

# Public Document Pack



## STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

Telephone 01453 766321

[www.stroud.gov.uk](http://www.stroud.gov.uk)

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

Monday, 17 April 2023

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 25 APRIL 2023** 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.

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 for absence.

2. **DECLARATIONS OF INTEREST**

To receive Declarations of Interest in relation to planning matters.

3. **MINUTES (Pages 3 - 10)**

To approve the minutes of the meeting held on 7 March 2023.

4. **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING (Pages 11 - 16)**

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

4.1 **FOLLOW-UP REPORT FOR PLANNING APPLICATION S.22/2596/HHOLD AT 32 WHARF DALE WAY, HARDWICKE, GLOUCESTER** (Pages 17 - 26)

Erection of double garage to side of main house. Following the resolution of this committee at their meeting on 7 March 2023 to defer a decision on this planning application until a further site inspection had taken place, this report will reintroduce the planning application and summarise the decision-making options for the committee.

- 4.2 LAND AT SHARPNESS DOCKS, THE DOCKS, SHARPNESS, GLOUCESTERSHIRE (S.17/0798/OUT)** (Pages 27 - 74)  
Mixed use development which includes up to 300 dwellings (C3), industrial and distribution development (B1c,B2,B8) on 6.6 hectares of land 2 no. marinas, up to 1250m2 of ancillary retail / food and drink uses (A1,A2,A3 and A4) up to 7,000m2 of commercial floor space (B1 office/light industrial of which no more than 4300m2 to be B1 office), up to 100 holiday lodges/camping pitches, hotel, public open space, landscaping, visitor parking, new access road and associated infrastructure.
- 4.3 LAND ADJACENT TO, DOZULE CLOSE, LEONARD STANLEY, GLOUCESTERSHIRE (S.21/2860/OUT)** (Pages 75 - 98)  
Outline application for 13 houses of which 9 are custom build houses and 4 affordable together with associated access, parking & amenity spaces with all matters reserved except access (amended description).
- 4.4 THOMAS KEBLE SCHOOL, EASTCOMBE, STROUD, GLOUCESTERSHIRE (S.23/0188/VAR)** (Pages 99 - 120)  
Variation of Condition 25 (Construction Delivery times) of planning permission S.22/0918/FUL (as amended by S.22/2197/VAR).
- 4.5 LAND PARCELS A & B, NEAR WHITMINSTER, GLOUCESTERSHIRE (S.22/2098/VAR)** (Pages 121 - 152)  
Section 73 Variation of Condition 2 (Approved Plans) of Permission 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). Variation to consist of two point-of-contact masts required to connect solar farm to electricity grid, reconfiguration of solar arrays and addition of spare containers.
- 4.6 LAND NORTH EAST OF, KINGSTON ROAD, SLIMBRIDGE, GLOUCESTERSHIRE (S.22/1157/FUL)** (Pages 153 - 194)  
Installation and operation of a 36MW battery storage facility.

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

**Councillor Martin Baxendale (Chair)**

Councillor Martin Brown  
Councillor Doina Cornell  
Councillor Victoria Gray  
Councillor Lindsey Green  
Councillor Haydn Jones

**Councillor Helen Fenton (Vice-Chair)**

Councillor Jenny Miles  
Councillor Loraine Patrick  
Councillor Nigel Prenter  
Councillor Mark Ryder  
Councillor Lucas Schoemaker



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## DEVELOPMENT CONTROL COMMITTEE

Tuesday, 7 March 2023

6.00 - 8.02 pm

Council Chamber

### Minutes

#### Membership

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

- \* Councillor Martin Brown
- Councillor Doina Cornell
- \* Councillor Victoria Gray
- Councillor Lindsey Green
- \* Councillor Haydn Jones
- \* Absent

##### **Councillor Helen Fenton (Vice-Chair)**

- Councillor Jenny Miles
- Councillor Loraine Patrick
- \* Councillor Nigel Prenter
- \* Councillor Mark Ryder
- Councillor Lucas Schoemaker

#### Officers in Attendance

Head of Development Management  
Development Team Manager

Specialist Conservation Officer  
Senior Democratic Services & Elections Officer

#### DCC.101 Apologies

Apologies for absence were received from Councillors Brown, Gray, Jones, Prenter and Ryder.

#### DCC.102 Declarations of Interest

There were none.

#### DCC.103 Minutes

**RESOLVED** That the Minutes of the meeting held on 17 January 2023 were approved as a correct record.

#### DCC.104 Planning Schedule and Procedure for Public Speaking

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

1	S.22/2538/VAR	2	S.22/2480/LBC	3	S.22/2596/HHOLD
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Late Pages relating to Scheduled Items S.22/2538/VAR and S.22/2480/LBC had been circulated to Committee prior to the meeting and were also made available during the meeting.

**DCC.105    Rodborough Court , Walkley Hill, Stroud, Gloucestershire**  
**(S.22/2538/VAR)**

The Development Team Manager introduced the item, it was agreed to discuss both applications S.22/2538/VAR and S.22/2480/LBC together but take separate votes on each item.

The Development Team Manager advised that Rodborough Court was a grade II listed building which sat in an elevated position in a residential area of Rodborough. The site was within the settlement development limits of Stroud. The Development Team Manager gave a brief history of the planning permission granted on the site previously and advised that the applications being considered were for an amendment to the previously approved scheme.

The Development Team Manager confirmed that the amendments under consideration related to the appearance of the extension. As originally approved, the glazed box was to be constructed using channelled glass, these were thin, vertical glass panels. It was now proposed to use larger frames and panes of glass. As this was materially different in appearance to the previous approval, and would be inconsistent with the conditioned plans, planning permission and listed building consent were required. The Development Team Manager highlighted using the plans and images of the site where the changes to the design would be made. It was confirmed that Officers had concluded that the proposed design amendments would not harm the special interest of Rodborough Court or impact on the setting of any other nearby listed building.

Public comments were received and reported in the late pages querying the consultation with Historic England. A consultation with Historic England was generated due to the proximity of the application site to the grade II\* listed church; Historic England responded deferring the matter to the authority's own specialist advisors, the conservation officer had raised no objection to the proposal.

Having assessed the proposal, officers had concluded that the alteration would have no greater impact on amenities of nearby occupiers than the previous approval. While the altered design enabled opening sections, there was sufficient separation from neighbouring properties to protect living conditions. Furthermore, the existing permission did not require the channel glass to be obscured, so a benefit could be achieved by a new condition requiring obscure glazing.

Mr O'Driscoll, a neighbour, spoke on behalf of local residents in opposition of the applications for the following reasons:

- The changes to design would impact their quality of life.
- The changes had a negative impact on the design moving away from a single block form without openings.
- The openings in the glass would cause noise pollution and would impact local residents.
- The proposed glass would increase light pollution.

Mr O'Driscoll asked the committee to require the applicant to produce an independent report showing the impact the changes would have on light and acoustic pollution.

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Mr Cabrini-Dale, the applicant, spoke in support of the applications and advised that the site was as an assembly plant where production was carried out by hand.

David Austin, the Agent, spoke in support of the applications and highlighted the flaws with the original design using Channel Glass. He advised that with Channel Glass to reach the desired thermal grade the glass would need to be filled with a cotton wool like filling and the building would need to be artificially heated and cooled. He confirmed that the glass would be supplied by a local firm and would be treated to reduce heat build up and heat escaping. The Agent further advised that light pollution would be minimal with the use of low energy lighting and downlights.

In response to Councillor Fenton the Specialist Conservation Officer advised that when the original application was approved it was not noted that an additional filling would be required for the channel glass.

Councillor Cornell asked for further information regarding the sliding doors and how this would look. The Development Team Manager confirmed that there would not be any additional external accessways and that the clear glazing would allow further views that the channel glass but most of the elevations would be overlooking the application site itself.

Councillor Schoemaker asked whether the Committee could consider adding additional conditions to the times in which the sliding doors could be opened. The Development Team Manager reminded the Committee of the test conditions are required to meet and advised that this would be unlikely to meet those requirements.

In response to questions from Councillor Patrick Loraine the Development Team Manager confirmed the following:

- The Juliet balcony would not be an external structure as you would be unable to step onto it.
- The obscure glass was not proposed for the whole of the rear of the building but where there was clear glass views that would likely be obstructed by the rest of the building.
- Windows highlighted in red on the plans shown to the Committee would slide open to allow ventilation.

In responses to questions regarding light pollution from Councillor Fenton the Development Team Manager advised that the original application did not impose any conditions regarding light pollution and the glazing was not required to be obscure. It was also confirmed that the site was within the settlement boundary where some light pollution would be expected.

Councillor Schoemaker proposed the Officers advice to approve the application S.22/2538/VAR and Councillor Fenton seconded.

Councillor Schoemaker suggested that the Committee were constrained by the original approved application and had been reluctantly convinced that current planning legislation would not allow them to issue any additional conditions.

Councillor Fenton highlighted the merits of the design including its increased energy efficiency.

Councillor Cornell stated that it was hard to come to a decision and that she had appreciated the comments from local residents but expressed the importance of good ventilation in a work environment.

Councillor Patrick drew on her recollection from the site visit and was satisfied that some of the glazing would be obscured although expressed a wish for further ventilation and obscured glass.

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

**RESOLVED To Permit the application.**

**DCC.106    Rodborough Court , Walkley Hill, Stroud, Gloucestershire**  
**(S.22/2480/LBC)**

The application was considered jointly with Item 4.1.

Councillor Baxendale proposed the Officers advice to approve the application S.22/2480/LBC and Councillor Schoemaker seconded.

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

**RESOLVED To grant consent to the application.**

**DCC.107    32 Wharfdale Way, Hardwicke, Gloucester, Gloucestershire**  
**(S.22/2596/HHOLD)**

The Development Team Manager introduced the application which sought permission for the erection of a double garage at an end of terraced property in Hardwicke. He confirmed that the site was within the defined settlement limits of Hardwicke and that it benefitted from off-street parking within a shared parking courtyard which had been extended by the inclusion of a further gravelled drive. The proposed garage would replace one of the original parking spaces and extend over the gravelled drive resulting in 2 parking spaces within the building and a further 2 parking spaces to the front.

The Development Team Manager drew the Committees attention towards the plans for the development and advised that policies HC8 and ES3 had been considered. He advised Members that concerns had been raised on the impact of the garage on the outlook from nearby properties and highlighted the separation distances in place between the proposed garage and its nearest buildings. The shortest distance would be to the east where the wall of the garage would be approximately 12 metres from the property at Number 34, this exceeded the guidance provided in the Residential Design Guide (SPD).

Cllr John Perkin a representative from Hardwicke Parish Council spoke in opposition of the application. He advised that properties on the Wharfdale development with garages had only been provided single garages with an additional parking space and that this would therefore be the only double garage within the development. He stated that the garage would have a detrimental effect on the parking space allocated to number 34 as the garage would need to be built close to the white line making it more difficult for the users of the adjacent space to get into and out of their vehicle. Cllr Perkin also referred the committee to restrictive covenants which were in place on the development which were not a planning matter. Cllr Perkins suggested that a single garage would be more appropriate as it would lessen any impact on the adjacent parking space, would increase the distances

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from the garage to the nearest property and would also be in the spirit of the development. He drew the Committees attention to the objections received from Number 34 which the Parish Council supported.

The Development Team Manager confirmed the following:

- Covenants were a civil matter and would not prevent planning permission from being granted.
- The Committee did not have the powers to amend the design but would have to determine whether to grant permission to the application in front of them.
- The highways section of the report advised that the original planning permission imposed a condition that parking was to be provided and Officers believed that the development would still meet the minimum parking requirements as laid out in the local plan.

In response to Councillor Fenton the Development Team Manager advised that planning permission did not rely on land ownership however the case officer had been advised that the applicant did own the parking space being discussed.

Councillor Cornell asked for confirmation of the number of parking spaces. The Development Team Manager confirmed that 2 spaces would remain outside of the proposed garage and there would be space for an additional 2 vehicles inside the garage. There would therefore be no loss of parking spaces.

The Development Team Manager responded to Councillor Cornell to confirm that the character of the neighbouring parking space would change but there was nothing to suggest that it would become unusable.

Councillor Miles questioned whether they would require planning permission to convert the garage into living accommodation. The Development Team Manager advised that planning permission wouldn't be required unless they added conditions to restrict the use of the garage. He also advised that as the garage was detached from the main building by a walkway it may be less likely to be used as living accommodation.

Councillor Patrick Proposed the Officers advice which was seconded by the Chair.

Councillor Green indicated her reservations were due to the distance from the garage to the property at number 34.

Councillor Patrick advised that during the site visit she stood in front of the window at Number 34 to see what the impact would be, she highlighted that there was a large tree obstructing the view which would lessen any impact of the garage wall. Councillor Fenton also confirmed that she had looked at the impact for Number 34 during the site visit, she advised that the tree could be removed and that the garage would affect the open aspect of the area not just for Number 34 but for other neighbouring properties. Councillor Miles also expressed concerns regarding the impact on the property at Number 34.

Councillor Miles asked whether conditions may be able to apply to restrict different uses of the garage. The Head of Development Management advised that they needed to think about why they would want the condition to be applied and whether there was adequate justification to add any conditions to restrict use when the number of parking spaces provided outside the garage met the required standards in the Stroud District.

Councillor Schoemaker stated that Number 34 would currently be looking at cars or vans which would provide a similar impact as the proposed garage and therefore there was not an adequate reason to reject the application.

Councillor Cornell offered support for the application and advised that a garage would be an asset for the property and that due to other garages on the development it wouldn't be out of character.

The Chair, Councillor Baxendale, raised concerns regarding the overbearing impact on neighbouring properties due to the creation of an enclosed space and advised that he would not be supporting Officers advice. He clarified that he had originally proposed Officers advice so that the Committee could enter debate and that the conversations during the debate had altered his view on whether to vote in favour or against Officers advice.

On being put to the vote, the motion was not carried with 3 votes against, 2 in favour and 2 abstentions.

The Chair, Councillor Baxendale made a further proposal to refuse the application, this was seconded by Councillor Green.

The Chair and members of the Committee discussed possible reasons for refusal and put forward the proposal of overbearing impact. The Development Team Manager reminded the Committee that the SPD suggests a minimum distance of 10 metres between a window and a wall which this application had exceeded.

The Chair advised that the standards were for general situations and advised that this situation was slightly different with the enclosed nature of the proposed development. Councillor Fenton stated that there was an overbearing impact because of the configuration of the site and that the amenity of parking spaces were already available for the property without the overbearing impact of a garage in the same location.

Councillor Patrick stated that the Committee should abide by the standards in place.

The Principal Planning Lawyer advised that the Committee would need to develop their reasons for refusal. He suggested that the Committee had discussed the overbearing impact, that the double garage would be out of character in the particular location and would have a detrimental impact on neighbouring residents.

Councillor Patrick suggested that the proposed double garage would not be out of keeping as it would be built in the same mode as other buildings.

Councillor Baxendale considered whether policy ES13 could be used as a refusal reason.

Councillor Green confirmed that the SPD was guidance and therefore the limits within it were not rules set in stone.

Councillor Cornell suggested that it could be considered out of character as this had been mentioned by some members of the Committee and the Parish Council as there were not many double garages on the development site.



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The Principal Planning Lawyer offered advice to the Committee suggesting that they may wish to carry out a further site visit so that everyone could be clear as to the extent the garage would impact the area and neighbouring properties.

Councillor Green proposed an amendment to defer the decision pending a further site visit. Councillor Schoemaker seconded the amendment.

The Chair encouraged Members to attend the next site visit if the amendment was agreed.

On being put to the vote the amendment was agreed with 5 votes in favour and 2 against.

**RESOLVED To defer the application for decision at the next meeting following an additional site visit.**

The Committee took a short break, the meeting resumed at 8.02pm. Councillor Schoemaker left the meeting.

**DCC.108    DCC Budget Monitoring Report 2022/23 Q3**

There were no questions.

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

**RESOLVED To note the outturn forecast for the General Fund Revenue budget for this Committee.**

The meeting closed at 8.02 pm

Chair

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**Planning Schedule 25.04.2023**

# **Stroud District Council**

## **Planning Schedule**

### **25<sup>th</sup> April 2023**

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 25.04.2023**

### **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 Chair 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) in advance and you have until noon one clear working day before the day of the meeting to let us know.

#### **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.

If you have not registered to speak, your ability to do so will be at the discretion of the Chair.

## Planning Schedule 25.04.2023

### 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).

There is an additional speaking slot available for all Ward Councillors with no time restraints.

**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.
- Speakers will not be allowed to ask questions of the Councillors or Officers; Committee Members are not able to question speakers directly but can seek points of clarification through the Chair with responses delivered by Officers.
- Minutes of the meeting will be taken, and these will record the names of all speakers on all applications and the decision made.

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 Members 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 25.04.2023**

### **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).

There is an additional speaking slot available for all Ward Councillors with no time restraints.

**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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1. Introduction of item by the Chair
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4. Public Speaking
  - a. Parish Council:
  - b. Those who oppose the application
  - c. Those who support the application
5. Committee Member questions of officers
6. Committee Member tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

## Planning Schedule 25.04.2023

Parish	Application	Item
Hardwicke Parish Council	32 Wharfdale Way, Hardwicke, Gloucester. S.22/2596/HHOLD - Erection of double garage to side of main house. (Revised plans received 13.01.2023)	01
Hinton Parish Council	Land At Sharpness Docks, The Docks, Sharpness. S.17/0798/OUT - Mixed use development which includes up to 300 dwellings (C3), industrial and distribution development (B1c,B2,B8) on 6.6 hectares of land 2 no. marinas, up to 1250m <sup>2</sup> of ancillary retail / food and drink uses (A1,A2,A3 and A4) up to 7,000m <sup>2</sup> of commercial floor space (B1 office/light industrial of which no more than 4300m <sup>2</sup> to be B1 office), up to 100 holiday lodges/camping pitches, hotel, public open space, landscaping, visitor parking, new access road and associated infrastructure.	02
Leonard Stanley Parish Council	Land Adjacent To, Dozule Close, Leonard Stanley. S.21/2860/OUT - Outline application for 13 houses of which 9 are custom build houses and 4 affordable together with associated access, parking & amenity spaces with all matters reserved except access (amended description).	03
Bisley With Lypiatt Parish Council	Thomas Keble School, Eastcombe, Stroud. S.23/0188/VAR - Variation of Condition 25 (Construction Delivery times) of planning permission S.22/0918/FUL (as amended by S.22/2197/VAR)	04
Moreton Valence Parish Council	Land Parcels A & B, Near Whitminster, Gloucestershire. S.22/2098/VAR - Section 73 Variation of Condition 2 (Approved Plans) of Permission 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). Variation to consist of two point-of-contact masts required to connect solar farm to electricity grid, reconfiguration of solar arrays and addition of spare containers	05
Slimbridge Parish Council	Land North East Of, Kingston Road, Slimbridge. S.22/1157/FUL - Installation and operation of a 36MW battery storage facility.	06

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**STROUD DISTRICT COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**25 APRIL 2023**

<b>Report Title</b>	<b>Follow-up report for planning application S.22/ 2596/HHOLD at 32 Wharfdale Way, Hardwicke, Gloucester</b>
<b>Purpose of Report</b>	Following the resolution of this committee at their meeting on 7 March 2023 to defer a decision on this planning application until a further site inspection had taken place, this report will reintroduce the planning application and summarise the decision-making options for the committee.
<b>Report Author</b>	Gemma Davis Principal Planning Officer E-mail: <a href="mailto:gemma.davis@stroud.gov.uk">gemma.davis@stroud.gov.uk</a>
<b>Background Papers</b>	<a href="#">Application file for S.22/2596/HHOLD, available to view via Public Access</a>
<b>Appendices</b>	Appendix A – Report to Development Control Committee 7 March 2023.

## 1. INTRODUCTION

A householder planning application was submitted to the local planning authority on 28 November 2022 for the erection of a double garage at 32 Wharfdale Way, Hardwicke. Hardwicke Parish Council requested the application be referred to the Development Control Committee. The application was agreed to be determined at Development Control Committee by the Chair of Development Control Committee and the Head of Development Management and the application appeared before this committee on 7 March 2023. The officer recommendation was to grant planning permission subject to conditions.

## 2. OUTCOME OF MEETING ON 7 MARCH 2023

A Site Inspection Panel was held on 28 February 2023 where members of the committee were invited to visit the site. Three members attended the scheduled site visit.

At the committee's meeting on 7 March, a motion to approve planning permission in accordance with the officer's recommendation was proposed and seconded. When put to a vote, this motion was not carried.

A motion to refuse planning permission was then proposed and seconded. In members' debate on the refusal reason, officers advised that refusing planning permission for reasons relating to the garage being 'overbearing' were weak and unlikely to be sustained at appeal. It was then suggested that a second site inspection may assist those members who previously were unable to attend.

It was proposed that the motion to refuse be amended to defer making a decision until a further site inspection had been undertaken. This motion was seconded and on being put to the vote was carried.

Members subsequently visited the site on 18 April 2023.

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## Development Control Committee Schedule 07/03/2023

<b>Item No:</b>	<b>3</b>
<b>Application No.</b>	S.22/2596/HHOLD
<b>Site No.</b>	PP-11722338
<b>Site Address</b>	32 Wharfdale Way, Hardwicke, Gloucester, Gloucestershire
<b>Town/Parish</b>	Hardwicke Parish Council
<b>Grid Reference</b>	379687,213637
<b>Application Type</b>	Householder Application
<b>Proposal</b>	Erection of double garage to side of main house. (Revised plans received 13.01.2023)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Parish Council



<b>Applicant's</b>	Mr V Mills
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	<b>Development Control Committee Schedule</b> <b>07/03/2023</b>
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<b>Details</b>	32 Wharfdale Way, Hardwicke, Gloucester, Gloucestershire, GL2 4JF
<b>Agent's Details</b>	Mr Stephen Sparkes A1 Architecture Ltd, 10 The Anchorage, Gloucester, GL2 5JW
<b>Case Officer</b>	Gemma Davis
<b>Application Validated</b>	28.11.2022
	<b>CONSULTEES</b>
<b>Comments Received</b>	Hardwicke Parish Council Canal Team (E) Contaminated Land Officer (E)
<b>Constraints</b>	Adjoining Canal Consult area Neighbourhood Plan Hardwicke Parish Council Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

## MAIN ISSUES

- o Introduction
- o Principle of development
- o Design, appearance, impact on the area
- o Landscape impact
- o Residential Amenity
- o Biodiversity
- o Highways

## INTRODUCTION

The application site consists of an end of terrace dwelling which is located within a group of seven properties, off Wharfdale Way in Hardwicke, Gloucester. The house is faced in brick, under a plain tiled roof with UPVC windows and doors. There is a driveway to the side of the house. There is no landscape designation at this site.

The site is located within the defined settlement limits for Hardwicke

## PROPOSAL

The application seeks permission for the erection of a double garage. The proposed garage is to be sited over a section of the gravelled driveway and the adjacent hardstanding that serves No.32 Wharfdale Way.

## REVISED DETAILS



## Development Control Committee Schedule 07/03/2023

Revised details have been received that attach the garage to the side elevation of the host property

### **MATERIALS**

Walls: Multi / red facing bricks to match existing  
 Roof: Red interlocking tiles  
 Doors: Stained timber

### **REPRESENTATIONS**

#### **Statutory Consultees:**

Canal and Rivers Trust

No comment

#### **Contaminated Land Officer**

Contaminated Land watching brief condition should planning permission be forthcoming.

#### **Hardwicke Parish Council**

At its meeting on Tuesday January 3rd Hardwicke Parish Council considered its response to the above planning application. A number of concerns were raised and the Council resolved to object to the application and to request that the application be referred to DCC (unless of course the application is refused under delegated authority) The attached report to the Parish Council prepared by the council's planning group along with relevant pictures sets out the Council's opposition to the application. It is also noted that views from neighbouring property have been submitted to the district council.

#### **Public:**

Two letters of objection received to the revised scheme raising the following concerns:

- o Concern regarding permanent structure on a communal car park
- o Inconvenience from construction work
- o Inappropriate location
- o Impact on natural light
- o Interference to parking access
- o Surface water drainage

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

National Planning Policy Framework.

Available to view at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

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)



## Development Control Committee Schedule 07/03/2023

Local Plan policies considered for this application include:

CP14 - High quality sustainable development

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES6 - Providing for biodiversity and geodiversity.

ES12 - Better design of places.

Supplementary Planning Documents

Residential Design Guide, November 2000

Hardwicke Neighbourhood Development Plan 2017

GEN3 - High quality inclusive design

CT1 - Parking

### PLANNING CONSIDERATIONS

#### INTRODUCTION

Planning permission was initially sought for the erection of a detached double garage over a section of the dwelling's hardstanding and gravelled driveway, located to the side of the property. Following construction of the outbuilding, two parking spaces would remain on site in front of the garage doors. Following a review of the wider area, revisions were sought to the scheme to attach the garage to the main dwelling as there are examples of similar structures in the immediate vicinity. The revised plans were subject to consultation and form the basis of this recommendation.

#### PRINCIPLE OF DEVELOPMENT

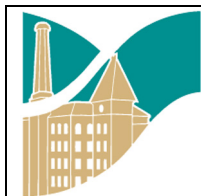
Policy HC8 allows for the erection of outbuildings incidental to the enjoyment of the dwelling subject to relevant criteria. Therefore, the principle of development for an outbuilding to this property is deemed acceptable.

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

Wharfdale Way comprises a relatively modern dense housing estate located within the defined settlement limits for Hardwicke. The estate comprises of a mixture of semi-detached, detached and terraced properties that are two storeys in height. There are also flat over garage units (FOG) and single and double detached garages that serve some of the residential properties.

It is proposed to erect a double garage to the side of the host property. The garage would be located over two of the parking spaces that serves the host property. Initially, the application proposed a detached garage that was to be sited away from the side elevation of the host property, it is assumed that this original location was sought to maintain access to the host properties rear amenity space.

Officers raised some concerns with this proposal, it was considered that a garage building would appear more cohesive if it was attached to the side elevation of the host property. It was noted that the rear access to the garden would be lost and therefore it was suggested



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that rear access to the garden could be incorporated into the design of the garage. The feedback was considered by the applicant and the agent and revised details was submitted.

Following receipt of the revised plans, it is proposed to attach the garage to the house with access to the rear garden. The proposed garage would measure approximately 5.1 metres by 5.3 metres with an eaves height of 2.4 metres and a ridge height of 4 metres. While the footprint of the garage is relatively large, it is typical in size for its intended purpose as a double garage. Attaching the building to the house would appear more cohesive in design as it would be viewed as an extension to the house rather than a standalone building that may have the potential to appear prominent in the street scene. While it is noted that the design would present a solid brick wall to the street, this could be softened by planting.

The proposed garage is simple in appearance, it reflects that of the main house including the use of matching materials and ensures a continuity of design and built form.

Ultimately, the garage building is not an uncommon feature within the wider estate, there are examples throughout comprising both single and double garage buildings. As such, the development would not appear unduly prominent or out of place within its domestic setting.

### 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.

### RESIDENTIAL AMENITY

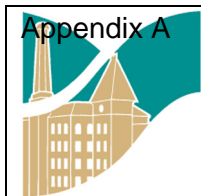
The main concern for the development is the impact on neighbouring residents in terms of the proposal being overbearing or overshadowing.

The garage is located approximately 12 metres away from the front elevation of No.34 Wharfdale Way. The two structures would be separated by a parking forecourt that serves No.32, 34, 36 and 38 Wharfdale Way and a small area of garden to No.32.

It is acknowledged that the presence of the garage building would have the potential to feel overbearing and enclose no.34 Wharfdale Way as, following construction, their outlook would be of a solid wall rather than a clear view through the existing pergola. However, the building would be located a sufficient distance away from the front elevation of no.34 Wharfdale Way as it exceeds the standards (of 10 metres) in the Residential Design Guide SPD. The design of the garage also minimises its impact; it is single storey with a roof that slopes away from no.34.

The garage would also sit to the west of no.34 and follow the building line of the house it is attached to. As discussed, the building exceeds the minimum separation distances. While the building may lead to a reduction of light for no.34, due to the orientation this would be in the evenings. When considering this, weight must also be given to the single storey form of the building.

Officers accept that there would be an impact on the outlook afforded and daylight to no.34, however, the consideration is whether that impact is 'unacceptable' and the development would therefore fail policy ES3. Whilst there will be a degree of impact, officers do not



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consider it to be significant, given the factors discussed above, and does not warrant refusing this application. The impact is not considered to be unreasonable or prejudicial to the living conditions of the occupiers.

The development would not give rise to a loss of privacy.

### **BIODIVERSITY**

The proposal is located on a hardstanding therefore would have minimal ecological impact.

### **HIGHWAYS**

The proposal would allow for two parking spaces within the new garage and the existing parking spaces in front would be maintained. There would be no change to the existing vehicular access. This complies with the parking standards.

While it is noted that the original planning permission imposed the following condition:

"The development hereby permitted shall not be brought into use until vehicle parking, turning and manoeuvring areas shown on the approved plans are made available for use. Each unit shall be provided with parking spaces in accordance with the Local Planning Authority's vehicle parking standards. This provision shall be maintained as such, free from obstruction thereafter."

While the proposed garage would effectively obstruct two of the parking spaces, Officers do not consider that the proposed development would be in conflict with this condition as sufficient parking within the plot in accordance with the Council's standards would still be maintained.

### **REVIEW OF CONSULTATION RESPONSES**

#### Concern regarding permanent structure on a communal car park

The car park is not a communal car park, the applicant has presented their deeds that identifies that the space proposed to locate part of the garage is within the ownership of the applicant. While the parking space does form part of a car park / parking forecourt that serves four properties, the loss of one space would not be detrimental to the street scene or wider area. Furthermore, should other occupants of the estate wish to undertake similar developments in the future, this would attract a planning application of which due consideration would be given.

#### Inconvenience from construction work

Any concerns regarding noise / working hours would be a matter that is controlled via Environmental Health legislation.

With regards to the construction of the extension i.e. foundations this is not a planning consideration, it is a matter that would be addressed by Building Control and the agreement of the two parties.





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In order to construct the proposed outbuilding, the applicant would have to enter into an agreement with the owners of the adjacent parking space. The applicant would also need to get their permission to maintain any guttering. This is a civil matter and cannot be controlled through the planning system.

### Inappropriate location

Part of the site forms part of a parking forecourt that serves multiple properties, the wider estate demonstrates outbuildings located adjacent to properties and therefore it would not appear out of keeping within its setting.

### Impact on natural light

Discussed within the main body of the report.

### Interference to parking access

This would be a civil matter between the interested parties.

### Surface water drainage

This is a matter that would be assessed by Building Control.

Whilst the objections and comments raised have been read and considered, it is concluded that in purely planning terms the proposed outbuilding is acceptable.

## **PROCEDURAL MATTER**

The application has been submitted as a householder planning application rather than a full application. A section of the area where the proposed garage is to be sited forms a parking forecourt and therefore could be deemed to be outside of the property's domestic curtilage. While a different application type may have been more appropriate, it does not prevent the local planning authority determining this application and granting (or not) the necessary planning permission.

## **RECOMMENDATION**

Permission is recommended.

## **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 the expiration of three years from the date of this permission.</p> <p>Reason:</p>
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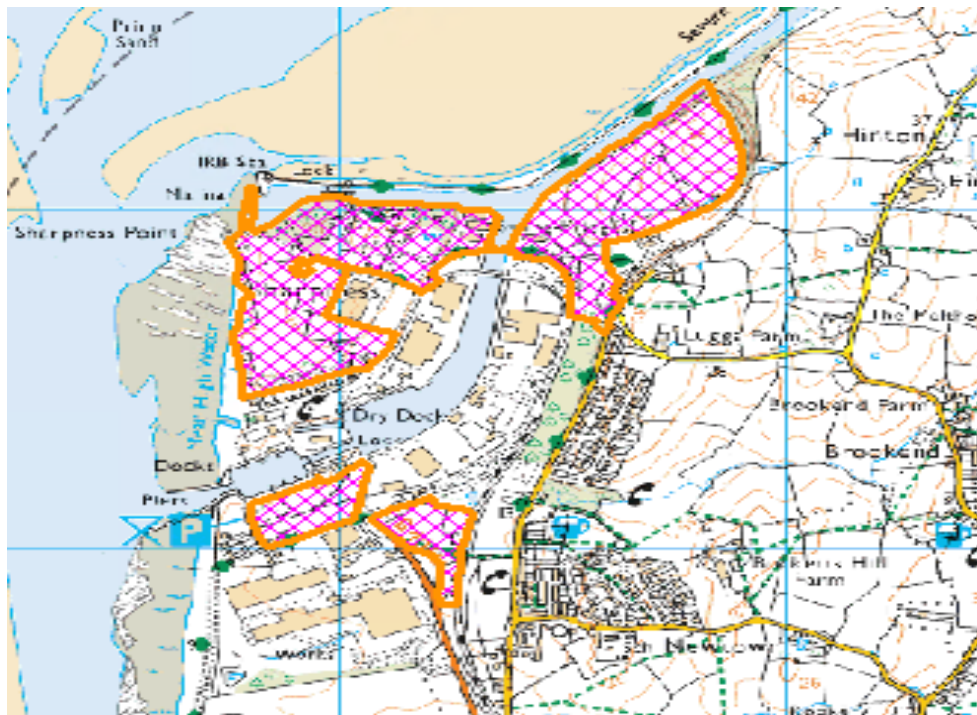
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	<p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>22.11.07A Proposed elevations received 17.1.23                  22.11.05A Proposed block plan received 13.1.23                  22.11.06A Proposed plan and section received 13.1.23                  22.11.01 The location plan received 28.11.22</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> <p>3. The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match those used for the host dwelling No.32 Wharfdale Way, Hardwicke.</p> <p>Reason:                  In the interests of the visual amenities of the area.</p> <p>4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority. The development shall continue in accordance with approved additional details.</p> <p>Reason:                  To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF in particular, paragraphs 183 and 185.</p> <p>Informatives:</p> <p>1. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.</p>
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## Development Control Committee Schedule 25/04/2023

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.17/0798/OUT
<b>Site Address</b>	Land At Sharpness Docks, The Docks, Sharpness, Gloucestershire
<b>Town/Parish</b>	Hinton Parish Council
<b>Grid Reference</b>	366950,202573
<b>Application Type</b>	Outline Planning Application
<b>Proposal</b>	Mixed use development which includes up to 300 dwellings (C3), industrial and distribution development (B1c,B2,B8) on 6.6 hectares of land 2 no. marinas, up to 1250m2 of ancillary retail / food and drink uses (A1,A2,A3 and A4) up to 7,000m2 of commercial floor space (B1 office/light industrial of which no more than 4300m2 to be B1 office), up to 100 holiday lodges/camping pitches, hotel, public open space, landscaping, visitor parking, new access road and associated infrastructure.
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	





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<b>Applicant's Details</b>	Canal And River Trust First Floor North, Station House, 500 Elder Gate, Milton Keynes, MK9 1BB
<b>Agent's Details</b>	Canal And River Trust The Heritage Skills Centre, Canal Lane, Hatton, Warwick, CV35 7JL
<b>Case Officer</b>	John Chaplin
<b>Application Validated</b>	03.04.2017
	<b>CONSULTEES</b>
<b>Comments Received</b>	Planning Strategy Manager (E) Natural England (E) Area Walking Environment Officer Natural England (E) Biodiversity Team Archaeology Dept (E) Contaminated Land Officer (E) Conservation South Team Arboricultural Officer (E) The Environment Agency National Highways (Previously Highways England) Gloucestershire Education Dept (E) Health And Safety Executive Historic England SW Wessex Water (E) Strategic Planning Development Coordination (E) Biodiversity Team
<b>Constraints</b>	Affecting the Setting of a Cons Area Article 4 Directive Conservation Area Candidate Special Area Conservation Employment Land (LP) Flood Zone 2 NW Flood Zone 3 NW Key Employment Land (LP) Key Wildlife Sites - Polygons Within 50m of Listed Building Affecting a Public Right of Way RAMSAR Special Area Conservation SAC SPA 7700m buffer Special Protection Area Site of Special Scientific Interest Waste Allocation (LP)
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## Development Control Committee Schedule 25/04/2023

### MAIN ISSUES

- \* Principle of development
- \* Design and appearance
- \* Residential Amenity
- \* Highways
- \* Landscape impact
- \* Contaminated land
- \* Public open space
- \* Ecology
- \* Flood risk
- \* Archaeology and Heritage Assets
- \* HSE Safety Zone
- \* Affordable Housing
- \* Obligations
- \* Planning Balance

### DESCRIPTION OF SITE

The application site has a total of approximately 42 hectares. It is in three parts which straddle the Gloucester and Sharpness Canal. It is located adjacent to the eastern shore of the Severn Estuary. The Gloucester and Sharpness Canal links the site all the way to Gloucester which is located approximately 16 miles to the north east along the canal towpath. The canal, which has a total length of 16.5 miles, provides a route for boats but also walking and cycling along the towpath creating a link which continues to the south through the site and beyond. To the south and east of the application site lies the settlement of Sharpness and Newtown.

