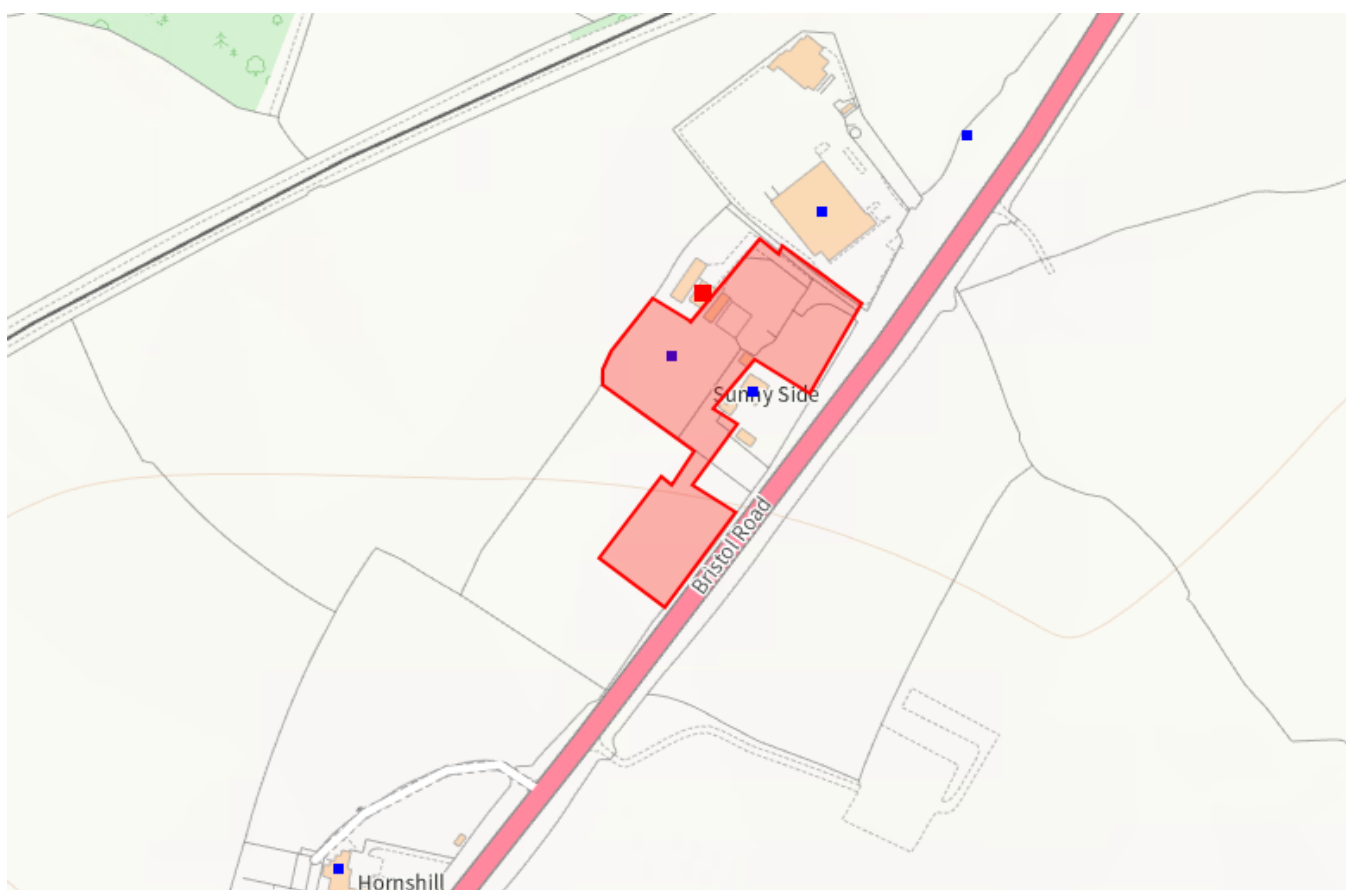




## Development Control Committee Schedule 23/01/2024

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.23/1327/FUL
<b>Site Address</b>	Sunnyside Nurseries, Cam, Dursley, Gloucestershire
<b>Town/Parish</b>	Slimbridge Parish Council
<b>Grid Reference</b>	373566,201701
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Redevelopment of the site for storage and distribution use (Use Class B8) and Dance Studio (Use Class E(d)) with ancillary office, cafe and showroom. associated works, infrastructure, and improvements to the existing access onto the A38. Revised proposal following the outline consent granted under S.21/1829/OUT
<b>Recommendation</b>	Refusal
<b>Call in Request</b>	Cllr Lindsey Green





