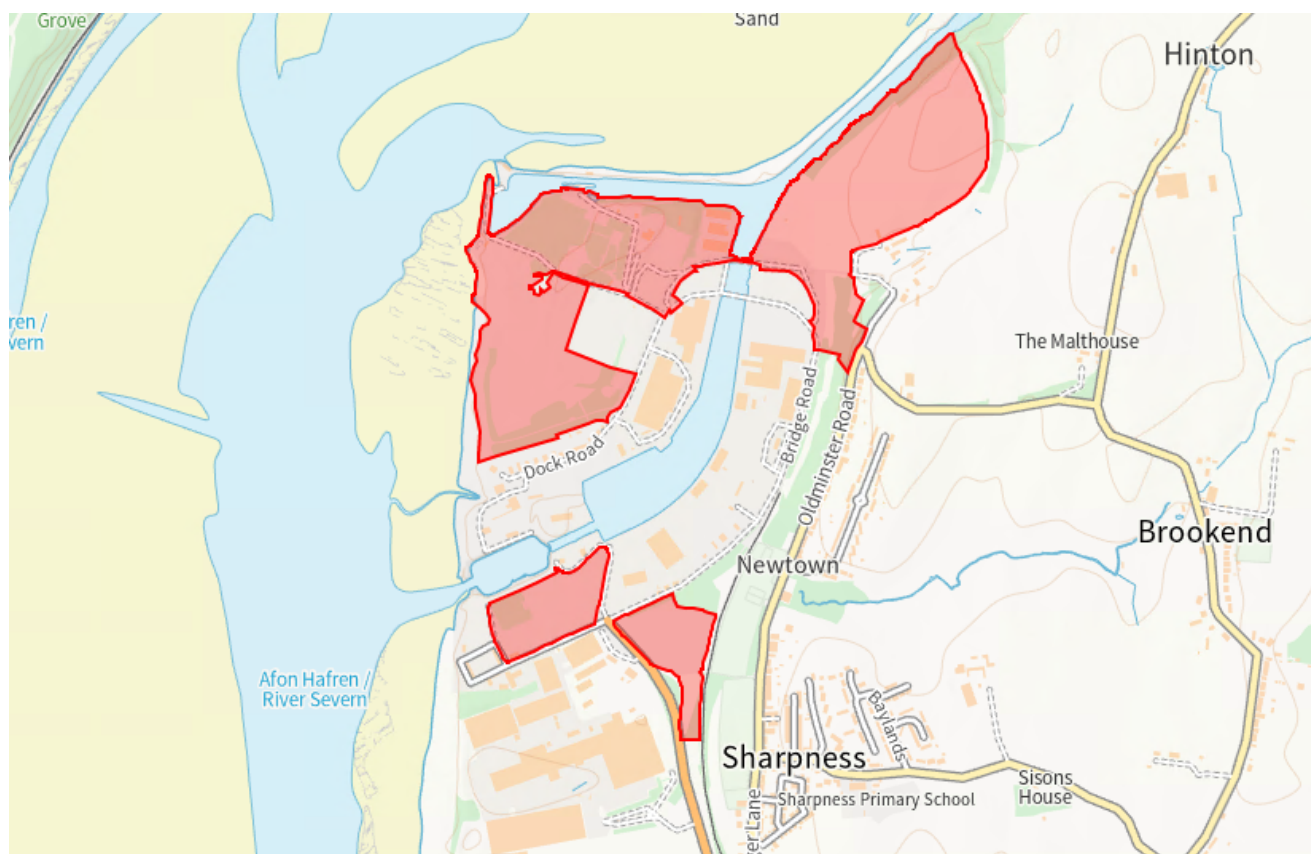




## Development Control Committee Schedule 27/02/2024

<b>Item No:</b>	<b>01</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 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. All matters reserved.
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	Head of Development Management