The sites lies immediately adjacent to the commercial docks. At the southern part of the docks there are two areas of open land which have a combined area of 6.6 hectares and are identified in the application for industrial use (B1, B2 & B8). The indicative plans indicate a number of units in each area, although the precise arrangement will be a matter for the detailed design stage. Access to the industrial elements of the development provided by the B4066 which gives access to the Docks and associated commercial and other uses. This element of the overall scheme can therefore be constructed independently of the wider development proposals which are incorporated into this planning application.

The main part of the development lies on the north eastern part of the site which lies approximately between the route of the former railway line and the Gloucester and Sharpness Canal. Immediately to the north beyond the canal and towpath is the Severn Estuary. The main part of this area is open agricultural land with previously developed land occupying the area adjoining the canal at the western end of the area of land. This was location was historically used as a gas works and retains concrete hardstanding reflecting its previous use. The land in this areas rises up steeply from both boundaries with the canal to the east. The area forming the northern boundary along the canal contains substantial landscaping along the whole length and this continues beyond the application site adjoining the eastern boundary on the former railway line.

The canal link into the main docks runs north south and separates the main development area from largest parcel known as the 'island site'. The area is enclosed by water on all sides,



## Development Control Committee Schedule 25/04/2023

the Gloucester & Sharpness canal to the north, Severn Estuary to the East and South and the Docks to the East. Access to the island site is taken across either the swing bridge and to a more limited degree the high level bridge. The area to the south of these bridges comprises the working commercial dock with a lock giving access to the Severn Estuary at its south western end. The docks contain a range of commercial buildings and associated uses with road access to these taken along the B4066 and then Bridge Road and Dock Road.

The area on the western side of the docks contains the third and largest area of the planning application. This extensive area comprising approximately 17.7 Ha. The area is surrounded by water, with the docks to the east and south, the Gloucester and Sharpness Canal forming the northern boundary as it runs to the now closed former lock into the Severn and the Severn estuary itself to the west, where the Severn Area Rescue Association occupies a property. The canal is designated a Conservation Area which encompasses the waterway adjacent to the site finishing at the high level bridge. The canal is separated from the estuary with a stone wall and wide open vistas across the estuary are available from the canal and its towpath. This relationship with different bodies of water gives the area a distinct character. The area on the western side of the canal contains a range of older commercial buildings and a boatyard. Running south beyond the application site boundary and the two bridges is the western part of the docks with significant commercial buildings and activities together with residential properties along Dock Road. The majority of this commercial activity is concentrated on the land adjoining the waterspace, with the exception of a single modern commercial building which lies to the west in position elevated above the docks. This building has recently been the subject of a significant fire and is currently unoccupied.

The application site on the island contains relatively little built development other than the boatyard, with the Dockers Club occupying a prominent elevated position overlooking a large area of flat grassland and car parking towards the docks. To the north west of this is an access road which leads to two properties and a car park of the moorings on the canal. The overgrown area of land to the west of the Dockers Club and south of the canal was the former location of the Vindicatrix merchant navy camp which operated between 1939 and 1966. The site was then subsequently used as a youth camp until its eventual demolition in about 1980. To the south is undeveloped open land with heavy scrub coverage which was historically a pleasure grounds.

The canal towpath carries the Severn Way, a long distance public right of way. This crosses the canal and enters the site at the existing moorings, runs past the Dockers Club before crossing the canal again on the high level bridge. It then re-joins the estuary to the south of the docks.

### **PROPOSAL**

This is an outline planning application with all matters reserved for later consideration. It proposes mixed use development which includes up to 300 dwellings (C3), industrial and distribution development (B1c,B2,B8) on 6.6 hectares of land 2 no. marinas, up to 1250m<sup>2</sup> of ancillary retail / food and drink uses (A1,A2,A3 and A4) up to 7,000m<sup>2</sup> of commercial floor space (B1 office/light industrial of which no more than 4300m<sup>2</sup> to be B1 office), up to 100 holiday lodges/camping pitches, hotel, public open space, landscaping, visitor parking, new access road and associated infrastructure.



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The application is accompanied by a masterplan. The masterplan is illustrative, but indicates how the completed scheme could look. Only certain elements will be fixed as part of this planning application. The elements to be fixed will be quantum and location of land uses, maximum number of homes and area of floorspace, access points and part of the road layout and building heights. This allows flexibility in the delivery of the scheme - fixing the key principles of the masterplan so the overall vision can be achieved, but allowing different parts of the site to be delivered at different times and the more detailed elements of the scheme, such as the architecture of the homes, to be designed as and when required.

### Access

A new access point into the site is proposed off Oldminster Road, which would connect into the Estate at two levels. Vehicles would enter the housing site via a slope travelling underneath the high level bridge. Vehicles would also be able to access the Island Site off Oldminster Road, via the high level swing bridge. This route is currently only accessed through the Dock, so it would help to minimise visitor traffic along the Dock road, which may disrupt Dock activities and movements.

### Island Site

Vehicles can enter the Island via the high level bridge. A new road will provide access to the new western Marina and the road into the Island Site will be retained and enhanced to continue to provide access to the Sharpness Docker's Club and the new holiday village. A number of new looped footpaths will provide access for visitors into and around the pleasure grounds and onto the heritage trail.

### New Housing

Up to 300 units are proposed. The street layout has been designed to mimic the tight village streets of local areas. The streets are somewhat faceted to encourage carriageways of varying widths, which help frame and open views, adding interest to the street scene whilst at the same time slowing vehicle speeds, in a similar way to those in Poundbury, Dorset.

All the streets are connected to encourage pedestrians and cyclists, increasing permeability and navigability. Pedestrian and cycling routes will provide access through the entire site and across the green corridors. Street trees are provided along key sections to improve the quality of the public realm and enhance biodiversity.

### Other uses

Employment B1, B2, B8. 6.6 hectares of land which could accommodate 12,000 sqm of warehouse space.

Marinas Class A1, A2, A3, A4, B1, C3. Up to 1250m<sup>2</sup> of ancillary retail/ food and drink uses.

Up to 7,000m<sup>2</sup> of commercial/ light industrial floorspace

Visitor Accommodation - Various Up to 100 holiday lodges/ camping pitches, hotel, public open space and landscaping

### REVISED DETAILS

Additional highways, ecological and heritage information has been submitted at various stage throughout the application process.



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### **MATERIALS**

Materials will be subject of reserved matters and relevant conditions.

### **REPRESENTATIONS**

#### **Statutory Consultees:**

#### Hinton Parish Council

Hinton Parish Council have no objection to the development of the dock area, but **STRONGLY OBJECT** to the use of Oldminster road as a proposed access to this development. Oldminster Rd is a residential area, and this will cause disturbance to all residents, access along the road is difficult already without another 500+ cars!! The Dock Rd was purposely built to take the weight of heavier vehicles, caravans also use this road frequently for events held at the dockers club. This would be the perfect access to the development, leave Oldminster road to residential use!!!

#### Natural England:

No objection subject to appropriate mitigation. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Severn Estuary, Ramsar, Special Protection Area and Special Area of Conservation
- damage or destroy the interest features for which Severn Estuary Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Appropriate mitigation for recreational pressure
- Provision of on-site recreational facilities
- Interpretation Boards on the proposed development site
- Homeowner Information Packs provided to new residents

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### Historic England:

The level of detail submitted as part of an outline application makes for a rather difficult assessment of the potential impacts. However, due to the relatively small area designated, and the very nature of its character defined by its openness and views, we consider that the degree of impact as a result of the proposed development areas would be substantial. We believe that this would be most apparent on the north-east area of the application site where housing is allocated alongside a proposed new marina on the site of the former gasworks. The impact is likely to be less so on the headland and tidal basin sub-areas of the conservation area. We advise that the impact of the proposed development upon the conservation area and its setting is further assessed, with particular attention to the heritage values of the conservation area and how the various sub-areas identified in the character appraisal are sensitive to change.





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We believe that in-line with the Local Plan the application site can accommodate a quantum of development. This should follow the requirements of the NPPF, and in particular para. 131 which states that 'in determining planning applications, local planning authorities should take account of: - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and - the desirability of new development making a positive contribution to local character and distinctiveness.'

We advise that the conservation area, its over-arching character and its historical heritage value can steer a positive outcome for this site. There are clear opportunities for conservation benefit in the form of the repair and conservation of historic structures and areas within the site, and we understand that an aspiration for the reinstatement of a working steam railway as a visitor attraction would better reveal the significance and enjoyment of this area. Full details of the conservation gain and benefits should be properly documented.

We support the principle of development on this site and recognise the conservation benefits that could be delivered. However, the impact of development on the conservation area and its setting is likely to be significant, and we would advise that these potential impacts, and ultimately any harm are properly assessed.

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 128 of the NPPF, the significance of the asset's setting requires consideration. Para 132 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. It 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 128, 131 and 137 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, 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.

### National Highways (Formerly Highways England):

Revised comment - recommend that conditions should be attached to any planning permission that may be granted.



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Highways England has previously undertaken a review of the Transport Assessment (TA) and Framework Travel Plan (FTP), prepared on behalf of the applicant by Pell Frischmann dated March 2017. A planning response was submitted to the Local Planning Authority - Stroud District Council on 05th February 2018 recommending that planning permission not be granted for a period of 3 months. This response was issued to provide the applicants consultants sufficient time to determine the developments traffic impacts on the SRN and to consider if capacity assessments and / or mitigation measures were warranted.

It is noted that the proposed development is consistent with the adopted Stroud Local Plan as site allocation SA5 'Sharpness Docks'. As such, the planning application in accordance with paragraph 21 of DfT Circular 02/2013, does not require full assessment at the planning application stage, with considerations limited to the agreement of the details of the transport solution, including any necessary mitigation measures.

Further to the February HEPR being issued, Highways England has continued discussions with Pell Frischmann discussing trip rates, trip distribution and assignment. A series of trip generation options have been tested for the proposals, with variations considered on internal trip movements and mode split percentages, associated with a mixed land use site and travel planning measures.

Highways England is aware of existing capacity constraints at M5 J14, with recent surveys suggesting medium term concerns with the northbound off-slip during weekday peak hours. Highways England takes the view that any development trips adding to an off-slip, which then results in mainline queuing; or extends an existing mainline queue; and/or increases the frequency at which a mainline queue occurs, to be a severe safety impact.

The adopted Stroud Local Plan presents an improvement option to accommodate cumulative developments included within the plan.

The Sharpness Docks proposals are positioned 7 miles from the SRN junction, with the A38 also providing a parallel route to Bristol, Gloucester and other nearby urban centres running alongside the M5. Due to the distance of the development from the SRN, the number of route alternatives and the modest size of the development, it is not considered that, on its own, this development will add significantly to the peak traffic flows through junction 14. It is however clear, that the junction does not have sufficient capacity to accommodate overall forecast demand. For this reason, it is considered that mitigation measures are warranted, i.e. measures to reduce the impact of the development.

In accordance with Paragraph 28 of Circular 02/2014, Highways England considers the preparation and implementation of a robust travel plan, with key measures identified, to be sufficient in this case. This Full Travel Plan will ensure that the site creates a culture of sustainable travel, promoting walking, cycling and public transport use over that by private car. With measures implemented and monitored, with safeguards included, this is believed to be an effective means of managing down the traffic impact of development, and limiting its impact on the SRN and wider highway network Highways England's recommendation is set out below.



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Based on the information presented above, Highways England recommends that a single condition be attached to any planning permission granted (Ref: S.17/0798/OUT).

Condition(s) to be attached to any grant of planning permission: Prior to first occupation of any part of the development proposals, a Travel Plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review / update and remedial measures; and be based on the particulars contained within the approved development, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England) and thereafter operated in accordance with the agreed details

Reason: It is required that a robust Travel Plan is prepared to reduce development car trips on the SRN i.e. M5 J14. To ensure the safe and efficient operation of the SRN.

### Health & Safety Executive:

Application site lies within the consultation distance of a major hazard site - Sharpness Dock Ltd - which has hazardous substances consent under the Planning (Hazardous Substances) Act 1990 relating to ammonium nitrate. SDC granted planning consent (S.04/1703/HAZ25544).

HSE have used their Land Use Planning Methodology and it indicates risk of harm to people at the proposed development - HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission.

But, HSE would not advise against the granting of planning permission for proposed development if the hazardous substances consent for Sharpness Docks Ltd was to be formally modified so that those elements of the development which are of concern to HSE would lie beyond the inner or middle zone, as appropriate, of the revised HSE consultation distance.

If modifications are made to Sharpness Docks Ltd and confirmation from the HSE, a set of conditions are advised relating to number of units / density per hectare / uses / gathering of the number of people in public space restrictions.

HSE's consultation response of 31 May 2017 stated that they would not advise against the grant of planning permission subject to the following restrictions being imposed:

"a) a total of no more than 30 dwelling units, at a density no greater than 40 dwelling units per hectare, shall be occupied within the middle zone boundary shown in the HSE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015)

b) no buildings involving industrial or distribution use (B1/B2/B8), shall have more than two occupied storeys or 100 or more occupants

c) the area of open space within the inner zone boundary shown in the HSE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015), shall not include any features or facilities which are likely to attract people to gather in numbers at any one time

d) the area of open space within the middle zone boundary shown in the HSE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015), shall not include any features or facilities which are likely to attract more than 100 people to gather at any one time



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e) a total of no more than 9 persons shall occupy any overnight accommodation (hotel, lodges or overnight moorings), within the inner zone boundary shown in the FISE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015)

f) a total of no more than 100 persons shall occupy any overnight accommodation (hotel, lodges or overnight moorings) within the middle zone boundary shown in the HSE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015)"

### Office of Nuclear Regulation:

I have consulted with the emergency planners within Gloucestershire County Council, which is responsible for the preparation of the Berkeley off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.

### Gloucestershire County Council Community Infrastructure - updated response Dec 2022:

#### Education

Gloucestershire County Council (GCC) has undertaken to review its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure. In the meantime, GCC is using Pupil Yields in line with the Interim Position Statement dated June 2021. The updated pupil product ratios (PPR) in line with the Interim Position Statement can be found at the below link.

The latest School Places Strategy 2021 - 2026 is also available from the same web page at the link below. The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2021-2026. The SPS examines the duties placed upon GCC by the Department for 2/9 Education (DfE) and it explains how school places are planned and developed. The 2021-2026 update was approved by Cabinet on 24 March 2021 and came into effect on 1 April 2021.  
<https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershire-school-places-strategy-and-projects/>

Cost Multipliers - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years we have applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20). GCC calculates the percentage increase using the BCIS indices published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the Education requirement.



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Any contributions agreed in a S106 Agreement will be subject to the appropriate indices

### Libraries

Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.

New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.

Consideration will be given to the existing capacity of the library using the national recommended floorspace benchmark of 30 sq metres per 1,000 population (as set out in the Public Libraries, Archives and new development: A Standard Charge Approach, 2010).

Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution, and calculated using the County Council's established per dwelling charge of £196.00.

Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.

The full response from GCC is available on the website file:

### Summary of obligations requested

#### Education

Primary £2,094,361.50 115.50 places

Secondary 11-16 £1,212,525.00 51 places

Secondary 16-18 £427,950.00 18.00 places

#### Primary Places Impact:

The proposal is for 300 dwellings. This number of dwellings would be expected to generate an additional demand for 115.50 primary places. The County Council is seeking a contribution of £2,094,361.50 towards primary provision to meet the needs of this development.

This site is in the 9161720 Berkeley Primary Planning Area (PPA).

There are 4 schools in this PPA only one of which is <2 miles away; Sharpness Primary School is 1 mile from this development site.

The other schools would require a transport assessment and transport costs would have to be claimed. However, there is a significant yield from already permitted developments which will use up surplus places in the PPA; this is without considering any additional yield from applications in the planning process which are currently 'awaiting decision'.

The data for all schools has been provided in the corresponding education data assessment excel document.



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Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions; see Local Development Guide <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/> page 14, pt. 56. When assessing forecast surplus or shortfall we look to the penultimate year of forecasts as they are calculated using NHS GP data, therefore the final year of forecasts will not include all births for that forecast year.

When considering forecast data and the schools within the scope for a development we can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places in order to calculate whether there are places to credit to a development.

### Secondary (age 11-16) Places Impact

The proposal is for 300 dwellings. This number of dwellings would be expected to generate an additional demand for 51.00 secondary (age 11-16) places; schools are forecast to be full, therefore the County Council is seeking a secondary (age 11-16) contribution of £1,212,525.00 towards the provision of those places.

This proposed development falls in the 9162410 West Stroud Secondary Planning Area (SPA); it is in the catchment area of both schools in the SPA. The development only falls within the Rednock School transport catchment.

There are only 2 schools in the SPA; the data for both schools has been provided in the embedded workbook.

It should be noted we request an additional assessment for transport costs when children are compelled to use spare capacity at schools further afield (>3miles).

As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

### Post 16 Places Impact

The proposal is for 300 dwellings. This number of dwellings would be expected to generate an additional demand for 18.00 secondary (age 16-18) places which cannot be accommodated, therefore the County Council is seeking a secondary (age 16-18) contribution of £427,950.00 towards the provision of those places.

There is a yield from permitted development of 64.02 places which pushes the SPA into deficit before any applications still 'awaiting decision' are taken into account.

### Library Impact - Site Specific Assessment

The nearest library to the application site, and the library most likely to be used by residents of the new development, is Berkeley Community Library.

The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £58,800 is therefore required to make this application acceptable in planning terms.

The financial contribution will be put towards either: its proposals to construct and fit-out a replacement library and community centre building on the existing site, or to improve customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology, and increased services.



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### GCC Archaeology:

I advise that I have checked the application site against the County Historic Environment Record: the wider locality is known to contain extensive archaeological remains dating to the prehistoric and Roman periods. These sites are often covered and masked from view by medieval and modern plough soils, and are therefore not visible at ground level. Therefore, in view of the large size of the proposed development area, it is my view that there is high potential for significant archaeological deposits to be present there.

Initially the officer sought further information but it is not considered that as an outline application the matters can be dealt with by condition.

### 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.

This proposal has been subject to numerous discussions and technical notes to review the issues arising and potential solutions. This resulted in a site meeting in May 2021 and a subsequent technical note dated August 2021.

The proposal is identified in the adopted Stroud Local Plan 2015 as a site allocation, reference SA5, therefore this application aligns with the site allocation to provide 300 dwelling. This application also includes for additional employment and leisure uses.

The application has been submitted in outline will all matters being reserved for future access including the point of access to the site. Therefore, this application needs to consider the principle, and in transport terms what the offsite impact and mitigation would be for all modes of travel.

The Highway Authority notes that some services are available in Sharpness but it is not a community that allows for all trips to internalise and it is considered that there remains considerable potential for car based trips outside the area to reach facilities and services that cannot be accessed on foot or by bicycle. As such there is a greater reliance on the bus service to provide sustainable alternative choices. As part of the negotiations contributions to public transport services have been identified and these will need to be secured through a suitably worded legal agreement.

The site meeting in May 2021 identified a series of weaknesses in the walking and cycling network and agreed what interventions were required to address them. Those measures form the basis of the August 2021 technical note. Section 4 of the technical note summarise the issues and interventions.

The proposal also makes provision for convenience food retail within the proposal, this is an essential facility that will help to internalised some trips and reduce car dependency for short distance retail trips.



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The applicant has submitted a framework travel plan to cover the planning uses proposed, this provides an umbrella document for the future detail travel plans for each use. Whilst planning obligations are needed to ensure that the future plans are adhered to, conditions are required to provide those plans relative to each use type.

There will be vehicle trips generated from this proposal that will leave the Sharpness area and access the A38. The Transport Assessment as identified impact on several junctions which has resulted in proposed improvements at the Junction of A38 / B4066, B4066 / Alkington Lane and contributions being sought towards junction improvements at the A38 / Alkington Lane Junction.

The applicant has suggested a signal controlled junction at the A38 / Alkington Lane Junction, however the Highway Authority wishes to reserve the right to promote an alternative junction solution depending on the outcome of the Local Plan review.

The Highway Authority is now satisfied that a suitable assessment and mitigation is now proposed, and a series of conditions and planning obligations.

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.

### Recommended Conditions

Pedestrian and Public Transport Infrastructure Improvements  
Junction Improvements  
Provision of Food Retail Use  
Residential Travel Plan  
Employment Travel Plan  
Electric Vehicle Charging Points (Residential)  
Electric Vehicle Charging Points (Commercial)  
Bicycle Parking - Residential  
Bicycle Parking - Commercial  
Construction Management Plan

### Recommended informatives

Travel plan  
Construction Management Plan (CMP)

### Recommended Planning Obligations

Residential Travel Plan (Bond and Monitoring) Contribution - £58,500  
Commercial Travel Plan Contribution - £83,500 (bond) and £10,000 (monitoring)  
Public Transport Enhancement. Provision of additional morning and evening to improve access on routes from Sharpness to Cam and Dursley, and to Bristol. Contribution - £700,000 Trigger  
Home to School Transport (Secondary School Provision) Contribution - £285,000 Trigger  
A38/Alkington Lane junction improvement Contribution - £399,245.54





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

No objection, subject to conditions which includes SuDs and ongoing management.

### Environment Agency:

No objection, subject to conditions necessary to make the development acceptable.

Comments cover:

Flood risk (condition applied)

Existing industrial uses and environmental permitting regulations

Land contamination and groundwater protection (conditions applied)

Sustainable drainage

Water quality and resources

Ecological protection and enhancement

pollution prevention

Wessex Water: Comments refer to foul drainage and surface water and make observations on both.

### SDC Conservation Officer:

Have initially raised concern about the lack of a conclusion to the assessment of the impact on the heritage assets further clarification has been provided and the conservation officer is satisfied that the submitted information is more than sufficient.

Assurance sought that the proposals particularly for the proposed housing would not result in an 'anywhere' housing estate.

SDC Environmental Health Officer: Technical Note reviewed, concerns with the noise from additional traffic on Sanigar Lane, Oldminster Road and Severn Road. It is an outline and all matters reserved, content to defer further survey and assessment until approach route has been finalised.

SDC Contaminated Land Officer: Geo-Environmental Desk Study Assessment reviewed. Agree that a Phase 2 site investigation required and attach full contaminated land conditions.

SDC Affordable housing lead: Standard requirement of 30% affordable.

### SDC Arboricultural Officer:

Recommended conditions regarding the landscaping and trees.

### SDC Biodiversity Team:

Following revisions and additional information the scheme is considered acceptable.

No ecological objection is raised and conditions are recommended.

Ecological mitigation and the HRA required mitigation will be required via a S106 legal agreement.

### **Public:**

The full copy of the public comments received can be viewed on our website.

A number of objections (57) were received raising the following planning issues-



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### Highways:

Concern that Saniger Lane and Oldminster Road will be inadequate for the increased amount of traffic. The road is congested now particularly at the Newtown end and is narrow so a significant increase in traffic will just make the situation worse.

Risk to children from additional traffic in the local area

Highway safety generally

### Ecology:

Impact on ecology and character of the area

Health risk

### Economic:

Concern about the scale of development

Loss of dock employment

Lack of school places and other facilities

Loss of identity

Additionally, indications of support were also received, although most raised concerns about the impact on local roads

Open Spaces Society: Objection - This application is a lost opportunity for promoting public access and securing recreational space on a permanent basis.

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

National Planning Policy Framework 2.2.

Available to view at :

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

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

Section 66(1). If impact on or setting of listed building.

Section 72(1). If impact on Conservation area.

### Stroud District Local Plan.

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

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

Local Plan policies considered for this application include:

Delete as applicable

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making.

CP5 - Environmental development principles for strategic growth.

CP6 - Infrastructure and developer contributions.



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- CP7 - Lifetime communities.
- CP8 - New housing development.
- CP9 - Affordable housing.
- CP10 - Gypsy, Traveller and Travelling Showpeople Sites.
- CP11 - New employment development.
- CP12 - Town centres and retailing.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside.

### SA5 - Site allocation Sharpness Docks

- HC1 - Meeting small-scale housing need within defined settlements.
- HC2 - Providing new homes above shops in our town centres.
- HC3 - Strategic self-build housing provision.
- HC4 - Local housing need (exception sites).
- HC5 - Replacement dwellings.
- HC6 - Residential sub-division of dwellings.
- HC7 - Annexes for dependents or carers.
- HC8 - Extensions to dwellings.

- EI1 - Key employment sites.
- EI2 - Regenerating existing employment sites.
- EI2a - Former Berkeley Power Station.
- EI3 - Small employment sites (outside identified employment areas).
- EI4 - Development on existing employment sites in the countryside.
- EI5 - Farm enterprises and diversification.
- EI6 - Protecting individual and village shops, public houses and other community uses.
- EI7 - Non-retail uses in primary frontages.
- EI8 - Non-retail uses in secondary frontages.
- EI9 - Floorspace thresholds for Impact Assessments
- EI10 - Provision of new tourism opportunities.
- EI11 - Promoting sport, leisure and recreation.
- EI12 - Promoting transport choice and accessibility.
- EI13 - Protecting and extending our cycle routes.
- EI14 - Provision and protection of rail stations and halts.
- EI15 - Protection of freight facilities at Sharpness Docks.
- EI16 - Provision of public transport facilities.

- 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.



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- ES11 - Maintaining, restoring and regenerating the District's Canals.
- ES12 - Better design of places.
- ES13 - Protection of existing open space.
- ES14 - Provision of semi-natural and natural green space with new residential development.
- ES15 - Provision of outdoor play space.
- ES16 - Public art contribution.

The full details of Site Allocation Policy SA5 Sharpness Docks

Development within the Sharpness Docks Estate, as identified on the policies map, will deliver, in accordance with an approved masterplan:

a) In the Sharpness Docks South, dock uses and dock related industrial and distribution uses, including:

1. Expansion land (7 hectares) for new development
2. Vehicular access via the internal dock roads below / including the low level bridge

b) In the Sharpness Docks North, a mix of tourism, leisure and recreational uses, supported by new housing development, including:

1. Up to 300 dwellings, including 90 affordable dwellings, unless viability testing indicates otherwise
2. Hotel, holiday lodges and fixed camping uses
3. An expanded marina basin including ancillary retail and food and drink uses
4. Tourism and recreational related facilities, including a community football pitch, community gardens, informal green space and equestrian development
5. Landscaping incorporating existing hedgerows and trees
6. Contributions towards education provision
7. The acceptable management and disposal of surface water, including sustainable drainage systems (SuDS)
8. Adequate and timely contributions towards improvements to the wastewater and sewerage network in agreement with the relevant water companies
9. Cycle and pedestrian routes through the development, connecting with Oldminster Road and the Severn Way, including the restoration of the former railway bridge link and improvements to the high level swing bridge
10. Vehicular access from Oldminster Road with links under the former railway bridge into the north east and via the high level bridge to the north west, including safe access and egress during flood events
11. Traffic calming measures within the development and locality, as approved by the Highways Authority
12. Bus stops and shelters at appropriate locations to serve the new development
13. Contributions towards bus services to improve bus frequencies and quality and to connect the development with Berkeley and Dursley
14. A sequential approach to site layout and flood risk, with more vulnerable development being located within Flood Zone 1

The disused rail line will be protected, should it prove feasible to reinstate the Docks rail link.



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Planning applications for Sharpness Docks must ensure no adverse effect will occur on the integrity of the Severn Estuary SAC / SPA / Ramsar site, otherwise planning permission will not be granted.

The proposal should also be considered against the guidance laid out in:  
Residential Design Guide SPG (2000)  
Stroud District Landscape Assessment SPG (2000)  
Planning Obligations SPD (2017)

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 Stroud District Local Plan was adopted in November 2015 and provides an up to date planning policy document which sets out the strategic approach to growth and development across the District. As a policy document, in accordance with the statutory provisions of S38(6) of the 1990 Town & Country Planning Act it carries full weight and the policies it contains are important material considerations in the assessment of these development proposals.

Core Policy CP1 sets out the presumption in favour of sustainable development, which follows that set out in the NPPF and is the key national policy principle which underpins planning decisions.

Core Policy CP2 identifies a need for 11,400 new dwellings to be accommodated within the District in the period 2013-2031. It also identifies the strategic locations for this development needed during the plan period including Sharpness.

Core Policy CP4 requires all development proposals to accord with the visions and principles for the locality in which they are located. It specifically seeks ensure integration of new developments into their surrounding and to ensure the creation of a sense of place having regard to locally distinctive character and quality. Sharpness falls within an area identified as the Berkley Cluster. This identifies Sharpness as a strategic development site within this local area.

Allocation Policy SA5 identifies the wider Sharpness Docks Estate as a strategic location for growth. This policy outlines a mixed use development including employment land for dock related industrial and distribution uses and a mix of leisure, recreation and tourism uses supported by residential development.

The proposed development is within the site allocation and accords with the proposed land uses as identified on the submitted Land use plan are broadly in accordance with the requirement within the policy.

The island site provides a focus for the open space and recreational uses. This area will be dominated by a large expanse of 15 ha of publicly accessible open space. In addition, the Dockers Club will be converted to provide a hotel and the provision of eco lodges and associate camping will provide a visitor focus. The amount and form of these uses remain



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unknown and further design work will be needed to develop these ideas at reserved matters stage. The key objective of the Sharpness Docks North part of the allocation in the Local Plan is to deliver a tourism-led mixed-use development and so these aspects of the scheme are in accordance with the Plan policy. It will be important to ensure that these aspects of the scheme remain central to the delivery of the scheme at reserved matters stage.

The proposed housing is intended to support the development as a whole and forms a significant part of the delivery of the District's future housing requirements, also making an important contribution towards the Council's 5-year land supply and should therefore be supported.

The submission provides for flexibility in terms of a mix of commercial, retail and food and drink uses at the two proposed marinas and the floorspace indicates that these uses are ancillary. This is in accordance with the Plan policy.

To the south of the Docks, up to 12,000 m<sup>2</sup> of B1,2 and 8 uses are proposed on 6.6 hectares on two parcels of land. The indicative plans indicate a number of units in each area, although the precise arrangement will be a matter for the detailed design stage. This is in accordance with the Plan policy.

The Local Plan requires that the disused rail line will be protected, should it prove feasible to reinstate the Docks rail link. The Berkeley Vale Heritage Railway have developed proposals for a phased re-opening of station buildings and track along the line from the site of the former Sharpness station, initially to Berkeley station and ultimately Berkeley Road. It is considered that the proposals here at Sharpness Docks do not compromise the ability to deliver this project which would provide an additional tourism focus for the Sharpness Docks North.

It is also noted that the site is a draft allocation in the draft Local Plan (Strategic Site Allocation Policy PS34). This mirrors the adopted allocation and whilst this draft allocation can only be given limited weight at this time, it does show a desire to bring the site forward. Notwithstanding this, the site remains a current allocation in the adopted plan and full weight and consideration has to be given to the proposal in accordance with the current adopted plan.

Accordingly, Officers are satisfied that the proposed development satisfies the broad policy objectives of Allocation Policy SA5 and is acceptable in principle, subject to the following technical considerations.

### **DESIGN AND APPEARANCE**

As the application is in outline with all matters reserved, there are no specific details in terms of design or appearance submitted as part of the application, however there is an indicative layout and design and access statement. Whilst only providing suggestive layouts and design at this stage, the submitted documentation shows that the site is expected to achieve this form of development that will, at the reserved matters stage, be open for design and layout considerations.



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Concerns have been raised about the design, density and how it relates to the character of Sharpness. Whilst these are noted the reserved matters application will take into consideration the design and overall character of the locality.

The references to a mix of property types including 1 and 2 bed apartments as well as 3,4 and 5 bed houses is welcome. This will need to be considered further at detailed design stage but a condition requiring the details at reserved matters stage to have regard for the Strategic Housing Market Assessment for the area will ensure that the housing mix of the proposed scheme has taken into account the identified District's housing needs.

At strategic site such as this there is a policy requirement (Policy HC3) for a minimum of 2% self build or custom build housing within the scheme. This has been raised with the applicant and links in with the viability assessment and will be clarified via late pages.

An illustrative masterplan has been submitted with the application this demonstrates the likely layout and landscaping, showing how the housing, leisure and commercial elements could fit into the character of the area.

### **RESIDENTIAL AMENITY**

Whilst noise was raised as an adverse issue in the context of disturbance from traffic it is considered there will not be a significant adverse impact on the residential amenities currently enjoyed as a result of the proposed development.

The EA have also raised the need to consider the need for noise mitigation and highlights the existing noise and amenity impacts from the existing industrial sites at the docks and how these could affect the proposed development including any necessary mitigation measures that may need to be incorporated into the new development. It is also noted that these existing commercial sites are within land in the applicant's control. Whilst the houses are set away from these commercial uses the tourism element may be more likely to be affected and the applicant will need to have regard for this when the detail designs are progressed to make sure appropriate mitigation is proposed.