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<b>Applicant's Details</b>	Mr M Rees C/o Agent
<b>Agent's Details</b>	Mr J Hinett Zesta Planning Ltd, The Site, Chosen View Road, Cheltenham, GL51 9LT
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	04.07.2023
	<b>CONSULTEES</b>
<b>Comments Received</b>	Slimbridge Parish Council Clerk - Mrs H Dunn Contaminated Land Officer (E) Biodiversity Team Flood Resilience Land Drainage Natural England (E) Environmental Health (E) Development Coordination (E)
<b>Constraints</b>	Berkeley Safeguard Area Consult area Slimbridge Parish Council SAC SPA 7700m buffer Village Design Statement
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

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

### DESCRIPTION OF SITE

The application site relates to the Sunnyside Garden Centre on the A38 at Gossington.

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

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

### CONSTRAINTS

The site falls within the mitigation zone for the Severn Estuary SAC, SPA and Ramsar Site. The site also falls within the amber impact risk zone for the Great Crested Newt District Licensing Scheme. The site also sits within an Impact Risk Zone for the Upper Severn Estuary SSSI.



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The site is not located within any specific landscape designations. There are no nearby listed buildings or conservation areas.

### **PROPOSAL**

The applicant has proposed the redevelopment of the site for storage and distribution use (Use Class B8), with associated offices and showroom, and a Dance Studio (Use Class E(d)), with ancillary cafe for the staff and customers of the business use and Dance Studio, associated works, infrastructure, and improvements to the existing access onto the A38. This is a revised proposal following the outline consent granted under S.21/1829/OUT.

The applicant proposes a single warehouse building (Building A) for the storage of products to be sold via the on-line business and transported to the customers. Building A will have a floor space over single storey of 963sq.m and a height of 6m.

The applicant proposes a separate building (Building B) to provide a showroom, an office space, and a canteen/café. It is intended that the showroom will be used to showcase the on-line stock. The previous application permitted the change of use of the existing dwelling to offices; however, the applicant no longer proposes to change the use of the dwelling. The applicant proposes that the office space will be used ancillary to the on-site B8 use. The applicant proposes that the canteen/café will be for on-site employees and will also be available for users and parents of the Dance Studio. The applicant does not propose it to be open to the general public.

Building B would have a combined floor space of 525sq.m broken down into office - 243sq.m; canteen/café - 109 sq.m; and showroom 173 sqm.

In addition, the application also proposes a separate purpose-built dance studio (Building C). Building C will be split over two floors and have a combined floor space of 902 sq.m and a height of 8m.

The proposal also includes the provision of a total of 44 car parking spaces.

The dwelling, together with its existing curtilage, does not form part of this application and will be retained.

### **RELEVANT PLANNING HISTORY**

S.21/1829/OUT - Redevelopment of the site for an industrial and storage use (Use Class B2/B8) retail use (Use Class A1 now E(a)) and change of use of the existing dwelling to office use (Use Class B1 now E(g)(i)) with associated works, infrastructure and improvements to the existing access onto the A38 with all matters relating to appearance and landscaping reserved - Permission 07.03.2022

### **MATERIALS**

Kingspan metal panels



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### REPRESENTATIONS

#### Statutory Consultees:

*Contaminated Land Officer - No comments*

*Lead Local Flood Authority - No objection*

*Environmental Health - Recommends conditions*

*GCC Highways - The Highway Authority (HA) submits a response of deferral until further required information has been provided and considered.*

The HA comments in full:

*"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.*

*This application has been subjected to analysis and it is concluded there are some omissions, contrary statements and insufficiently justifiable assertions of highway matters which warrant the application being deferred for further information.*

*The description of the application refers to storage and distribution use whereas the Boundary Masterplan annotates the building in question as light industrial. The latter would have a greater traffic generation than the former. Confirmation of the proposed use is required.*

*The description of the application includes proposed improvements to the existing access onto the A38. The Transport Statement at paragraph 5.29 states that safe and suitable access to the site is available via the existing access. This contradiction should be addressed.*

*In addition to the existing and proposed uses considered by the Transport Statement there appears to be a building and area of land in the northwest of the site which is also served by the site access. This area is labelled as Data Centre on the Boundary Masterplan. Further information regarding this area is required.*

*The application includes the provision of 4 No. dance studios and also states that 2 dance teachers would be on the site at any one time. Hence it is assumed that only 2 out of the 4 studios would be in use at any one time. This is accounted for in the Transport Statement.*

