensure development proposals do not give rise to significant impacts from noise. Policy ES2, ES3 1) and CP14 2) of both the Adopted and Emerging Local Plan further amplify this and advise that permission will not be granted where there is an unacceptable level of noise pollution. To address this, a Noise Assessment has been carried out and accompanies the planning application.

Whilst it is recognised that there will be some noise and disturbance during the construction phase this would only be for a temporary period of time. Any impact could be mitigated and managed through the recommended planning conditions such as construction hours.

Public comments have expressed great concern over longer term impacts from the noise generated by the panels tracking the sun and from the battery storage units. The noise assessment advises that the noise generated by the motors tracking the sun would be low and generally not audible outside of the site boundaries.

The noise assessment identifies the battery storage units, associated central inverters and DC-DC converters as the main source of noise at the site. These are spread throughout both parcels of land. The central inverters would only be operational during daylight, however, the battery storage units would run throughout a 24-hour period. The substation located in Parcel B is also identified as producing noise emissions.

Mitigation measures proposed include acoustic fencing and the housing of equipment within containers. Environmental Health Officers have reviewed the Noise Assessment and raise no



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objection subject to a number of conditions and an informative being attached if planning permission is granted. On this basis officers are satisfied that the proposal will not result in adverse or significant impacts in relation to noise pollution subject to the proposed mitigation measures and recommended conditions and as such the proposal complies with Policies ES3 1) and CP14 2) of the Local and Emerging Local Plan.

**HIGHWAYS**

A key consideration relates to the potential impact upon highway safety and road users in the wider area. Paragraph 110 of the NPPF advises that when considering development proposals, the following should be ensured:

- a) Appropriate opportunities to promote sustainable transport modes can be –or have been – taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The NPPF paragraph 111 goes on to say that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

Policy ES2 of the emerging and adopted Local Plan seeks to avoid any adverse impact on users and residents of the local area. Policy ES3 criteria 5) looks to ensure permission is not granted which would have a detrimental impact on highway safety.

It must be recognised that once operational, associated vehicular movements involved in the maintenance and running of the site are unlikely to have a significant impact upon local roads. The submitted information advises that there will be around one site visit per month by maintenance vehicles and this vehicle is unlikely to be larger than a small van (CTMP, paragraph 4.14). It is considered that this would have a negligible impact upon the surrounding roads and complies with national and local policy.

However, it is recognised that there is likely to be some impact and inconvenience upon road users and residents during construction due to the number of heavy goods vehicles (HGVs) accessing and egressing the site.

A Construction Traffic Management Plan (CTMP) and a Construction Traffic Method Statement (CTMS) accompany the application. These have been reviewed by the Highways department at Gloucestershire County Council and subsequently revised to address the concerns raised as outlined below.



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The application originally sought permission to access Parcel A via Castle Lane. Gloucestershire County Council raised concerns about the suitability of Castle Lane for HGVs and recommended that a safe and satisfactory alternative would be creating an access from the rear of the existing layby to the north of the Castle Lane Junction. The revised Construction Traffic Management Plan and Method Statement has taken this advice and proposes a new access built into the existing layby for use by construction vehicles. This access would be temporary and will be closed once the solar farm is operational (paragraph 4.3, CTMP). A field access approximately 215 metres to the west of the A38 on Castle Lane will be upgraded to allow access for maintenance vehicles for when the site is operational.

Whitminster Lane runs through Parcel B and construction and maintenance vehicles would both access the eastern and western section of this site along this road.

It is proposed that all three portions of the solar farm will have temporary construction compounds. HGVs heading to both parcels of land would be routed along the A38 from J13 of the M5. The CTMP advises that all construction traffic would enter and exit both parcels of land in a forward gear. It is anticipated that the construction period would be over 6 months and this would equate to around 12 deliveries per day (paragraph 6.13 CTMP).