## Development Control Committee Schedule 27/02/2024

<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>	Development Coordination (E) Biodiversity Team Strategic Planning Planning Strategy Manager (E) Natural England (E) Area Walking Environment Officer Natural England (E) Biodiversity Team Contaminated Land Officer (E) Conservation South Team Arboricultural Officer The Environment Agency Archaeology Dept (E) National Highways (Previously Highways England) Gloucestershire Education Dept (E) Health And Safety Executive Historic England SW Wildfowl & Wetlands Trust Wessex Water (E)
<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)
<b>OFFICER'S REPORT</b>	



## Development Control Committee Schedule 27/02/2024

### MAIN ISSUES

- Introduction/update
- Principle of development
- SW Marine Plan
- Ecology
- Highways
- Design and appearance
- Residential Amenity
- Landscape impact
- Contaminated land
- Public open space
- Flood risk
- Archaeology and Heritage Assets
- HSE Safety Zone
- Affordable Housing
- Viability & 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 northeast 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 northeastern 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 these 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.



## Development Control Committee Schedule 27/02/2024

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, 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 northwest 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 Oldminister 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 Oldminister 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

## THE SUBMISSION

The Town and Country Planning (Environmental Impact Assessment) Regulations list development types which may require Environmental Impact Assessment (EIA). Section 10 of Schedule 2 of the EIA Regulations states that an EIA may be required for Urban development projects (10b). The development is over the thresholds being more than 1 hectare of not housing



## Development Control Committee Schedule 27/02/2024

development, more than 150 dwellings and exceeding 5 hectares in total. The sensitive location is also taken into consideration. As the proposed project exceeds the threshold, and has the potential to lead to significant effects, an EIA has been undertaken.

The applicant has submitted an Environmental Statement (ES) with the application. The applicant has also confirmed that whilst additional information and clarifications have been submitted on various matters, the quantum, scale or scope of the development has not been altered and they consider its potential environmental impacts likewise remain unchanged since the submission of the ES.

In considering whether the assessment undertaken remains up to date requires a case by case assessment. It is necessary to look at whether there have been any changes in circumstances, either to the proposals, the circumstances of the site or changes to wider policy or cumulative effects.

The proposal remains unchanged. With the scale and distribution the same, the overall parameters of the development have not materially changed.

The baseline data remains unchanged. There has been no baseline environmental changes which has been confirmed by the latest ecological submission. The ecology policies and guidance have remained unchanged as have the relevant designations across the site and surrounding area.

The adopted Local Plan 2015 remains the current local planning policy. The draft local plan is still progressing so can only be given limited weight. Whilst the NPPF has been updated since submission it is considered there have not been any fundamental changes in planning policy or guidance which impact the principles of the assessments undertaken as part of the ES.

The ES considers the allocated sites within the Local Plan and there has not been any significant changes to the commitments in the nearby area to give rise to a material impact on the assessment of this proposal.

Regulation 25 of the EIA regulations only requires supplementary ES information to be necessary where it is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development. Given the above Officers are satisfied that Supplementary Environmental Information (SEI) or revised ES is not required and the ES remain a robust and up to date document to allow a reasoned conclusion to be reached.

### **REVISED DETAILS**

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

### **MATERIALS**

Materials will be subject of reserved matters and relevant conditions.

### **REPRESENTATIONS**

#### **Statutory Consultees:**



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### Hinton Parish Council (17/11/2023)

Hinton Parish Council agree more housing is needed, 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 300+ cars!!

Oldminster Road is not suitable for a number of reasons including, single file traffic at various points, the low bridge and the hazardous emerging onto the B4066 where HGVs are already passing by at speed. Congestion along Sanigar Lane and Oldminster road will cause severe congestion and cause the Brookend to coach road being used as a rat run

Oldminster Road is also busy with school children and has a well-used recreation area and the increased traffic would be an unwelcome hazard to all.