*However, it is not known if such a restriction could be reasonably conditioned. It is considered that such a business would wish to maximise its throughput. The peak hour pm traffic generation is forecasted to increase by 17 with 2 studios being in use. An increase in the number of studios in use would result in a corresponding increase in the peak hour pm traffic. Further information is required on this point.*



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*The Transport Statement includes vehicle swept path drawings but unfortunately these are too indistinct to allow analysis. The submission of separate drawings is required to enable a highway assessment to be made. However, I would make an initial point here. The application states that HGVs approaching from the north would use the layby with its existing right turn lane. This would result in a very tight righthand turn into the site access which would undoubtedly require the use of most of the width of the access. Conflicting movements with traffic exiting the site would result in congestion. This would be exacerbated by the tidal flow of traffic leaving the proposed dance school classes. In addition, any congestion would be likely to have a knock-on effect on traffic entering and leaving the adjacent waste processing site. It appears likely that the location and geometry of the site access will require a right turn lane on the A38 as required in the previous application for this site.*

*Traffic turning right out of the site access would first have to emerge onto the layby and then to the A38. Visibility splays commensurate with actual vehicle 85th percentile approach speed for both manoeuvres are required.*

*The above points have implications for highway safety and the Highway Authority requests they be addressed by way of submission of further information.*

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

### **GCC Minerals and Waste**

Assessment of waste minimisation matters/compliance with adopted Gloucestershire Waste Core Strategy Core Policy ECS2:

The application has demonstrated waste minimisation matters have been considered. However, further details to achieve effective implementation with the development will be necessary.

**NO OBJECTION SUBJECT TO THE USE OF RECOMMENDED CONDITIONS**

### **CONDITION -**

No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**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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### CONDITION -

No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets.

All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**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

Assessment of resource efficiency in construction matters | compliance with adopted Minerals Local Plan for Gloucestershire Policy SR01

The application has not demonstrated that consideration has been given to alternative secondary and / or recycled aggregate use in the proposed development's construction.

**STRONGLY RECOMMENDED THAT FURTHER SUPPORTING INFORMATION IS PROVIDED PRIOR TO DETERMINATION - see advice| pages 32 and 33 of the Minerals Local Plan for Glos.**

Assessment of waste management infrastructure safeguarding | compliance with adopted Gloucestershire Waste Core Strategy Core Policy WCS 11

The application has not sufficiently considered the risk of land use incompatibility and conflict or demonstrated that the matter is not materially significant to the proposed development

**HOLDING OBJECTION - IT IS RECOMMENDED SPECIFIC ADVICE IS SOUGHT FROM ENVIRONMENTAL HEALTH PROFESSIONALS ABOUT THE NEED FOR / AND ACHIEVEABILITY OF ANY MITIGATION**

Assessment of mineral infrastructure safeguarding | compliance with adopted Minerals Local Plan for Gloucestershire Policy MS02

The application site does not adjoin or contain within it existing safeguarded mineral infrastructure.

**NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME**

Assessment of mineral resource safeguarding | compliance with adopted Minerals Local Plan for Gloucestershire Policy MS01

The application has not considered or has not fully assessed the potential risk of needless mineral sterilisation with the proposed development.



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IT IS STRONGLY RECOMMENDED THAT A FULL MINERAL RESOURCE ASSESSMENT IS REQUESTED PRIOR TO DETERMINATION- see advice | pages 39 and 40 of the Minerals Local Plan for Glos.

any other matters that M&W policy officers consider relevant to provide advice on at this time.

The application provides a general overview of Waste Minimisation matters. The WMS would benefit from information on the breakdown of potential waste streams.

The site also falls within a Mineral Consultation Area and is close to a Mineral Resource area for Sand and Gravel. The application would benefit from a statement to state how mineral resource protection had been considered.

The site is adjacent to a Safeguarded Waste Site so there needs to be a demonstration that the proposal would not prejudice the operation of the existing waste facility as outlined in paragraph 8 of the NPPW and policy WCS11 of the adopted Waste Core Strategy

*Natural England - No objection*

*Biodiversity Team - Further information is required*

The Biodiversity Team's comments in full:

*"The PEA&PRA report states that Great Crested Newts (GCN) could utilise habitats on site for their terrestrial phase. The report states that there are five waterbodies within 500m of the proposed development, with four of the ponds connected to the site, and the site sits within the amber impact risk zone for the GCN District Level Licensing scheme. There is no assessment of these waterbodies for their potential to support GCN with the closest being 300m from site, but a Rapid Risk Assessment (RRA) is included within the report. The Natural England RRA is a tool to be used as a general guide only, is simplistic and not intended to be a substitute for any site-specific assessments. Further information is required to determine the potential for the proposed development to impact GCN. Natural England's Standing Advice indicates that the proposal has potential to affect GCN's.*