The CTMP advises that construction traffic and deliveries would avoid peak hours and school pick up and drop off times. However, it does state in paragraph 6.2 that vehicles will be limited between 0800-1900 on Saturdays. Environmental Health have requested that hours are limited at the site on Saturdays between 08:00 and 13:00. It is recognised that this may have a slight knock on effect in terms of overall construction time. However, taking on board Environmental Health's comments and concerns raised by members of the public in relation to construction hours during the week and weekend, this is considered necessary to reduce the short term impact upon residents and road users. Condition 6 has been recommended to reflect this.

### *Cable route*

An underground cable would link the two sites and this would be laid partly along Church Lane which is narrow. It is noted that a number of concerns have been raised by residents in relation to works along this stretch of road. The revised CTMS details how this would be carried out and Highways have raised no objection on highway safety grounds.

### *Reflections from solar panels*

Concerns have also been raised in relation to the site potentially distracting motorists and that the glare from panels could potentially cause accidents. The glint and glare study which accompanies the application advises that there would only be a low impact in the worst case scenario and no mitigation is required. Officers are satisfied with this report and Highways have raised no objection with regards to highway safety.

### *Public Rights of Way (PROW)*

Land Parcel A has no adjacent PROW that run adjacent to or through the site. However, Parcel B has a number of PROW adjacent to and within the site. The proposal seeks to retain these with a 2 metre wide buffer once the site is operational. During construction works a designated crossing point is proposed and HGVs will not be allowed to cross the footpath



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(paragraph 4.22 CTMP). The applicant will be required to contact the PROW team as outlined by the recommended informative. Members of the public have raised concern in relation to horse riders safety along the adjacent bridleway. It is noted that the applicant is proposing signage and information boards which should sufficiently inform residents and PROW users about the works.

The National Cycle Network route 45 runs along Whitminster Lane within Parcel B. The CTMP paragraph 4.25 proposes signage warning cyclists to be aware of construction traffic. Officers are satisfied that these measures are sufficient to mitigate any adverse impact upon highway safety.

#### *Decommissioning*

Planning permission is sought for a period of 40 years. After this date the site would be decommissioned and returned to its former use. Highways comments (25.02.2022) advise that it is important to note that the proposals are not stated to include the decommissioning phase of the development. Paragraph 4.26 of the revised CTMP advises that the decommissioning of the site will involve the same measures as proposed during construction. The Design and Access Statement advises that this will be over a period of six months generating 80 vehicle movements per week.

A planning condition is recommended in order to secure the removal of the solar development and battery storage facility. This requires a decommissioning strategy to be submitted and approved by the local authority a year prior to the expiry of the permission. In addition, Policy ES2 of the adopted Local Plan advises that 'where appropriate, provision should be made for the removal of the facilities and reinstatement of the site should it cease to be operational.' In line with the provisions of Policy ES2 a decommissioning condition has been recommended. This condition is considered reasonable and ensures that a suitable decommissioning strategy is submitted and adhered to in the event that the site ceases to be operational for a period exceeding six months.

Taking the above into consideration whilst there may be some impact upon local roads and users during the construction phase this would only be for a temporary period of time. Subject to the recommended conditions it is not considered that the proposed development would have a significant or severe impact upon the local road network, PROWs or highway safety. This aspect of the proposal is therefore considered to accord with the provisions of the development plan and specifically Policy ES3 5) and ES2 1) of the adopted Local Plan.

#### **CONTAMINATED LAND**

The site is considered to be greenfield land and as confirmed by the Contaminated Land Officer no conditions requiring a watching brief or further investigations are required in relation to this matter.

#### **ECOLOGY**

Section 15 of the NPPF 'Conserving and enhancing the natural environment' is of relevance. Paragraph 174 seeks to ensure planning policies and decisions should contribute to and





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enhance the natural and local environment. Paragraph 180 of the NPPF goes on to list four key principles which should be followed by local authorities when determining a planning application in relation to habitats and biodiversity.