### **HIGHWAYS**

The application has been submitted in outline will all matters being reserved apart from access which is included. Therefore, this application needs to consider the principle, and in transport terms what the offsite impact and mitigation would be for all modes of travel.

The Highway Authority (GCC) notes that some services are available in Sharpness but it is not a community that allows for all trips to internalise and it is considered that there remains considerable potential for car based trips outside the area to reach facilities and services that cannot be accessed on foot or by bicycle. As such there is a greater reliance on the bus service to provide sustainable alternative choices. As part of the negotiations contributions to public transport services have been identified and these will need to be secured through a suitably worded legal agreement. Improvements to local walking and cycling network have also been proposed.



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The proposal also makes provision for convenience food retail within the proposal, this is an essential facility that will help to internalise some trips and reduce car dependency for short distance retail trips.

There will be vehicle trips generated from this proposal that will leave the Sharpness area and access the A38. The Transport Assessment as identified impact on several junctions which has resulted in proposed improvements at the Junction of A38/B4066, B4066/Alkington Lane and contributions are being sought towards these junction improvements.

The Parish Council have raised concern about the increase traffic generated from the development and in particular the impact on Oldminster Road. This is appreciated but with the mitigation proposed and the technical assessment from the Highway Authority it is considered the proposal will not give rise to hard to highway safety.

Highways England (now called National Highways) undertaken a review of the Transport Assessment (TA) and Framework Travel Plan (FTP), prepared on behalf of the applicant. Further clarification was requested to determine the developments traffic impacts on the strategic road network as there are existing capacity constraints at M5 J14 and to consider if capacity assessments and/or mitigation measures were required.

Discussions regarding trip rates, trip distribution and assignment took place and a series of trip generation options have been tested for the proposals, with variations considered on internal trip movements and mode split percentages, associated with a mixed land use site and travel planning measures.

Given the size of the development, the distance from the M5 and number of alternative routes Highways England considers the preparation and implementation of a robust travel plan, with key measures identified, would be sufficient to mitigate the impact. A travel plan will ensure that the site creates a culture of sustainable travel, promoting walking, cycling and public transport use over that by private car. With measures implemented and monitored, with safeguards included, this is believed to be an effective means of managing down the traffic impact of development, and limiting its impact on the SRN and wider highway network.

GCC Highways have also recommended a travel plan and monitoring is included as part of the S106 legal agreement.

Therefore, with the proposed mitigation provided via conditions and legal agreement obligations it is considered that the scheme will address the highways and transport implications and will not have significant adverse or unacceptable impact on highway safety or a severe impact on the wider network.

### **LANDSCAPE IMPACT**

The application is supported by a Landscape and Visual Impact Assessment (LVIA). This accesses the potential impacts of the scheme on the landscape character and visual amenities of the surrounding area.

The greatest impact of the proposal is located within the residential element of the scheme. Whilst the marina the tourism accommodation and employment elements are located more





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within the developed area of the docks the proposed location of the housing is located on current agricultural land to the north. This area is sensitive to change being located within the Conservation Area and on the canal corridor. The area is currently open farmland and the development will have an impact which is appreciated and will impact on a number of existing views. However, these will mainly be localised with glimpsed views when traveling along nearby routes like roads and the canal but also from views from some nearby buildings and footpaths where these will experience a greater level of change.

The details of the reserved matters of layout and landscaping can be used to mitigate the landscape impacts and with the mitigation and time for landscaping to mature the impacts on the wider area would be reduced.

Mitigation includes minimal level of engineering to reduce the level of work during the construction phase so the housing following the contours of the slope and the retention of existing vegetation and trees. The layout and open spaces within the scheme and additional planting in the housing element but also where appropriate as part of the marina and the tourism area on the island and around also the employment development.

Construction activities will have an impact but will be temporary within the local landscape.

The site is located over 5km from The Cotswolds National Landscape (formerly called Cotswolds Area of Outstanding Natural Beauty (AONB)) and similarly from Wye Valley AONB. With this distance and the position of the scheme it is considered the proposal would not be overly visible and is considered the development will not have significant visual or landscape impact on either of the nearby AONBs/landscape character areas.

The proposal does have a landscape impact and would be expected for a strategic allocation of this size. This impact is acknowledged and appreciated, however, with the mitigation the impacts will lessen and the scheme will integrate into the surrounding landscape.

### **CONTAMINATED LAND**

The application has been submitted with a Geo-Environmental Desk Study Assessment, prepared by Arcadis dated February 2017.

This outlines that the site has been part of the dockland since 1827 and was later expanded to improve the access to the Sharpness Canal and Dock in 1876. This has identified several potential contaminative activities which have potential to contaminate the site. This includes gas and chemical works, timber and coal yards, railway lines, boat builders, possible landfill, light industrial activities as well as nearby cement storage, metal recycling, fertiliser storage.

This report has been reviewed by the Council's Senior Contaminated Land Officer who concurs with the recommendations that a detailed Phase 2 site investigation is required and recommends a full contaminated land condition. Similarly, the Environment Agency has also come to the same conclusion having reviewed the submitted and available information. This allow for the further investigations to take place and consider the proposed use so that an appropriate remediation strategy can be developed. Given that this is a brownfield site this is not an unexpected outcome. Whilst contamination is likely to be present it is considered that this does not preclude development. A full contaminated land condition is recommended.



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### **PUBLIC OPEN SPACE**

The site allocation policy SA5 seeks recreational facilities community pitch and gardens and informal green space to be provided as part of the development. The outline nature of the application results in the details being limited but the parameters set by the submitted Land Use Regulatory Plan outlined does seek to provide substantial open space. This is included on the island site with the indicative masterplan include pleasure grounds, meadow and lawned areas but also along the canal corridor and within the proposed residential area.

These areas seek to provide for both biodiversity but also for new and existing local residents. The ecological implications are addressed within another section of this report.

Whilst the scheme does achieve provision of substantial protected and enhance new green space the proposal does not identify the provision of a community football pitch as outlined in the site allocation policy. Whilst this is a shame the scheme does still provide other informal open space and given the constraints of the site, the topography, ecological and HSE restrictions which have to be acknowledged it is considered this can be weigh against the other open space provision. The connectivity of the site with recreational routes along the canal also being accessible is also appreciated.

Whilst the lack of a pitch is a negative for the scheme, it is considered that the wider provision of open space and accessible areas outweighs this lack of an individual formal pitch.

### **ECOLOGY**

The scheme has been supported by a range of supporting ecological surveys and additional information. These have informed the assessment of the ecological impact of the proposed development as well as the Habitat Regulation Assessment (HRA) Appropriate Assessment (AA).

The proposed development is within 7.7km of the Severn Estuary SPA/Ramsar. In accordance with adopted Stroud District Council Local Plan Policy ES6 and the Stroud District Council Strategy for Avoidance of Likely Significant Adverse Effects on the Severn Estuary SAC, SPA and Ramsar Site, dated December 2017, a net increase in housing development within the 7.7km zone of the Severn Estuary SAC/SPA/Ramsar is likely to result in impacts to the integrity of the site through a consequent increase in recreational disturbance.

Development within the 7.7km zone will also increase the human visitor numbers close to the Estuary, and thus increase the levels of pedestrians and dog walkers visiting the Estuary which can result in increased disturbance on overwintering bird assemblages which can cause bird displacement. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of SPA qualifying bird species and therefore act against the stated conservation objectives of European sites.

In order to lawfully permitted the proposed development the proposal needs to include a package of avoidance and mitigation measures.

Due to Sharpness docks being an area targeted for regeneration, allocated within the Local Plan and identified as a honey-pot site (an area where recreation should be focused) within



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the SDC Strategy for Avoidance of Likely Significant Adverse effects on the Severn Estuary SAC, SPA & Ramsar site it is considered appropriate to come to a bespoke agreement whilst still ensuring that the consented development will not have a significant negative effect on the SPA designation. The following mitigation package has been agreed:

- Provision of a Suitable Alternative Natural Green Space (SANGS) within the development site
- Provision of Interpretive Material for New Residents and Holiday Visitors (Briefing from site staff, leaflet on arrival, signage & leaflets for dog walkers within the site, Local Signage at Purton Hulks)
- Improved Signage at Access/Entry Points to Severn Way
- Canals and Rivers Trust to contribute to wider Severn Estuary through support in volunteer hours.
- Identification of alternative circular walks from that of the Severn Way, showing different distances, area for daily dog walking indicating facilities that will be provided for dog walkers. I have attached examples of how other developments have provided such information for your assistance.
- A commitment to fund all projects identified at Sharpness Dock & Purton Hulks within the Stroud District Council Strategy for Avoidance of Likely Significant Adverse Effects on the Severn Estuary SAC, SPA & Ramsar which equates to £42,000.
- Further financial commitment of £8,000 to be paid towards the Stroud District Council Strategy for Avoidance of Likely Significant Adverse Effects on the Severn Estuary SAC, SPA & Ramsar to mitigate the in combination effects of the proposed development and other developments with the Severn Estuary 7.7km catchment and the identified impacts to Berkeley Pill primary roost area for SPA qualifying birds.

Five identified routes have been ground trothed for their viability and assessed in conjunction with the Natural England Research Report NECR401 (2021) on functionally linked land of the Severn Estuary (wintering and passage roosts). None of the footpath routes that have been identified in the study are likely to impact on the designated features associated with the Severn Estuary and will not impact the Severn Estuary SPA functionally linked land identified in the Natural England report. The footpath study also provides further recommendations (Section 5.1), to encourage uptake of the routes and manage recreational pressure on interest features of the Severn Estuary SSSI, Ramsar site, SPA, and SAC and ensure their long-term viability.

The shadow HRA screening report, screened out any potential effects on European eel and this has been accepted by the councils Biodiversity Officer.

Policy ES6 of the Stroud District Council Local Plan 2015-2031 sets out SDC's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

*Development will protect and safeguard all sites of European and Global importance, Designated as SACs, SPAs and Ramsar sites. Development must not result in significant adverse effects on these internationally important nature conservation sites, either alone or in combination with other projects or plans. The Council will expect development proposals to demonstrate and contribute to appropriate mitigation and management measures to maintain the ecological integrity of the relevant European site(s).*

*With specific regards to recreational impacts, the Council will use core catchment zones that identify potential impact areas which extend beyond the relevant European site itself.*



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*Development proposals within such areas will take account of any relevant published findings and recommendations. There will be further assessment work on the Severn Estuary SPA and SAC that shall include recreational pressures.*

A legal agreement will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as mitigation is provided the proposed development will not affect the status and distribution of SPA qualifying bird species and therefore act against the stated conservation objectives of the European sites.

The Landscape Regulatory Plan and Land Use Regulatory Plan have been updated to reflect the updated findings of the Phase 1 Habitat Plan (Updated baseline report (September 2022)). This ensures that all semi-natural broadleaved woodland is protected as part of the scheme.

Suitable bat mitigation has been proposed. All works will be supervised by a licenced ecologist, demolition and removal of the buildings will take place at the appropriate time of year.

Bat mitigation has been proposed. This includes a bespoke bat house to compensate for the loss of the roosts. It is located 40m from the maternity roost and 115m from the transitional roost (in suitable habitat) to ensure they can easily find the alternative roosting provision. Additional landscape planting will be required to ensure the building is connected to the wider landscape. Supervision of the work and ongoing monitoring will also be required. Officers are satisfied that the derogation tests can be met by the proposed mitigation and the public interest of the scheme has been provided.

Badgers were identified within the submitted survey work. To mitigate an change in their presence further surveys will be required prior to construction to confirm that the current level of usage and location of setts is the same as in 2015/16 and 2022 and that no new setts have become established.

The Environment Agency raises no concerns about the ecology and provide general advice or similarly raises no issues with the HRA but does highlight pollution controls and other possible mitigation.

The mitigation the impact of the scheme on Great Crested Newts the developer has sought to take advantage of the District Newt Licensing Scheme. Developments which utilise the District Licensing Scheme contribute proportionately (depending on the impacts of each development proposal) to the conservation strategy. This funds the creation, management, and monitoring of local compensation sites. NatureSpace and the Newt Conservation Partnership take on all responsibilities for compensation delivery, 25 years of management and monitoring, and annual reporting to Natural England. NatureSpace have assessed the proposal and provided an assessment of the scheme to allow it to take part. In accordance with SDC's District Licence WML-OR112, planning conditions are required to enable the SDC to authorise this development under the District Licence. Without these conditions, it will not be possible for the development to be authorised under the District Licence.



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Given all of the above, it is considered that the proposal with the mitigation proposed to be controlled via conditions and the S106 legal agreement meets the proposal require to safeguard and protected species and habitats (including the SAC site of European and Global importance) and to conserve and enhance the biodiversity of the site.

### **FLOOD RISK**

The site is mainly located within Flood Zone 1 which is an area at low probability of flooding. However, small areas are located within Flood zones 2 and 3 along the edge of the River Severn, within the existing marina area and a small part of the proposed employment land adjacent to the main lock.

The scheme has been supported by the submission of a Flood Risk Assessment. This assesses the risk and outlines that the EA flood maps provide a conservative assessment of risk and the evidence provided they consider the risk would remain low in the affected areas. When the impacts of climate change are included, this does provide a medium level of risk in the limited areas.

No residential elements are in at-risk areas and whilst a small area of the possible employment land maybe affected it is considered that appropriate mitigation detailed at the reserved matters stage could address this risk. This could include excluding built form from the effect periphery or appropriate finished floor levels.

Given the limited area affected it is considered that the impact of development would not give rise to a significant loss of flood event storage or to increase flood risk elsewhere.

The Environment Agency have no objections in principle to the development from a flood risk perspective. A minimum floor levels condition is recommended.

Given the limited extent of the areas at risk it is considered that safe access and egress is unlikely to be a significant issue. Whilst this is noted particularly in respect of emergency evacuation form the camp site, holiday lodges and hotel the two existing bridge crossing are maintained and are not within an area of high flood risk.

It is therefore considered the flood risk issues would not constrain the granting of consent.

### Surface water drainage

An outline surface water drainage strategy has been presented. The outline nature of the application is again noted but sustainable drainage options (SUDS) could be incorporated that could control the flow of water across the site. The surface water drainage proposal at this outline stage is for interception, attenuation and discharge to an existing water course. The applicant proposes to utilise sustainable drainage principals (SuDS) for improving water quality rather than restricting discharge rates etc.

Within the site there are some small areas of surface water flooding which should be able to be managed by suitable sustainable drainage systems.

The Ground conditions being mainly clayey soil result in soakaways not being considered appropriate. The applicants are therefore proposing an elements of attention but mainly



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unrestricted discharge of surface water from all 3 main elements of the scheme into the Gloucester to Sharpness Canal and the River Severn.

GCC as Local Lead Flood Authority have no objection to the proposed drainage strategy which they consider to be NPPF compliant and accept that both the River Severn and the canal, which is managed by the applicant, are large enough and properly managed to control levels without flood risk.

It is recommended that the detailed design and management of the SUDS features be controlled via condition.

### Foul drainage

The island part of the site is currently not connected to a public sewer network due to the difficulty of crossing under the canal. The applicant drainage strategy therefore proposed options for the tourism element of the development that is located on the island. This includes either various pumping stations and a new sewer under the canal or a packaged treatment plant.

The applicant has recently gain permission to replace the existing untreated foul drainage flows into the River with a treatment facility and this demonstrates their awareness of the issue.

The other areas of the scheme could be connected to the public sewer network. The advice from Wessex Water within the Infrastructure Delivery Plan (IDP) that supports the Local Plan, is that there is sufficient capacity to take into account the site allocation. Wessex Water have also made observations on this planning application and the submitted strategy but have not raised them as objections or issues. These are issues that the developer would need to address further at the detailed design stage and would need to engage further with Wessex Water to ensure connectivity in consultation with the statutory undertaker, however, there is nothing that indicates agreement would be unlikely or that we should withhold consent.

With the details being able to be approved via condition including the long term management and maintenance, there is nothing within the Wessex Water observations that outlines that an acceptable scheme could not be brought forward.

The drainage strategy is therefore considered to be acceptable.

### **ARCHAEOLOGY & HERITAGE ASSETS**

The application has been supported by Heritage chapter in the ES which address designated heritage assets, Listed buildings and Conservation areas but also the below ground archaeology.

### Archaeology

GCC Archologist has raised concern that the significance of archaeological remains cannot be established until further field evaluation in the terms of trenching work is carried out and that there is not enough detail provided at present to ensure the impacts can be suitably mitigated. This trail trenching is to ground truth the desk based work and geophysical survey



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already carried out. They consider there is a medium to high potential for archaeological remains within the site to be present.

The applicant's consultant considers this additional work to be unnecessary at this time. Whilst the nature and extent of the significance of archaeological remains is not fully clear, no evidence has been found on site for the higher interest assets, the fortified site and an abbey. The applicant's consultant considers they are more likely to lie outside of the developed footprint and that the design of any part of the development could easily avoid or mitigate its impact on these localised remains.

Whilst there is common ground between the applicant's consultant archaeologist and the County archaeologist regarding the submitted information, there remains difference about the amount of further investigation works required before the application is determined.

*NPPF policy 195 states: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

This is supported by Government Planning Policy Guidance (PPG) provides further comment at Paragraph 041 which states; *Decision-making regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion - around 3% - of all planning applications justify a requirement for detailed assessment.*

The guidance does not outline that intrusive investigations/ trail trenching are required in all case in advance of the determination of planning applications. A judgement has to be made based on the information submitted and wider knowledge and understanding of the surrounding area.

The key issue to determine is the relative significance of the archaeology potential and the extent of work carried out to date in identifying this potential.

The submitted report identifies that there is variation in potential that exists over the three main areas of the planning application. The area of highest significance is on the 'island site'. This is an area where very limited built development is proposed. This area is generally to be provided as open space and landscaping with very limited leisure use, possibly involving less intrusive glamping pods like structures. The other two areas, the housing and commercial areas where the development impact would be great have lower levels of significance identified and are not therefore at a level where pre-determination intrusive investigations are justified.



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The general parameters of the development will be controlled via the approved plans list which includes the land use regulatory plan and a phasing of the development condition is also proposed. Officers are satisfied that we will retain control over the phasing of the development and that the level of potential impact on below ground archaeology within each area can be controlled so an assessment of the impact on its significance can be fully carried out.

The applicant has carried out an initial desk assessment and geophysical survey on part of the site and these found no evidence of significant assets. Therefore, noting that the guidance talks about a proportionate response it is considered appropriate in this case, based on the site specific circumstances that whilst further archaeological investigation will be required it is considered proportionate to require this via condition but before the Reserved matters of layout is approved.

If anything of interest/high significance is found where the layout or the detailed design of the scheme would need to have regard for it and it could still be taken account of at that stage. This therefore protects any finds of significance and whilst permitting the outline permission the applicant has accepted the risk by choosing not to carry out this investigation work at this time that it may affect the developable area of the scheme at reserved matters stage.

### Heritage Assets

The application has been supported by an assessment of the potential impacts of the development on heritage assets. This includes two grade II\* listing buildings, three grade II listed buildings, the Sharpness Old Dock Conservation Area, Lydney Harbour scheduled monument and Berkeley Castle grade II\* registered park along with other non-designated heritage assets and undisturbed archaeological features.

The heritage section of submitted Environmental Statement is also backed up by a Conservation Area Appraisal which offers an extremely thorough run-through of all nearby designated and non-designated heritage assets and an assessment of the contribution that their settings make to their significance.

The proposed development will result in a variety of changes to views within and the character and appearance of the Sharpness Old Dock Conservation Area. However, it is considered that the tourism related uses the marina and associated uses are appropriate for the character of the docks area and would only have a limited degree of harm given the regeneration and other beneficial effects an active use will provide.

The loss of the open countryside setting has potential to have a greater impact and the Conservation Officer has also raised concern regarding a homogeneity of the residential development seeking assurances that proposals would not result in an 'anywhere' housing estate coming forward. Officers share this concern and will push for high quality of design, however, the design detailing will come at a later stage when the reserved matters will be considered. Therefore, impacts on the setting of the Conservation Area can be mitigated by good design and through landscaping along the canal margin and green links within the residential area.





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The proposal is also likely to have impact on the setting of the nearly listed buildings. Similar to the Conservation Area this is likely to be greatest from the housing but will be mitigated by layout and design. The space and distance will also mitigate the level of impact. The previous industrial use of parts of the site as well as the previous Vindicatrix camp on the island area also noted.

In term of non-designated assets the regeneration will have a positive impact for example the viaduct and lower bridge, the pleasure garden and dockers club are likely to benefit by providing an active ongoing use and maintenance of all of these features.

The heritage impact of the scheme as whole is considered to result in less than substantial harm. In accordance with NPPF 202 this harm can be weight against the public benefits of the scheme. The scheme will provide significant regeneration impacts, bring a tourism-led mixed and active use benefiting the local community. Employment and housing benefits are also provided. It is therefore considered that a positive heritage balance is achieved by the proposal.

### **HSE SAFETY ZONE**

The application site lies within the consultation distance of a major hazard site, Sharpness Dock Ltd. This site has hazardous substances consent under the Planning (Hazardous Substances) Act 1990 relating to the storage of ammonium nitrate.

HSE have indicates a risk of harm to people at the proposed development and advised that there are sufficient reasons on safety grounds for advising against the granting of planning permission. However, HSE would not advise against the granting of planning permission for proposed development if the hazardous substances consent for Sharpness Docks Ltd was to be formally modified so that those elements of the development which are of concern to HSE would lie beyond the inner or middle zone, as appropriate, of the revised HSE consultation distance. Therefore, until such time as the zones are modified to mitigate the risk a set of conditions are proposed relating to number of units / density per hectare / uses / gathering of the number of people in public space restrictions.

The Council has raised concern with occupancy controls which the Applicant has asserted could be controlled through conditions to satisfy the HSE requirements for commercial and residential elements of the development contained within the HSE response. And further clarification including legal opinion and examples of other similar situations have been provided by both the applicant and HSE.

To meet the requirements it is proposed that a mix of conditions and management tools contained with the S106 will be required. The layout and details designs of the scheme, the floor space restriction on these uses and removing features that would attract users to stop within the open space within the zones can also be used during the design process and controlled at the reserved matters.

It is therefore considered that with restrictions and controls contained within a mix of conditions and S106 management plan the HSE requested restrictions of occupancy and floor space could be imposed. The later reserved matters would also address the other HSE requirements.



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It is therefore considered that the mitigation can be imposed until and if the hazardous substances consent is altered to allow the development to come forward.

### **AFFORDABLE HOUSING**

The site allocation policy SA5 for Sharpness Docks seeks up to 30% of the total 300 dwellings within the allocation as affordable dwellings. This outlines that 90 affordable dwellings could be provided unless viability testing indicates otherwise to be policy compliant. As a strategic site the development would be expected to meet the housing need across the district rather than just Sharpness itself.

As addressed below the viability of the scheme has been tested. Whilst the final updated report is not yet available it is likely given the previous viability assessments that the level of on-site affordable housing will have to be reduced. If a level of affordable housing can be provided the number, size and tenure mix as well as the control mechanisms can be agreed via legal agreement.

### **OBLIGATIONS**

A number of contributions have been requested

River Severn Estuary SAC/SP/Ramsar mitigation £50,000

Highway mitigation A38/Alkington Lane Junction £399,245.54

Highway mitigation A38 / B4066 roundabout improvements £560,000

School transport £285,000

Public transport £700,000

Residential Travel Plan £58,000 + £10,000 with bond £83,500

Commercial Travel Plan £83,500 (bond) + £10,000 monitoring fee

Education - GCC Jan 2023 updated figure £3,734,836.50

Libraries - GCC Jan 2023 updated figure £58,800

### Viability

The applicant has raised concern about the viability of a fully policy compliant scheme on the site. To support this the applicant provided a briefing note and viability report to evidence this development values and costs and the outcomes. To review this and carry out a viability assessment we have sort specialist input from an external valuer.

The District Valuer's Office is the specialist property arm of the Valuation Office Agency (VOA), which is itself a part of HM Revenue and Customs. The Valuer's Office provides independent valuation and professional property advice to bodies across the entire public sector, and where public money or public functions are involved.

The viability scheme has already been fully tested by the District Valuer back in 2018 and 2019 and the various scenarios were found to not be viable or able to make full policy complaint provision of affordable housing or contributions.



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Given the length of time and the update in requested contributions it has been appropriate to update and retest the figures. The applicant's consultant Surveyor has therefore provide an updated baseline briefing note to update the figures.

Whilst the latest full DV report was not available at time of writing, the applicants submission still outlines that the viability of the scheme will be significantly constrained. Their updated appraisal shows that the tested scenarios are still significantly unviable.

A further update will be provided via late pages once the DV's report is available. However, whilst the full report is awaited, given the previous assessments and the applicant submission it is likely that the scheme will not be able to make full contributions requested.

The level of affordable housing, the library and education contributions may have to be reduced or drop away. The scheme will still make provision to mitigate the highway and ecological impacts.

Given the scale of the development and the timing of the phasing, conditions on the ground and financially may improve the viability of the scheme going forward. Therefore, a review mechanism is proposed to be included within the S106 agreement so the figures can be revised.

Whilst a further update will be provided it is considered likely that a legal agreement/s will be required for this scheme to address the following obligations:

Management of HSE safety zone

Open space management

River Severn Estuary SAC mitigation contribution

Affordable housing - reduce level if applicable

Review mechanism

Off site highway improvements A38/Alkington Lane and A38/B4066 contributions

School & Public transport contributions

Travel Plan contributions

### **CONCLUSION AND PLANNING BALANCE**

The proposal seeks to provide a mixed use development with employment use within the southern docks and a tourism and leisure mix of uses supported by housing to the north. This is in accordance with the up to date adopted Local Plan and the strategic allocation for the site and accordingly can be given great weight.

The proposed scheme does have a landscape impact on the surrounding area and on some views long footpaths. This is at a level that would be expected for a strategic allocation of this size. Mitigation is proposed as part of the scheme and this will lessen the impacts as the scheme integrates into the surrounding landscape. This landscape impact weights against the proposal.

The development does have a less than substantial harm on heritage assets but give the public benefits a positive heritage balance is provided.



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The scheme provides mitigation and enhancements which address the technical considerations including highways, ecology, drainage and the HSE risk mitigation.

The proposed scheme outlines the provision of open space and accessible areas across the development on the island site and within the residential area. Whilst the lack of an individual formal pitch is noted the wider provision outweighs this specific facility.

The viability of the scheme is likely to limit the level of contribution that are possible and a further update on this will be provided. Therefore, the level of affordable housing, the amount of education and library contributions is likely to be reduced.

However, the scheme does still provide significant benefits that have to be weighed in the wider planning balance.

The scheme provides significant regeneration benefits bring forward a brownfield site and contributing towards the housing need of the district. Economic benefits include during the construction phase but also the ongoing benefits of jobs and economic growth within the commercial elements and the tourism parts could have significant positives to the wider community.

In the overall assessment of the impacts of the proposal, officers conclude that the negatives impacts are outweighed by the wider benefits and positive outcomes of the scheme as a whole.

### RECOMMENDATION

That committee **resolve to grant** planning consent subject to the planning conditions as set out in this report and the applicant first voluntarily entering into appropriate legal agreements.

### 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. Approval of the details of the siting, design, scale and external appearance of the building(s) and the layout and landscaping of the site hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
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2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
- 921-URB-Z0-DR-RegPlan\_01\_ RedLine\_Rev C - SITE LOCATION PLAN  
 921-URB-Z0-DR-RegPlan \_02\_Access&Streets\_ Rev B - ACCESS AND STREETS REGULATORY PLAN  
 921-URB-Z0-DR-REGPLAN\_03\_LANDUSE\_REV D - LAND USE REGULATORY PLAN  
 921-URB-Z0-DR-RegPlan\_04\_BuildingHeights Rev C - BUILDING HEIGHTS REGULATORY PLAN  
 921-URB-Z0-DR-REGPLAN\_05\_LANDSCAPES\_REV C - REVISED LANDSCAPE REGULATORY PLAN
- Reason: For the avoidance of doubt and in the interests of proper planning, biodiversity, highway safety, residential and visual amenity in accordance with Policies EI4, CP11, CP13, CP14, ES3 and ES7 of the adopted Stroud District Local Plan, November 2015.
5. Notwithstanding the illustrative layout and details submitted with this application, the reserved matters required by condition 2 above shall include a schedule of the mix of type and size of market dwellings proposed within the development that aligns with and reflects the relevant figures and requirements of the Strategic Housing Market Assessment for the area.
- Reason: To ensure that the housing mix of the proposed scheme has taken into account the identified District's housing needs in accordance with Policies CP7 and CP8 of the Stroud District Local Plan, adopted 2015.
6. No works shall commence in connection with any part of the development hereby permitted until a plan showing the various phases



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of development has been submitted to and approved by the Local Planning Authority. This plan shall identify which units of accommodation; employment; areas of landscaping; turning and parking areas are associated with each phase.

Reason: To secure properly planned development.

7. No above slab level work shall start on the construction of dwellings, tourism accommodation, commercial buildings or other buildings hereby approved in connection with any phase of development as identified in the plan approved under condition 6 until samples of the facing and roofing materials for that phase have been submitted to and approved by the Local Planning Authority. The submission of material samples shall include a series of sample panels constructed on site, composed of the major facing materials. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick facing materials, as well as any joins or joint details for any cladding panels and render. All works shall be carried out in accordance with the approved details.

Reason: To ensure a positive and well-planned appearance to the development in accordance with Policy CP14 of the adopted Stroud District Local Plan, November 2015.

8. The development hereby permitted shall not be brought into use until details of a scheme of hard and soft landscaping for that phase of the site have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings within that phase, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

9. Details submitted as part of the landscaping reserved matter for the development shall include details of the proposed boundary treatment and details of a scheme of hard and soft landscaping for the site. The development shall be carried out in accordance with the details as approved.

Reason: To ensure the satisfactory appearance of the development in accordance with Policies EI4, ES3 and ES7 of the adopted Stroud



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District Local Plan, November 2015.

10. Details submitted as part of the appearance reserved matter for the development shall include details of the proposed finished floor levels for that phase of the scheme and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed following completion of the development. Such details shall also provide comparative levels of eaves and ridge heights of adjoining buildings and details of the levels of any existing or proposed boundary treatments. The development shall be carried out in accordance with the details as approved.

Reason: To ensure the satisfactory appearance of the development in accordance with Policies EI4, ES3 and ES7 of the adopted Stroud District Local Plan, November 2015.

11. Prior to above ground works for any building hereby approved, an appropriately detailed Waste Minimisation Statement for that part of the development site shall be submitted to and approved by the Local Planning Authority. The Waste Minimisation Statement/s shall address the requirements of Core Policy WCS2 of the Gloucestershire Waste Core Strategy, adopted November 2012 and the Gloucestershire Waste Minimisation Supplementary Planning Document for both Construction Activities and the Operational Life of the development. This shall include but not be limited to:

- A. The monitoring and minimisation of construction waste;
- B. Address the re-used of waste on and off-site;
- C. Provision within commercial and business areas of facilities or allocated areas to sort, store, treat and manage a majority of the waste produced internal to each of those parts of the site;
- D. Suitable accessing arrangements for recycle/waste collection vehicles.
- E. Provision of a refuse and recycling storage for the dwellings hereby approved

Thereafter, within each phase/unit of the development to which the Waste Minimisation Statement refers, no building shall be occupied until the provisions set out in the approved Waste Minimisation Statement have been implemented. All of the approved measures shall thereafter be maintained unless an alternative strategy is submitted and approved by the Local Planning Authority.

Reason: To ensure that a waste minimisation strategy has been considered to provide a sustainable management of waste from the development during the construction phase and ongoing during occupation in accordance with Core Policy WCS2 of the



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	<p>Gloucestershire Waste Core Strategy, adopted November 2012, the Gloucestershire Waste Minimisation Supplementary Planning Document and Policies CP14 and ES1 of the adopted Stroud District Local Plan, November 2015.</p> <p>12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:</p> <ul style="list-style-type: none"> <li>I. provide for the parking of vehicles of site operatives and visitors;</li> <li>II. provide for the loading and unloading of plant and materials;</li> <li>III. provide for the storage of plant and materials used in constructing the development;</li> <li>IV. provide for wheel washing facilities and all construction traffic to leave the site with clean wheels;</li> <li>V. specify the intended hours of construction operations;</li> <li>VI. measures to control the emission of dust and dirt during construction;</li> <li>VII. measures to avoid soil compaction in areas where infiltration has been proposed.</li> </ul> <p>VIII. details of the site access/routeing strategy/signage during the construction period</p> <p>IX. A scheme to demonstrate how it is intended to liaise with local residents during the construction process, including how complaints will be handled.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, to avoid soil compaction and severely impacting infiltration rates and reduce the potential impact on the public highway in accordance with Policies ES3, ES4 and E14 of the adopted Stroud District Local Plan, November 2015.</p> <p>13. No building works hereby approved shall be commenced until surface water drainage works have been implemented in accordance with the details submitted to and approved by the Local Planning Authority. The information submitted shall be in accordance with the principles set out in the Flood Risk Assessment &amp; Drainage Strategies dated March 2017. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of sustainable urban drainage system (suds) in accordance with the principles set out in the SUDS manual (CIRCA c753, or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:</p> <ul style="list-style-type: none"> <li>I. Provide information on the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and measures taken to prevent pollution of the receiving</li> </ul>
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- groundwaters and/or surface water;
- II. Include a timetable for its implementation;
  - III. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and
  - IV. Ensure a minimum separation distance of 5m from adjacent railway boundary.

The approved management and maintenance plan shall be implemented in full in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development in accordance with Policies ES4 and E14 of the adopted Stroud District Local Plan, November 2015.

14. Floor levels of the development hereby approved shall be set at least 600mm above the 0.5% tidal flood level including an allowance for climate change based on the figures set out in Table 3 of the Flood Risk Assessment undertaken by Arcadis Design & Consulting dated March 2017.

Reason: To protect the development and occupiers from flooding for its lifetime.

15. The development hereby permitted shall not commence within each phase until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority. The development shall therefore be implemented in accordance with the approved details before the development within that phase is first brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

16. No building within each phase hereby approved shall be first occupied until details of the long term management and maintenance of the proposed foul drainage scheme for that phase has been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development is provided with satisfactory means of drainage for the lifetime of the development to prevent and avoid exacerbating any flooding issues and to minimise the risk of pollution.