*Judicial reviews have directed that surveys for GCN's cannot be left to planning Conditions; and that where GCN's are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.*

*Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.*

*The applicant now needs to demonstrate that their proposal poses no risk to GCN by providing further information. This may be through the DLL route, or standard approaches to compensation and licensing. If the applicant chooses the DLL route a report and/or report from NatureSpace need to be submitted to the LPA before planning consent can be granted.*



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*The site also sits within an Impact Risk Zone for the Upper Severn Estuary SSSI, requiring the consultation of Natural England."*

*Slimbridge Parish Council - Support the plans, but also have continued concerns on the access to and from the A38.*

### **Public:**

At the time of writing this report 65 responses of public support have been received. Comments of support have been made in respect of the dance studio and café element of this application and can be summarised as follows:

- Rural location means easier parking;
- Current locations awkward and often traffic queues;
- Dance classes attracts some of the best students;
- Accessible, purpose built site will enhance proposition;
- Provide more opportunities;
- Easy to travel to;
- Welcome dedicated dance studio;
- Nowhere available locally to take dance exams;
- Lack of local facilities;
- Lack of parking at existing venues;
- Applicant has long standing reputation;
- Imperative the school has the facilities to maintain and develop;
- Purpose built academy is necessity for development of school;
- Self-funded posing no pressure of Council for liability;
- Owners have extensive knowledge and experience in building and professional capacities;
- Huge asset to the community;
- Attract people to the area;
- Provides a top quality centre for young people to stay fit and healthy;
- Much needed facility in central location;
- Specialist dance complex in Quedgeley that is not town centre and continues to thrive;
- Should be supported and not pushed into town centre where parking and roads are tight already;
- Ideal location;
- Make life easier for parents;
- Out of town location preferable for ease of access and cost;
- Very popular and successful dance school which will greatly benefit from purpose built premises;
- Ideally placed for easy access;
- Public transport is available;
- Will add to the leisure and professional activities of the area;
- A great facility befitting the local talent;
- Huge demand for dance facilities;
- Would bring a derelict brown site back into positive use, benefit the area in bringing employment to the area;





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- Improve visual appearance of area and improve access to site;
- Safe and harmonious location for dance school
- Parents wait for children in canteen instead of rushing off due to inadequate and restricted parking in busy town centres;
- Fantastic opportunity;
- Exactly what is needed to the local and surrounding areas;
- Easy access and on site parking;
- Café would present opportunity to relax and spend money in local community whilst waiting for classes;
- Central location;
- Allow business to extend proposition;
- Bringing community together;
- Asset to the area;
- No disruption to anyone;
- Encourage more people to take up dance classes;
- People travel from many areas to attend lessons;
- Social and well-being benefits;
- Provide exceptional facility fit for purpose;
- Café will provide somewhere for parents to work, wait or relax;
- Dance school is well established and provides excellent training;
- The potential for the existing land use far outweighs that proposed with reducing highway impact;
- Usage outside typical retail hours would render a town centre building vacant during the day;
- Operational hours prevent access by public transport due to lack of service provision during late hours;
- Easy reach of M5;
- Avoid pressure to already busy towns and oversubscribed car parks;
- Incredible resource;
- Facilities not available locally, currently travel to Bristol;
- Positive asset to community;
- Current "in-town" sites do not provide appropriate facilities;
- Provide better and safer venue and be asset to area;
- Reduce rush hour congestion in vicinity current venues;

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

National Planning Policy Framework.

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

Stroud District Local Plan.

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

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



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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.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside
- EI3 - Small employment sites (outside identified employment areas)
- EI4 - Development on existing employment sites in the countryside
- EI11 - Promoting sport, leisure and recreation.
- EI12 - Promoting transport choice and accessibility.
- ES1 - Sustainable construction and design.
- ES4 - Water resources, quality and flood risk.
- ES6 - Providing for biodiversity and geodiversity.

The proposal should also be considered against the guidance laid out in:  
Stroud District Landscape Assessment SPG (2000)

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

### **PRINCIPLE OF DEVELOPMENT**

This application is for the re-development of the Sunnyside Nursery into a mixed use of storage and distribution (Use Class B8) and Dance Studio (Use Class E(d)) with office, café, and showroom.

The principle of redevelopment of the site was established by the previous outline planning permission (S.21/1829/OUT). That permission allowed the redevelopment of the site for industrial and storage use (B2/B8), retail use (E(a)), and offices (E(g)(i)). This permission remains extant.