The Dock Rd was purposely built to take the weight of heavier vehicles. Caravans also use this road frequently for events held at the Sharpness Dockers club. Access would be better onto Dock Road where traffic would bleed in on a much slower road, the roundabout at the end of the bypass could be improved and thus improving the junction for all Dock traffic.

There are no contributions to education and libraries this could mean 100+ children will need to travel more than 10 miles to find a primary school in the Local Area hence increasing carbon emissions.

The proposed development is in close proximity to the Severn Estuary, SAC (Special Areas of Conservation) and a Ramsar site, the proposed development will result in significant effects to the Severn estuary. It has also been noted in the natural England reports that bats have been roosting. In saying this, Natural England & Highways England responses were back in 2018, these must be out of date and policy changes have taken place since then?

We would like to request another report carried out by Highways England along Sanigar Lane and Oldminster Rd.

Finally, can you tell the Parish Council and their parishioners how are they benefiting from this, apart from another commuter village! This is a total lack of disregard to the village.

### Hinton Parish Council (17/05/2017)

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!!!

### Marine Management Organisation - 20/12/2023

Thank you for giving us the opportunity to comment on the proposed development of the Land at Sharpness Docks (S.17/0798/OUT). The comments provided within this letter refer to the consultation on the topic papers.

As the marine planning authority for England, the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent the Marine Plan boundaries extend from the mean high water spring tides mark (which includes the tidal extent of any rivers and estuary) to the inshore (up to 12nm) and offshore (12 to 200nm or the Exclusive Economic Zone) waters; there is an overlap with terrestrial plans which generally extend from the mean low water springs mark.



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Marine plans will inform and guide decision makers on development in marine and coastal areas. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the document stated above, with the plan being within a coastal area, the South West Marine Plan is of relevance. The South West Marine Plan covers the area from the Severn Estuary border with Wales and the River Dart in Devon, including the tidal extent of any rivers within this area.

All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act 2009 (MCAA) and any relevant adopted Marine Plan, in this case the South West Marine Plan, or UK Marine Policy Statement (MPS) in effect at the time of determination even if its adoption postdates receipt of the application, unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance, Explore Marine Plans and the Planning Advisory Service soundness self-assessment checklist.

### Clarifications on statutory requirements

As per my email dated 15th November 2023, pursuant to s58(1) of the Marine and Coastal Access Act, "a public authority must take any authorisation or enforcement decisions in accordance with ..." the relevant Marine Plan. The MMO will make such a decision on an application for a Marine Licence "in accordance with" the Marine Plan in effect at the time of determination even if its adoption postdates receipt of the application. We assert that the same applies to a decision by Stroud District Council on an application for planning permission.

Decisions that are not authorisation or enforcement decisions, such as to approve a Local Plan, will "have regard to" Marine Plans pursuant to s58(3).

### Marine Licensing

The Marine and Coastal Access Act 2009 states that a marine license is required for certain activities carried out within the UK marine area. The MMO is responsible for marine licensing in English waters and for Northern Ireland offshore waters. The marine licensing team are responsible for consenting and regulating any activity that occurs "below mean high water springs" level that would require a marine licence. These activities can range from mooring private jetties to nuclear power plants and offshore windfarms. It is always up to the applicant to ensure they have correctly applied the marine plans in the end, it is their responsibility under s58(1) or s58(3) of the MCAA 2009 to do so.

### Summary notes

Following Marine Licensing response (27/10/23) and any subsequent review by Stroud District Council, if it is deemed that aspects of the Proposed Development are licensable under MCAA 2009 then please see below suggested policies from the South West Marine Plan that we consider most relevant to the development. These suggested policies have been identified based on the activities and content within the Proposed Development. They are provided only as a recommendation and we would suggest your own interpretation of the South West Marine Plan is completed. Marine plan policies need to be applied as a whole, rather than just individual policies. This allows social, economic and environmental factors to be considered in the decision making process.