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17. The Development hereby approved shall not be occupied or be brought into use until the highway Pedestrian and Public Transport Infrastructure Improvements works shown on drawings:  
 - Q80018 - PEL - XX - XX - M2 - Z - 000001 Rev C01  
 - Q80018 - PEL - XX - XX - M2 - Z - 000002 Rev C01  
 - Q80018 - PEL - XX - XX - M2 - Z - 000003 Rev C01  
 have been constructed and completed.
- Reason: To reduce vehicle movements and promote sustainable access.
18. The Development hereby approved shall not be occupied or be brought into use until the highway improvements works comprising:  
 - A38 / B4066 - Proposed roundabout as shown on drawing Figure 1 dated 18- 05-18  
 - B4066 / Alkington Lane as shown on drawing Q80018/AL/02 rev P03  
 have been constructed and completed.
- Reason: To ensure that improvements are undertaken to the transport network to ensure the safe and free flow of traffic and mitigate the impacts of the development in accordance and Policy CP13 of the adopted Stroud District Local Plan, November 2015.
19. The reserved matters submission shall include food retail uses.
- Reason: To provide local services that can be accessed without dependency on the private car.
20. The residential development hereby approved shall not be occupied until the applicant has submitted a travel plan to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved by the Local Planning Authority. The Travel Plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review / update and remedial measures; and be based on the particulars contained within the approved development. The approved plan will thereafter be implemented and updated.
- Reason: To ensure that the opportunities for sustainable transport modes including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling are taken up and to reduce development car trips on the SRN i.e. M5 J14 to ensure the safe and efficient operation of the SRN in accordance with paragraphs 108 - 111 of the Revised National Planning Policy Framework.
21. The commercial uses hereby approved shall not be brought into use until the applicant has submitted a Travel Plan to the Local Planning Authority that promotes sustainable forms of travel to the development



## Development Control Committee Schedule 25/04/2023

site and this has been approved by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

Reason: To ensure that the opportunities for sustainable transport modes including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling are taken up and to reduce development car trips on the SRN i.e. M5 J14 in accordance with paragraphs 108 - 111 of the Revised National Planning Policy Framework.

22. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking, turning and loading/unloading facilities within the site for that building have been provided in accordance with the approved plans and shall then be maintained available for those purposes for the duration of the development.

Reason: To ensure adequate parking facilities and that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Policies CP11 & CP13 of the adopted Stroud District Local Plan, November 2015.

23. No building or unit hereby approved shall be brought into use/occupied until the cycle storage facilities for that unit which accords with Stroud Council's Parking Standards for cycles have first been submitted to and approved by the Local Planning Authority and then also made available for use in accordance with the approved plans. The approved facilities shall be retained for the duration of the development.

Reason: To ensure that the opportunities for sustainable transport modes and the provision and availability of adequate cycle parking have been taken up in accordance with Policies EI4 and CP13 of the adopted Stroud District Local Plan, November 2015.

24. Prior to the occupation of the proposed development within each phase, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the details as approved under the management and maintenance detail until such time as either a dedication agreement has been entered into or a private management company has been established.

Reason: To ensure that a safe, suitable and secure means of access for



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- all people that minimises the conflict between traffic, cyclists and pedestrians is provided in accordance with the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 112 of the NPPF.
25. The development hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice.
  2. If identified as required by the above approved Phase 1 site investigation report, a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.
  3. If identified as required by the above approved Phase II intrusive investigation report, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority.
- No part of the development hereby permitted shall be occupied until:
4. 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.
  5. 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



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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 Larnar, Senior Contaminated Land Officer - tel: (01453) 754469.

Reason: To protect the health of future users of the site and to protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 183.

26. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) it should be demonstrated that any proposed piling will not result in contamination of groundwater.

27. Details submitted as part of the layout reserved matter for the development shall include the results of a programme of further archaeological investigations, details of which will be submitted to and approved by the Local Planning Authority and include intrusive investigations/trial trenching and provide an updated archaeological assessment which will identify and assess the significance of any heritage asset affected by the proposal.

Reason: To ensure that the archaeological investigation is completed and that the consideration of the layout can take full account of any heritage asset that may be affected by the proposal and avoid conflict between the heritage asset's conservation and the development in accordance with NPPF paragraph 195 and Policy ES10 of the adopted Stroud District Local Plan, November 2015.

28. No works below current ground levels 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 by the Local Planning Authority.



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	<p>Reason: It is important to agree a programme of archaeological work in advance of the commencement of below ground 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 205 of the National Planning Policy Framework.</p>
	<p>29. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Sharpness Docks: Impact plan for great crested newt District Licensing (Version 2) (Sheet 1-2 of 2)", dated 3rd March 2023.</p> <p>Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), paragraphs 179 and 185 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.</p>
	<p>30. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.</p> <p>Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with paragraphs 179 and 185 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.</p>
	<p>31. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:</p> <ul style="list-style-type: none"> <li>- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.</li> <li>- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.</li> <li>- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night</li> </ul>



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searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), paragraphs 179 and 185 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

32. No development, site clearance, soil stripping, removal of materials shall take place until a resurvey for badgers has been undertaken and the results have been submitted to and approved by the Local Planning Authority.

Reason: Badgers are protected under the Protection of Badgers Act 1992 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

33. No works shall take place (including demolition, ground works, 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:

Risk assessment of potentially damaging construction activities

Identification of "biodiversity protection zones"

Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.

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) to address protected species found on site (breeding birds, reptiles, badgers, Great Crested Newts and Water Vole)

The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)

Details as to where excess spoil and materials will be stored.

The locations of where machinery and materials will be stored.

Measures that will be taken to protect...

The timing during construction when ecological or environmental specialists need to be present on site to oversee works

Responsible persons and lines of communication

The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person



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Use of protective fences, exclusion barriers and warning signs  
Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 175 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

34. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. The content of the LEMP shall include the following:

- Description and evaluation of the features to be managed.
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescription for management actions
- Location of biodiversity mitigation and enhancement features such as bird and bat boxes (these should be integrated into the new buildings). Appropriate bird nesting features should be suitable for starlings, sparrows, swifts and swallows.
- Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20 year period)
- Details of body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 175 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

35. Prior to the installation of any external lighting for the development hereby, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit





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will not disturb or prevent the above species using their commuter route. All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.

36. Prior to the modification of the hazardous substance consent for Sharpness Docks Ltd (S.04/1703/HAZ25544) and confirmation from HSE that the consultation zones for the modified consent would not result in HSE advising against any aspects of the proposal development:

a) a total of no more than 30 dwelling units, at a density no greater than 40 dwelling units per hectare, shall be occupied within the middle zone boundary shown in the HSE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015)

b) no buildings involving industrial or distribution use (B1/B2/B8), shall have more than two occupied storeys or 100 or more occupants

c) no overnight accommodation (hotel, lodges or overnight moorings), within the inner zone boundary shown in the FISE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015)

d) a total of no more than 100 persons shall occupy any overnight accommodation (hotel, lodges or overnight moorings) within the middle zone boundary shown in the HSE consultation distance map for Sharpness Docks Ltd (HSE HID ref: H2602 rev 1 dated 21 May 2015).

Reason: To mitigate the risk to the public of a major accident and to take account of the consultation zone of a major hazard establishment in accordance with the advice of the Health & Safety Executive regarding management of the risks to people in the vicinity of hazardous installations.

### 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.
2. This application is subject to a legal agreement and the applicant's attention is drawn to the requirements and obligations contained there in and the need to ensure compliance as the development progresses.
3. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
4. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended



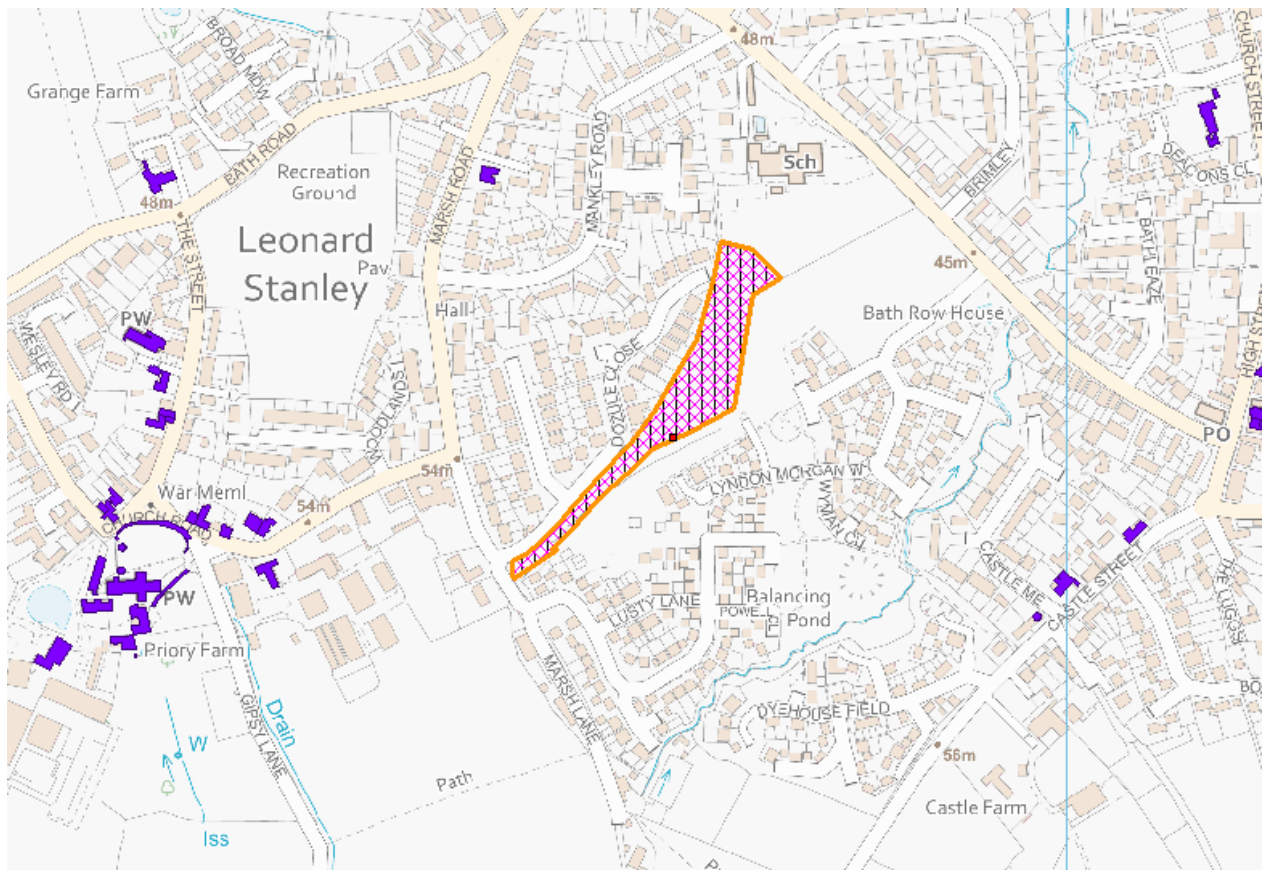
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	<p>commencement of any works on site.</p> <p>5. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.</p> <p>6. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in the condition above (relating to the use of best practice and measures outline in the Great Crested Newt Mitigation Principles) would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the Great Crested Newt Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife &amp; Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).</p>
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<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.21/2860/OUT
<b>Site Address</b>	Land Adjacent To, Dozule Close, Leonard Stanley, Gloucestershire
<b>Town/Parish</b>	Leonard Stanley Parish Council
<b>Grid Reference</b>	380675,203384
<b>Application Type</b>	Outline Planning Application
<b>Proposal</b>	Outline application for 13 houses of which 9 are custom build houses and 4 affordable together with associated access, parking & amenity spaces with all matters reserved except access (amended description).
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	Cllr N Studdert-Kennedy





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<b>Applicant's Details</b>	P Gray, Intergeren Homes Limited, Midway House , Staverton Technology Park, Herrick Way Staverton, Cheltenham Gloucestershire GL51 6TQ
<b>Agent's Details</b>	Mr K Davis DJD Architects, 2 St Oswalds Road , Worcester, WR1 1HZ,
<b>Case Officer</b>	Cris Lancaster
<b>Application Validated</b>	15.12.2021
<b>CONSULTEES</b>	
<b>Comments Received</b>	Flood Resilience Land Drainage Area Walking Environment Officer Public Rights of Way Officer Leonard Stanley Parish Council Flood Resilience Land Drainage Development Coordination (E) SDC Water Resources Engineer Biodiversity Team
<b>Constraints</b>	Leonard Stanley Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Settlement Boundaries (LP)
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- \* Principle of development
- \* Design and appearance
- \* Residential Amenity
- \* Noise
- \* Highways
- \* Landscape impact
- \* Contaminated land
- \* Public open space
- \* Affordable Housing
- \* Ecology
- \* Flood risk and drainage
- \* Sustainability
- \* Obligations

### DESCRIPTION OF SITE

The site is accessed from the north end of Dozule Close which it generally runs parallel to. It is bounded to the west for part of its length by the existing bungalows/dormer bungalows of Dozule Close and to the east by the new residential development of two storey houses and public open space. The site is currently unused grass land, generally flat, with a mix of post and wire and hedge boundaries. There are trees to the south / south western boundaries,



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beyond which is open land. The existing dormer style bungalows to the west of the site have varying garden lengths.

The application site is not the subject of any landscape designations and is located outside the Cotswolds AONB. The site and its immediate surroundings, contain no particularly interesting or unusual features.

The proposal will result in a permanent change to the character of the application site however it is located close to extensive existing housing development.

### PROPOSAL

The proposal involves an outline application for 13 houses of which 9 are custom build houses and 4 affordable together with associated access, parking & amenity spaces with all matters reserved except access. This is an amended description following revision by the applicant.

All matters are reserved with the exception of access which forms part of the consideration of this application. The site is accessed off the turning head at the north end of Dozule Close. The plan shows an indicative landscape buffer along the south eastern boundary of the site to be retained/enhanced. Further details of both hard and soft landscaping will be required under the detailed reserved matters application and it will be ensured that sufficient landscaping will be achieved at this point in time.

It aims to ensure consistent good practice in the delivery of custom and self-build homes and in particular the Right to Build legislation. Part PG1 of the guidance makes it clear that a distinction between Custom and Self Build (CSB) is not required in legislation, but it is helpful in the subsequent delivery of homes. The guidance therefore sets out the line between the two:

- o A self-build home is one built to the plans or specifications of the occupant on a single plot.
- o A custom build home is built to the plans or specifications of the occupant on a multiplot site which is actively managed by a third-party enabler.

### REVISED DETAILS

As originally submitted the proposal involved 15 no. new custom build houses and associated access, parking and amenity spaces.

Following negotiation, the proposal now includes 4 affordable units with 9 custom built houses. The affordable units are indicated as two pairs of semi-detached dwellings and the self-build units are detached dwellings.

In addition the applicant has responded to concerns about flooding and drainage and these matters are covered within the report.

### MATERIALS

This is an outline application meaning materials will be subject of subsequent details in the event of an approval.

Roof: Reserved matter

Walls: Reserved matter



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### REPRESENTATIONS

#### Statutory Consultees

Leonard Stanley Parish Council

\* Overall, the scheme is designed for maximum density for high value development at the expense of proper consideration of the surrounding context and conditions, particularly with regard to traffic and the natural environment.

\* Furthermore, the location of housing on this site is objected to in principle. On balance, planning permission should be refused for this scheme which has little to recommend it. Appeals show that the current development boundary is the last bastion of protection of a complete coalescence of the settlements, albeit that the proposal site is now surrounded by development on all sides.

\* The objection to the principle of this development remains. The emerging local plan has not yet been adopted and there is no certainty that PS42 will indeed survive the Local Plan Inspection.

\* Traffic on Dozule Close will have an impact on safe routes to the primary school and residential amenity, and construction impacts in the form of damage to road surfaces and dirt were not addressed in previous planning decisions in the parish.

\* Should planning permission be granted, the Parish Council requests that the Highways Authority be asked to consider the impact of the proposals on pedestrian movement (notably children, siblings and parents) between Dozule Close and Leonard Stanley Church of England Primary School and seeks that appropriately worded planning conditions are attached to any permission that will preserve and improve this pedestrian linkage.

\* The Parish Council requests that any planning condition that requires a Construction Management Plan also makes provision that any damage to road surfaces by construction traffic will be put right by the land owner (of the entire site, and therefore this applies to the outline permission) before the occupation of the final dwelling in the scheme.

\* Flooding, habitats and biodiversity net gain The Parish Council notes and agrees with the conclusions of the Biodiversity Team. The proposals pay scant regard to the environmental impacts of the scheme and therefore do not conform to the Environment Act 2021 which requires development to provide 10% biodiversity net gain, nor NPPF para 179. Para. 179 is relevant here for two reasons. assumed and set as the baseline. Many of the representations from residents on Dozule Close have indicated that there is localised flooding in the area (hence the name "Marsh Fields".) The LFFA and the Stroud Water Resources Engineer both raised significant concerns that are worthy of refusal. The scheme in its current form is deficient in its consideration of both biodiversity and flooding. It should have addressed surface water drainage and habitat creation using natural flood management methods. The Parish Council has grave concerns that the applicant did not follow the advice of its own Ecologist and purposefully damaged habitats against the recommendations of the Preliminary Ecological Assessment. The recommendations in that document now appear to be impossible to deliver. The Local Planning Authority is requested to take action to determine whether the recommendations of the Preliminary Ecological Assessment have been delivered, and if not, to consider a new baseline for biodiversity net gain, using a maximalist approach.

\* The Parish Council also objects to the scheme on the grounds that it pays insufficient regard to surface water flood management, fails to use good design of natural flood management techniques that could also provide habitat improvement, fails to demonstrate how biodiversity net gain will be achieved, and makes no realistic proposals for the protection



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of protected species in situ other than as toolkit talks which are not in themselves sufficient to safeguard these species

GCC as Lead Local Flood Authority:

The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation. An infiltration test has been provided by the applicant, which did not provide a successful result.

Although it was only a singular test, considering the site is relatively small, the lack of soakaways being used in the surrounding area (for example the surface water sewers in Dozule Close, Clutterbuck Close) and an alternative option found, the LLFA accepts that soakaways are unlikely to be viable.

The letter from Severn Trent Water on 17th February 2023 confirms they assume ownership of the surface water sewer in Dozule Close, the proposed method for discharging the site, and that they would accept a discharge rate of 3.3 l/s. Knowing this is a public sewer and the discharge rate has been agreed, the LLFA no longer requires an assessment of the sewers condition and capacity.

The applicant's email from 1st March 2023 states that "Rights of access rear gardens for maintenance" of the land drain will be set up and included in the sale of the properties allowing the management company to carry out the necessary maintenance. If this is possible then it will allay the LLFAs concerns regarding the maintenance of this drain.

Finally, in response to the comments forwarded to the LLFA regarding the sustainability of the drainage strategy, the LLFA agrees that the use of pumps is not a particularly sustainable solution. However, it has been shown that the drainage strategy provided meets the Non-statutory Technical Standards for Sustainable Drainage and will minimise the impact of the development on flood risk elsewhere so the LLFA has no objections. The LPA may wish to consider the sustainability of the drainage strategy in the context of the development's other sustainability impacts and the council's wider sustainability aims.

**LLFA Recommendation** The LLFA no further objections but does recommend the following condition to be applied to any approval granted:

**Condition:** No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

**Reason:** To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Gloucestershire County Council Community Infrastructure Team:



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This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure. <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/> The assessment also takes account of CIL Regulations 2010 (as amended).

The site will impact on the following education planning areas:

- Stonehouse Primary Planning Area
- East Stroud Secondary Planning Area

GCC confirms that at this time the additional capacity can be accommodated in existing schools and it is not currently seeking a primary or secondary contribution towards places arising from this development.

There is no library contribution required for this proposed development as the number of proposed dwellings falls below the number that constitutes a library requirement

GCC Public Rights of Way (PROW):

This application acknowledges and does not appear to affect the nearby public rights of way, MLS12 & MLS13, as long as these routes remains unaffected, with no changes with the current access e.g. new Gates etc, we offer no objections.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and

there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at:

<https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.





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d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

Cotswolds National Landscape (formerly Cotswold Conservation Board):

Given the distance from the Cotswolds National Landscape (i.e. @ 2.3km from the CNL boundary and 3km+ from elevated views within the CNL) and the scale of existing development between the proposed scheme and the CNL, I don't think that there are likely to be any adverse visual effects on the CNL, so on this occasion the Board won't be submitting a formal response.

Ramblers Association:

The RA's South Cotswolds group is pleased to note the developer's statement that "(the development) will have a layout, safe access and parking appropriate to the site and its surroundings and will, where possible, improve local access to walking and cycling routes" and that "MLS13 crosses the site west-east connecting with routes through the new development to the east. The public right of way will be unchanged by the proposals." and that there is acknowledgement of an adopted footpath running from the end of Dozule Close, along the boundary of the site towards the school. However, MLS12 also runs across the site (see p. 14 of design and access statement) and this must also be maintained.

GCC as Local Highways 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 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.

SDC Biodiversity Team:

Amended details and plan were submitted during the course of negotiation and the Council's Ecologist has no objections.

Biodiversity Net Gain

An amended Biodiversity Net Gain metric calculation and supporting plans, including a revised Proposed Illustrative Site Plan have now been submitted and have clearly demonstrated that net gain can be achieved on site. A Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to secure and maintain the net gain in the long term.

Recommendations:

Acceptable subject to the following conditions:

All works shall be carried out in full accordance with the recommendations contained in Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and the



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Precautionary Working Method Statement Reptiles and Amphibians by Cotswold Environmental (October 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.

\* Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging/commuting bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their commuter route. All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

**REASON:** To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.

\* No works shall take place (including demolition, ground works, vegetation clearance) until a construction environmental 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) Identification of "biodiversity protection zones"
- c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
- d) Avoidance mitigation strategy to safeguard great crested newts, breeding birds, bats, badgers and reptiles and other mammals such as hedgehog
- e) 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)
- f) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- g) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- h) Responsible persons and lines of communication
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- j) Use of protective fences, exclusion barriers and warning signs
- k) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works



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The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASONS: To adequately demonstrate biodiversity is safeguarded as required by The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006.

\* Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Amended Biodiversity Net Gain metric calculation (November 2022) and supporting plans (including Proposed Illustrative Site Plan K939-03 (F)) by DJD Architects (November 2022) and the Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and shall include the following:

- a) Description and evaluation of the features to be managed.
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescription for management actions
- e) Details for the erection of bird and bat boxes and other biodiversity enhancements for reptiles and hedgehogs
- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

REASON: In order to fulfil the requirements of paragraph 175 of the NPPF by ensuring that biodiversity net gains are secured, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to be provided prior to the commencement of development.

\* This site falls within the 7.7 km core catchment zone of the Severn Estuary SPA/SAC 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 will need to be agreed by SDC as the competent authority and Natural England.

\* This site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods SAC 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 will need to be agreed by SDC as the competent authority and Natural England.

REASON: To ensure that protected species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).



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### SDC Affordable Housing Lead:

The officer comments that the development is acceptable but that the garden spaces, particularly for plots 12 & 13 look pretty small, especially when compared to the custom build plots.

### Public:

One comment supporting the application was received.  
This welcomed provision of affordable housing.

Forty six (46) objections were received raising the following issues:-

1. The development site is not allocated for residential development and should be refused;
2. The development will result in construction damage on local roads;
3. Noise from construction traffic and development;
4. Local footpaths are inadequate and there is a risk of conflict between vehicles and pedestrians (children from the local school at the end of Dozele Close are specifically identified);
5. The site suffers flooding and there is concern that development will result in localised surface water flooding;
6. The local sewers are at capacity;
7. The applicants surface water proposals are not sustainable
8. There are insufficient local facilities. There is only a public house and village hall;
9. Inadequate consideration for wildlife/ loss of habitat
10. Loss of outlook (views of Selsley Common and Penn specifically mentioned);
11. Two storey development will overshadow existing single storey dwellings;
12. Traffic generation will harm local area.
13. Development of self-build will take a long time meaning disturbance will last a long time;
14. No guarantee that there will be consistent build quality
15. No site notices were displayed and inadequate neighbour notification was undertaken.
16. The leaflet circulated in the vicinity appears to contain errors and is misleading.

### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework 2.2.

Available to view at:

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

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.



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CP3 - Settlement Hierarchy.  
 CP4 - Place Making.  
 CP5 - Environmental development principles for strategic growth.  
 CP6 - Infrastructure and developer contributions.  
 CP7 - Lifetime communities.  
 CP8 - New housing development.  
 CP9 - Affordable housing.  
 CP13 - Demand management and sustainable travel measures.  
 CP14 - High quality sustainable development.  
 CP15 - A quality living and working countryside.  
 HC1 - Meeting small-scale housing need within defined settlements.  
 HC3 - Strategic self-build housing provision.  
 HC4 - Local housing need (exception sites).

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.  
 ES12 - Better design of places.  
 ES13 - Protection of existing open space.  
 ES14 - Provision of semi-natural and natural green space with new residential development.  
 ES15 - Provision of outdoor play space.  
 ES16 - Public art contribution.

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

Residential Design Guide SPG (2000)  
 Stroud District Landscape Assessment SPG (2000)  
 Planning Obligations SPD (2017)  
 Village Design Statement  
 Neighbourhood Development Plan

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 2015 Local Plan has been adopted and full weight should be given to its contents, in accordance with the paragraphs of the NPPF. 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.



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The proposal is for the development of land outside settlement development limits. The major policy issues relate to the principle of development in this location and the relationship with other adjacent development.

The site is located outside settlement limits and as such development of this land is contrary to policies CP2 and CP3 of the Local Plan. With the location beyond the current settlement development limits the scheme also does not satisfy any of the principles or criteria of CP15.

The site has however been put forward and is now a draft allocation in the draft Local Plan (Site PS42). The draft Local Plan is now at the hearings stage.

This draft allocation has received a number of comments and the level of objection is not considered to be great or to the principle of development, although this comment has been made in relation to the current application. The issues raised such as ecology, access and flood risk have been addressed within this application or can be resolved through subsequent reserved matters. The connectivity and highway impacts have been addressed.

The 2015 Local Plan has been adopted and full weight should be given to its contents, in accordance with the paragraphs of the NPPF. 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 proposal is for the development of land outside settlement development limits. However, the site is located adjacent to the Leonard Stanley settlement, a 3rd tier settlement identified under Policy CP3 of the Local Plan. One of the primary aims of establishing a settlement hierarchy is to promote sustainable communities by bringing housing, jobs and services closer together in an attempt to maintain and promote the viability of local facilities and reduce the need to travel to services and facilities elsewhere. A settlement hierarchy policy can help to achieve this by concentrating housing growth in those settlements that already have a range of services.

The 3rd tier villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the Local Service Centres for greater self containment. They will provide for lesser levels of development in order to safeguard their role and to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing.

The site has been put forward and is now a draft allocation in the draft Local Plan. The draft Local Plan has now past Regulation 19 stage and the draft plan has now been submitted for examination.

The application site is not of a strategic nature and it is considered by officers that no harms exist through its small scale development. The site is located within 800m of limited facilities and amenities in Leonard Stanley and shops in Kings Stanley and is served by Leonard Stanley Primary School, and would therefore be considered as a sustainable location,



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meeting the requirements of the NPPF Promoting Sustainable Transport policies which will be acceptable.

Together with the emerging policy position and the sustainability credentials of the location being located adjacent to an established settlement it is concluded that the proposal can be considered alongside the other benefits associated with the development and the planning balance weighed accordingly.

### **DESIGN AND APPEARANCE**

The proposal is an outline application and the design and appearance will be for consideration under reserved matters. The scheme provides a mix of housing tenures with self-build and affordable shared and rented units. Whilst the larger units are open market with affordable units being smaller there is a mix across the site. This is addressed further in the affordable housing section below. Improvements have been made with the revised plans and it is considered this mix is acceptable.

The proposed development will be predominately 2 storeys in height. The potential amenity issues associated with this are further considered below.

The applicant advises that in terms of the open space, this will be managed by a management company, to be set up for the site, that will also be responsible for the road, drainage etc.

### **RESIDENTIAL AMENITY AND NOISE**

Whilst it is appreciated that the new built form will still be evident in the outlook from some of the existing neighbouring properties this is an outline application with matters including both design and siting to be determined at reserved matters stage. Loss of view is not a material consideration. Whilst these matters are subject to subsequent consideration, it is considered the impact on existing dwellings will be limited and the separation distance and subsequent design considerations will be able to avoid any direct material overlooking, loss of privacy and overbearing impact.

The Affordable Housing Officer has commented on the relative smaller size gardens of the affordable units. However, this is an outline application and the layout will be subject of reserved matters, if approved.

Construction mitigation including hours of operation, CMS and dust controls conditions have been included to mitigate the impact on nearby residents.

### **HIGHWAYS**

The application seeks outline consent with all matters reserved except access. On the plans submitted, one main vehicular access point is proposed off the end of Dozule Close.

The site is located off the turning head at the end of Dozule Close, a residential cul de sac with a 30mph speed limit. The site is located within 800m of limited facilities and amenities in Leonard Stanley and shops in Kings Stanley and is served by Leonard Stanley Primary School, and would therefore be considered as a sustainable location, meeting the



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requirements of the NPPF Promoting Sustainable Transport policies which will be acceptable.

Dozule Close is served by 5.5m carriageway with 2m footways. Access will be provided by continuing the carriageway and footway off the end of the turning head which the Highway Authority confirms will be acceptable.

The Highway Authority (GCC) confirms that traffic generated by the proposed development is unlikely to impact upon highway safety, capacity or congestion and will therefore be acceptable and therefore offers no objection to the outline application with all matters reserved except for access.

Whilst the development is not considered to have an adverse impact on pedestrian or vehicular movement in the vicinity including to and from the primary school, additional vehicle movements will be generated during the construction period and therefore a Construction Environmental Management Plan will be required, particularly in this residential area close to a school which should be conditioned. The Highway Authority has undertaken a robust assessment of the planning application. It is considered that there are no justifiable grounds on which an objection could be maintained.

The Council has a parking standard of 1.5 spaces per residential unit that will be required for the site. The indicative plan shows parking at 2 spaces per unit, which is considered acceptable in this location. Provision for cycle parking and electric vehicle charging will also be required. The requirement for electric power points is now a matter for Building Regulations meaning a condition is not required.

### **LANDSCAPE IMPACT**

The site appears to provide only limited visual amenity as it is only a small section of undeveloped land within a wider developed area. Although the undeveloped nature and existing vegetation of the site does soften views of the physical development from outside the site.

The site is relatively self-contained and retains a small landscape gap to other residential development to the east. As such a degree of separation is retained between Leonard Stanley and Kings Stanley.

The site is outside of the Cotswolds Area of Outstanding Natural Beauty (AONB). Given the limited scale of the development and its vegetated boundaries which assist in filtering views, it is considered that the impact on the setting and views from the AONB would be limited, even from elevated positions including Selsey Common to the east and any impact would effectively be absorbed by existing development within Leonard Stanley.

It is proposed to retain and enhance the boundary hedgerows and trees. Consequently, proposal would moderately effect on the local landscape character but would not have a significant impact on the wider landscape setting or the surrounding countryside.





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It is therefore considered that the development would have a moderate adverse impact on landscape character.

### **AFFORDABLE HOUSING**

The applicant proposes four (4) no. affordable housing units in the form of 2-storey dwellings. This represents 30% of the development. Criteria within both the National Planning Policy Framework (NPPF), and those contained within the SDC local plan. Core policy CP7, Lifetime Communities, seeks to ensure that new development contributes to the provision of sustainable and inclusive communities, particularly concerning the ageing population, people with special needs and any other minority group.

The local plan encourages mixed communities that will benefit all members of society, something that could effectively be achieved through the provision of intergenerational homes. The provision of affordable housing is one of the Council's main ambitions, and all planning applications will be required to provide this where viable.

Policy CP9 of the SDLP requires 30% affordable housing with the units at a tenure mix basis of 50% rented and 50% intermediate affordable housing. The proposal makes provision for 30% on-site affordable housing in accordance with this policy.

The addition of 4 no affordable units and the tenure mix will be subject of a Section 106 Agreement if planning permission is supported by the Committee. The design of the units will be subject to reserved matters.

### **ECOLOGY**

An amended Biodiversity Net Gain metric calculation and supporting plans, including a revised Proposed Illustrative Site Plan have now been submitted and have clearly demonstrated that net gain can be achieved on site. A Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to secure and maintain the net gain in the long term. This matter will be subject of a condition seeking that prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Amended Biodiversity Net Gain metric calculation (November 2022) and supporting plans (including Proposed Illustrative Site Plan K939-03 (F)) by DJD Architects (November 2022) and the Preliminary Ecological Appraisal by Cotswold Environmental (June 2021).

The site falls within the 7.7 km core catchment zone of the Severn Estuary SPA/SAC 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 their own mitigation strategy and enhancement features which will need to be agreed by SDC as the competent authority and Natural England. The applicant has offered to make the contribution and this will be contained within the S106 agreement.

This site also falls within the 15.4 km core catchment zone of the Cotswold Beechwoods SAC site. The applicant is again willing to make the off site S106 contribution per new



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dwelling as part of Stroud District Council's avoidance mitigation strategy to mitigate the recreational pressure the scheme will generate on the SAC.

### **FLOOD RISK/DRAINAGE**

The site does not meet the requirements in the NPPF for a flood risk assessment as the site is not located within an area identified as being susceptible to flooding. The site is not within Flood Zones 2 or 3.

However, in response to concerns from a number of residents that a number of adjoining back gardens get waterlogged, an infiltration test was undertaken by the applicant, which did not provide a successful result. Although it was only a singular test, considering the site is relatively small, the lack of soakaways being used in the surrounding area (for example the surface water sewers in Dozule Close, Clutterbuck Close) and an alternative option found, the LLFA indicates that it accepts that soakaways are unlikely to be viable.

Severn Trent Water confirms they assume ownership of the surface water sewer in Dozule Close, the proposed method for discharging the site, and that they would accept a discharge rate of 3.3 l/s.

Knowing this is a public sewer and the discharge rate has been agreed, the LLFA no longer requires an assessment of the sewers condition and capacity. The applicant has confirmed that "Rights of access rear gardens for maintenance" of the land drain will be set up and included in the sale of the properties allowing the management company to carry out the necessary maintenance.

If this is possible then it will allay the LLFAs concerns regarding the maintenance of this drain. Finally, in response to the comments forwarded to the LLFA regarding the sustainability of the drainage strategy, the LLFA agrees that the use of pumps is not a particularly sustainable solution. However, it has been shown that the drainage strategy provided meets the Non-statutory Technical Standards for Sustainable Drainage and will minimise the impact of the development on flood risk elsewhere so the LLFA has no objections. The LLFA have no further objections and recommends a condition to be applied to any approval granted.

Some objectors have questioned the sustainability of the proposals. The LLFA was requested to respond directly to this issue and did so in the detailed response. Whilst initial drainage proposals were considered unsatisfactory by the LLFA, after significant revisions, the proposal is now sufficient for the LLFA to remove its objection and support the scheme subject to conditions. Full detailed design and future management details can be required via condition.