The extant permission was mainly for B2 Industrial, and B8 Storage or distribution use. The uses were:

- Retail sale of goods (other than hot food) Class E(a) - 464 sq.m.
- Office (Class E(g)(i) - 260 sq.m
- Industrial and storage use (Class B2/B8) - 1392 sq.m.

Whilst the garden centre has now stopped operation and closed, the previous permission accepted that the site was as an existing employment site. In this location Policy EI4 is relevant as it addresses development on existing employment sites within the countryside.

Policy EI4 allows for the extension to buildings, erection of new buildings, and the infilling in-between existing employment buildings on employment sites within the countryside providing they adhere to certain criteria.

The current application proposes a mix of uses in three different buildings.



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Building A Storage and Distribution (Class B8) - 963 sq.m

Building B Office - 243 sq.m  
Showroom - 173 sq.m.

Canteen/café - 109 sq.m.

Building C Dance School (Class E(d)) - 902 sq.m.

There is nothing physically linking these buildings, and each could be occupied individually by separate businesses.

Based on previous operations, the applicant anticipates that the business will employ up to 25 new employees on site. These figures are based on the applicant's own business but for guidance, using figures obtained from the Government's own Employment Density Guide (3rd edition) November 2015, the proposed floor space has the potential for the employment of approximately 48 staff, almost double that proposed by the applicant.

The proposal is for three buildings. Building B is described as containing uses ancillary to Buildings A and C, although each building and their proposed use could be used independently by different businesses, and therefore need to be assessed separately.

### **Building A**

#### *Storage and distribution (Class B8)*

The extant permission proposed 1392 sq.m of floor space in large buildings. That application was speculative with no end user. The current applicant wishes to relocate his business to the site. The business is the sale of furniture through on-line sales. The building will be used as a warehouse to store the furniture which will then be delivered to customers.

Given the extant permission, the principle of B8 use has already been established and the principle of this use can be supported.

### **Building B**

#### *Office (Class E(g)(i))*

The office space proposed is commensurate with the extant permission and therefore the principle can be supported.

#### *Showroom/trade counter (Class E(a))*

It is proposed for a showroom/trade counter comprising an area of 173 sqm on part of the ground floor.

Whilst the floor space could be conditioned, a condition to control who visits the buildings would be unenforceable. But notwithstanding this, if the showroom were open to the public, the area is modest and less than the retail area already permitted under the previous planning application. No retail impact assessment has been submitted with the application, but the floor space for the showroom falls below the 500sq m threshold. Furthermore, the current use of the site is a garden centre which includes retail. Therefore, the principle can be supported.



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### *Canteen/café (Class E(b))*

The canteen/café is proposed to serve the employees of the business. Teaching staff and parent of students of the proposed dance school will also have access to the canteen/café. The canteen/café has a floor area of 109 sq.m the scale of which is disproportionate to be considered a staff canteen for the on-site employees. A condition to control who uses the café would not be enforceable. With insufficient means to control who uses the canteen/café it could become an attraction in its own right which would run counter to the overarching strategy that seeks to locate development in sustainable locations.

### **Building C**

#### *Dance School - (Class E(d))*

In policy terms, consideration of the Dance Studio would fall under Local Plan Policy EI11 - promoting sport, leisure and recreation. This aims to locate new sports, cultural, leisure and recreational facilities at sites that relate well to the settlement hierarchy in the District unless they are intended to meet specific rural needs that cannot be appropriately met at settlements within the settlement hierarchy.

More specifically Policy EI11 states that:

Planning applications for new sports, cultural, leisure and recreational facilities, or improvements and extensions to existing facilities, will be permitted provided:

1. the proposals are connected to and associated with existing facilities, they are located at a site that relates well to the settlement hierarchy in the District or they are intended to meet specific rural needs that cannot be appropriately met at settlements within the settlement hierarchy
2. the development would not harm the character, appearance and amenities of the area
3. the development can be made readily accessible to adequate bus, cycling and walking links, for the benefit of non-car users
4. cycle/vehicle access and on-site cycle/vehicle parking would be provided to the adopted standards
5. adequate access to and between the facilities would be provided for people with disabilities
6. any biodiversity interest is enhanced by taking opportunities to create a network of multi-functional green spaces, which support the locality's natural and ecological processes
7. it is not subject to any other overriding environmental or other material planning constraints.



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The application site is located just South of Gossington Bridge, approximately 1.5km from the edge of the nearest settlement of Slimbridge. The settlement of Cam is a further 1.5 km away from the site.