At a local level the key policy is ES6 'Providing for biodiversity and geodiversity' of the adopted and emerging Local Plan. Policy ES2 1) and ES2 b) respectively are relevant when considering this proposal.

An Ecological Assessment and a Landscape and Ecology Management Plan (LEMP) accompany the planning application. Following comments received from statutory consultees an ecology response was submitted providing further details and addressing the comments made by Natural England and the Biodiversity Team.

The Ecological Assessment sought to provide information on the current habitats within the site and wider area as well as identify the proximity to designated and non-designated sites and presence or potential presence of protected species. This document and the LEMP also provide recommendations for mitigation measures and management.

Whilst the report considers the land to be of low ecological value due to its existing agricultural land use, it must be recognised that it is in proximity to seven statutory designated sites as identified within the Ecological Assessment table 3.1 which lie within 5km of the site boundary. These include SSSI, SAC, SPA and RAMSAR sites within the Severn area, which contain important habitats for a number of species. A number of these such as Frampton Pools SSSI and designations at the Severn Estuary are much closer (under 2.5 km away). Non-statutory designated sites such as local wildlife sites are also identified by the Ecological Assessment (table 3.2).

A wintering bird, amphibian and badger survey have been carried out by the applicant as well as an initial walkover in December 2019, followed by an extended Phase 1 habitat survey in April 2020. Records for protected and non-protected species are also examined by the Ecological Assessment.

Due to the sites proximity to the designated areas listed above, any proposals which could affect them require a Habitat Regulation Assessment (HRA). Following the submission of additional information, the Biodiversity Team have advised that the site has been screened out at the preliminary screening stage of the Habitat Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Ecological Assessment paragraph 4.2.6, advises that during construction small scale lighting is proposed, however, once operational the development will not be lit. Mitigation measures and habitat enhancements include new hedgerow planting, scrub planting, creation of grassland area to replace arable land and meadow grassland. Bird boxes and bat roost provision are incorporated into the scheme as well as gaps within fences or under gates to allow the movement of badgers and smaller mammals. It is recognised that in conjunction with reduced agricultural practices this may enhance habitats as outlined within the LEMP.



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It is acknowledged that members of the public and Parish Councils have raised a number of concerns in relation to the impact of the proposal upon wildlife. However, Natural England have advised that they have no objection with respect to protected sites and they welcome the proposed biodiversity enhancements. The Biodiversity Officer has also raised no objection to the proposal subject to the recommended conditions. As such, subject to conditions which will ensure the biodiversity enhancements are implemented and managed for the lifespan of the proposal it is considered that the application is in accordance with paragraph 174 of the NPPF and Policy ES2 1) and Policy ES6 of the adopted Local Plan.

#### **FLOOD RISK**

The NPPF seeks to ensure that when 'determining any planning applications, local authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment' (paragraph 167, NPPF).

In line with the NPPF a Flood Risk Assessment (FRA) has been submitted with the application. The majority of the site falls within Flood Zone 1, with a small area in the west of both parcels in Flood Zone 2 and 3. The FRA advises that the arrays would not be constructed on these areas. The FRA has been reviewed by Stroud District Council's Water Resources Engineer and the Lead Local Flood Authority who have raised no objection and advised that the proposed drainage strategy is suitable.

A condition has been recommended to ensure that the proposal is carried out in accordance with this document to ensure that where required permeable surfaces such as gravel are used to enable drainage and infiltration.

#### **ARCHAEOLOGY & HERITAGE ASSETS**

A key consideration relates to the potential impact of the proposal upon designated and non-designated heritage assets including any archaeological interest. As defined by the NPPF paragraph 189 'heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites'.

Paragraph 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.

In accordance with the development plan a Heritage Assessment accompanies the planning application. The assessment encompassed a study area with a minimum 1km radius from the site boundary. Within the study area 43 listed buildings were identified, one scheduled monument and one Conservation Area.