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o Access: SW-ACC-1 o Biodiversity: SW-BIO-1 / SW-BIO-2 / SW-BIO-3 o Climate change: SW-CC-1, SW-CC-2, SW-CC-3 o Cumulative Effects: SW-CE-1 o Cross-border Co-operation: SW-CBC-1 o Disturbance: o Employment: o Fish: SW-FISH-3 o Infrastructure: SW-INF-1 / SW-INF-2 o Water Quality: SW-WQ-1 o Air Quality and Emissions: SW-AIR-1 o Social Benefits: SW-SOC-1 o MPA: SW-MPA-1 / SW-MPA-2 / SW-MPA-3 / SW-MPA-4. o Underwater Noise: SW-UWN-1 / SW-UWN-2 o Seascape: SW-SCP-1 o Tourism and Recreation: SW-TR-1 o Ports and Shipping: SW-PS-1 / SW-PS-2 / SW-PS-3 / SW-PS-4

Further points to note

Marine Licensing:

Following on from the Marine Licensing response (27/10/2023), these are some points to consider within aspects of development:

Consideration of the locked gates at the development. The MMO's jurisdiction within England includes any area which is submerged at Mean High Water Springs (MHWS) and the waters of every estuary, river, or channel where the tide flows at MHWS tide up to the normal tidal limit. Even waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area, either continuously or from time to time. Please see further guidance regarding MMO's jurisdiction at this link: Marine licensing - Definitions - GOV.UK ([www.gov.uk](http://www.gov.uk)). Please be aware that there are other works within the lock area where an application has been made for a marine licence, these can be seen on the MMO's public register - e.g., MLA/2021/00511.

It has been noted that there will be improvements to the local drainage and discharges of sewage, please note that any piping or outfalls would likely be licensable. Please be aware that any construction activities happening over the marine area might be subject to a marine license, please see further guidance in this link: Construction, alteration or improvement of works - GOV.UK ([www.gov.uk](http://www.gov.uk)).

Marine Plan considerations:

In the HRA Screening Report (2017) it is noted that there were considerations of some of the SAC features. However, to be in accordance with the MPA or BIO policies above and comply with these policies should a marine licence be required, there would need to be further considerations of impacts on habitat features within the SACs, as well as demonstrating that the proposal is adhering to the mitigation hierarchy.

Some marine plan policies utilise the mitigation hierarchy. This defines a sequential process that should be adopted to avoid, minimise, and mitigate negative impacts in a flexible way. In this context, mitigation measures should be considered from the very outset of a potential development and may be employed throughout all stages of the project lifecycle. Marine plans include mitigation hierarchies targeted to remove all adverse impacts and to remove significant adverse impacts. For proposals where the removal of significant impacts is not possible, then some marine plan policies require compensation.

CEMP: It is also noted that the Proposed Development is required to implement a Construction Environmental Management Plan (CEMP) to mitigate adverse impacts on the surrounding environment. Please see this CEMP Guide as a good working practise that helps guide developers to look at a whole ecosystem approach when mitigating impacts to the environment, including the marine environment.



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As previously stated, we suggest you complete your own interpretation of the South West Marine Plan. We would also recommend you consult Explore Marine Plans, our marine planning portal, for further information.

### Marine Management Organisation - 27/10/2023

Marine Licensing, Wildlife Licences and other permissions

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

### Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should be directed to the MMO's online portal to register for an application for marine licence <https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters. The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- o local planning authority name,
- o planning officer name and contact details,
- o planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.



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In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link <https://www.gov.uk/guidance/make-a-marine-licence-application>

### Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

### Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- o The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- o The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- o The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- o The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints



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of all mineral supplies into their planning regions - including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play - particularly where land based resources are becoming increasingly constrained. If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Natural England (09/02/2024):

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would have an adverse effect on the Severn Estuary SAC/SPA/Ramsar site.