### **SUSTAINABILITY**

The application is accompanied by a completed Stroud District Sustainable Construction Checklist. The applicant confirms in the submitted Design and Access Statement that all development will be built in accordance with the Sustainable Construction Checklist.



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The site adjoins Leonard Stanley which is a Tier 3a settlement (Accessible Settlements with Local Facilities). The site is identified within the emerging Local Plan which recognises that this is a sustainable location.

In terms of the site allocation policy the proposals the proposal retain the majority of the southern part of the site as open space. It also conserves existing trees and hedgerows. In addition the public right of way across the site is retained and pedestrian links through the site, connecting with this will be subject to detailed design.

It is understood that the scheme will be developed by custom builders who will live in the properties, respond directly to housing need. It does not result in the loss of biodiverse habitat - Hedges and trees are retained and will be controlled by condition. Connections from the site to the existing public rights of way are provided to encourage walking.

### **OBLIGATIONS**

The proposed scheme seeks to provide the following which will be secured via a S106 legal agreement:

- Affordable Housing - 30% (mixed tenure)
- £385 per dwelling contribution towards the adopted SDC River Severn Estuary SAC/SPA/Ramsar Avoidance and Mitigation Strategy.
- £673 per dwelling contribution towards the adopted Cotswold Beechwoods SAC Recreational Mitigation Strategy.

GCC have confirmed that no separate library or education contribution arises from this development.

### **REVIEW OF CONSULTATION RESPONSES**

The representations received both from individuals and those from the Parish Council are responded to throughout the report. This includes the principle of development given the current status of the Local Plan review. Several residents refer to the leaflet that the developer distributed throughout the area. For the avoidance of doubt this does not form part of the submission and is not a material consideration. Detailed concerns including impact on local highways, local school movements, impact on residential amenities and surface water drainage are dealt with within the report.

### **CONCLUSION AND PANNING BALANCE**

The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

The proposed scheme seeks to provide residential dwellings within an emerging site in the Local Plan Review. The site is within a sustainable location and makes an efficient use of land.

In terms of benefits, it is acknowledged that the site would deliver new market housing and provide a policy compliant level of affordable housing at 30%.



## Development Control Committee Schedule 25/04/2023

The scheme provides a policy compliant level of affordable housing, custom-build plots and open space. The highway and ecology impacts can be adequately mitigated and drainage and flood risk addressed.

In weighing up the planning balance, it is recommended that planning permission be granted.

### RECOMMENDATION

That Planning Permission is **GRANTED** subject to the planning conditions as set out in this report and the applicant first voluntarily entering into appropriate legal agreements to secure the obligations outlined in this report.

### 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>	<ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</li> <li>2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</li> <li>3. Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced.  Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.</li> <li>4. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</li> </ol>
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K939- 03(F)  
K939-01(-) Location Plan  
Drainage strategy received 17.02.2023

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

5. No works shall take place on individual plots until samples of the external materials to be used in the construction works for that plot have been submitted to and approved 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.

6. The details to be submitted for the approval of reserved matters shall include details of the existing ground levels, the dwellings in relation to surrounding buildings, proposed finished floor levels of the dwellings, and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.

Reason: In the interests of the amenities of local residents and to ensure the satisfactory appearance of the development, in accordance with Policies CP8 and ES3 of the adopted Stroud District Local Plan

7. The development hereby permitted shall not be brought into use until detailed plans of the method of disposal of surface water within the curtilage of the of the site have been submitted to and agreed by the Local Planning Authority. The development shall not be brought into use until that agreed method has been processed and is available for use.

Reason: To ensure adequate surface water drainage is provided.

8. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.



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9. 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 Local Plan Policy ES3.

10. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- 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);
- Advisory 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;
- Highway Condition survey
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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.

11. No individual dwelling hereby permitted shall be occupied until provision is made for the parking of the minimum of 2 vehicles. The provision must be on a properly made-up service and of a standard size. The provision shall be retained free from obstruction thereafter.

Reason: To ensure that sufficient parking spaces are made available for use in accordance with the Local Planning Authorities vehicle parking standards.

12. No individual dwelling hereby permitted shall be occupied until a minimum of 2 no. secure and covered cycle storage facilities has been provided for that plot and those facilities shall be retained for the duration of the development.



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Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

13. The development hereby permitted shall not be occupied until the first 10m of the proposed access roads, including the junctions with the existing public roads and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

14. Prior to first commencement of any dwelling hereby approved a custom build delivery strategy shall be submitted and approved by the Local Planning Authority. The delivery strategy shall include a design framework/design code and details of the marketing and disposal timetable. Any application for approval of reserved matters for custom build plots shall be in accordance with the approved custom build delivery strategy.

Reason:

To accord with Policy HC3 of the adopted Stroud District Local Plan (November 2015).

15. Means of vehicular access to the development hereby permitted shall be from Dozule Close only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and completed in the first planting and seeding seasons following last occupation of that phase (if the development comes forward in phases). Any trees, plants or areas of turfing which within a period of five years from the completion of that phase of the development become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.



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Reason: For the avoidance of doubt and in accordance with Policies ES12 and SA3(4,5,6) of the Stroud District Local Plan (November 2015).

17. All works shall be carried out in full accordance with the recommendations contained in Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and the Precautionary Working Method Statement Reptiles and Amphibians by Cotswold Environmental (October 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.

18. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging/commuting bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.

19. Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Amended Biodiversity Net Gain metric calculation (November 2022) and supporting plans (including Proposed Illustrative Site Plan K939-03 (F)) by DJD Architects (November 2022) and the Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and shall include the following:

- a) Description and evaluation of the features to be managed.
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescription for management actions
- e) Details for the erection of bird and bat boxes and other biodiversity





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enhancements for reptiles and hedgehogs

- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason: In order to fulfil the requirements of paragraph 175 of the NPPF by ensuring that biodiversity net gains are secured, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to be provided prior to the commencement of development.

20. No works shall take place (including demolition, ground works, vegetation clearance) until a construction environmental 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) Identification of "biodiversity protection zones"
- c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
- d) Avoidance mitigation strategy to safeguard great crested newts, breeding birds, bats, badgers and reptiles and other mammals such as hedgehog
- e) 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)
- f) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- g) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- h) Responsible persons and lines of communication
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- j) Use of protective fences, exclusion barriers and warning signs
- k) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.



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Reason: To adequately demonstrate biodiversity is safeguarded as required by The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006.

21. Prior to the occupation of the proposed development, details of the proposed arrangements for future management and maintenance of the proposed open space within the development shall be submitted to and approved by the Local Planning Authority. The open space shall thereafter be retained in accordance with the details as approved under the management and maintenance detail until such time as either a dedication agreement has been entered into or a private management company has been established.

Reason: To ensure that a safe, suitable and secure open space is provided in accordance with Policy CP4 of the Local Plan 2015 and the NPPF

22. The dwellings hereby approved shall not be occupied until details of boundary treatments, including fencing, retaining walls (where applicable), gates or other means of enclosure to be erected in or around the development are submitted to and approved by the Local Planning Authority. The development then take place in accordance with the approved details and subsequently retained

Reason: To ensure the development is in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015.

23. The application for reserved matter of layout shall include details of a scheme for the provision of a refuse and recycling storage for the dwellings hereby approved. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason: In the interests of amenity and sustainability to ensure the effective implementation of waste minimisation in accordance with Policies CP8, CP14 and ES1 of the adopted Stroud District Local Plan, November 2015 and Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

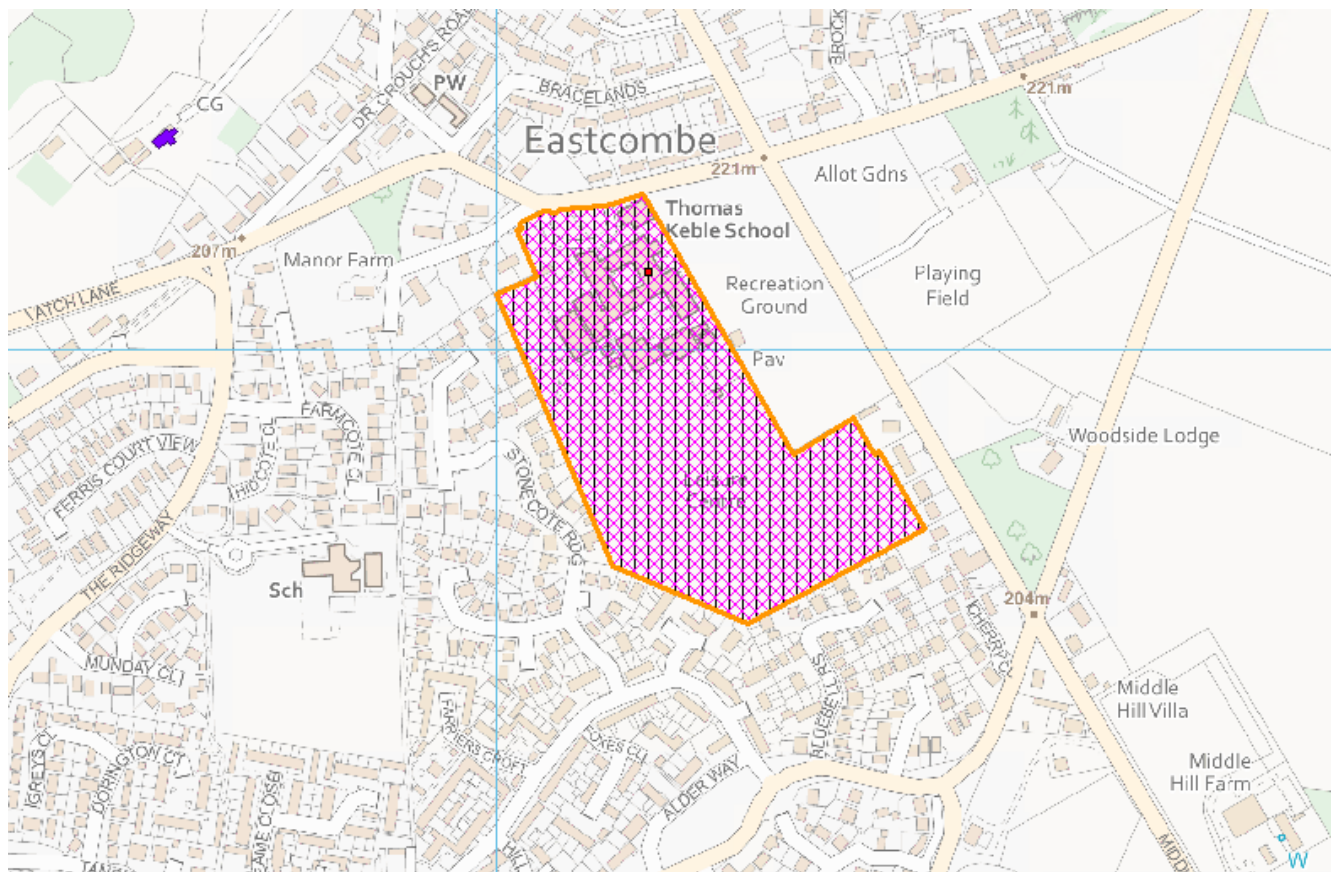
Informatives:

1. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.



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<b>Item No:</b>	<b>04</b>
<b>Application No.</b>	S.23/0188/VAR
<b>Site Address</b>	Thomas Keble School, Eastcombe, Stroud, Gloucestershire
<b>Town/Parish</b>	Bisley With Lypiatt Parish Council
<b>Grid Reference</b>	389118,204062
<b>Application Type</b>	Variation of Condition
<b>Proposal</b>	Variation of Condition 25 (Construction Delivery times) of planning permission S.22/0918/FUL (as amended by S.22/2197/VAR)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Requested by Head of Planning





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<b>Applicant's Details</b>	Kier Construction Ltd Central House, Sabre Close, Quedgeley, Gloucester, Gloucestershire GL2 4NZ
<b>Agent's Details</b>	Mr David Jones Evans Jones Ltd, Royal Mews, St Georges Place, Cheltenham, GL50 3PQ
<b>Case Officer</b>	Helen Cooper
<b>Application Validated</b>	31.01.2023
	<b>CONSULTEES</b>
<b>Comments Received</b>	Environmental Health (E) Bisley With Lypiatt Parish Council Development Coordination (E)
<b>Constraints</b>	Aston Down Airfield Consultation Zones Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Consult area Glos Centre Env Records - Species Kemble Airfield Hazard Neighbourhood Plan Bisley Town Council Chalford Parish Council Settlement Boundaries (LP) Surface flooding 1 in 100 years Village Design Statement
	<b>OFFICER'S REPORT</b>

### BACKGROUND

This application has been brought before the Development Control Committee as the application seeks to vary planning condition 25 (construction delivery times) which Members requested when application reference S.22/0918/FUL was determined at the Development Control Committee which took place in September 2022.

### MAIN ISSUES

- \* Principle of development
- \* Highways
- \* Residential Amenity and Noise

### DESCRIPTION OF SITE

The application site comprises the Thomas Keble secondary school campus and associated playing fields which are located in the settlement boundary of Bussage and lie directly south of Eastcombe. The existing main school building fronts onto Bracelands with both vehicular and pedestrian access from this road. Pedestrian access is also possible from Stonecote Ridge, a residential road set adjacent to the west boundary of the site.



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The school campus contains a number of single and two storey buildings at the site which are currently located in the northern section of the site.

Residential properties lie to the north, south and west of the site. A playing field is set adjacent to the northwest boundary and beyond this lie allotments and fields.

Eastcombe Conservation Area lies to the north of the site and Brownhill and Bussage Conservation Area lies to the west.

The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB). It also lies within the Cotswold Beechwoods Special Area of Conservation (SAC) 15.4 km core catchment zone.

The existing playing fields and an area of parking to the rear of the main school buildings are designated as protected open space within the adopted Stroud Local Plan 2015.

### PROPOSAL

This application seeks a Variation of Condition 25 (Construction Delivery times) of planning permission, reference S.22/0918/FUL (as amended by S.22/2197/VAR).

Permission reference S.22/0918/FUL (as amended by S.22/2197/VAR) relates to the redevelopment of Thomas Keble School.

Condition 25 of this permission states the following:

*No construction related deliveries shall be taken outside of the hours 9am to 3pm Monday to Friday.*

*Reason: To protect residential amenity and minimise disruption to the local highway network in accordance with Policies ES3 and CP14 of the adopted Stroud District Local Plan 2015.*

The applicant is seeking to alter the wording of this condition to allow for greater flexibility. They have advised that condition 25 will 'cause unreasonable difficulties to the construction project and operating firm'. It has also been highlighted that the condition does not currently allow for school holidays when less traffic would be visiting the site at certain times of the day.

The application originally sought to vary condition 25 to read:

*'No construction related deliveries shall be taken to coincide with student arrival and departure peak times at the school from Monday to Friday during school terms'.*

### RELEVANT PLANNING HISTORY

Application S.22/0918/FUL Partial re-development of the existing school site including: 1) demolition of the main school building; and other structures including DT block and SEN block 2) the erection of a new three-storey teaching block; 3) alterations to the existing sports



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hall and entrance; 4) new landscaping features incorporating new tree planting and new dedicated play areas; 5) the reconfiguration of the bus/car park; 6) the provision of ancillary installations; and 7) the provision of sustainability measures was granted planning permission on the 21st September 2022 subject to conditions.

Application S.22/2197/VAR sought a Variation to conditions 2 (approved drawings), 23 (drainage) and 24 (ASHP) of application S.22/0918/FUL - changes are proposed to the approved plans & drainage strategy. Permission granted 19th January 2023

Application S.22/2368/DISCON Discharge of conditions 6 (Dust), 7 (Asbestos), 12 (Minerals and waste), 17 (Construction Management Plan) and 21 (Tree Protection Monitoring) from S.22/2197/VAR (S.22/0918/FUL). These conditions were discharged on the 27th January 2023.

Application S.23/0230/DISCON Discharge of condition 13 (minerals and waste) of S.22/0918/FUL A decision letter was issued on the 8th March 2023 approving the waste management plan. An informative advises that 'The condition will not be fully discharged until the development has been completed fully in accordance with the specifications and details hereby approved.'

### REVISED DETAILS

None received.

### MATERIALS

Roof: Solar PV panels

Walls: Buff/brown brick, 'Slate Grey' powder coated standing seam metal cladding

Windows: Bronze colour window frames

### REPRESENTATIONS

#### Statutory Consultees:

**Bisley with Lypiatt Parish Council:** Object with comments.

Quote from Agent's application:-

'As a result, this application proposes that there is a variation to the condition. To accord with policies ES3 and CP14, a restriction should remain in place to restrict the delivery of construction related items during the peak arrival and departure times of the school. However, to avoid the negative impacts as stated above, deliveries should be allowed outside of the restricted hours stated within the condition (not include peak times). Furthermore, the variation of the condition should allow for the construction firm to receive construction related deliveries during the school holidays, as this will support the completion of the construction while having a limited impact of the residential amenity and local highway



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network. The current wording of the condition makes no allowance for school holidays which is when construction work will be at its most, given there will be no children on site.'

This is an important condition which should be taken very seriously for the safety of our residents.

**SUMMARY:** Discrepancy in timing within planning applications; routes of large lorries creating noise disturbance and vibration over a long period of 28 months construction time; danger to residents during weekends and holidays which should require specific times for vehicle movements; Bisley alternative route for small vehicles is unacceptable; busy vehicular junction at Middle Hill/ Bisley Road crossroads and danger to residents including children walking or cycling to the recreation grounds.

### TIMING OF DELIVERIES AND WASTE REMOVAL OFF SITE.

1. The Agent is emphasizing that delays will hold up the works to the detriment of Kier and the longer wait for completion. It is advised by the Agent that there should be restrictions in place during weekdays from 9.00am til 3.00pm at peak times of students entering and leaving the site. These restrictions should be set additionally throughout the weekday from 9.00am - 3.00pm.
2. To extend the times of the delivery and removal off site of any debris, would need to include the school holidays but within the same hours 9.00am-3.00pm weekdays only. Many residents use the facilities after school hours and again the roads are busy during the weekend when football matches, parents and children going to the playground are regular pedestrian movements and the crossroads at Middle Hill/Bisley Road is a danger point.

Previous construction traffic, relocating spoil from a large development at the Green Square site at Middle Hill site, used this junction on a regular basis, making crossing the junction, which has no crossing signage or coloured markings, unsafe for users and the residents of Bisley Road to Vache living with noise and rumbling of heavy trucks –all against amenity and CP14-

3. The Logistics Plans within the approved Construction and Environmental Management Plan are clear and give an indication of project progress dates and information about holiday periods while the Agent states that no allowance has been given for school holidays.

### Managing damage.

There is an approved Construction and Environmental Management Plan (Revised). This is essential and should include making good any damage to roads surfacing, signage and boundary stone walls by construction traffic.

Ref Policy-Bisley with Lypiatt stone walling and boundary treatment  
Public comment.



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A letter from a resident at 76 Stonecote Ridge has objected to this change in Variation. His comment that the site is viewed from public space, is correct.

Construction and Environmental management Plan (Revised) S.22/0918/FUL:-

‘2.3 All works will be undertaken between 8am and 6pm Monday to Friday and 8.00am to 1.00pm Saturdays. This is an extended time into the weekend to that mentioned in this application for a change to this condition 25.

‘3.5 Type and number of vehicles:

Deliveries to the site will be targeted to avoid the main peak network and school drop off and collection times. These being 0830- 0900Hrs and 1500- 1520h-Hrs. A further discrepancy in times.

This requirement along with specified delivery routes, restrictions will be built into all sub-contractors and suppliers orders to ensure adherence. As the programme progresses vehicle deliveries will increase and decrease accordingly. For example, in the ground works phase there will be increased lorries for deliveries but also removal of site arisings from the excavation process. Our trained traffic marshals will ensure all vehicles leave the construction site in a forward gear and will be directed to use Toadsmoor Road.’

3.10 Our gate person/traffic marshal will be appropriately trained and experienced to guide vehicles and manage any unloading. Vehicles exiting the project will be instructed to use the Toadsmoor Road route onto the A419. Smaller vehicles do have an alternative route available via Bisley, however this will be discouraged.

Whilst it is welcomed that construction traffic does not go through Chalford or Old Neighbourhood, however, smaller vehicles have an alternative route shown on 3.6 Site Logistics Plan to go via the Bisley Road to Bisley. There is already a rat run and congestion caused to Bisley residents and this should be reconsidered as a matter of urgency.

Movement of waste.

The ‘Site Waste Management Plan’ October 2022 indicates that inert waste is projected at 700 cu metres and mixed construction and/or demolition waste would be 330cu metres. Access via Toadsmoor Road with the ground/instability issues of falling away into the valley, even ‘temporary’ access could cause substantial making good costs and disruption to traffic.

This quantity of waste alone to be transferred from site would mean a large number of truck movements which will upset residents.

**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.





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The justification for this decision is provided below.

I have no objection to this variation in the wording of condition 25 in view of the submission by the applicants. I have also noted the concerns of residents in respect of damage to the highway and I would recommend by an informative that a photographic survey is undertaken by the contractor accompanied by the Area Highway representative if that is not already covered in the imposed condition.

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

**Environmental Health:** I have no objection to the proposed variation.

### **Public Comments:**

Councillor Jockel: General comments – It's my recollection that this was the only condition that survived the development control committee. As I presented at the committee, 'convenience' at the relatively short construction phase period appears to have trumped all other concerns over the lifecycle of decades of the building, long after construction is complete. That the agent is now seeking a variation for this one standing condition is filled with irony and spotlights further the lack of sensitivity to the concerns of the community and their representatives. The school, as social institution with a duty of care to the community it serves, should be deeply concerned with the direction of travel. Specific comments - I wholly support the objection of Jenny Exley, Cllr and Planning Lead for Eastcombe Parish Council made 27 February 2023.

**Public:** One objection has been received. To summarise concern has been raised that the application contains a section asking if the site can be seen from a public road, public footpath, bridleway or public land and the applicant has indicated that it is not. The site can be seen from the surrounding area and this is factually inaccurate. Concern has been raised that the reasons for varying the condition which relate to cost and delays are not suitable reasons for the variation. It is important that the original reasons for making this condition are maintained to ensure local residents are not unduly disrupted any more than necessary.

### **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 72(1).

Stroud District Local Plan.



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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.  
CP7 – Lifetime communities.  
CP13 – Demand management and sustainable travel measures.  
CP14 – High quality sustainable development.

EI11 – Promoting sport, leisure and recreation.  
EI12 – Promoting transport choice and accessibility.  
EI13 – Protecting and extending our cycle routes.  
EI16 – Provision of public transport facilities.

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.  
ES12 – Better design of places.  
ES13 – Protection of existing open space.  
ES15 – Provision of outdoor play space.

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

The site partially lies within Chalford Neighbourhood Development Plan Area which has an emerging neighbourhood plan.

### **PRINCIPLE OF DEVELOPMENT**

The principle of development has been established at the site by planning permission S.22/0918/FUL (as varied by S.22/2197/VAR). The proposed variation to condition 25 will not impact upon the approved scheme other than to alter the times in which it is possible for construction related deliveries to be made to the site. This is appropriately the subject of a S73 application.



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The key consideration therefore relates to whether it is reasonable to vary condition 25 and the implications that this may have upon the highway network and residential amenity.

Paragraph 56 of the NPPF advises that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

Condition 25 currently restricts deliveries to school hours 9am to 3pm and does not make any allowance for longer delivery hours before school starts/ finishes or during the school holidays.

Members sought condition 25 in order to minimise disruption to the highway network and to protect residential amenity. It is considered that the condition can be amended to provide greater flexibility for construction related deliveries whilst continuing to minimise the impact upon the highway network and protecting residential amenity in line with Policies ES3 and CP14 of the adopted Local Plan 2015 and this is considered further below.

### HIGHWAYS

A key consideration relates to the peak times at the school and the potential for conflict between school traffic and construction delivery vehicles.

The applicant has advised that drop off times are between 8:30am and 9am. School pick up times are between 3pm and 3:20pm. There are currently 676 pupils at the school.

The school has advised that no morning or breakfast clubs take place prior to school opening hours. However, there are a number of after school clubs which run until 4:15pm. The applicant has provided the following approximate breakdown of pupil's attending after school clubs:

Monday: 60  
 Tuesday: 70  
 Wednesday: 70  
 Thursday: 70  
 Friday: 40

The numbers which attend after school clubs is limited in comparison to overall attendance at the site and on balance it is considered unlikely that deliveries would lead to an unacceptable level of disruption at this time.

The Local Highway Authority have reviewed this application and have raised no objection.

It should be noted that the Construction and Environmental Management Plan (CEMP) has been approved under the discharge of condition application reference S.22/2368/DISCON. This document provides further guidance in respect of deliveries and advises that the construction company will have a full-time competent gate person/traffic marshal to monitor and control all deliveries. This will help mitigate the potential for traffic conflict at the site.



## Development Control Committee Schedule 25/04/2023

It is considered reasonable to alter the wording of condition 25 to restrict deliveries at peak times of the day during school term times, whilst allowing deliveries before and after school hours. To be compliant with the NPPF it is recommended that a timeframe is specified and this should comprise an hour slot either side of the school day for clarity and to ensure enforceability.

It is therefore recommended that the condition is amended to restrict deliveries between 8am to 9am and 3pm to 4pm during term times. The variation to the condition will ensure that construction related deliveries do not conflict with school traffic thereby minimising the risk of disruption at the site and within the surrounding area. This will also allow greater flexibility during school holidays when far less traffic would be visiting the site at set times of the day.

### RESIDENTIAL AMENITY AND NOISE

Condition 25 was also recommended in respect of protecting residential amenity. Subject to the variation of condition containing restrictions on deliveries at peak times it is not considered that the proposal would harm residential amenity in terms of noise and disturbance from traffic conflict.

It should be noted that Environmental Health have raised no objection to the variation and condition 5 which restricts construction hours is retained. The proposal is therefore considered to be compliant with policies ES3 and CP14 of the Local Plan.

### REVIEW OF CONSULTATION RESPONSES

Bisley with Lypiatt Parish Council have objected to the S73 application. They have raised concerns about the routing of vehicles and requested that restrictions are retained including during the school holidays as many residents use the facilities after school hours and during the weekend. In response, whilst the facilities may be used within the school holidays it is considered that the volume of traffic would be more dispersed throughout the day. As such the potential for conflict between visitors and construction traffic would be far less likely. It is therefore recommended that the condition excludes restrictions during school holidays.

The Construction and Environmental Management Plan (CEMP) outlines the route for large vehicles and the preferred route for small vehicles.

The Parish Council have requested that the information contained within the CEMP is reconsidered in respect of smaller vehicles using Bisley Road. The CEMP has been approved following consultation with Highways and as such it is not considered reasonable to impose further restrictions on vehicle routes under this application.

The Parish Council have also raised concern in relation to the site waste management plan. This document has also been approved under reference S.22/2368/DISCON (condition 12). Highways have acknowledged these concerns and recommended that an informative is applied in respect of potential damage to the highway. This is listed as informative 7 below.

A member of the public has raised concern that the application form states that the site cannot be seen from a public road, public footpath, bridleway, or other public land. The



## Development Control Committee Schedule 25/04/2023

discrepancy on the application form has been noted and LPA Officers are aware that the site is visible within the surrounding area. LPA Officers are satisfied that sufficient information has been provided for validation purposes and to enable a recommendation to be made.

### OTHER MATTERS

Condition 6 (dust control), 7 (asbestos), 12 (site waste management plan), 17 (construction management plan), 21 (tree protection) have been discharged under reference S.22/2368/DISCON. Details have also been agreed in respect of condition 13 (minerals and waste) under reference S.23/0230/DISCON.

These conditions have been amended to become compliance conditions and they reflect the approved information.

### RECOMMENDATION

For the reasons outlined above it is recommended that condition 25 is amended to read:

*'No construction related deliveries shall be taken to coincide with student arrival time of 08:00 to 09:00 and student departure time of 15:00 to 16:00 from Monday to Friday during school term time.'*

*Reason: To protect residential amenity and minimise disruption to the local highway network in accordance with Policies ES3 and CP14 of the adopted Stroud District Local Plan 2015.*

It is considered that this amendment will allow greater flexibility whilst continuing to mitigate for any conflict between school traffic and construction related deliveries. This will also protect neighbouring amenity in respect of Policies CP14 and ES3 of the adopted Local Plan. It is therefore considered that the proposed variation complies with all relevant local policies, and it is recommended that permission **be granted**.

### 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 21/09/2025.</p> <p>Reason: To comply with the requirements of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
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2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Site Location Plan, Drawing Number: PL001 Rev P1 received on 22.04.2022

Existing Site Plan, Drawing number: 137059-WWA-00-ZZ-D-L-0102-S4-P02 received on 08.07.2022

Proposed Site Plan, Drawing Number: 137059-WWA-00-ZZ-DR-L-0101 REV P14 received 10.10.2022

Site Demolition Plan Drawing Number: PL002 REV P1 received on 22.04.2022

Proposed Ground Floor Main Building, Drawing Number: PL003 Revision P3 received on 10.10.2022

Proposed First Floor Main building, Drawing Number: PL004 REV P3 received on 10.10.2022

Proposed second floor main building, Drawing Number: PL005 REV P3 received on 10.10.2022

Proposed roof floor plan Main Building, Drawing Number: PL006 Rev P3 received on 10.10.2022

Proposed Elevations main Building Sheet 1 of 2, Drawing Number: PL010 REV P3 received on 10.10.2022

Proposed Elevations Main Building Sheet 2 of 2, drawing number PL011 REV P5 received on 28.11.2022

Proposed GA Building Sections Main Building, Drawing Number: PL012 REV P3 received on 28.11.2022

Existing GA Ground Floor and Roof Plan – Sports Hall Extension, Drawing Number: PL007 REV P1 received on 22.04.2022

Proposed GA Ground Floor and Roof Plan – Sports Hall Extension, Drawing Number: PL008 REV P2 received on 10.10.2022

Existing GA Elevations – Sports Hall Extension, Drawing Number: PL014 REV P1 received on 22.04.2022

Proposed GA Elevations – Sports Hall Extension, Drawing Number: PL013 REV P5 received on 7.12.2022

Existing GA Sections – Sports Hall Extension, Drawing Number: PL015 REV P1 received on 22.04.2022

Proposed GA Sections – Sports hall Extension, Drawing Number: PL016 REV P3 received on 6.12.2022

Animal Care Proposed Ground Floor and Roof Plan, Drawing Number: PL009 REV P2 received on 22.04.2022

Proposed Elevations and Sections Animal Care, Drawing Number: PL017 REV P2 received on 22.04.2022

External Sports Strategy (summer) Drawing Number: 137059-WWA-00-Z-D-L-0104 REV P09 received on 10.10.2022

External Sports Strategy (Winter) Drawing Number: 137059-WWA-00-ZZ-D-L-0105 REV P09 received on 10.10.2022



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External Levels, Drawing number: 137059-WWA-00-ZZ-D-L-0106  
REV P05 received on 5.12.2022  
Revised Planting Strategy, Drawing Number: 137059 -WWA-00-  
ZZ-DR-L-0107-S4-P08 received 10.10.2022  
BB103 Areas, Drawing Number: 137059-WWA-00-ZZ-DR-L-0109  
REV P11 received on 10.10.2022  
Biodiversity Net Gain Proposed Site Plan, Revised Drawing  
Number: 137509-WWA-00-ZZ-DR-L-0110-S4-P11, 10.10.2022  
Accessible Access Strategy, Drawing Number: 137059-WWA-00-  
ZZ-D-L-0112 REV P08 received on 10.10.2022  
Proposed Site sections plan, Drawing Number: 137059-wwa-00-  
ZZ-DR-L-0401 P07 received on 10.10.22  
Contextual Sections, Drawing Number: 137059-NOV-EFAI-XX-  
DR-A-PL022 received on the 7.12.22  
Sustainable Urban Drainage Strategy, Drawing Number: C20146-  
HYD-ZZ-00-DR-C-7001 Rev P02 received on the 10.10.2022  
Site Plan and Contextual West Elevation, Drawing Number  
137059-NOV-AI-XX-DR-A-PL021 Rev P5 received on 6.12.2022  
Topsoil Areas, Drawing Number 137059-WWA-00-ZZ-DR-L-0138-  
S2-P03 received on 5.12.22  
Drainage Strategy Submission Sheet 1, drawing number 137059-  
HYD-00-XX-DR-C-7100 received on the 10.11.2022  
Drainage Strategy Submission Sheet 2, Drawing Number: 137059-  
HYD-00-XX-DR-C-7102 received on the 10.11.2022  
Drainage Strategy Submission Sheet 3, Drawing Number: 137059-  
HYD-00-XX-DR-C-7103 received on the 10.11.2022

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. Full details of the design and appearance of the storage containers, greenhouse and service compound shall be submitted to and approved in writing by the Local Planning Authority prior to the structures being erected on site. Development shall then only be carried out in accordance with the approved details.

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



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5. No construction site machinery or plant shall be operated, no process shall be carried out at 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: In the interests of residential amenity.

6. Dust control measures shall be implemented and maintained for the duration of construction works in accordance with the details outlined within the Construction and Environmental Management Plan received on the 5th January 2023.

Reason: In the interests of residential amenity.

7. Demolition works shall be carried out in full accordance with the following approved documents:

\*Risk Assessment Record -Asbestos Enclosure from Smiths (received 27/10/2022)

\*Risk Assessment Record – Asbestos products from Smiths (received 27/10/2022)

\*Plan of Asbestos Works from Smiths (received 27/10/2022)

\*Periodic Review from Asbestos Consultancy Practice (received 27/10/2022)

Reason: 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.

8. Details of obscure glazing to be provided to a minimum standard of level 5 and to 1.7 metres from floor height shall be submitted in relation to the proposed windows at first and second floor level, which serve classrooms and offices along the west elevation of the proposed main school building facing Stonecote Ridge. Development shall then only be carried out in accordance with the details approved in writing by the Local Planning Authority and these rooms shall not be used prior to the installation of the agreed glazing.

Reason: To ensure privacy is maintained for neighbouring occupiers.

9. The glass used in the windows in the new building which face on the playing fields should be 10mm toughened glass for the outer





## Development Control Committee Schedule 25/04/2023

pane and 6.8mm laminated glass for the inner pane, with Argon fill OR installation of external protective grills to the windows facing the playing fields.

Reason: to allow continuous use of the playing field whilst protecting the occupants of the new building from possible glass damage caused by sports projectiles in use on the playing field.

10. The new mini football pitch identified as pitch 2 on the east of the site on drawing 137059-WWA-00-ZZ-D-L-0105/S4/Rev P09 shall be constructed and laid out in accordance with the planning application S.22/2197/VAR (S.22/0918/FUL) and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use within 1 calendar year of the practical completion certificate being issued for the new building hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy ES13.

11. Within 12 months of the date of this planning permission, a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the outdoors sports facilities, toilets and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy ES13.