The nature of the A38 in this location is a high speed, heavily trafficked route, which does not create an environment that encourages walking or cycling trips and is not located close to accessible bus stops, with the nearest bus stop being approximately 1.3km away at the Slimbridge roundabout.

There is a cycle lane along each side of the A38. The A38 is a very busy road and in proximity of the application site, subject to a 50 mph speed limit and national speed limit beyond. Whilst the cycle lane exists, this is only likely to be used by experienced cyclists given the nature of the road. It is unlikely that pupils of the dance school, in particular younger children would cycle to the site. Furthermore, in proximity of the application site there is a lack of street lighting and no pavement and therefore not safe for pedestrians. In view of this, it is likely that workers and those going to the dance studio would rely on using the private car.

The proposed dance studio would not meet any of the criteria of Policy EI11, in that the site is not located within an existing defined settlement and no evidence has been submitted to demonstrate how it is connected to or associated with existing facilities at the site, nor how it would meet specific rural needs that cannot be appropriately met at settlements within the settlement hierarchy. Furthermore, the development would not be readily accessible to adequate bus, cycling and walking links, for the benefit of non-car users.

The cumulative Class E floor space now proposed of 1427 sq.m. far exceeds what we have previously permitted (724 sq.m).

### **DESIGN AND APPEARANCE**

Proposed elevations of the buildings have been submitted with the application. The scale of the proposed buildings will be very similar to the scale parameters approved with the previous application. The heights of buildings A and B will be 6 metres and therefore within the previously approved parameters. The dance studio will be slightly taller at 8 metres however this increase in height would not harm the character, appearance and amenities of the area. Details of the materials would be controlled by condition.

### **HIGHWAYS**

A Transport Statement (TS) and Travel Plan (TP) have been submitted with the application.

Ensuring safe and accessible highways for all users is a key planning consideration that falls under both local Policy CP13 and is contained within the National Planning Policy Framework (paras 114-117). It is important that any proposal for planning permission be adequately assessed in terms of its projected impact upon the existing highway networks.

It is proposed to utilise the existing site access, which is currently via the entrance off the layby, which in turn is accessed via the A38 Bristol Road, a major distributor road, connecting Bristol with Gloucester. In the vicinity of the application site, the A38 is subject to a 50-mph speed limit, which increases to the National Speed Limit approximately 100m south of the site access. The layby is accessed to the southwest by a simple priority arrangement and to the northeast



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by a priority junction with a right-turn lane. There are demarcated cycleways on either side of the A38 in both directions.

Gloucestershire County Council as Local Highway Authority (HA), has been consulted and have requested the application be deferred until further required information has been provided and considered.

The HA has reviewed the submitted TS and TP and conclude that there some omissions, contrary statements and insufficiently justifiable assertions of highway matters. Further clarification has been sought agent, however at the time of writing this report, nothing has been submitted.

Notwithstanding the request for further information, the HA raise concerns with the proposal that HGV's approaching from the north, would use the layby with its existing right turn lane. This would result in a very tight righthand turn into the site access, which given the width of the access, would conflict with traffic exiting the site and result in congestion. Furthermore, this would be exacerbated by traffic leaving the proposed dance school classes. In addition, any congestion would be likely to have a knock-on effect on traffic entering and leaving the adjacent waste processing site. The HA consider it is likely that the location and geometry of the site access will require a right turn lane on the A38 as required in the previous application for this site. Without resolving this concern, there is insufficient information to establish whether there would be highway safety implications.

It is therefore concluded that insufficient information has been submitted to address the highway safety implications of the development. The proposal is therefore contrary to Policies CP4(3), CP13(ii,iii,iv), EI4(5) and EI12 of the adopted Stroud District Local Plan (November 2015).

### **ECOLOGY**

The application site sits within the amber impact risk zone for Great Crested Newts (GCN). The submitted ecology report identifies waterbodies within 500m of the proposed development, however no assessment of these waterbodies for their potential to support GCNs.

The council's Biodiversity Team has requested further information to determine the potential for the proposed development to impact on the GCNs.

Judicial reviews have directed that surveys for GCN's cannot be left to planning conditions; and that where GCN's are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010. This is to ensure that the full impact of the proposal on protected species can be considered before planning permission can be granted.

The applicant is required to demonstrate that their proposal poses no risk to GCN by providing further information. This could be through the GCN district level licensing scheme (DLL) route, or standard approaches to compensation and licensing. If the applicant chooses the DLL route a report and/or report from NatureSpace must be submitted to the LPA before planning consent can be granted.