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:

- Detailed design information to be provided regarding the construction and operation of the proposed marinas, and how SAC/Ramsar fish and European eel will be safeguarded;
- Detailed information on the proposed measures to mitigate the impacts of disturbance on SPA birds;
- An additional Habitat Regulations Assessment must be undertaken, with NE consulted as required.

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

### Detailed advice

The application site is hydrologically linked to the Severn Estuary SAC and Ramsar site via the Gloucester and Sharpness Canal and Sharpness Docks. These internationally designated sites are designated in part for the assemblage of migratory fish species (Atlantic salmon, Sea trout, Allis Shad, Twaite Shad, Sea lamprey, River lamprey and European eel). The designation covers the migratory lifecycle of the fish including any functionally linked waterways.

### Fish species included in the Severn Estuary SAC designation

The Severn Estuary SAC designation includes the following species: Sea Lamprey, River Lamprey and Twaite Shad.

The proposed development includes the construction of two marina areas. We understand that electrofishing surveys were carried out in the inland water areas of the proposed development site, including the Sharpness Marina, Gloucester and Sharpness Canal and Sharpness Docks, and that the surveys did not find fish species listed in the SAC designation. We also understand that the inland fish surveys found no SAC species within the proposed development site in the inland water bodies, with only common coarse (freshwater) fish found.

However, given that the proposed marinas, canal and river are hydrologically connected, safeguards should be included to protect any SAC fish that do enter the canal or marina, either



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during construction or operation. In particular, it needs to be shown how the operation of the marina/development site will not lead to their entrainment in unsuitable areas.

We advise that information on this should be provided in the reserved matters stage and that an additional Habitat Regulations Assessment should be undertaken by the council at this stage, to determine whether the proposed measures are adequate.

European eel, included in the Ramsar site designation

The Ramsar site designation include Atlantic Salmon, Sea Trout, Sea Lamprey, River Lamprey, Allis Shad, Twaite Shad and European Eel. The canal waterways and constructed marinas are likely to be suitable habitat for European Eel. We therefore advise that their presence is assumed. The safe passage of eels between the marinas and the wider waterways should therefore be designed in to the scheme. In addition there may be opportunities to provide enhancement to benefit European eels.

We advise that information on this should be provided in the reserved matters stage and that an additional Habitat Regulations Assessment should be undertaken by the council at this stage, to determine whether the proposed measures are adequate.

Recreational pressure on the Severn Estuary SPA

The Severn Estuary Special Protection Area is designated to protect populations of wildfowl and wetland birds. There is the potential for this proposal to cause disturbance to the SPA birds. We note the mitigation proposed in the LPA's HRA as follows:

- Provision of a Suitable Alternative Natural Green Space (SANGS)
- 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.
- Production of a Construction Environmental Management Plan to ensure potential for noise and visual disturbance and silt run off/nutrient pollution are appropriately dealt with.

Further detail on these mitigation measures should be provided at reserved matters stage and used to inform an additional Habitat Regulations Assessment. This should include consideration of whether losses of land currently used for informal recreation would push recreational use elsewhere in the estuary.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Natural England (29/01/2018):

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



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- 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 (16/05/2017):

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.

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



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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 (29/06/2021):

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

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



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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.

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 (31/05/2017):

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.





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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
- 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 (02/02/2022):

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 (19/12/2023):

Summary: These representations should be read in conjunction with the formal objection statement dated 08/09/2023 previously submitted. The purpose of these updated representations is to advise the impact on Education and Library infrastructure has been re-assessed because the previous assessments are now out of date. The only change relating to Education is a reduction in the post 16 contribution and there are no changes to library provisions. SDC case officer has confirmed there are no material changes to the application.

The County Council formally objects to the planning application on the grounds that the necessary funding required to mitigate the impact of the development on education and library infrastructure will not be addressed by planning obligation.

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



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### 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 £238,225.50 10.02 places

### Summary of Library Contribution Requirements

A contribution to GCC of £58,800 is required (based on 300 dwellings), and which would be used at Berkeley Community Library 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.