Stage 1 of the assessment identified the following assets within this area as having the potential to be affected by the proposal:

- Grade II\* Hardwicke Court



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- Grade II Broadfield Farm
- Grade I Church of St Stephen at Moreton Valence
- Grade II\* Church of St Andrew at Wheatenhurst
- Grade II\* Whitminster House
- Grade II\* Packthorne Farmhouse
- Stroud Industrial Heritage Conservation Area

Step 2 of the Heritage Assessment provided a further analysis of each asset and its setting and the potential impact of the development upon its significance. This is in line with the detailed guidance contained within the historic environment NPPG. In brief the level of harm identified by the Heritage Assessment is listed next to each asset below:

- Grade II\* Hardwicke Court – *No harm identified*
- Grade II Broadfield Farm – *Modest degree of harm, equating to less than substantial harm at the lowermost end of that spectrum*
- Grade I Church of St Stephen at Moreton Valence – *No harm identified*
- Grade II\* Church of St Andrew at Wheatenhurst – *Harm arising from the proposed development is anticipated to be limited, being at the lower end of the less than substantial scale*
- Grade II\* Whitminster House – *Modest degree of harm, less than substantial harm at the lowermost end of that spectrum*
- Grade II\* Packthorne Farmhouse – *Small degree of harm at the lower end of less than substantial*
- Stroud Industrial Heritage Conservation Area – *No harm identified*

The Heritage Assessment has been independently reviewed by Stroud District Council's Conservation Specialists, Gloucestershire County Council Archaeologist, Historic England and The Gloucestershire Gardens and Landscape Trust.

Conservation advise that they largely agree with the assessments made. However, advise that the conclusions underplay the impact the proposal would have upon the setting and special interest of St Andrew's Church and Whitminster House both Grade II\*. Similarly, concern was raised in relation to the impact upon the Conservation Area. This section of the Conservation Area is designated as 'Rural Frome Vale' and the 'unpopulated agricultural land' which the site is part of is considered to contribute to the character and appearance of the conservation area. Nonetheless, the Conservation Team agree with the overall findings that the level of overall harm would be less than substantial, although at a higher level of the scale than indicated within the assessment.

Historic England also broadly agreed with the findings of the Heritage Assessment, although found that the proposal would have a degree of harm on the Conservation Area. Historic England recommends that in the event of an approval care should be taken in maintaining the green space setting of the Conservation Area with appropriate mitigation. In addition to the above buildings, Historic England identified the Moated Site at Moreton Valence (scheduled Ancient Monument) although they did not consider the proposed cable route would detrimentally impact the setting and considered that the archaeologist would assess any impact upon undesignated archaeology.



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Historic England requested a further assessment in regard to the setting of Haresfield Hill camp and Ring Hill earthworks, which are approximately 3.5 km east of the site.

#### *Archaeology*

With regards to archaeology a geophysical survey was initially carried out as detailed within the Heritage Assessment. The County Archaeologist has been in pre-application discussions with the applicant and due to the archaeological potential identified by the geophysical survey subsequently trial trench evaluation was carried out. The archaeological evaluation established that there were seven areas on the site that could be impacted on by the proposal relating to the late iron age/Roman period and medieval and one area relating to the medieval period.

The County Archaeologist has advised that any impact upon this heritage asset could be mitigated through the use of ground mounted panels which do not penetrate the ground and are instead secured by methods such as ballast blocks. The County Archaeologist has recommended a condition to ensure that full investigation is carried out and mitigation methods agreed prior to commencement of development. On this basis, subject to condition, Officers are satisfied that any impact upon archaeology can be appropriately mitigated and raise no concerns.