12. The development hereby permitted shall be carried out in full accordance with the Site Waste Management Plan from Bre (received 27/10/2022).

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.



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13. The management and recycling of waste generated during occupation shall be carried out in full accordance with the Waste Management Plan received on the 6th February 2023 and with the details outlined on the proposed Site Plan drawing number 137059-WWA-00-ZZ-DR-L0101 S5 P15 received on the 6th February 2023.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy WCS2 – Waste Reduction.

14. The Development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle parking to a number to be agreed and has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

15. An electric vehicle infrastructure strategy and implementation plan shall be submitted to a level to be agreed and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which 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 point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

16. The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

Reason:  
To reduce vehicle movements and promote sustainable access.



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17. The development hereby permitted shall be carried out in full accordance with the approved Construction and Environmental Management Plan from Kier, received on the 5/01/2023.

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.

18. All works shall be carried out in full accordance with the recommendations contained in:

\* Preliminary Ecological Appraisal, Wild Service, dated February 2022

\* Planting Strategy, Drawing Number: 137059 -WWA-00-ZZ-DR-L-0107-S4-P08 received 10.10.2022

\* Biodiversity Net Gain (BNG) Assessment, Wild Service, dated April 2022

\* Biodiversity Net Gain Proposed Site Plan, Revised Drawing Number: 137509-WWA-00-ZZ-DR-L-0110-S4-P11 received 10.10.2022

\* Landscape Management and Maintenance Plan, Wynne-Williams Associates, dated August 2022

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 for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

19. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity and to protect residential amenity shall be submitted to and approved by the Local Planning Authority. The strategy will:

a) identify the areas/features on site that are particularly sensitive for foraging bats.

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

c) ensure satisfactory lux levels in relation to residential properties

All external lighting shall be installed only in accordance with the



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	<p>specifications and locations set out in the strategy.</p> <p>Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6 and to protect residential amenity in accordance with Policy ES3.</p> <p>20. The development must be fully compliant with the Tree Survey, Arboriculture Impact Assessment, Method Statement, Tree Protection Plan, Service Plan, written by Wynne Williams Associates.</p> <p>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) &amp; 175 (c) &amp; (d).</p> <p>21. The development hereby approved shall be implemented in strict accordance with the following approved details:</p> <p>Arboricultural Monitoring Proposals (received 27/10/2022)                  Tree Protection Plan Services – 137059-WWA-00-ZZ-DR-L-0704 (received 27/10/2022)                  Tree Protection Plan Phase 1 – 137059-WWA-00-ZZ-DR-L-0703 (received 27/10/2022)                  Tree Protection Plan Phase 2 – 137059-WWA-00-ZZ-DR-L-0702 (received 27/10/2022)                  Tree Removals Plan– 137059-WWA-00-ZZ-DR-L-0701 (received 27/10/2022)</p> <p>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) &amp; 175 (c) &amp; (d).</p> <p>22. Details of a scheme of hard and soft landscaping for development must be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/ densities. Any plants which fail within a five year period must be replaced.</p> <p>Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with</p>
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Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 120 (a) and (b). Paragraph 179 protect and enhance biodiversity.

23. No building or use hereby permitted shall be occupied or the use commenced until the drainage scheme for this site has been completed in accordance with the approved Drainage Strategy. The scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

24. Prior to the first use of the development hereby approved, the acoustic screening shall be provided to the ASHP compound in full accordance with the recommendations set out in section 5.6.1 of the submitted Mach Group Environmental Acoustics Plant Noise Impact Assessment (ref: TKS-MAL-XX-XX-RP-Y-9001 P05). The acoustic fencing shall be constructed from timber in accordance with the material information submitted on the 28th November 2022 entitled acoustic images. Thereafter the acoustic fencing shall be retained as such. For the avoidance of doubt the ASHP units shall be operated in full accordance with the recommendations of section 5.6.2.1 and 5.6.2.2 of the submitted Mach Group Environmental Acoustics Plant Noise Impact Assessment (ref: TKS-MAL-XX-XX-RP-Y-9001 P05).

Reason: In order to protect residential amenity in accordance with Policy ES3 of the Stroud District Local Plan (adopted) November 2015.

25. No construction related deliveries shall be taken to coincide with student arrival time of 08:00 to 09:00 and student departure time of 15:00 to 16:00 from Monday to Friday during school term times.

Reason: To protect residential amenity and minimise disruption to the local highway network in accordance with Policies ES3 and CP14 of the adopted Stroud District Local Plan 2015.

26. The topsoil area shall be sited and managed in accordance with the details outlined on Topsoil Areas drawing number 137059-WWA-00-ZZ-DR-L-0138-S2-P03 submitted on the 5th December 2022 and the revised Soil Statement received on the 14th December 2022. The topsoil area shall be returned to its former use within six months from the date construction work on the main



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school building has been completed.

Reason: In the interests of visual and residential amenity in accordance with Policies ES3 and CP14 of the Stroud District Local Plan.

### 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.
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. The proposed development will require a School Travel Plan as part of the transport mitigation package. Gloucestershire County Council has published guidance on how it expects School Travel Plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicants can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)
4. It is advised that prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition, or construction) a pre-commencement meeting is taken place with the main contractor / ground workers with the local planning authority tree officer.
5. It is recommended that the applicant looks to provide as much planting as practically possible along the western boundary shared with residents of Stonecote Ridge. The applicant should seek to discuss planting with residents and Sport England prior to applying to discharge condition 22 which relates to soft and hard landscaping.



## **Development Control Committee Schedule 25/04/2023**

6. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600).
7. The applicant is advised to contact the Highway Authority at Gloucestershire County Council to arrange a photographic survey with an Area Highway representative prior to starting works. This is to enable monitoring of the highway and any damage which might take place through construction works.

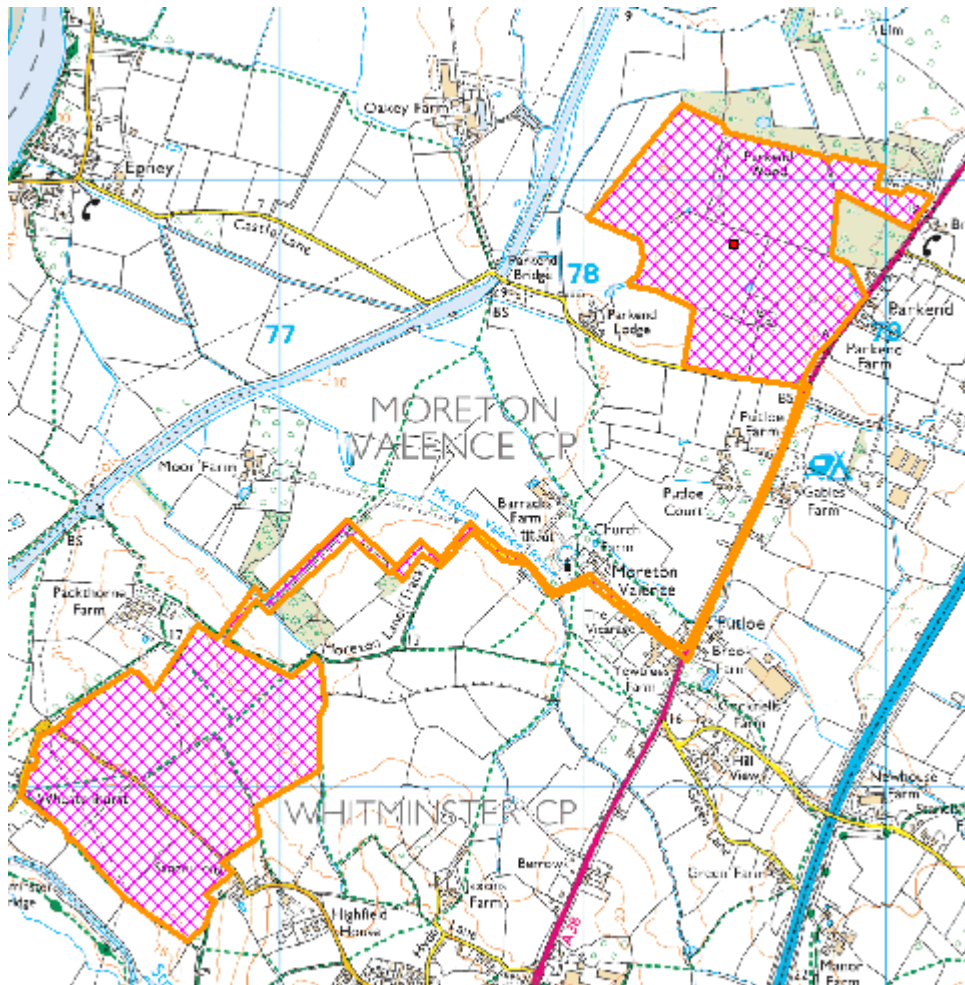
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## Development Control Committee Schedule 25/04/2023

<b>Item No:</b>	<b>05</b>
<b>Application No.</b>	S.22/2098/VAR
<b>Site Address</b>	Land Parcels A & B, Near Whitminster, Gloucestershire,
<b>Town/Parish</b>	Moreton Valence Parish Council
<b>Grid Reference</b>	378496,210794
<b>Application Type</b>	Variation of Condition
<b>Proposal</b>	Section 73 Variation of Condition 2 (Approved Plans) of Permission 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). Variation to consist of two point-of-contact masts required to connect solar farm to electricity grid, reconfiguration of solar arrays and addition of spare containers.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Councillor John Jones





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<b>Applicant's Details</b>	Mr M Herbert Pegasus Group, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Agent's Details</b>	Mr M Herbert Pegasus Group, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Case Officer</b>	Helen Cooper
<b>Application Validated</b>	26.09.2022
<b>CONSULTEES</b>	
<b>Comments Received</b>	Environmental Health (E) Historic England SW The Gardens Trust Archaeology Dept (E) Public Rights Of Way Officer Mr M Coles - Gloucester Group Whitminster Parish Council Conservation North Team Historic England SW The Gardens Trust Environmental Health (E) Development Coordination (E) Archaeology Dept (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 Within 50m of Listed Building Moreton Valence Parish Council Whitminster Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Surface flooding 1 in 100 years Surface flooding 1 in 30 years Village Design Statement
<b>OFFICER'S REPORT</b>	



## Development Control Committee Schedule 25/04/2023

### Background

This application has been brought to Development Control Committee at the request of Cllr Jones.

### MAIN ISSUES

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

### 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.



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### PROPOSAL

This is a Section 73 application which seeks a variation of Condition 2 (Approved Plans of planning permission 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 49.9 MW battery storage facility). The variation consists of two point-of-contact masts required to connect the solar farm to electricity grid, reconfiguration of solar arrays and addition of spare containers.

Application S.21/0465/FUL advised in the Design and Access Statement that an underground cable would join the northern and southern parcels of land and the point of connection would be via an underground cable within the western part of the southern parcel. This would have led from the substation to the pylon.

For clarification during the application process the applicant has provided an illustrative drawing 'option 1' to demonstrate the original point of connection which illustrates the underground cable leading to a pylon in the northern section of the field.

This application seeks to alter the point of connection and due to the height of the proposed masts the amendments are not classified as permitted development under the Town and Country Planning (General Permitted Development) Order (As Amended).

The proposed masts would be located adjacent to a pylon within the western area of Parcel B. They would measure approximately 32 metres in height, although approximately 2.8 metres at the top of the mast would be narrow. The masts would be finished in galvanised steel and cables would run up the masts and across to the pylon. The masts would be enclosed in a secure compound with a 2.4 metre high fence measuring approximately 29.7 m in width by 46.6 m in length.

The supporting information advises that the two point of connection masts provide a more efficient connection to the grid. Several benefits are outlined which include low maintenance, minimal environmental impact as there is no need for deep foundations, improved safety during construction and cost savings to the developer.

In addition to the masts the landscape drawing has been updated to include a number of spare containers throughout the site.

The solar arrays have also been slightly reconfigured on the revised drawing across both parcels of land and the applicant has advised that the re-positioning of arrays reflects the actual electrical engineering interpretation of the approved layout (Revision L).

### REVISED DETAILS

A number of revised plans have been received during the application process.

Revised Landscape Strategy drawing number P18\_2617\_13 Rev P received on the 9th December 2022 – now superseded (showed the revised mast position)



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Revised Landscape Strategy drawing number P18\_2617\_13 Rev Q, detailing the revised position of the point of connection masts and additional landscaping information – now superseded

Supporting/follow up letter relating to the new mast position received on the 15th December 2021.

Residents were re-consulted on the above revised information and revised description which was amended to include the reconfiguration of solar arrays and the addition of spare containers on the 15th December 2022.

Looped in POC Mast connection Rev A – A revised drawing was received on January 10th 2022. Whilst the appearance of the masts has not changed the drawing was amended to show their revised position on site in line with the revised landscape strategy. The scale was also amended, and measurements added for clarification.

Revised Landscape Strategy drawing number P18\_2617\_13 Rev R received on the 20th February 2023 – The landscape drawing has been revised further to show some additional planting along the access track to the west of the POC and the area of vegetation removal has been extended to reflect construction work in more detail. Now superseded.

Revised Landscape Strategy drawing number P18\_2617\_13 Rev S received on 6th March 2023. This drawing adjusted the position of the solar arrays slightly on the site. – now superseded

Revised Landscape Strategy drawing number P18-2617\_13T Rev T received on the 28th March 2023. This drawing has amended the area of landscaping adjacent to Church Cottage.

Additional supporting information has also been submitted in respect of site capacity on the 6th March 2023.

An illustrative original Point of Connection Drawing has also been submitted in addition to supporting information outlining several options for grid connection and a commentary upon their viability. Received on the 27th March 2023.

### RELEVANT SITE 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 planning application S.21/0465/FUL.

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. This application was granted planning permission on the 5th April 2022.



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### MATERIALS

As approved under application S.21/0465/FUL:

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.

Masts – Galvanised Steel to match pylon, enclosed by fencing as outlined on drawing 'Looped in POC Mast connection Rev A'.

### REPRESENTATIONS

#### Statutory Consultees:

**Whitminster Parish Council:** (6.12.22) At a recent meeting of Whitminster Parish Council the above application was considered in some detail.

Council is concerned that the consultation being carried out in regard to the application is flawed. This is because that whilst the application relates to variations to the proposed development located wholly within the Parish of Whitminster, the application is not listed on the planning portal when searching for applications within the Parish and is instead listed as being within Moreton Valence. This means that those signed up for planning alerts are not notified and those wishing to submit comments, if informed of the application, are unable to find the details when searching for through those applications concerning the Parish. We would ask that this issue be appropriately considered and addressed with further consultation. This seems to be a repetitive problem associated with the District Council's processes and website that has not been dealt with despite previous requests.

After due deliberation on the matters relating to the application for a variation Council resolved to OPPOSE the application for the following reasons:

- It is no doubt the case that the applicant would have anticipated the need for this infrastructure when submitting their original application. Council would contend that if this detail had been submitted, pertaining to a particularly sensitive part of the overall site, and had it been considered within the totality of the impact then it would surely have affected the decision reached and therefore a wider consideration of the application should now be entered into afresh.
- The proposed structures, as a grouped cluster adjacent to an existing pylon, would be a significant visual intrusion into the landscape that cannot be mitigated. This impact intrudes on new views and at a greater distance from those matters considered in relation to the original application.
- The proposal will impact to the detriment of the setting of a group of highly graded Listed Buildings, including Whitminster Church, and also impact on the vistas to and from the Industrial Heritage Conservation Corridor close by. It would also neither preserve or enhance a Conservation Area. The point of connection is, as advised by Historic England, the closest possible point to the most highly graded heritage assets across the whole site area. There is



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a great potential for harm and this needs to be addresses in accordance with paragraph 200 of the National Planning Policy Framework.

As a result of the above considerations, Council would wish to see the application refused.

In considering the application Council would also ask that full weight it given to all issues raised in the response made by Historic England and nearby residential occupiers.

**The Gardens Trust:** (13.10.22) The Garden Trust, as Statutory Consultee for proposals that might adversely impact Listed or Registered parks, gardens or landscapes, has consulted The Gloucestershire Gardens and Landscape Trust (GGLT) to respond on its behalf.

You will recall that GGLT did comment on the original Application to try and achieve more robust areas of tree planting in this sector of this proposal. However, it also seems possible that this specialist applicant might have anticipated this additional infrastructure at the time of the original submission, that would further intrude on this sensitive part of the layout. At this late stage, the introduction of additional visually intrusive masts grouped with a pylon does little to improve the impact of this scheme.

At this point in the approval process one assumed that the District Council would be hard pressed to ameliorate this situation as you have issued an Approval. Massed plantings of ivy will not help either.

**Environmental Health:** (17.10.22) With respect to this application, I would please request additional information in respect of any additional noise impact as a result of the proposed masts and supporting equipment.

**Environmental Health:** Following the submission of an email detailing noise emissions on the 24th November, Environmental Health commented: (29.11.22) My concern was noise, so I'm satisfied with that and if to be located further away from residential properties that will also assist.

**Historic England:** (17.10.22)

Thank you for your letter of 11 October 2022 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

The proposed mast subject of the variation of condition application would be within the setting of the Church of St Andrew. While it sits on relatively flat topography and screened by trees to the north, its significance is contributed by its primacy in the landcape, particularly from the south along Whitminster Lane. The Church is designated as Grade II\*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the



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process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

### Summary of proposals.

Further to consent for a solar farm across two parcels of land, for which we did raise some concerns, a variation of Condition 2 (approved plans) has been submitted to propose two point-of-contact masts required to connect the solar farm to electricity grid. This would be to the south west of an existing electricity pylon close to Whitminster Lane.

### Impact of the Proposed Development

The landscape surrounding the Church of St Andrew is relatively flat with gentle undulations, but gives prominence to its 15th century tower. Its primacy within the rural setting contributes to its significance which would be viewed in the context of the proposed masts. This would tend to exacerbate the impact of the existing pylon, where the masts would coalesce with the skeletal structure and divert visually away from the Church tower, resulting in a modest degree of harm.

We advise that as the proposed location for the masts is the closest point to a highly-graded heritage asset across the entire application site, the harm could be removed if the masts were located further away and connected to another pylon within the site (even the adjacent pylon to the south-east). As it stands, your council would need to balance the harm of the proposed location against the perceived benefits, as required by para 200 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.

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).





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Heritage assets are an irreplaceable resource NPPF 189 and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected,

including any contribution made by their settings to understand the potential impact of the proposal on their significance NPPF 194, and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised NPPF 195.

The significance of a heritage asset can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm (whether substantial or less than substantial) is to be given great weight, and any harm to, or loss of, the significance of a designated heritage asset (or site of equivalent significance) should require clear and convincing justification.

### 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 (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.

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.

**Gloucester Ramblers:** (20.10.22) Gloucester Ramblers has no objection to this variation.

**Conservation:** (24.10.22) 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 site is in proximity to the Industrial Heritage Conservation and the highly graded listed group at Whitminster.

The proposed amendments would not compound the harm identified in my comments on the original application.



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**Archaeology:** Thank you for consulting the archaeology department on this application. Archaeological desk based assessment, geophysical survey and field evaluation have been carried out in relation to permitted scheme S21/0465/FUL. Due to the presence of archaeological remains of significance being recorded within the site a programme of archaeological work/mitigation has been made a condition of planning permission. I therefore have no additional comments to make in relation to the reserved matters application.

In terms of the impact of the two point-of-contact masts on the setting of designated heritage assets I urge you to address the concerns raised by Historic England.

I have no further observations to make.

**Public Right of Way Officer:** (28.10.22) This planning application has been forwarded for the attention of the Area Public Rights of Way Officer for further investigation.

They may respond in further detail; however, the following must be strictly observed in all circumstances: -

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way. b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council. It is important to note the Definitive Map is a minimum record



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of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

**PROW Officer:** (7.11.22) Following on from the email sent by my colleague, I would appreciate contact with the developer about this proposal. It appears that some of the rights of way will be used as access for the construction and I would like to discuss these proposals further, in order to protect these existing paths.

**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.

The justification for this decision is provided below.

I do not consider that the proposed development will produce any additional issues to that already identified in and approved but the substantive development, planning reference number S.21/0465/FUL.

One aspect will be the delivery of the pylon components but this can be achieved through the approved access route by way of the Construction Management Plan which has already been submitted and approved, so I would wish to recommend that this condition is imposed upon this application. 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 - Revision A reference P18-2617/TR/01 and the Construction Traffic Method Statement reference P18-2617/TR/02 submitted on the 16.03.2022 in respect of application No. S.21/0465/FUL approved on 05/04/2022 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.

**Public:** Three residents have objected to the application and the comments that have been received are summarised below:

- Trees planted will take a considerable time to block masts of this size.
- Masts will make it more industrial



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- If this had been in the original plans it might have affected the previous decision.
- Masts approximately 100 metres from 1 and 2 Packthorne Cottages, these properties should have been considered in the original application.
- Masts should have been declared during the initial planning application.
- Additional impact may have influenced views and decisions
- Concerned about health effects on residents and possible noise pollution
- Concern raised in relation to the impact upon the heritage asset of St Andrews Church, vista from church and surrounding area will be destroyed.
- Visible along Whitminster Lane and School Lane
- A bat survey at Packthorne Farm suggests the presence of the Greater Horseshoe Bats, concern has been raised that this will have implications on the whole solar farm planning and needs to be addressed

**Frampton On Severn Parish Council:** No comments received

**Moreton Valence Parish Council:** No comments received

**National Grid Plant Protection:** No comments received

### Revised Drawings:

**Whitminster Parish Council:** At a recent meeting of Whitminster Parish Council the above application was considered in some detail.

Again, in regard to this revised application, Council is concerned that the consultation being carried out is flawed. This is because that whilst the application relates to variations to the proposed development located wholly within the Parish of Whitminster, the application is not listed on the planning portal when searching for applications within the Parish. This means that those signed up for planning alerts are not notified and those wishing to submit comments, if informed of the application, are unable to find the details when searching for it through those applications concerning the Parish. We would ask that this issue be appropriately considered and addressed with further consultation and resources applied to address the problem in the future. This seems to be a repetitive problem associated with the District Council's processes and website that has not been dealt with despite previous requests.

After due deliberation on the matters relating to the application for a variation Council resolved to OPPOSE the application for the following reasons:

- It is no doubt the case that the applicant would have anticipated the need for this infrastructure when submitting their original application. Council would contend that if this detail had been submitted, pertaining to a particularly sensitive part of the overall site, and had it been considered within the totality of the impact then it would surely have affected the decision reached and therefore a wider consideration of the application should now be entered into afresh.
- The proposed structures, as a grouped cluster adjacent to an existing pylon, would be a significant visual intrusion into the landscape that cannot be mitigated. This impact



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intrudes on new views and at a greater distance from those matters considered in relation to the original application.

- The proposal will impact to the detriment of the setting of a group of highly graded Listed Buildings, including Whitminster Church, and also impact on the vistas to and from the Industrial Heritage Conservation Corridor close by. It would also neither preserve or enhance a Conservation Area. The point of connection is, as advised by Historic England, the closest possible point to the most highly graded heritage assets across the whole site area. There is a great potential for harm and this needs to be addressed in accordance with paragraph 200 of the National Planning Policy Framework.

It is noted that a revised location has been proposed for the siting of this equipment but this does not adequately mitigate the concerns raised. Council would suggest that a new application should be submitted to consider the proposed development in full.

As a result of the above considerations, Council would wish to see the application refused.

In considering the application Council would also ask that full weight is given to all issues raised in the response made by Historic England and nearby residential occupiers.

**Environmental Health:** I have no further comments on this application.

**Historic England:** Thank you for your letter of 15 December 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

The revised site for the proposed masts away from the Grade II\* Church of St Andrew is a significant improvement and given that these will now coalesce with the electricity pylon, the cumulative impact would be reduced. We appreciate that the proposed revised site is closer to the Conservation Area boundary, but your Conservation Officer will advise whether or not this would be acceptable. As it stands, we have no further concerns in view of impacts on the historic environment.

### Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 199 and 200. 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.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.



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**The Gardens 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 to this variation on its behalf.

It is worth noting that GGLT was less than enthusiastic about the impact of this scheme on the heritage assets of Whitminster.

The Trust proposed moving the arrays and associated kit further north-east and reinforcing the planting at a time when the additional masts were not in evidence. This second variation does little to help the situation; and from the Pegasus Groups letter of the 15th December, only seems of benefit to the client and contractor.

The District Council has to make up its mind between Government policy to promote solar energy; and its commitment to the management and conservation of the District's historic and aesthetic heritage.

The drawing by JBM of the "looped in POC mast connection" showing the NE and SW elevations of the cumulative masts, demonstrates quite clearly that this will be of substantial visual detriment to the sensitive historic and aesthetic importance of the area. This issue should have been addressed from the outset.

**Archaeology:** Thank you for consulting the archaeology department on this application. Archaeological desk based assessment, geophysical survey and field evaluation have been carried out in relation to permitted scheme S21/0465/FUL. Due to the presence of archaeological remains of significance being recorded within the site a programme of archaeological work/mitigation has been made a condition of planning permission.

You have consulted us on the following revised details:-

Revised description of development

Revised position of point of connection masts as shown on Revised Landscape Strategy Drawing Number P18\_2617\_13 Rev Q

Supporting letter relating to new mast position, reconfiguration of panels and spare containers

As archaeological matters will be dealt with through the forthcoming mitigation strategy I have no specific comments to make on these revised details.

I have no further observations to make.

**Arboricultural Officer:** I've reviewed the arboricultural information in relation to T40. I have no reason to doubt the accuracy of the arboricultural report and I agree with your comments in the tree section from the committee report. I have no concerns or objections to the proposals. The tree is of low quality and in rather poor condition. It contributes little to the amenity of the site now, and will have very limited contribution into the future. It is not a rare tree, veteran/ancient tree, and nor is it a particularly good specimen. If it is possible to secure, it maybe of more longer term benefit to allow the removal of the tree and plant a replacement tree elsewhere on site.



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**Conservation:** No comments received.

**Frampton On Severn Parish Council:** No comments received

**Moreton Valence Parish Council:** No comments received

**National Grid Plant Protection:** No comments received

**Public:** Further objections have been received from Hurst Lodge and 82 Pitts Lane. To summarise the following concerns have been raised.

- Reading through the original planning application there is no mention of how the connection point is connecting to the grid, this is only outlined in the Design and Access Statement and no details are given.
- If the connection and method of connection were omitted from the application would the permission granted also be invalid?
- Queries why this wasn't included in the original application and advises that POC masts were in use prior to Feb 2021
- Has there been a study detailing the effect on wildlife around this type of mat, especially as the site is close to the canal and birds
- Concern raised in relation to the trench for the cable and potential impact upon archaeology
- Concerns how the high voltage electricity will be transported from the sub station on one side of the highway to the other side and across a field. Query if this will be high voltage underground cables or overground cables across the carriageway, will there be another variation to move the substation closer to the pylon.
- Detrimental impact upon the countryside and historic rural landscape
- Concern raised that JBMs website shows the Moreton Lane Solar Farm as having a 73 MWP capacity and the site should have been considered as a major infrastructure project.

### 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)



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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).

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 2023. 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





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- 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

Renewable energy generation is key in helping to achieve carbon neutral targets set by national and local government. The National Planning Policy Framework (NPPF) 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'.

Stroud District Council outlines tackling the climate and ecological emergency as a priority and objective within The Council Plan 2021-2026. Emphasis upon meeting carbon neutral targets is outlined within Stroud District Council 'The 2030 Strategy, Limiting, Adapting, recovering and Responding in a Changing Climate' (2021). The carbon neutral objective is also contained within the emerging Local Plan new core policy, DCP1 'Delivering Carbon Neutral by 2030'.

The principle of development at this location has been established following the grant of planning permission S.21/0465/FUL.

The main consideration in this instance therefore relates to whether the proposed variation of the approved plans will result in any significant adverse impacts above those previously identified and mitigated for under permission S.21/0465/FUL.

Taking into account the overall scale and character of the original permission, the revised point of connection, addition of spare containers and reconfiguration of solar arrays are considered to be minor in nature and as such are appropriately the subject of a S73 application.

### Connection Options

Permission S.21/0465/FUL outlined that the site would be connected to the grid via an underground cable leading to a pylon within this section of the site. This is shown on the illustrative drawing 'Option 1'.



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The applicant has advised that an engineer has now investigated the various options for grid connection and has found that due to the angle of the tower and on the line this option is no longer viable. In order to connect the site to the grid either an additional tower would be required as illustrated by drawing entitled 'Looped POC with two terminal towers' or they have the option of the proposed two point of connection masts.

As the applicant has advised that the original point of connection is not possible consideration will now be given to the appearance of the proposed masts and the potential impact upon the site and wider area.

### LANDSCAPE AND VISUAL AMENITY

The site is set within the Lowland Plain Landscape Character Area and a key consideration relates to whether the variation to permission S.21/0465/FUL would have a significant adverse impact upon the landscape and visual amenity of the area.

Policy ES2 'Renewable or low carbon energy generation' 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)'. Policy ES7 'Landscape Character' is also relevant and this seeks to protect the landscape character of an area.

It is recognised that the proposed masts would become prominent features within the site due to their appearance and respective heights of approximately 32 metres, however, they would be sited next to an existing pylon which is of a similar mass and scale. Whilst there may be some adverse impact upon the landscape character area this would be localised and it would be viewed within the context of the solar farm. To an extent it is also considered that the masts would merge with the existing pylon. Therefore the proposed variation would not significantly alter the previously approved scheme or cumulatively lead to a level of unacceptable visual harm to the landscape in accordance with Policies ES2 and ES7 of the Local Plan.

The siting of the spare containers and the slight alterations to the position of arrays are considered to represent a minor change to the permission and will not alter the existing level of impact that the proposal will already have upon the landscape. As such, these elements of the variation are considered to comply with Policy ES2 and ES7 of the Local Plan.

i/ Vegetation, Trees and Hedgerows

The masts have been repositioned during the application process to sit adjacent to a pylon within the southern section of the field. The masts would be securely enclosed in a compound for security and safety reasons and the applicant has advised that there is no scope to reduce the size of the compound due to this. Due to the size of the compound the revised siting of the masts will result in the removal of some of the vegetation/hedgerow along this section of the field boundary, although the proposal seeks to retain the trees in this area. The revised landscape strategy Rev R outlines the extent of removal.

It is noted that the tree root protection area as outlined on the revised landscape strategy shows encroachment into the root protection area for one of the trees. This is identified as a



## Development Control Committee Schedule 25/04/2023

sycamore tree by the Arboricultural Assessment and described as T40 '*Mature tree located within boundary group, severe decline, canopy dieback, unbalanced canopy due to a large failed leader*'.

Condition 16 of permission S.21/0465/FUL reads as follows:

*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).*

In light of the potential impact upon the root protection area of tree number T40 and the planned removal of some of the hedgerow, identified as C2 within the Arboriculture Impact Assessment, it is recommended that condition 16 is amended to read as follows:

*The development hereby permitted must be carried out fully in compliance with the Arboriculture Impact Assessment written by Barton Hyatt Associates dated November 2020, with the exception of the root protection area of T40 and C2 as identified within this report, in order to facilitate the revised point of connection as approved under S.22/2098/VAR.*

*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).*

To help mitigate the loss of existing vegetation/hedgerow an additional hedgerow is proposed along the western boundary of the access track. This would be maintained at 5 metres in height and is considered sufficient to offset any loss to the previously approved landscaping scheme.

In addition, Condition 17, which seeks a pre-commencement meeting with the local planning authority officer, and condition 18, which seeks tree protection monitoring and site supervision prior to the commencement of works, are considered adequate to help protect the adjacent trees and their retention is recommended.

Whilst the proposed fencing has the potential to damage the root area of one of the adjacent trees, as the tree falls into category C1 under BS5837, the potential loss of the tree is afforded limited weight. On balance, the revised position of the masts and the reduced impact upon the landscape and heritage assets in this location are considered to outweigh its potential loss.

It should also be noted that the covering letter identifies an error within the original Arboricultural Report in respect of reference G51 a small linear boundary group near to Church Cottage. It is agreed that this is a minor matter and the proposed landscaping in this area of the site is similar to what was previously approved.



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### RESIDENTIAL AMENITY

Policy ES2 3), ES3 1) and CP14 seek to protect residential amenity.

By virtue of the separation distance between the proposed masts and residential properties it is not considered that they will appear overbearing.

The proposed spare containers are set throughout the site and by virtue of their position in relation to neighbouring properties it is not considered that they will have an overbearing appearance or harm residential amenity in accordance with Policy ES2 3), ES3 1) and CP14.

The solar array configuration slightly differs to that previously approved throughout both parcels of land, however, the changes are considered to be relatively minor and it is not considered that there would be any additional impact in respect of glint or glare.

### Noise

Environmental Health requested additional information in respect of any additional noise impact as a result of the proposed masts and supporting equipment. The applicant has advised that *'The masts connect an electricity cable to the transformers on the pylon; the noise emitted from this connecting cable would not be greater than the noise generated by the electricity line and pylon, due to its size and characteristics. There is no equipment that would emit any noise in the compound surrounding the masts.'*

Environmental Health have advised that they are satisfied with this information. As such it is not considered that the proposed variation would be harmful in terms of noise emissions.

Condition 8 requires the development to be carried out in accordance with the submitted LF Acoustics Noise Assessment (Jan 2021). It is recommended that this condition is retained and based on the specialist technical advice received from Environmental Health it is not considered necessary to update this approved document in respect of the proposed masts and supporting equipment.

### HIGHWAYS

It is not considered that the variation to permission S.21/0465 will have any additional impact upon highway safety. It noted that the underground cable to the point of connection will still have to cross Whitminster Road, although this is at a slightly different point along the road as shown in blue on the submitted drawings. The Construction Management Plan remains relevant and it is recommended that condition 9 which requires compliance with this document is retained. Informative 3 is also relevant which advises the applicant that they must obtain the permission of Gloucestershire Highways before commencing any works on the highway.

### Public Rights of Way

The PROW Team at Gloucestershire County Council have commented on the application as outlined above, raising concern that the PROW might be used for access during construction.



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LPA Officers have been in touch with the PROW Team and highlighted the informatives that are attached to permission S.21/0465/FUL. These relate to the PROW and would be retained by this variation. The PROW Team are satisfied that this is sufficient to make the developer aware of the issues. The applicant has also advised that they will look to get in touch with the PROW Team shortly. Subject to informatives LPA Officers are satisfied that the proposed variation will not have a detrimental impact upon the PROW on the site.

### **ECOLOGY**

By virtue of the proposed position of the masts, which are primarily located on agricultural land, it is considered that any additional impact upon ecology would be minimal. With regards to the loss of hedgerow and possible habitat the proposed replacement planting to the west is considered adequate to offset this loss and further mitigate the impact of the development. The variation is therefore considered to comply with Policy ES6 of the Local Plan.