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This matter has been raised with the agent, however at the time of writing this report, no further information had been provided to address this matter.

The site also sits within an Impact Risk Zone for the Upper Severn Estuary SSSI. Natural England have been consulted and raise no objection. Furthermore, the development is not considered to have an impact on the Severn Estuary SAC, SPA and Ramsar Site.

As such the proposal fails to adequately address any impacts on biodiversity in accordance with Policy ES6.

### **LANDSCAPE IMPACT**

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

As outlined above the site is an existing commercial site and is located between the A38 and the main Gloucester to Bristol railway line with the Gossington A38 bridge also being located nearby to the north of the site. Adjacent to the site is a waste transfer station and vehicle depot. Whilst the surrounding area is rural these features do provide some immediate context to the site and the proposal will therefore not appear as a totally isolated development.

### **MINERALS AND WASTE**

Gloucestershire County Council Minerals and Waste have commented on the application.

Regarding an assessment of waste minimisation matters and compliance with the adopted Gloucestershire Waste Core Strategy Policy WCS2, the application has demonstrated waste minimisation matters have been considered. However, further details to achieve effective implementation with the development will be necessary and this could be subject to a condition. The use of recycled aggregate can also be addressed via a condition if needed.

With regard to resource efficiency in construction matters, the application has not demonstrated that consideration has been given to alternative secondary and / or recycled aggregate use in the proposed development's construction. However, the applicant has looked to address the issues in their submission and included a sustainable construction and design checklist.

The comments received from County have been raised with the applicant to provide further clarification but with the principle issue they have not taken forward at this time. ES1 encourages the efficient use of materials and supports county waste strategy, and we therefore encourage the applicant to address the issues raised. Stroud District Council take a proactive approach to encourage sustainable construction and whilst this still needs to be addressed, is not recommended as a refusal reason.

In terms of the assessment of waste management infrastructure safeguarding issues, the Environmental Health Officer has raised no objection subject to conditions. The application site is adjacent to the Ubico waste collection site. The proposed dance studio building would be closest to the boundary with the Ubico site but separated by the access road to the adjacent premises and mature trees along the boundary. There would be a separation distance of



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approximately 13.5 metres between the dance studio building and the Ubico site. Given the nature of the use proposed and the degree of separation, there is unlikely to be a conflict between the proposed development and operation of the adjacent Ubico site and it is unlikely that the proposal would prejudice the operation of the existing waste facility.

### **FLOOD RISK**

Flood risk was not raised as a concern during the previous applications. This application has been accompanied by a flood risk assessment. The site lies within the Environment Agency flood zone 1-the lowest risk of flooding having an annual probability of less than 1 in 1000 years.

The Lead Local Flood Authority does not consider that the development described in this proposal will be at risk of flooding and the drainage plan will ensure flood risk is not increased outside this development, the LLFA therefore has no objection to this proposal.

A condition requiring compliance with the submitted drainage plan would ensure its implementation.

### **HERITAGE ASSETS**

The application site does not lie within any conservation area, nor is located in close proximity to any listed building which are set away from the site on the other side of the railway. Officers are satisfied that there will be no significant negative impact on any archaeological or heritage assets as a result of this application.

### **RESIDENTIAL AMENITY**

Unlike the previous proposal, the existing dwelling is to be retained and is in the same ownership. A noise impact assessment has been carried out. This has been reviewed by the Environmental Health Officer who has raised no objections subject to conditions.

Whilst there are properties in the wider area, with the background noise levels of the neighbouring waste transfer station, the A38 and also the railway, this along with the distance, it is considered there will not be a significant adverse impact on the residential amenities currently enjoyed as a result of the proposed development.

### **CONCLUSION AND PLANNING BALANCE**

The former garden nursery site benefits from an extant outline planning permission for redevelopment for industrial and storage, retail and office use. The principle of a commercial redevelopment of the site has therefore been established.

The current application is for the redevelopment of the site for storage and distribution (Use Class B8), office and showroom, the principle of which can be supported given the previous permission. However, the proposal now includes a Dance Studio (Use Class E(d), and café and the cumulative Class E floor space now proposed (1427 sq.m.) far exceeds what we have previously permitted (724 sq.m).

Officers recognise the importance of sustainable economic development to the rural economy; however, the provision of a dance studio is not an employment use and therefore cannot be





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assessed against Policy EI4, which relates to development on existing employment sites in the countryside.

The provision of a dance studio is considered to be against Policy EI11, which seeks to ensure that proposals for sport, leisure and recreation are located at a site that relates well to the settlement hierarchy in the District.