#### Heritage Addendum

The applicants submitted a Heritage Addendum to respond to Historic England's comments and to include the further assessment requested. In brief the document found the following level of harm:

*-Haresfield Hill Camp and Ring Hill Earthworks – No harm identified*

Historic England and Conservation were re-consulted on the addendum. Historic England have advised that it is possible that the solar arrays will be visible in distant views from the hillfort and therefore has the potential to affect the significance of the scheduled site, although any harm would be less than substantial.

Historic England also reiterated that whilst the harm is regarded as being less than substantial to heritage assets they would urge the local authority to seek changes or mitigation of the harm caused to reduce the visual impacts of the development. The Conservation Specialist has again advised that whilst the proposal would erode an appreciation of the significance of the Grade II\* St Andrews Church and Whitminster House and the Industrial Conservation Area the harm would be less than substantial. It is noted that no further mitigation measures have been forthcoming and Stroud District's Conservation Specialist has not advised that such measures are necessary to mitigate the impact of the proposal upon the Conservation Area. We therefore have to make a decision on the submitted information.

Paragraph 202 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be



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weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

Policy ES10 ‘Valuing our historic environment and assets’ seeks to preserve, protect or enhance Stroud District’s historic environment. Criterion 5) advises that ‘Any harm or loss would require clear and convincing justification to the relevant decision-maker as to why the heritage interested should be overridden’.

In this instance the public benefits include renewable energy generation and storage which would provide clean power and significantly contribute to meeting the targets set both nationally and locally. In this instance it is considered that the public benefits outweigh the less than substantial harm identified by the Heritage Assessment, Conservation Specialist and Historic England. As such the proposal is considered to comply with the provisions of the development plan and convincing justification has been provided to satisfy Policy ES10 5) of the adopted Local Plan and addresses the heritage impact. Whilst an adverse impact has been identified the level of harm is not considered to be significant with regards to the provisions of ES2 of the adopted and emerging Local Plan and as such the proposal is also considered to be in accordance with this policy in respect of the impact upon heritage assets.

### **OBLIGATIONS**

The Local Planning Authority does not seek finance community benefits from the type of development proposed. Whilst understanding that any possible community fund might be desirable and provide benefit to the local community is it not considered compliant with the Community Infrastructure Levy Regulations 2010 (as amended) and would not meet the tests of a planning obligation to be necessary, directly relevant in planning terms and fair and reasonable. It can therefore not be required under planning law and should not be given weight either in its presence or absence when considering the planning balance of the planning application.

This does not preclude separate discussions about a community fund between the developer and the local community/Parish Councils.

### **REVIEW OF CONSULTATION RESPONSES**

It is considered that the majority of concerns raised have been addressed above in the main body of the report.

Comments have been received raising concern with regards to the lack of community benefit being offered. Policy ES2 4) seeks proposals to demonstrate ‘the direct benefits to the area and local community’. The accompanying Planning Statement advises that there are social and economic benefits to the proposal. For instance, construction will lead to employment opportunities, whilst local businesses will be contracted for relevant parts (e.g. component suppliers). Construction workers may also spend their wages locally and the proposal would help meet local energy needs. In addition, it is considered that there would be local biodiversity enhancements which would benefit the area. As such, on balance Officers are satisfied that the proposal complies with Policy ES2 4).



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Public comments have raised concern in relation to the loss of value of properties. This is not considered to be a material planning consideration and weight cannot be attributed to this issue. Concern has also been raised in relation to the consultation process and Members are advised that this has been carried out in accordance with the legislation requirements and Stroud District's Statement of Community Involvement with significant time allowed for comments to be submitted.

Public comments also advise that the use of brownfield sites would be preferable to this location. It is recognised that due to the size and scale of the proposal, brownfield sites would be unlikely to be able to accommodate the scheme. Officers are satisfied that in order to generate the amount of electricity proposed the location is acceptable.

#### **PLANNING BALANCE AND RECOMMENDATION**

In terms of Government policies on climate change and Stroud District Council's target of becoming carbon neutral by 2030, it must be recognised that the proposal would make a substantial contribution towards meeting this ambition through renewable energy generation and storage by providing power to approximately 15,000 homes annually.