The reconfiguration of the panels and addition of spare containers are also considered to be relatively minor alterations which should not harm ecology at the site.

Public comments have mentioned that a bat survey at Packthorne Farm suggests the presence of the Greater Horseshoe Bats. Concern has been raised that this has implications for the solar site. In response, surveys were undertaken by the applicant and reviewed by both the Biodiversity Team and Natural England during the determination of S.21/0465/FUL and no objection was raised. Condition 15 also seeks to ensure a construction ecological management plan (CEMP) is submitted prior to work starting and this will look to protect species that use the site and surrounding area in respect of foraging and nesting. It should also be recognised the protected species are protected by separate legislation.

Concern has been raised by a member of the public in relation to the potential impact of the masts upon wildlife. It is considered that the proposed structures are similar in scale and use to the existing pylon and do not present any additional risk to wildlife. It is noted that the secure fencing does not include mammal gaps as outlined in the wider site and this will help protect animals from electrical equipment at ground level.

### **FLOOD RISK**

The proposed masts are located within Flood Zone 1, although flood zone 3 is in proximity to this area of the site. As the masts would be located within Flood Zone 1 it is not considered that they would increase flood risk. The applicant has advised that the area inside the compound would comprise gravel which is a permeable material and this would enable drainage. A condition is recommended in respect of this to ensure materials are agreed.

### **ARCHAEOLOGY & HERITAGE ASSETS**

A key consideration in this instance relates to whether the variation would alter the level of impact upon the nearby listed buildings and the adjacent Industrial Heritage Conservation Area.



## Development Control Committee Schedule 25/04/2023

During the application process Historic England initially raised concern that the proposed masts would be within the setting of the Church of St Andrew, which is a Grade II\* listed building. They advised that the masts would result in a modest degree of harm.

The position of the masts has subsequently been revised and they are now set further away from the Church of St Andrew. Historic England have advised that this is a significant improvement and as these coalesce with the existing electricity pylon the cumulative impact is reduced. Discussions have been held with the Conservation Officer in respect of the revised mast position and the proximity to the Industrial Conservation Area and they have advised that they do not deviate from the view provided by Historic England.

It is therefore considered that the proposed masts will have a less than substantial impact upon the setting of the Grade II\* Church of St Andrew and other nearby heritage assets including the Industrial Heritage Conservation Area.

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 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'.

As it has been identified that there would be less than substantial harm to heritage assets this can be weighed against the benefits of renewable energy generation. On balance, the public benefits of renewable energy and a secure grid connection are considered to outweigh the less than substantial harm identified. As such the proposal accords with Policy ES10 of the Local Plan.

It is noted that comments have been received from the public raising concern about the potential impact upon archaeology and the laying of the underground cable. The County Archaeologist has been consulted on the application and has no additional comments to make on the variation. Condition 13 ensures that a programme of archaeological work/mitigation is submitted to and approved by the LPA prior to the commencement of works on site. This remains relevant to the proposed variation application and is considered sufficient to ensure any archaeological remains of interest are preserved accordingly.

### **OBLIGATIONS**

Obligations are not sought for this development as they would not meet the tests of a planning obligation to be necessary, directly relevant in planning terms and fair and reasonable.

### **REVIEW OF CONSULTATION RESPONSES**

A number of comments have been addressed above in the main body of the report.



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Concern has been raised about the limited information provided in respect of permission S.21/0465/FUL and the original point of connection. Details were contained within the Design and Access Statement which advised that the point of connection was to be via an underground cable. It should be noted that electricity undertakings have a number of permitted development rights as outlined in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and this allows for the installation of an electric line over or under land 'reasonably necessary in connection with an electric line' subject to a number of criteria.

For clarity additional information has been submitted by the applicant detailing the original point of connection. This shows an underground cable leading to a pylon in the western section of parcel B and some minor alterations to the pylon.

Concern has been raised about the figures displayed on the applicant's website showing the site as having a capacity of 73 MWP. The applicant has advised that this figure represent electricity in direct current (DC) form. The figure 73 MWP is the sites direct current and not the alternating current (AC) which is 49.9 MW. In order to avoid confusion the applicant has updated the website to reflect the AC of 49.9 MW as approved.

The Parish Council raised concerns in respect of consultations and automatic planning alerts. This has been investigated and where a proposal lies within two Parishes the system currently only allows for automatic alerts to be sent out to residents within one of the Parishes. This issue has been raised again internally and is being looked into with the software provider. A site notice has been displayed, letters have been sent and the proposal was originally advertised in the paper.

### REVISED CONDITIONS

It is recommended that condition 1 is amended to reflect the three-year period from the date of the original permission S.21/0465/FUL.

It is recommended that condition 2 is amended. Landscape Strategy Rev L is to be substituted with Landscape Strategy T. Additional drawing 'Proposed Masts Point of Connection' has also been included in the list of approved drawing numbers.

It is recommended that condition 16, is amended, as outlined in the above section entitled i/ Vegetation, Trees and Hedgerows.

An additional condition (20) is recommended in respect of hard and soft landscaping within the compound to ensure that details are agreed.

It is recommended that all other conditions are retained as previously approved under S.21/0465/FUL.

### RECOMMENDATION

To summarise, the applicant has advised that the original point of connection is not viable, and they have explored various options to connect the site to the grid.



## Development Control Committee Schedule 25/04/2023

Whilst it is recognised that the masts are visually prominent due to their appearance, height and the cable connections, they are sited next to an existing pylon and it is considered that this will help minimise their impact upon the landscape and the wider visual amenity of the area. The additional hedgerow planting to the west of the enclosure is considered sufficient to offset the loss of vegetation.

The revised position of the masts is considered preferable in respect of reducing the level of potential harm to heritage assets and protecting the setting of the Grade II\* Church of St Andrew. Whilst the introduction of the masts will have a localised impact upon heritage assets due to the revisions it is considered that the level of harm would be less than substantial. In accordance with the NPPF this should be weighed against the public benefits of the proposal. On balance, it is considered that the provision of an efficient point of connection to the grid and renewable energy generation and storage outweigh the less than substantial harm identified.

The revised point of connection is not considered to represent a significant alteration to the original consent or increase the landscape impact to a level of adverse significance in respect of Policy ES2. The benefits of an efficient grid connection to export renewable energy must be given significant weight in the overall planning balance. The wider proposal and the two point of connection masts will help achieve carbon neutral targets set nationally and locally and this is considered to outweigh any less than significant impacts upon the landscape.

The other alterations to the solar array layout and the addition of spare containers throughout the site are relatively minor and will not exacerbate any impact previously identified and mitigated for under the original consent S.21/0465/FUL.

For the reasons outlined above it is considered that the proposal complies with all relevant policies with the adopted Local Plan 2015 and as such it is recommended that permission **be granted**.

### 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 the expiration of three years from the date of this permission.</p> <p style="margin-left: 40px;">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>
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## Development Control Committee Schedule 25/04/2023

2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:
- Site location Plan submitted on the 23.02.2021
- Proposed Site Layout and WPD Control Room Drawing Number GCS0020-2 Rev 4 submitted on the 23.02.2021
- Typical Acoustic Timber Fence Rev: A submitted on the 23.02.2021
- Typical Battery Station Details Rev: A submitted on the 23.02.2021
- Typical Battery Station Details Rev A submitted on the 23.02.2021
- Typical Customer Switchgear Details Rev A submitted on the 23.02.2021
- Typical Fence, Track and CCTV Details Rev A submitted on the 23.02.2021
- Typical Inverter Building Details Rev A submitted on the 23.02.2021
- Typical Single Axis Tracker Table Details Rev A submitted on the 23.02.2021
- 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 Rev T submitted on the 27.03.2023
- Construction Signage and public rights of way plan submitted on the 23.02.2021
- Looped in POC Mast connection Rev A received on the 10th January 2023
- 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.



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	<p>Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies ES2 &amp; ES7 of the adopted Stroud District Local Plan.</p> <p>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.</p> <p>Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies ES2 &amp; ES7 of the adopted Stroud District Local Plan.</p> <p>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.</p> <p>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.</p> <p>6. No construction site machinery or plant shall be operated and no process shall be carried out 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>In addition to the above and notwithstanding the approved CTMP &amp; CTMS, no construction-related deliveries shall be taken at or dispatched from parcel B (Whitminster sites) on Saturdays.</p> <p>Reason: To protect residential amenity and to respond to the nature and use of the local highway network and the nearby sensitive tourism destinations in accordance with Policies ES3 and CP14 of the Stroud District Local Plan 2015.</p> <p>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.</p> <p>Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015</p>
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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 - Revision A reference P18-2617/TR/01 and the Construction Traffic Method Statement reference P18-2617/TR/02 submitted on the 16.03.2022 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.
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



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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 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



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(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 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, with the exception of the root protection area of T40 and C2 as identified within this report, in order to facilitate the revised point of connection as approved under S.22/2098/VAR.

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).



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18. 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).

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.

20. Prior to the connection to the grid, details of hard and soft landscaping within the compound where the proposed masts and point of connection will be sited, shall be submitted to and approved by the Local Planning Authority. The details shall include an implementation timetable and the landscaping shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and 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](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.



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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](mailto: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:  
  
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.
6. **ARTICLE 35 (2) STATEMENT** - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.

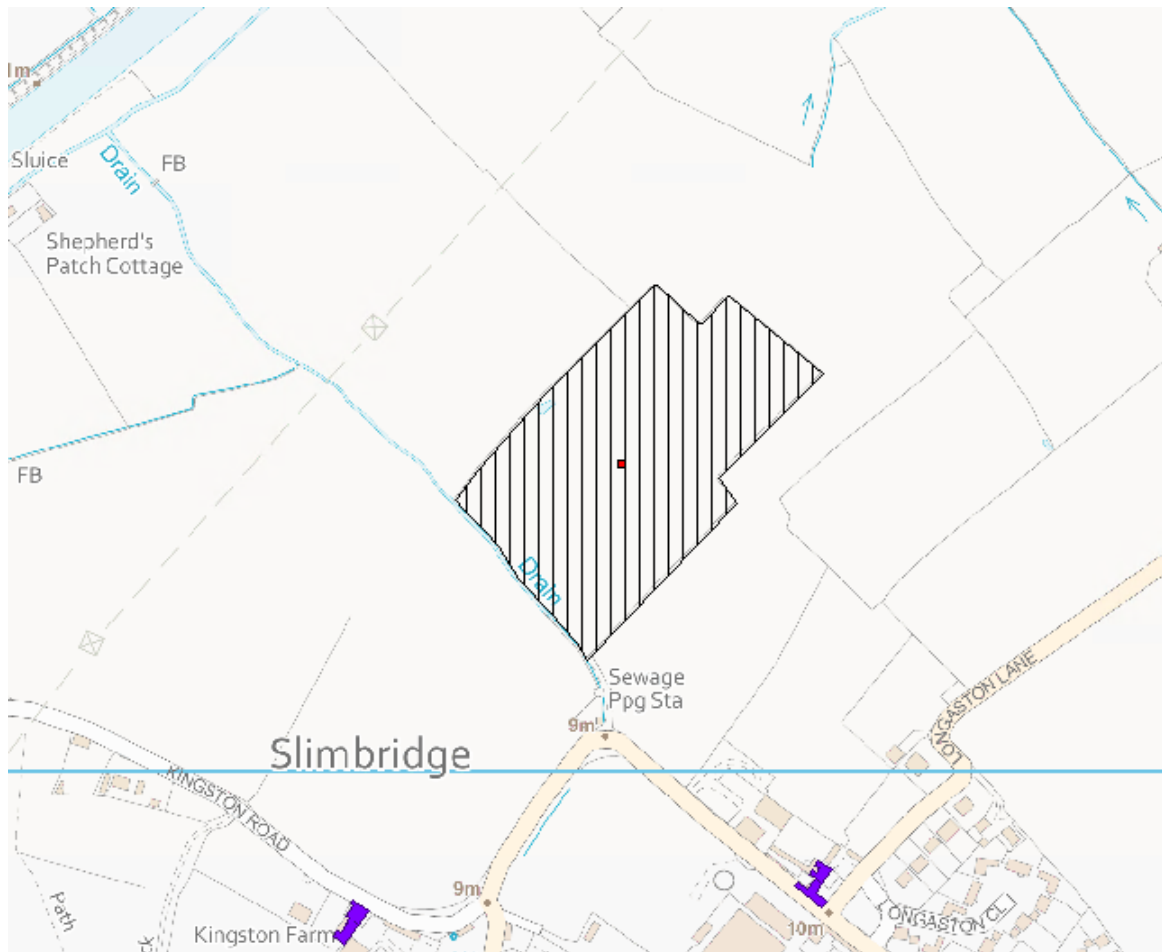
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## Development Control Committee Schedule 25/04/2023

<b>Item No:</b>	<b>06</b>
<b>Application No.</b>	S.22/1157/FUL
<b>Site Address</b>	Land North East Of, Kingston Road, Slimbridge, Gloucestershire
<b>Town/Parish</b>	Slimbridge Parish Council
<b>Grid Reference</b>	373525,204226
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Installation and operation of a 36MW battery storage facility.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Parish Council



	<h2 style="margin: 0;">Development Control Committee Schedule</h2> <h3 style="margin: 0;">25/04/2023</h3>
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<b>Applicant's Details</b>	Relay Slimbridge Ltd 1 Vine Street, London, W1J 0AH, ,
<b>Agent's Details</b>	Mr Richard Murray Murray Planning Associates Ltd, Ground Floor Office, Challenger House, Rumbolds Hill, Midhurst GU29 9BY
<b>Case Officer</b>	Helen Cooper
<b>Application Validated</b>	13.06.2022
<b>CONSULTEES</b>	
<b>Comments Received</b>	Biodiversity Team Environmental Health (E) Development Coordination (E) National Grid Plant Protection Environmental Health (E) Natural England (E) Contaminated Land Officer (E) Slimbridge Parish Council Clerk - Mrs H Dunn SDC Water Resources Engineer The Environment Agency Development Coordination (E) Flood Resilience Land Drainage Arboricultural Officer (E) Flood Resilience Land Drainage Archaeology Dept (E) Contaminated Land Officer (E) Public Rights Of Way Officer Slimbridge Parish Council Clerk - Mrs H Dunn
<b>Constraints</b>	Berkeley Safeguard Area Flood Zone 2 Flood Zone 3 Slimbridge Parish Council SAC SPA 7700m buffer Village Design Statement
<b>OFFICER'S REPORT</b>	

## BACKGROUND

This application has been brought before the Development Control Committee at the request of Slimbridge Parish Council.

## MAIN ISSUES

- \* Principle of development
- \* Loss of Agricultural Land
- \* Landscape and Visual Impact
- \* Residential Amenity



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- \* Noise
- \* Highways
- \* Contaminated land
- \* Ecology
- \* Flood risk
- \* Archaeology and Heritage Assets
- \* Fire Risk
- \* Obligations

### DESCRIPTION OF SITE

The application site comprises a parcel of agricultural land which has an existing access off Kingston Road. The site measures approximately 3.5 hectares in area. The development itself would sit within a corner of this larger parcel of land and cover approximately 0.8 hectares of the site. The site is bounded by agricultural fields and is set outside of defined settlement boundaries and within the open countryside. A watercourse runs alongside the southwest boundary of the site and Slimbridge's settlement boundary is set to the southeast of the site approximately 0.2 km away along Kingston Road. Existing hedgerows and trees form the existing boundary treatment at the site.

There are several public rights of way (PROW) in proximity to the site. Slimbridge Footpath 2 runs to the south of the site and along the southwest boundary to the other side of the watercourse.

The primary access to the site is from Kingston Road. This road leads onto Newgrounds Lane which provides the access into the Wildfowl and Wetlands Trust at Slimbridge. A national cycle route also runs along Kingston Road and past the site access.

Several listed buildings lie in the surrounding area including Kingston Farm and Hurns Farm, which are both Grade II listed buildings set along Kingston Road.

The Gloucester and Sharpness Canal and Severn Way recreational route are set to the north of the site. The River Severn runs to the north west of the site approximately 2 km away. The majority of the site lies within flood zone 1, although an area located adjacent to the watercourse is set within Flood Zone 3.

The site lies approximately 2 km from the River Severn's ecological sensitive areas SAR/SPA/SSSI/RAMSAR. These are of national and international importance.

### PROPOSAL

The application seeks planning permission for the installation and operation of a 36 MW battery storage facility. The development would be contained within the eastern section of the field with a 3-metre-wide access track running parallel with the south east boundary of the site and into the compound. Access is proposed from an existing field access which leads onto Kingston Road.



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The proposal comprises 30 battery storage containers with inverters, 60 transformer stations, a distribution network operator (DNO) substation and a customer substation, and associated structures such as 4 CCTV poles (3 m high) and a satellite communications dish. Security fencing which would comprise mesh steel panels measuring 2.5 metres in height would run around the perimeter of this area of the site. An access gate would be made from the same material. The battery cells would use lithium-Ion battery technology.

The battery units and two switchgear units would be contained within dark green shipping containers that would be approximately 12 m long x 2.4 m wide by 2.5 m high and they would be laid out in two rows. Two transformer stations measuring approximately 2.5 metres high by 2.1 metres x 1.4 metres would sit adjacent to each one of the containers.

Planting is proposed around the southern and south-eastern corner of the compound. A small section of hedgerow would be removed to facilitate the works and all other existing hedgerows and trees would be retained. Scattered tree planting along the northwest site boundary is proposed and a proposed hedgerow is indicated along the southwest site boundary. A small woodland copse is also proposed adjacent to the compound.

The battery storage facility would be able to store and export up to 36 MW of electricity to the National Grid. A proposed cable would run along Longaston Lane and Ryalls Lane to connect the storage facility to an existing substation, which lies to the north of the site adjacent to the canal along Ryalls Lane.

The application seeks permission for a period of 40 years. After this time the site would be decommissioned and the land returned to its former agricultural use.

### REVISED DETAILS

The following revised drawings and supporting documents were received on the 9th September 2022

Customer substation details drawing number EPG1004-221A  
 Spare Parts Container, drawing number EPG1004-222A  
 Transformer Substation Details, drawing number EPG1004-223A  
 Access track section details, drawing number EPG1004-230  
 Fence and Gate Section Details, drawing number EPG1004-231  
 CCTV Pole mounting details, drawing number EPG1004-232  
 Battery Container Details, drawing number EPG1004-250

A Draft Outline Battery Safety Management Plan and Construction Traffic Management Plan were also submitted to support the application following comments from the Local Highway Authority and to address concerns raised by residents and the Parish Council.

An amended Flood Risk Assessment was submitted on the 31st January 2023 to address concerns that had been raised during consultation about the formatting and one of the maps being a mirror image.

A Planning Addendum was submitted on the 31st January 2023



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A revised Landscape Masterplan was submitted on the 20th February 2023. This includes additional planting at the site.

A revised Planning Statement and Flood Risk Assessment were received on the 6th March 2023. The timeframe for which consent is sought has been adjusted from 25 years to 40 years within these documents.

A revised Noise Impact Assessment was received on the 7th March 2023 to amend an error in respect of the site plans contained within the document.

The Construction Traffic Management Plan has been updated to include a section on the underground cable and to amend the lifespan of the proposal to 40 years and this was received on the 9th March 2023.

A Fire Strategies, Fire Risk Assessments and Regulation 38 of the Building Regulations supporting document was submitted on the 15th March 2023.

An Agricultural Land Considerations document was submitted on the 27th March 2023 to support the application.

### SITE HISTORY

2023/0057/EIAS – EIA Screening for Installation and operation of a 36MW battery storage facility- It should be noted that the application was screened against the EIA Regulations upon receipt. To formalise the Local Planning Authority's opinion an application has been set up prior to bringing the application before the Development Control Committee. A formal response advising that no EIA is required has been provided to the applicant and is available to view on the public access system.

### MATERIALS

Containers -dark green

Fence – steel mesh

### REPRESENTATIONS

#### Statutory Consultees:

**Slimbridge Parish Council:** Slimbridge Parish Cllrs resolved to object to this application and request for it to be called into DCC.

Objections raised are for traffic and access. The access to this site is along a narrow road, with an immense number of users for tourism (including the WWT, canal, pub). To add additional large construction vehicles to this road will cause an impact on road safety and those using the road. This route also has the Sustrans cycle route on, and is used by pedestrians, horse riders and farm traffic. The access is on a bend in the road, again causing concern for Highway safety with the heavy construction vehicles being unsuitable for the narrow roads.



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Further disruption and Highway safety concerns are raised for the cable route to the battery storage, with this being put in along Longaston Lane and Ryalls Lane – these are single track lanes with limited passing places.

Noise issues – whilst a noise impact assessment has been completed, there still will be noise changes with this construction that could have an effect on the nearby residents.

The location of this site is felt not suitable for the area, the construction that is required for this such as the cables to be put in, and the track to be made for access is extreme in this area of green fields. A brownfield site would be more appropriate on or near an industrial site where noise and access issues would have less impact on the immediate community. The battery storage would harm the visual amenity and tranquillity of the area. A recent battery farm application in Awre was refused on similar grounds.

Some of the documents such the battery plans are confusing, with some of them stating it is a solar farm, and other stating a battery storage. One map in the flood risk assessment is a mirror image and marked incorrectly. Information on the oils trays are not clear in terms of them being able to catch all oil drips and this raises concern of damage to soil in terms of pollution.

It is noted that there is no information of the local fire brigade being consulted on this application and considering what training they have in this area should a fire break out. If an incident were to occur, what would be the situation for access for the fire brigade to deal with any scenario, and for residents at the Patch or visitors in this locality to leave the area. Lightenbrook Lane is noted to be the only form of route to leave if the roads are blocked and this is unsuitable for 2 way traffic.

Biodiversity – it has been noted that residents have seen numerous wildlife in the field including curlew and common cranes in the autumn and winter.

The land is agricultural and should remain to grow food. A current debate in Parliament this week was unanimous in wanting to see fewer battery storage solutions with agriculture and food production increased.

Many of the above reasons go against 2015 SDC Local Plan policy ES3 and CP14.

**Environmental Health:** I would recommend the following conditions in respect of this application:-

1. Sound emissions attributable to operations at the site shall not exceed the following Noise Rating Levels:-

LAr,1 hour 37 dB during the daytime period of 07:00 to 23:00; and  
LAr,15 mins 34 dB during the night period of 23:00 to 07:00

as determined at the closest point of the curtilage of any residential receptor.



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The determination may be by way of direct measurement at the location or, where extraneous ambient noise or accessibility issues preclude this, by way of measurement at a closer point to the site and subsequent calculation of sound levels at the stated locations. All determinations shall be undertaken in full accordance with the methodology set out in BS4142:2014+A1:2019 – “Methods for rating and assessing industrial and commercial sound” or any future variations thereof.

2. Within 4 weeks of the development being brought into use, a validation noise survey shall be conducted in order to demonstrate compliance with the requirements set out in condition 1 above and a consequent report by a competent acoustic assessor should be submitted to the Local Planning Authority for approval to demonstrate that the required standards have been achieved.

3. 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.

**National Grid:** Thank you for your email.

Regarding planning application S.22/1157/FU at site location ‘Land North East Of, Kingston Road, Slimbridge, Gloucestershire’ there are no National Grid assets affected in this area.

The location used to confirm that there are no National Grid assets affected is the location at:373525,204226.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.lsbud.co.uk&c=E,1,Ge8p6KEvw7fAOujt-pi2AnsB\\_utXB9-c-6X0Hoyfv6IK7o36FXeS3EnCT9jsUn6v7w-d1RbXg-lpVLx38kT7c5oSfBFX5Kwp9oCsOIQsy0,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.lsbud.co.uk&c=E,1,Ge8p6KEvw7fAOujt-pi2AnsB_utXB9-c-6X0Hoyfv6IK7o36FXeS3EnCT9jsUn6v7w-d1RbXg-lpVLx38kT7c5oSfBFX5Kwp9oCsOIQsy0,&typo=1) Additionally, if the location or works type changes, please raise an enquiry.

**Biodiversity Team:** Comments relate to the following document:  
Ecological Assessment, The Ecology Co-op, dated 19th April 2021  
Recommendations:

Acceptable subject to the following conditions:

> No works shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and agreed to 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. Identification of “biodiversity protection zones”
- C. Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.



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- D. 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)
- E. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g., daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- F. Details as to where excess spoil, materials and machinery will be stored.
- G. Measures that will be taken to protect nesting birds, ground nesting birds, reptiles, dormice, badgers and commuting bats.
- H. The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- I. Responsible persons and lines of communication
- J. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- K. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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 for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- A. Identify the areas/features on site that are particularly sensitive for foraging bats.
- B. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.

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, wildflower and hedgerow planting 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 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.





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### Comments:

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 and hedgerow and wildflower planting, the report submitted did offer advice regarding these enhancement features.

The submitted report identified potential biodiversity constraints that may arise because of the proposed development therefore, a CEMP is recommended to ensure protected and notable species are safeguarded from the development.

Nocturnal species including badgers and commuting bats are likely to enter the site as a result, a lighting condition is recommended to ensure any lighting scheme is sensitively designed to prevent disturbance to nocturnal species.

**Lead Local Flood Authority (LLFA):** I refer to the above consultation, and your request for comment from the Lead Local Flood Authority (LLFA).

Please note that the LLFA is a statutory consultee for the management of surface water and associated flood risk on major development only. This application does not meet our interpretation of the criteria used to define major development and the LLFA will therefore decline to comment.

**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 recommends that this application be deferred.

The justification for this decision is provided below.

No substantive or relevant information has been submitted in respect of the transport and highway elements of this application. The site is accessed via narrow lanes and no information has been forthcoming on the size or frequency of vehicles during the construction phases of the development. I would wish to see tracking plans and location of passing places shown along the route.

In my opinion, this application should have been submitted alongside a Transport Statement. Until this is forthcoming I am recommending deferral of the application. The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

**Environment Agency:** Thank you for consulting us on the above application which was received on 11 July 2022. We have the following comments for your consideration at this time:



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### Flood Risk:

The site of the proposed development is largely in Flood Zone 1, with only a small part of the western corner of the site being in Flood Zones 2 and 3; this area is not currently proposed for built development as part of this planning application. The site access road does traverse some areas of Flood Zone 3. However given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. Paragraph 054 of the Flood Risk and Coastal Change section of the National Planning Practice Guidance (NPPG) advises on how a development might be made safe from flood risk.

Paragraph 039 provides detail on access and egress.

We would refer you to our Flood Risk Standing Advice for general advice on flood risk matters. In addition we recommend that the proposals should be designed to avoid water damage. We would suggest that any flood susceptible electrics/other parts within the control kiosk are designed to be sited above surrounding ground levels.

### Export and Import of Wastes at Site:

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised. Should it be proposed to import waste material to the site for use in the construction of the development (e.g. for the construction of hard-standings, access tracks etc) an Environmental Permit (EP) or exemption from the need for an EP may be required.

The applicant is advised to contact telephone 03708 506 506 for further information with regard to the regulatory waste requirements, or visit: <https://www.gov.uk/guidance/waste-environmental-permits>

### Pollution Control:

Developers should incorporate pollution prevention measures to protect ground and surface water. Previous Pollution Prevention Guidance maintained by the Environment Agency has been withdrawn but is still available in the national archives at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> .We would refer you/the applicant to the latest Pollution Prevention Guidance targeted at specific activities, available at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

**The Wildfowl and Wetlands Trust:** (13.07.2022) Having reviewed the information presented and the objections from the parish, we feel we do not have enough information on the level of risk of fire and the impact it would have on our charity. We have concerns over evacuation of



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visitors and staff at the centre and also on the possibility of toxic fumes travelling over the reserve.

We are objecting on a precautionary principle.

**SDC Water Engineer:** None received

**Public:** Approximately 17 comments have been received objecting to the proposal. The concerns are summarised below:

### Principle

- Concern over loss of good agricultural land
- Unsuitable location, it should be close to power lines or generation.
- Battery farms should be placed at sites with main road access away from residential areas
- A brownfield site would be more appropriate
- Rural location is unsuitable for this type of development
- It is not in keeping with the village plan
- Government debate relating to the use of rural land for solar and battery storage and there was cross party agreement that grade 3, whether 3a or 3b 'must not allow battery storage solutions to take land out of food production for use for solar'.

### Landscape and Visual Impact

- Concern raised in relation to the impact upon the open character of the landscape, the national character area – Severn and Avon Vales and SDC Lowland Plan, Severn Vale Grazing Marshland.
- The proposed development would commercially industrialise this area
- Harmful to the visual amenity and tranquillity of the area. A recent battery farm application in Aware was refused on similar grounds.
- Loss of green space

### Ecology

- Curlew and common cranes use the fields in the autumn and winter
- Concern raised in relation to impact on SSSI, SPA, SAC and RAMSAR, protected farmland birds including curlews
- Significant noise will impact ecology
- Concern raised about potential contamination from the site and the impact upon ecology and watercourses

### Highways

- Concern raised over vehicle access and access for emergency vehicles, access to the site is on a bend/dangerous corner on a narrow road
- Concerns raised in relation to disruption during construction and closure of roads
- Narrow roads are very busy and 'pump house' bend is an accident blackspot
- Access road also has the Sustrans cycle route on and is used by pedestrians, horse riders and farm traffic.
- Concern raised with regard to evacuation routes and the suitability of Lightenbrook Lane, a single track lane
- road has a large number of users, it is a busy tourist area



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### Fire Risk

- Concern about safety of Lithium batteries
- What fire risk assessments have been carried out?
- Solar fires are caused by electrical faults, incorrect installation, or poor maintenance. What safeguards are in place for ensuring correct and high-quality installation and components/maintenance. Who is responsible for these checks?
- Battery Energy Storage Systems (BESS) present risks of explosion, fire and fume toxicity
- Fire can release highly toxic Hydrogen Fluoride, harmful to human health
- Fumes can spread up to 6 miles away
- There have been 38 lithium-ion battery fires throughout the world since 2018 and at least 2 fatalities
- In 2020 an explosion at a lithium battery farm in Liverpool resulted in a fire burning for 59 hours.
- Dursley Fire Station is not a full time station
- Has the Fire Service had training in dealing with solar battery sites?
- Concern raised about evacuating the area, have any plans been made? Lightenbrook Lane would have to take traffic from the Wildfowl Westland Trust, Tudor Caravan Park and residential properties

### Flood Risk

- Flooding in this area is possible
- Have they followed the sequential tests and documented their search for alternative sites?

### Contaminated Land)

- Concern raised relating to oil leaks and contamination
- The area is located close to a water source and leads to a SSSI which is protected from all forms of new waste. Any issues could lead to an impact upon the environment and Severn Estuary.
- Risk of contaminated water run off impacting the environment.

### Noise

- The site is very tranquil agricultural land. There are no details site plan showing the position of the inverters and HVAC. Noise mitigation should include placing inverters on the far side of containers or a wall.
- The site will make a humming noise
- Significant noise impact to public health

### Other matters

- Information contradictory and confusing, technical discrepancies in documents
- Risk of vandalism
- Not all households affected have been notified.
- Lack of EIA Screening as this is an industrial installation for supply of electricity exceeding 0.5 hectare.

### **Further comments received following additional information:**

**The Wildfowl and Wetlands Trust:** (9.8.2022) We are significantly concerned by the fire risk posed by the location of the proposed development. The nature of the development poses a



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risk of fire. In the event of a fire, access for the fire service would be only by the narrow lanes of Kingston Road and Lighenbrook Lane, which could easily become blocked, preventing access. Further, should fire or fumes affect WWT Slimbridge Wetland Centre or further properties on Kingston Road and Newgrounds Lane, evacuation would be difficult along the narrow roads, especially if Kingston Road were to become blocked by fire or fire service vehicles. Therefore, the applicant should make clear how the proposed development meets the Fire Safety Duties under Part 2 of The Regulatory Reform (Fire Safety) Order 2005 and the Building Regulations 2010, specifically Approved Document B Volume 2, B5, Section 16 on vehicle access. If it cannot meet these duties, the application should be refused.

We are also concerned by the vehicular access to the site. Gloucester County Council Highways Development Management have responded to the application saying that it should be deferred due to the narrow lanes that give access to the site and the lack of information given on vehicle access during construction. We agree with Gloucester County Council that the application should be deferred until a Transport Statement is forthcoming. Permission should not be given until the developer makes clear how vehicle access will be achieved in a safe manner and without undue disruption to other traffic which uses the road for access, including to WWT Slimbridge Wetland Centre. The significant operational impact on one of the Districts most important visitor sites, should be fully considered.

The application is inadequate in relation to addressing potential contamination of local water courses.

**GCC Highways:** (comments dated 20.10.22) 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 informatives.

The justification for this decision is provided below.

The details as now submitted have satisfied the concerns which I had raised in my earlier consultation response dated 27 July 2022. I had raised these issues but now note that the CMP was dated 14 July 2022 but not submitted to the LPA until 9 September 2022.

The surveys carried out and assurances being made in the CMP document are sufficient to allow me to offer a recommendation of no objection.

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.



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### Conditions

The Development hereby approved shall not be commenced within the main site until the access, parking and turning facilities have been provided as shown on the approved drawings.

Reason: To ensure conformity with submitted details.

The Development hereby approved shall not be commenced within the main site until the access road from its junction with Kingston Road has been surfaced in bound materials for the first 15m of the access track, so that no loose stone, gravel or surface water migrates onto the adopted highway,

Reason: To ensure the safety of the highway is not compromised.

### Informatives

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. 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. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Drainage arrangements shall be provided to ensure that surface water from the driveway does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly 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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The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

**Lead Local Flood Authority (LLFA):** (16.12.22) The LLFA has no objection as the battery storage facility is classified as a less vulnerable application and it is in flood zone 1. The area is also in the area identified by the EA as benefitting from flood defences and the design allows for flood volume mitigation, raising the containers above the possible flood depths, in the event of flood defence failure or overtopping.

NOTE 1: The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

GCC Archaeologist: Thank you for consulting the archaeology department on this application. The county Historic Environment Record shows that there are no heritage assets recorded within the proposed development site except for the presence of medieval or post-medieval ridge and furrow remains. An undated enclosure has been recorded approx. 270m to the east and extensive Iron Age and Roman settlement remains have been recorded approx. 280m to the south.

I consider that there is potential for archaeological remains to be present within the proposed development site, particularly in relation to the extensive Iron Age and Roman settlement remains to the south. The belowground impact of this development however appears relatively small and it likely that the site is on the periphery of Iron Age/Roman settlement



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remains. I consider it prudent to ensure an archaeological Watching Brief is carried out during belowground construction work.

To facilitate the archaeological work I recommend that a condition is attached to any planning permission which may be given for this development, ie;

'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 205 of the National Planning Policy Framework

I have no further observations.

**Arboricultural:** I have reviewed the tree report submitted with this application. I am satisfied that it is thorough and comprehensive in relation to the application. Only a small section of hedgerow will be removed to facilitate the proposal. Mitigation is proposed through new hedgerow and tree planting. Protective measures will be required to ensure the retained hedgerow adjacent to the site is adequately protected.