The application site is not located within or adjacent to a designated settlement and this is a consideration that must be given significant weight. Other than that, the applicant has acquired this site to develop his business which has no material planning weight, no evidence has been submitted to demonstrate why the dance studio has to be in this location and why it cannot be located within the settlement hierarchy.

It is acknowledged that the historic use of this site is as a garden centre and that the extant planning permission allowed an element of retail. Both retail and leisure fall within Use Class E. In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e). The extant permission included one building of 464 square metres as Class E(a) Display or retail sale of goods, other than hot food. The proposed Dance School building will be split over two floors and will have a combined floor space of 902 square metres, and falls within E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink).

The report for the extant permission gave weight to the fact that the site has been used as a garden centre, and whilst this includes plants propagated on the premises, its primary use is for the retailing of imported goods to visiting members of the public, albeit those sales are regarded as ancillary to the use of the land as a plant nursery. Given the history of a retail use at the site, and that the inclusion of a proposed retail element of that development was only a small part of the scheme, it was considered acceptable subject to a condition controlling the retail floor space. However, this proposal is materially different from the permitted scheme. The dance studio would be almost twice the size of the previously permitted retail element.

Whilst the Applicant's wife is a very well-known and highly regarded Dance Teacher, who operates the business is irrelevant and this has no material planning weight. The proposal is for a purpose-built dance studio that will incorporate all the modern facilities and intended to become a centre of excellence. This would provide some public benefit but limited to users of the dance studio and not of benefit to the wider public and would not outweigh the identified harm.

Insufficient information has been submitted to address the highway safety implications of the development, and the proposal fails to adequately address any impacts on biodiversity.

The economic benefits and very limited public benefit are not considered to be sufficient to outweigh the combination of the harm identified.

### **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



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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.

### RECOMMENDATION

The application is recommended for refusal for the reasons listed below.

<b>For the following reasons:</b>	<ol style="list-style-type: none"><li>1. The proposed development by reason of its location outside a defined settlement boundary has failed to justify why it is essential in this location and fails to demonstrate that the development can be readily access to adequate bus, cycling and walking links, for the benefit of non-car users. The proposal is contrary to policies CP2, CP3, EI11 (1)(3), and CP15(2) of the adopted Stroud District Local Plan (November 2015).</li><li>2. The applicant has failed to demonstrate that the users of the site can enter and exit the site in a safe manner and that the traffic movements associated with the development would not have an unacceptable impact on highway safety. The proposal is therefore contrary to Policies CP4(3), CP13(ii,iii,iv), EI4(5) and EI12 of the adopted Stroud District Local Plan (November 2015).</li><li>3. The site is located within the amber impact risk zone for the Great Crested Newt District Licensing Scheme. The submitted ecology reports fail to demonstrate that there is sufficient information to be able to adequately assess the impacts on biodiversity and the development therefore fails to comply with policy ES6 of the adopted Stroud District Local Plan (November 2015).</li></ol> <p style="text-align: center;">Informatives:</p> <ol style="list-style-type: none"><li>1. ARTICLE 35 (2) STATEMENT - Unfortunately this application was submitted without any meaningful pre-application discussions. For the reasons given above the application is recommended for refusal. The applicant/agent has been contacted and the issues explained. Furthermore, the case officer has suggested that the application be withdrawn so that the project can be fully discussed.</li><li>2. For the avoidance of doubt the plans considered:  The Location Plan and Block Plan – Drawing number: 22148 - 001 - received 04/07/2023 Master Boundary Plan – Drawing number: 22148–010 – received 04/07/2023 Proposed Plans and Elevations – Drawing number: 22148–012 – received 04/07/2023 Proposed Ground Floor Plans and Elevations – Drawing number: 22148-013 - received 04/07/2023 Proposed Elevations – Drawing number: 22148–014 – received 04/07/2023</li></ol>
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Proposed Site Plan – Drawing number: 22148-015 – received 04/07/2023  
Planning, Design and Access Statement – received 04/07/2023  
Building Design Checklist – received 04/07/2023  
Flood Risk Assessment – received 04/07/2023  
Noise Impact Assessment – received 04/07/2023  
Preliminary Ecological Appraisal and Roost Assessment – received 04/07/2023  
Site Waste Management Plan – received 04/07/2023  
Transport Assessment – received 04/07/2023  
Travel Plan – received 04/07/2023  
Updated Preliminary Ecological Appraisal and Roost Assessment – received 07/09/2023  
Updated Preliminary Ecological Appraisal and Roost Assessment – received 03/01/2024