The key areas of concern in this instance relate to the impact upon the landscape character area, the impact upon residential amenity in terms of visual effect and noise, the impact upon the highway, ecology and heritage assets in the wider area. It is also recognised that there will be temporary adverse impacts associated with the construction of the site such as increased vehicle movements in the area. However, it is considered that subject to the mitigation measures proposed and their ongoing management, on balance the impact upon residents, the highway and ecology are acceptable and can be managed via planning condition.

It must be recognised that the proposal will harm the setting of a number of designated heritage assets, although this has been identified as less than substantial by the Heritage Assessment, addendum and by Stroud District's Conservation Specialists and Historic England. In line with the provisions of the NPPF paragraph 202 and ES10 5) this harm should be weighed against public interest.

In addition, it is recognised that the proposal will have a large impact upon the character of the landscape. As outlined within the landscape section of the report, following the submission of the revised Landscape Strategy and LVIA, Officers agree that in the longer term at year 15 the proposal would have a moderate adverse impact. However, initially during construction and year 1 a major adverse impact would be experienced by some receptors. It is therefore acknowledged that there is some conflict with Policy ES7 1), however, the impact upon the landscape must also be weighed against the public benefit of the proposal.

In terms of the planning balance the benefits of the proposal are considered to outweigh the less than substantial harm that would be caused to the heritage assets and the adverse impact upon the character of the landscape. The environmental benefits of the scheme are significant and would contribute in achieving Stroud and the UK's renewable energy targets.



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It is therefore considered that the balance lies in favour of the proposal and it is recommended that planning permission be granted subject to condition.

### 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.

<b>Subject to the following conditions:</b>	<p>1. The development hereby permitted shall be begun before.</p> <p>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.</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 submitted on the 23.02.2021</p> <p>Proposed Site Layout and WPD Control Room Drawing Number GCS0020-4 Rev 4 submitted on the 23.02.2021</p> <p>Typical Acoustic Timber Fence Rev: A submitted on the 23.02.2021</p> <p>Typical Battery Station Details Rev: A submitted on the 23.02.2021</p> <p>Typical Battery Station Details Rev A submitted on the 23.02.2021</p> <p>Typical Customer Switchgear Details Rev A submitted on the 23.02.2021</p> <p>Typical Fence, Track and CCTV Details Rev A submitted on the 23.02.2021</p> <p>Typical Inverter Building Details Rev A submitted on the 23.02.2021</p> <p>Typical Single Axis Tracker Table Details Rev A submitted on the 23.02.2021</p>
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Typical Spares Container Details Rev A submitted on the 23.02.2021

Typical Trench Sections Details Rev A submitted on the 23.02.2021

Landscape Strategy Revised Drawing Number: P18\_2617\_13 submitted on the 24.12.2021

Construction Signage and public rights of way plan submitted on the 23.02.2021

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

3. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the local electricity grid (hereafter known as 'The First Export Date'). Written notification of The First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies ES2 & ES7 of the adopted Stroud District Local Plan.

4. Within 12 months of the date when the solar panels permanently cease to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The land restoration scheme shall be submitted within two months of the cessation of electricity production.

Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies ES2 & ES7 of the adopted Stroud District Local Plan.

5. Notwithstanding the submitted details, the colour and finish of the proposed inverters/ transformers and substation buildings, including elevations and floor plan drawing for the WPD control room shall be submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter.





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Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies CP14, ES3 and ES7 of the adopted Stroud District Local Plan, November 2015. Consideration of dark green, grey or brown matte colours to recess into the landscape should be considered.

6. 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.

Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.

7. Construction 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 by the Local Planning Authority.

Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.