From an arboricultural perspective I have no objections, subject to site specific tree protection measures and new tree/hedge planting.

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

**Public Rights of Way Team:** We have no further comment to add, however please note.

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a





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TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally: -

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

**Gloucestershire Fire and Rescue Service:** Whilst Gloucestershire Fire and Rescue Service (GFRS) would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

Current fire safety legislation (in particular the Regulatory Reform (Fire Safety) Order 2005) is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the HSE but in the absence of regulation under COMAH there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

Research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period.

Fire service resources for the provision of water include standard fire engines, bulk water carriers and High Volume Pumps (HVP) with additional resources available from neighbouring services through National Resilience capabilities if required. The delivery of water to a BESS site would inevitably require multiple vehicles for a prolonged period.

The potential for contaminated fire water runoff is acknowledged as an area for further consideration, although the type and level of contamination is not easily quantifiable. Our default position is therefore one of containment where possible although this is very difficult to achieve for large volumes of water during a dynamic incident.



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Automatic suppression systems which aim to prevent thermal run-away within cells are a feature of most systems however the effectiveness of these systems is variable. Alternative extinguishing media are not considered appropriate at this time.

Early detection of a potential fire situation is critical and fast response detection system linked to the battery management system is considered an essential component of the design. It is considered unlikely that fire service resources would be in attendance within the timeframe required to prevent a thermal run-away event once it has begun.

Once thermal run-away has occurred, defensive firefighting tactics would be the preferred option to allow the cell or module involved in fire to burn out and to protect surrounding modules and infrastructure. This would be undertaken on advice and with agreement from the Environment Agency and technical support services.

Airborne smoke and products of combustion would inevitably contain toxic effluents. Liaison with other agencies to support the air monitoring and warning and informing of local residents would form an essential part of the emergency response.

Our response crews have been provided with additional training and awareness in the hazards and risk management of BESS installations and as such the risk to them is considered to be controlled, although it would be true to say that the risks to firefighters cannot be eliminated completely as has been evidenced from fires in BESS sites in other parts of the world.

Since these sites generally fall outside the requirements of Building Regulations due to the temporary nature of the structures, the Fire and Rescue Service (FRS) are not generally in a position to comment or make representation regarding the design of the site and are not usually included within the planning consultation process. Where we identify a site, either through a review of the planning lists or through direct consultation, we will endeavour to provide comments or recommendations in line with this document to influence the development.

Since there is no obligation on the planning authority to take notice of comments by the FRS and in the absence of a requirement for Building Regulations consent, these sites remain difficult to influence.

It would be our recommendation that in the event that a development is being considered for planning approval, that the layout, access and provision of a suitable water supply comply as far as is reasonably practicable with the minimum requirements of Approved Document B to the Building Regulations, specifically part B5, regarding access and water supplies for firefighting, or other industry or sector specific guidance as may be published by the National Fire Chiefs Council (NFCC)

The NFCC are in the process of finalising some bespoke guidance on firefighting in BESS and other alternative fuel installations, but this is yet to be published.

Particular regard should be given to water supply resilience and the terrain over which fire service vehicles may have to drive in order to access the site. This is particularly relevant where remote sites may not have good access to fire hydrants and where multiple vehicles may be required to ensure continuous water supply.



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The provision of suitable turning space and appropriately sized footprint for hard standing to enable an effective firefighting response with multiple vehicles is essential.

The inclusion of drenchers or fire service inlets to battery modules may be a design consideration.

Site contingency plans must consider the impact of wind direction on access and egress from the site which may impose operational constraints and an inevitable delay in firefighting. Alternative access points and the ability to access all parts of the site should be considered within the design.

Early contact with the FRS for site familiarisation and exercising of emergency plans is strongly advised.

Consideration should also be given to engaging with the Environment Agency in relation to protection of water sources or aquifers in the event of fire water runoff and any pollution control measures as may be appropriate.

Most site designers and operators are keen to engage with fire services to ensure that their operational plans are fit for purpose, and we have already undertaken site visits to the larger installations within our area in order to assist with operational planning. We also recognise the concerns of residents in relation to the impact of these sites on the local environment and whilst we cannot provide assurance that we will not experience a fire in one of these sites, we are taking steps to ensure that the impacts are reduced as far as possible.

**Public:** Further comments have been received from members of the public following the additional construction management plan and draft battery safety management document being placed online and a revised site notice being placed at the site. Approximately 6 further objections were received, and these are summarised below:

### Principle

- Location is not close to electrical generation or power lines. This leads to electrical transmission loss and associated construction disruption.
- Location is well out of settlement boundary
- Should not be considered on good quality farmland

### Noise

- No noise mitigation

### Fire Risk

- Concerned that there is still no fire risk assessment
- The applicant should make clear how the proposed development meets the fire safety duties under Part 2 of The Regulatory Reform (Fire Safety) Order 2005 and the Building Regulations 2010, specifically Approved Document B Volume 2, B5, Section 16 on vehicle access.
- Draft Outline Battery Safety Plan is far from satisfactory
- The document only deals with fire suppression at the facility and does not deal with the safety issues for the surrounding area in the event of a fire or explosion



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-Concern raised that the document has been cut and paste as it refers to 'inform Humberside Fire and Rescue if there is a risk of fire spread'

### Highways

- Concern raised over site access
- Concern raised in relation to the Construction Management Plan
- Traffic survey is misleading
- No reference to large amount of farm vehicles, caravans and camper vans going to and from the campsite and the feed and delivery wagons going to the Wetlands and Wildfowl Trust, the pub and Black Shed. What happens when traffic meets an articulated lorry going to the site?
- Transport Plan ignores emergency and evacuation issues. People would be forced to evacuate via Lightenbrook Lane, very narrow and unsuitable for two-way traffic.
- There is no feasible evacuation route
- Survey ignored the impact of excavating St John's Road/Kingston Road to install the cables. This will cause disruption.
- The Construction Management Plan advises that staff would be expected to use public transport or car share. This is impractical.

### Other Matters

- A number of Residents have advised that their earlier comments still apply
- The representation period is unclear and they have not been notified of recent changes made to the documentation. There are different dates on the site notice and on the revised consultation via email.

**Comments received following additional consultation:** Additional consultation was carried out following an extension of time from a 25 year lifespan to 40 years and a revised landscaping scheme/additional information was received, in addition a new site notice was displayed referencing the public right of way. This was also published in the local newspaper:

**Slimbridge parish Council:** Slimbridge Parish Council have noted this revised consultation on the proposal, and continue to object with their original submission. The Parish Council also wish to continue with having the application go to Development Control Committee as already agreed.

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

**Public Rights of Way:** We no further comment to add, however, please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted – via GCC Streetworks



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department. Information regarding section 50 licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licenses-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The are Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

- a) There must be no encroachment on the width of the public right of way
- b) No building materials may be stored on the public right of way
- c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times
- d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

**Natural England:** Thank you for your consultation on the above dated 02/03/2023

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information on when to consult Natural England on planning proposals is here- Planning and transport authorities: get environmental advice on planning - GOV.UK ([www.gov.uk](http://www.gov.uk))

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A  
If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.



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Further information on LPA duties relating to protected sites and areas is here- Protected sites and areas: how to review planning applications - GOV.UK ([www.gov.uk](http://www.gov.uk))

Further guidance is also set out in Planning Practice Guidance on the natural environment Natural environment - GOV.UK ([www.gov.uk](http://www.gov.uk)) and on Habitats Regulations Assessment Appropriate assessment - GOV.UK ([www.gov.uk](http://www.gov.uk))

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Should the proposal change, please consult us again.

**Public:** A further representation has been received objecting to the proposal. To summarise the concerns raised reflect those listed above under public comments and focus upon evacuation routes, disruption from the underground cable, fire and pollution risks.

### 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).

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 relevant 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.



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

The proposal should also be considered against the guidance laid out in SPG Stroud District Landscape Assessment (2000), Heritage Strategy SPA (2018), SPD Planning Obligations (2017).

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 currently going through the examination process. Whilst the draft plan currently carries limited weight, 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.

Slimbridge has a neighbourhood area designation and an emerging neighbourhood plan.



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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:

### Battery Energy Storage Systems

The accompanying Planning Statement and Planning Addendum outline the benefits of Battery Energy Storage Systems (BESS). The documents advise that this technology plays an important role in transitioning to renewable energy generation and reducing the reliance upon fossil fuels.

Such facilities seek to store energy from renewable sources and then release energy to the grid at a time when there is high demand. In addition, the supporting documents advise that BESS can transfer energy on the grid from areas in abundance to locations where there is demand. This technology helps to reduce the reliance upon fossil fuels during peak demand for electricity.

The supporting documents advise that renewable energy generation, which is mainly from solar and wind farms, is intermittent and BESS offer a grid balancing service to help the National Grid manage the supply and demand of electricity across the network. The documents advise that such technology provides a vital role in maintaining grid stability and helps prevent events such as power surges and outages.

### PRINCIPLE OF DEVELOPMENT

The development plan comprises the National Planning Policy Framework, Stroud District Local Plan, adopted on 19th November 2015 as well as adopted Supplementary Planning Documents and Guidance. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 the proposal should be determined in accordance with the plan unless material considerations indicate otherwise.

Paragraph 158 of the NPPF advises that when determining applications for renewable and low carbon development, local planning authorities should *approve the application if its impacts are (or can be made) acceptable*.

The Overarching National Policy Statement (NPS) for Energy (EN-1) (2011) and the draft version 2021 are relevant. In addition, NPS for Renewable Energy Infrastructure (EN-3) (2011) and Draft EN-3 (2021) must also be taken into consideration. Draft EN-3 advises that *'electricity generation from renewable sources of energy is an essential element of the transition to net zero'*.

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 Draft Local Plan by the new core policy, DCP1 'Delivering Carbon Neutral by 2030'.





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The site is located outside of any settlement boundaries as identified by the Stroud District Local Plan 2015 Policies Map and as such it is defined as being set within the open countryside where development is normally strictly controlled.

Policy CP15 'A quality living and working countryside' is relevant. This policy seeks to protect the separate identity of settlements and the quality of the countryside. The proposal will contribute to energy infrastructure within the district and as such the proposal is considered to be compliant with Policy CP15 criteria 6 as 'It will involve essential community facilities'. Where proposals accord with any of CP15's principles it will then only be permitted within the countryside subject to compliance with further criteria. Criteria vi) of CP15 advises that *in the case of new buildings for essential community facilities, they cannot be accommodated within the identified settlement development limits or through the re-use or replacement of an existing building*.

As the site is set within the open countryside, further justification for the location and information as to why the facility cannot be set within or adjacent to settlement limits has been sought from the applicant during the planning application process.

The Planning Addendum advises that [*Locational factors that influence the siting of battery storage facilities include, provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network*].

The Addendum advises that a high number of National Grid substations are located outside of built-up areas. The applicant surveyed the locality initially and no suitable brownfield land or buildings were identified for use. This is because they were either too far away from the substation or would result in the BESS being located closer to residential properties. In addition, in this instance a key consideration related to flood risk. Whilst the proposal is 'less vulnerable' infrastructure the site has been selected as it mainly lies within Flood Zone 1.

Whilst it may be preferable for facilities such as this to be located adjacent to or within settlement limits, on balance, due to the role that BESS play in supporting renewable energy generation and reducing reliance upon fossil fuels to help achieve carbon neutral targets, it is considered that sufficient justification has been provided in this instance for the sites location within the open countryside in accordance with Policy CP15 and CP14 of the adopted Local Plan.

LPA Officers consider that significant weight should be attributed to the proposal's contribution towards meeting carbon neutral targets and helping to provide energy security within the overall planning balance. The proposal will also help to meet the wider aims and objectives of Stroud District Council in terms of becoming carbon neutral by 2030.

In principle the siting of the proposal in this location is therefore considered acceptable subject to whether any impact upon the landscape, agriculture, residential amenity, noise, highways, flood risk, ecology and heritage are (or can be made) acceptable in accordance with paragraph 58 of the NPPF. These issues are considered in detail within the following sections of the report.



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### LOSS OF AGRICULTURAL LAND

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.

Natural England's Land Classification Map for the South West Region indicates that the site lies within an area of land which is Grade 4, although it is on the edge of Grade 2 land. Grade 4 agricultural land is defined as poor quality agricultural land and Grade 2 is BMV land. The maps available from Natural England provide a guide only and a supporting document entitled 'Agricultural Land Considerations' has been submitted to support the application. This document advises that the site has a 20-60% likelihood of BMV quality.

The majority of the site will be used for wildflowers and grazing. The site area which would be developed measures approximately 0.73 hectares. The application also seeks permission for 40 years and after this time the land would be returned to its current agricultural use. The loss of a small area of agricultural land, whether Grade 4 or BMV, is therefore not considered to be significant development in accordance with the NPPF and its loss is considered acceptable when weighed against the benefits of the proposal, which seek to support renewable energy generation.

### LANDSCAPE AND VISUAL IMPACT

Policy ES7 'Landscape Character' 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*'.

This area of the countryside is set within the Severn and Avon Vales national landscape character area and it is classified by the Stroud District Council's 'Landscape Character Assessment' as being set within the Lowland Plain landscape character area. This area of the countryside does not benefit from a special landscape designation such as an Area of Outstanding Natural Beauty. However, it is recognised that the introduction of man-made equipment, containers and associated electrical infrastructure are likely to have an impact upon the landscape character area and upon the tranquillity of this area of the countryside. Concerns have also been raised by members of the public that the proposal may lead to an industrialised character of the area.



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To address the level of impact upon the landscape the applicant has carried out a Landscape and Visual Impact Assessment (LVIA). This document looks at the existing landscape character, its sensitivity and the impact upon visual receptors. This includes the impact upon settlements, public right of ways, the national cycle route (NCR) 41, recreational routes such as the Severn Way, the Slimbridge Wetland Centre, major A roads and minor roads.

The area of the site that would contain the BESS is set into the field away from Kingston Road. The site is relatively flat and the boundaries are well vegetated. The proposed equipment and containers on site would not exceed 3m in height. It is recognised that a PROW is in proximity to the site and crosses the site access.

The supporting document advises that the highest level of visual impact the proposal may have would be moderate adverse and this is identified to the PROW to the southwest of the site. However, following the growth of mitigation measures the supporting document advises that the impact will be reduced to negligible adverse. The LVIA concludes that any wider impact of the proposal will be restricted within the landscape. In terms of localised impact, the document advises that planting will restrict any influence over time.

Following discussion between the applicant and LPA Officers, additional landscaping has been provided as shown on the revised landscape strategy. This comprises additional native hedgerow and tree planting. Once established it is considered that this will further soften any adverse impact upon the landscape and further reinforce the field pattern. A condition is recommended to manage the field boundary to a height of 2.5 m to 3 m. It is considered that this will appear in keeping with the wider area and provide adequate screening for the site.

Whilst it is recognised that the introduction of electrical plant and containers would have an impact upon the landscape character area and cause a degree of harm to the agricultural character, it is considered that this will be localised and subject to mitigation planting any impact of the proposal is likely to be less than significant. The less than significant harm identified must therefore be weighed against the benefits of the proposal within the overall planning balance.

### *Vegetation, Trees and Hedgerows*

The LPA's Arboricultural Officer has been consulted on the application and has advised that the submitted tree report is acceptable and only a small section of hedgerow would be removed to facilitate the proposal. Subject to a condition recommending tree protection measures and the replacement planting the impact upon existing trees and hedgerow is therefore considered to accord with Policies ES7 and ES8 of the Local Plan.

### *Cumulative Impact*

It is acknowledged that a number of renewable energy projects are coming forward within Stroud and these are often located within the open countryside. In terms of cumulative impact, it is considered that the proposal is set a sufficient distance away from other sites so as not to have a cumulative impact upon the visual amenity of the landscape.



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### 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 residential properties within the wider area and consideration must be given as to any potential impact the proposal may have upon them. Due to the separation distance to properties, it is not considered that the proposal will appear overbearing or overshadow residents. The key consideration in this instance relates to noise and this is considered in the next section of this report.

### 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 Draft Local Plan advise that permission will not be granted where there is an unacceptable level of noise pollution.

Slimbridge Parish Council have raised concerns that construction noise will have an effect on nearby residents. Comments have also been received from the public in relation to this being tranquil agricultural land and how noise from the proposal would impact upon public health.

It is recognised that an increase in large vehicles and construction work may cause noise and vibration in the area for a temporary period of time. A condition restricting construction hours is recommended and it is considered that this will help mitigate any impact upon amenity in the wider area.

To address operational noise levels a Noise Impact Assessment has been carried out and this accompanies the planning application. This provides advice on the level of noise that the electrical equipment and plant would generate and measures that can be taken to mitigate noise levels. The Battery Central Inverters, transformers and the heating, ventilation and air conditioning (HVAC) plant would all generate noise at the site.

In terms of residential properties, it should be highlighted that the closest property to the site is Greenacre, Slimbridge, which is approximately 250 metres away from the area of the site where the electrical plant would be sited. The monitoring location indicated within the Noise Impact Assessment was adjacent to this property.

Environmental Health have been consulted on the submitted document and have advised that they have no objection subject to conditions which seek to ensure that the BESS does not exceed acceptable noise levels within the local area.

Subject to conditions and due to the separation distance to dwellings, it is not considered that the proposal would adversely impact upon residential amenity with regards to noise, vibration and disturbance in accordance with Policies ES2, ES3 1) and CP14 2).



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### 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 highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

Policy ES3 criteria 5) looks to ensure permission is not granted which would have a detrimental impact on highway safety.

The key consideration in this instance relates to traffic movements during construction and decommissioning and the potential impact upon the highway network during the installation of the underground cable which will link the BESS to the point of connection at the substation.

To address highway safety concerns a Construction Traffic Management Plan (CTMP) has been submitted. This document advises that the site is located close to the A38 which provides a connection to the strategic highway network for construction vehicles. The site would be accessed by HGVs during construction works from Kingston Road. It is anticipated that the construction time would be around 22-24 weeks and it is expected that 79 vehicular deliveries will take place resulting in 158 two-way movements. The document advises that up to 20 people would be employed on the site during construction work and this may result in 40 vehicular movements during the day.

Once the site is operational it is anticipated that one trip every 21 days would be necessary in a transit type vehicle.

It is acknowledged that concern has been raised that the CTMP did not originally mention the underground cable which is required to connect the facility to the point of connection at the switch yard on Ryalls Lane. The Construction Traffic Management Plan has been amended during the application process to include a brief section on this.

LPA officers have discussed the proposed works on the public highway with LHA officers. The LHA has advised that the developer would have to contact the Area Highways Manager a minimum of eight weeks prior to any operation on the highway. They have also advised that



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there are safeguards under the Highways Act not to permit blocking of the carriageway. If temporary traffic lights are required these will need to be agreed with the Highways Area Manager.

The proposal would result in additional HGV vehicles using the local road network for an estimated 6-month period. However, due to the likely number of vehicles and trip frequency, including journeys made by construction workers, it is not considered that this impact would be significant. Whilst it is recognised that the cable installation may also cause some localised disruption this would only be for a temporary period of time. Traffic movements associated with the facility once operational would be minimal.

The Local Highway Authority (LHA) have also reviewed the submitted documents and no objection has been raised subject to conditions. As such, it is not considered that the proposal would warrant refusal on highway safety grounds, and it is considered to comply with Policy ES3 5) of the Local Plan.

### *Public Rights of Way (PROW) and National Cycle Route*

The PROW Slimbridge footpath 2 crosses the access leading into the site from Kingston Road. The Public Rights of Way Team have been consulted on the application and an informative is recommended in order to minimise any impact or disruption to users of the PROW. The CTMP also advises that warning signs will be displayed by the PROW and users of the PROW will have permanent priority.

The National Cycle Route 41 runs past the site access. Highways are satisfied with the proposed visibility splays and as such it is not considered that the proposal would have a detrimental impact upon the cycle route or highway safety.

### *Decommissioning*

The application seeks permission for a period of 40 years. A condition is recommended to ensure that after this time the land is returned to its former agricultural use. The Construction Management Plan contains a section on decommissioning and the Local Highway Authority are satisfied with this information. This would again result in temporary increased vehicular movements in the local area for around 22-24 weeks.

## **CONTAMINATED LAND**

The site is existing agricultural or greenfield land. Contaminated Land Officers have been consulted on the application and have no comments on the proposal.

Concerns from residents have been received in relation to the oil trays shown on drawing number EPG1002-223 Rev A which would be installed underneath the transformer substation and the risk of potential contamination. LPA Officers have discussed this element of the design with the applicant and been advised that the trays are a precautionary measure to ensure any oil drips are caught and identified, and the equipment is serviced accordingly. The oil trays are therefore considered to reduce the risk of ground contamination. An



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informative is recommended detailing the Environment Agency's pollution prevention guidance.

### **ECOLOGY**

An Ecological Assessment which comprised an Extended Phase 1 Habitat Survey has been carried out at the site to support the application. This document advises that whilst the site is less than 2km from the Severn Estuary SSSI and SAC it mainly comprises grassland and is fringed with native hedgerows and trees. The proposal will result in the loss of a small area of hedgerow and approximately 25% of improved grassland on the site. The revised Landscape Masterplan details mitigation measures which include wildflower areas, scattered tree planting and native hedgerow planting. This is considered significant to offset any impact upon ecology at the site and secure biodiversity enhancements.

The Biodiversity Team have reviewed the ecological assessment and associated documents and have raised no objection subject to conditions. The applicant has advised that no lighting is proposed at the site, however, a condition is recommended in respect of this in case any lighting is proposed at a later date. This is to ensure that any lighting is sensitively designed to protect nocturnal wildlife.

Subject to conditions and due to the planting mitigation measures the proposal is considered to be compliant with Policy ES6 'Providing for biodiversity and geodiversity' 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). Policy ES3 'Maintaining Quality of Life within our Environmental Limits' criteria 4 seeks to ensure that proposals do not increase the risk of flooding on or off the site. Policy ES4 'Water resources, quality and flood risk' seeks to ensure development proposals are appropriately located in respect of any risk.

A Flood Risk Assessment (FRA) has been carried out in relation to the proposal and supports the application.

The majority of the site is set within Flood Zone 1 although part of the site along the south west boundary is located within Flood Zone 3. The FRA advises that the risk of flooding comes from the River Severn to the west and the River Cam to the north. Although the only significant flood risk is tidal flooding from the River Severn. The site is currently protected from this source by flood defences although climate change may increase the risk of flooding.

The FRA considers alternative sites and identifies one as potentially available by the substation. However, due to the higher risk of flooding at the alternative site it was not considered further.



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The Lead Local Flood Authority have reviewed the application and supporting documents and advised that this is a less vulnerable application and the design allows for flood volume mitigation. They have raised no objection to the proposal. The Environment Agency advise that the site is largely in Flood Zone 2 although the site access road does traverse some areas of Flood Zone 3. The Environment Agency have indicated that they would not comment on the safety of the access. The Local Authority's mapping system indicates that Flood Zone 3 lies adjacent to the access into the site. Whilst the access road will be widened it is likely that only a small section of the access road would traverse Flood Zone 3. As such on balance it is not considered that this represents a significant increase to flood risk or safety in terms of personnel accessing the site.

Whilst neither the EA nor LLFA have recommended conditions a drainage condition has been recommended to ensure that permeable materials are used where possible at the site and to avoid runoff.

Representations have also been received in respect of pollution to watercourses as well as ground contamination referred to above. The Environment Agency have advised that developers should incorporate pollution prevention measures to protect ground and surface water. An informative is recommended outlining the pollution prevention guidance from the EA to ensure that this is fully considered by the applicant.

Subject to a drainage condition and the pollution informative the proposal is considered to comply with Policy ES3 and ES4 of the Local Plan.

### **ARCHAEOLOGY & HERITAGE ASSETS**

Policy ES10 'Valuing our historic environment and assets' of the adopted Local Plan is relevant. There are several grade II listed buildings in the wider area and these include Hurns Farm, Kingston Farm and Rectory Farm. There is a large separation distance (over 290 m) from these properties to the section of the site which would house the containers and plant. Due to the topography of the area, separation distance and mitigation planting it is considered that the proposal would not impact upon the setting of these listed buildings in accordance with Policy ES10.

The County Archaeologist has advised that there are no heritage assets recorded within the site except for the presence of medieval or post-medieval ridge and furrow remains. However, there may potentially be archaeological remains on site and as such a watching brief condition has been recommended in respect of this as requested by the County Archaeologist.

### **FIRE RISK**

A large number of concerns have been received in respect of the potential fire risk and safety of lithium-ion batteries. Concern has been raised in relation to electrical faults, toxic fumes and how far these can spread, the length of time the fire would last, inadequate evacuation routes out of the area, emergency vehicles accessing the site and the potential impact upon wildlife at the nearby Wetlands Centre.





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To address the concerns raised in relation to fire risk the applicant has submitted a draft Outline Battery Safety Management Plan.

This document advises that BESS designs and the associated regulations and guidelines are continuously evolving, and the applicant proposes to update the Battery Safety Management Plan if the application is approved.

The document advises that the units will each have heating, ventilation and an air conditioning system. They will also each have a fire suppression system which is a 'gas-based system using NOVEC 1230 a clean agent fire extinguisher'. The site will be remotely monitored, and the fire service would be informed if there were an incident.

Gloucestershire Fire and Rescue Service have been consulted on the application and have provided a position statement on BESS and grid scale Li-ion installations. They have advised that these types of installations do pose some specific hazards in the event of fire and fire and rescue services will initiate an emergency response in the event of an incident. Whilst research is ongoing in terms of the most successful means of extinguishing these types of fire they have advised that significant amounts of water are required for a prolonged period. They have recommended that as far as practically possible the layout, access and provision of a suitable water supply should meet the requirements of Approved Document B to the Building Regulations, specifically part B5 which relates to access and water supplies for firefighting.

Whilst it is apparent from the comments received from Gloucestershire Fire and Rescue that there is an element of risk in respect of these types of installations this is considered to be rare and it must be considered within the overall planning balance.

The applicant has submitted an additional supporting document on Fire Strategies/Battery Fire Safety Management Plans to further address the concerns raised. This document outlines the details that would be considered fully within the strategy. This includes access to water and emergency shut down procedures, resident engagement and emergency support arrangements for the Fire and Rescue Service. LPA Officers have recommended a condition in respect of ensuring the submission of a Battery Safety Management Plan prior to energy first being transferred from/to the grid. It is considered that this will ensure early engagement with the Fire Service and help minimise the risk of fire and ensure a fast response time to incidents. On balance, the low risk of fire is considered to be outweighed by the public benefits of the proposal which supports renewable energy generation and reduces reliance on fossil fuels, thereby helping to achieve carbon neutral targets at local and national level.

### **OBLIGATIONS**

Obligations for this type of development are not sought in respect of the Community Infrastructure Levy Regulations 2010 (as amended).

### **REVIEW OF CONSULTATION RESPONSES**

Concerns raised by interested parties have been addressed within the main body of the report.



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### PLANNING BALANCE AND RECOMMENDATION

The proposed battery storage facility would store energy when an excess has been generated from renewable sources such as wind and solar farms. This energy would then be released during periods of higher demand. The proposal therefore helps to meet local and national carbon neutral targets by reducing the National Grid's reliance upon fossil fuels. Proposals such as this play an important role in contributing to the security and sustainability of the UK's energy supply and this carries significant weight within the overall planning balance.

The proposal is set within the open countryside and it is recognised that there will be a degree of harm upon the landscape character area through the introduction of containers and electrical plant. However, by virtue of the position of the compound which would be set back into the field, it is not considered that the proposal would give rise to a significant adverse impact upon the landscape character area. It is considered that the impact would be localised with the highest impact upon the nearby PROW. Subject to the proposed mitigation planting the degree of harm would be further reduced once this becomes established.

A key concern raised by representations relates to fire risk. It is considered that this can be effectively managed by a condition ensuring the submission of a Battery Safety Management Plan. The applicant would engage with Gloucestershire Fire and Rescue Service in the production of this document. Subject to this condition it is considered that the risk of fire can adequately be managed at the site and on balance, the wider environmental benefits of BESS which reduce the reliance upon fossil fuels, are considered to outweigh the risk of fire.

The significant weight afforded to the benefits of the proposal, which will help meet carbon neutral targets both nationally and locally, are also considered to outweigh any visual harm identified to the site and locality. The proposal is therefore considered to accord with all relevant policies of the development plan and it is recommended that planning permission be **granted** subject to conditions.

### 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>	<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</li> </ol>
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strict accordance with the approved plans listed below:

Site Location Plan, Drawing reference number 0210/003/000 received on the 10th June 2022

Existing Site Plan, Drawing reference number 0210/003/001 received on the 10th June 2022

Indicative Landscape Masterplan, Drawing Reference number P0533 Revision D received on the 20th February 2023

Fence and Gate section details, drawing number EPG1004-231 received on the 9th September 2022

Spare Parts Container, drawing number EPG1004-222A received on the 9th September 2022

Access track section details, Drawing Number: EPG1004-230 received on the 9th September 2022

Battery Container Details, Drawing Number: EPG1004-250 received on the 9th September 2022

Customer Substation Details, Drawing Number: EPG1004-221A received on the 9th September 2022

Transformer Substation Details, Drawing Number: EPG1004-223A received on the 9th September 2022

CCTV Pole Mounting Details, Drawing Number: EPG1004-232 received on the 9th September 2022

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

3. Prior to the commencement of works, details of the types and colour of materials to be used shall be submitted to and approved by the Local Planning Authority. The development shall be carried out and maintained in accordance with these approved details.

Reason: In the interests of visual amenity in accordance with Policy CP14 of the adopted Local Plan 2015.

4. No construction or decommissioning 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: In the interests of residential Amenity Policy ES3 and CP14 of the adopted Stroud District Local Plan 2015.

5. The development hereby approved shall not be commenced within the main site until the access, parking and turning facilities have been provided as shown on the approved drawings.



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	<p>Reason: To ensure conformity with submitted details and this is required pre-commencement in the interest of highway safety on the local highway network during the construction phase.</p> <p>6. Sound emissions attributable to operations at the site shall not exceed the following Noise Rating Levels:-</p> <p style="padding-left: 40px;">LAr,1 hour 37 dB during the daytime period of 07:00 to 23:00; and LAr,15 mins 34 dB during the night period of 23:00 to 07:00 as determined at the closest point of the curtilage of any residential receptor.</p> <p style="padding-left: 40px;">The determination may be by way of direct measurement at the location or, where extraneous ambient noise or accessibility issues preclude this, by way of measurement at a closer point to the site and subsequent calculation of sound levels at the stated locations. All determinations shall be undertaken in full accordance with the methodology set out in BS4142:2014+A1:2019 – “Methods for rating and assessing industrial and commercial sound” or any future variations thereof.</p> <p>Reason: In the interests of residential Amenity Policy ES3 and CP14 of the adopted Stroud District Local Plan 2015.</p> <p>7. Within 4 weeks of the development being brought into use, a validation noise survey shall be conducted in order to demonstrate compliance with the requirements set out in condition 6 above and a consequent report by a competent acoustic assessor should be submitted to the Local Planning Authority for approval to demonstrate that the required standards have been achieved.</p> <p>Reason: In the interests of residential Amenity Policy ES3 and CP14 of the adopted Stroud District Local Plan 2015.</p> <p>8. No works shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and agreed to in writing by the Local Planning Authority. The CEMP shall include, but not limited to the following:</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities</li> <li>b) Identification of “biodiversity protection zones”</li> <li>c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.</li> <li>d) 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)</li> <li>e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g., daylight working hours only starting one hour</li> </ul>
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- after sunrise and ceasing one hour after sunset)
- f) Details as to where excess spoil, materials and machinery will be stored.
  - g) Measures that will be taken to protect nesting birds, ground nesting birds, reptiles, dormice, badgers and commuting bats.
  - h) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
  - i) Responsible persons and lines of communication
  - j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
  - k) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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 for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

9. Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
- a. Identify the areas/features on site that are particularly sensitive for foraging bats.
  - b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.

10. 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, wildflower, hedgerow and tree planting shall be submitted to and approved 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.



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	<p>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 for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.</p> <p>11. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The hedgerows at the site shall be managed and maintained at a height of 2.5m to 3 m for the lifetime of the development.</p> <p>Reason: In the interests of the visual amenities of the area.</p> <p>12. 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.</p> <p>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) &amp; 175 (c) &amp; (d). This is a pre-commencement requirement to provide protection during the construction phase.</p> <p>13. Prior to the commencement of development hereby approved, a surface water drainage scheme, including details of all hard landscaping, shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with these approved details.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of flooding in accordance with Policies ES4 of the adopted Stroud District Local Plan 2015.</p> <p>14. Prior to first exported/imported of power to/from the local electricity grid from the Battery Storage Facility (hereafter known as 'The First Export Date') hereby approved, a Battery Safety Management Plan shall be submitted to and approved by the Local Planning Authority. Written notification of 'The First Export Date' shall be given to the Local Planning Authority within 14 days of the event occurring. The development shall be managed in accordance with these approved</p>
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details.

Reason: To ensure that fire risk is adequately managed at the site.

15. 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 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 205 of the National Planning Policy Framework.

16. The battery units and all associated structures and equipment hereby approved shall be removed from the land within six months of it no longer being required for the storage of electricity or 40 years from the date when electricity is first exported to the local electricity grid from the Battery Storage Facility (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. Following the removal, the land shall be restored to its former agricultural use.

Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policy ES7 of the adopted Stroud District Local Plan.

### 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.
2. 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. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).
3. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management



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	<p>measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.</p> <p>4. Drainage arrangements shall be provided to ensure that surface water from the driveway does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.</p> <p>5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly 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.</p> <p>The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.</p> <p>Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.</p> <p>6. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway</p>
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Authority within 1 month or other agreed timescale.

7. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised. Should it be proposed to import waste material to the site for use in the construction of the development (e.g. for the construction of hard-standings, access tracks etc) an Environmental Permit (EP) or exemption from the need for an EP may be required.

The applicant is advised to contact telephone 03708 506 506 for further information with regard to the regulatory waste requirements, or visit: <https://www.gov.uk/guidance/waste-environmental-permits>

8. Developers should incorporate pollution prevention measures to protect ground and surface water. Previous Pollution Prevention Guidance maintained by the Environment Agency has been withdrawn but is still available in the national archives at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> . We would refer you/the applicant to the latest Pollution Prevention Guidance targeted at specific activities, available at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

9. There is a public right of way crossing the access road. The applicant's attention is drawn to the following comments from the PROW team:  
1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted – via GCC Streetworks department. Information regarding section 50 licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licenses-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The are Public Right of Way Officer should be consulted as part of this process.



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2) Additionally:-

- a) There must be no encroachment on the width of the public right of way
- b) No building materials may be stored on the public right of way
- c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times
- d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.