8. The development shall be constructed and implemented in full accordance with the recommendations set out within the submitted LF Acoustics Noise Assessment (Jan 2021). This should include, but not be limited to: -  
the housing of equipment as set out in the report; the provision of additional noise mitigation measures set out in Figure 4 of the report; and the positioning of external condenser units serving battery containers on the sides of the containers facing away from residential receptors.

Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.

9. The Construction Traffic Management Plan and the Construction Traffic Method Statement (ref tbc) hereby submitted shall be fully complied with at all times during the construction and decommissioning stages of the development.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and subsequently during the decommissioning of the site.



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10. Prior to the commencement of any other works related to the development, the means of vehicle access to each parcel or portion of the site shall have been constructed and completed in accordance with the approved plans. All gates shall be situated at least 20 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. The area of the access way within at least 20 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be so maintained thereafter.

Reason: In the interests of highway safety.

11. Prior to the first vehicular use of any site access visibility splays at that access point shall be provided from a point 0.9 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for the distances along the carriageway in each direction as shown on the submitted drawings. Nothing shall be planted, erected and/or allowed to grow on the triangular areas of the land so formed which would obstruct the visibility as described.

Reason: In the interests of highway safety.

12. No materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to any Public Right of Way that may obstruct or dissuade the public from using the Public Right of Way whilst development takes place. No changes to any Public Right of Way direction, width, surface, signing or structures shall be made without the prior written approval of the Gloucestershire County Council or the necessary legal process.

No construction / demolition vehicle access shall be taken along or across any Public Right of Way without prior permission and appropriate safety/mitigation measures approved by the Gloucestershire County Council. Any damage to the surface of the Public Right of Way caused by such use will be the responsibility of the developer or their contractors to put right / make good to a standard required by the Gloucestershire County Council.

Reason: In the interests of the safety and amenity of users of the Rights of Way.

13. 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/mitigation in accordance with a written scheme of investigation which has



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been submitted to and approved 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 recording and conservation of any archaeological remains that may be impacted by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost or preserved within the development area, in accordance with paragraph 205 of the National Planning Policy Framework.

14. All works shall be carried out in full accordance with the recommendations contained in the following reports: Ecological Assessment, Table 5.1, Avian Ecology, dated February 2021, Landscape and Ecology Management Plan, Avian Ecology, dated February 2021, Badger Report, Avian Ecology, dated February 2021 as submitted with the planning application and agreed in principle with the Local Planning Authority.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 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.

15. No works shall take place (including demolition, ground works and vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- c) The locations and timings of sensitive works to avoid harm to biodiversity (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- d) Details of where materials will be stored
- e) Details of where machinery and equipment will be stored
- f) The timing during construction when an ecological or environmental specialist needs to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- i) Ongoing monitoring, including compliance checks by a



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competent person(s)during construction and immediately post-completion of construction works

Reason: To protect the site for biodiversity in accordance with paragraph 174 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.

- 16. The development hereby permitted must be carried out fully in compliance with the Arboriculture Impact Assessment written by Barton Hyatt Associates dated November 2020.

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).

- 17. Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition, or construction) a pre-commencement meeting must take place with the main contractor / ground workers with the local planning authority tree officer.

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).

- 18. Monitoring tree protection. Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a qualified tree specialist (where arboriculture expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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).



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19. Drainage at the site shall be maintained and managed in accordance with the details provided within the Flood Risk Assessment submitted on the 23.02.2021.

Reason: To ensure adequate surface water drainage is provided.

Informatives:

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.
2. The applicant is advised that required to submit an application under the Land Drainage Act for any development within 8 m of a watercourse.
3. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.
4. There are Public Rights of Way running through the site and the applicant will be required to contact the PROW team to arrange for an official diversion as necessary. If the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the Right of Way for the duration of any works.
5. The developer is advised to seek independent legal advice on the use of the Public Rights of Way for vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion.  
It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but in particular reference is made to "respecting the community".  
This says:

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Constructors should give utmost consideration to their impact on neighbours and the public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.