### 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. Gloucestershire County Council is seeking a contribution of £2,094,361.50 towards primary provision to meet the needs of this development (if further information is required, please refer to tab 3 of the corresponding education excel data sheet). o 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 excel data assessment sheet (tabs 2 & 3)
- 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 Gloucestershire County Council is seeking a secondary (age 11-16) contribution of £1,212,525.00 towards the provision of those places (if further information is required, please refer to tab 5 of the corresponding education excel data sheet).

- 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.



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- There are only 2 schools in the SPA; the data for both schools has been provided in the corresponding education excel data sheet.
- 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 some of which can be accommodated. Therefore, Gloucestershire County Council is seeking a secondary (age 16-18) contribution of £238,225.50 towards the provision of places (if further information is required, please refer to tab 5 of the corresponding education excel data sheet).

### 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.

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



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### 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.

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.



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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.

### GCC Archaeology (09/03/2023):

I have read through the consultant's response which seems to be agree with the majority of points that I raise but the difference is they seem to be pre-empting the potential significance of archaeological remains which may lie within the proposed development site. Conditioning archaeological investigation where it is agreed there is a medium to high potential for



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archaeological remains within the site to be present goes against national guidance and sets a dangerous precedent in my opinion. NPPF policy 195 states:-

195. 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.

My advice is that the significance of archaeological remains cannot be established until field evaluation is carried out and I disagree that this is disproportionate. Desk Based Assessment, geophysical survey and field evaluation is standard practice on many a large development site where we consider there to be archaeological potential. As this is an outline application there is not enough detail to ensure the impacts can be suitably mitigated.

I have provided detailed advice to you on this application and therefore you have the information to hand to make the decision on the application.

### GCC Archaeology (25/04/2017):

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.

I note that this planning application is supported by an Environmental Statement in which Cultural Heritage - including archaeology - is considered in Chapter 11. The discussion of archaeology is informed by reports on an archaeological impact assessment (Locus Consulting, March 2015) and two episodes of geophysical survey (Pre-Construct Geophysics Ltd, August 2015 and January 2017).

The geophysical survey detected linear ground anomalies in the north-eastern sector of the application site which may represent archaeological features. While no anomalies indicative of archaeology were observed elsewhere, it should be noted that extensive scatters of magnetic debris prevented any meaningful results being obtained in several areas of the application site. In addition it should be noted that at the survey intervals used there is a range of smaller archaeological features (such as pits, post-settings, linear gullies and graves) which are unlikely to have been detected by the geophysical survey.

On that basis I have a concern that significant archaeological remains may be present within the application site, and that any such remains would be adversely affected by construction ground works required for this development.

Therefore, in accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains which may be present within the application site, and how these would be affected by the proposed development.



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### GCC Highways (21/02/2022):

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 internalise some trips and reduce car dependency for short distance retail trips.

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.



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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

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

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

### Environment Agency (02/08/2017):

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





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pollution prevention

Wessex Water (08/05/2017): Comments refer to foul drainage and surface water and make observations on both.

Ramblers Association (20/05/2021):  
No objection

SDC Conservation Officer (23/03/2018):

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 (02/05/2017):

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.

Recommends conditions.

SDC Contaminated Land Officer (04/05/2017):

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 (20/05/2019):

Recommended conditions regarding the landscaping and trees.

SDC Biodiversity Team (07/10/2023):

Updated to comments and Updated HRA.

The full mitigation package is detailed in Stroud District Council's Habitat Regulations Assessment for the application.

There is no material impact on the estuarine environment.

Priority Habitats and Protected Species addressed.

The scheme is considered acceptable.

Recommends conditions and securing mitigation via a S106.

SDC Biodiversity Team (04/04/2023):

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.

SDC Biodiversity Team (22/12/2022):

Further information required.

**Public:**



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

A number of objections (58) were received raising the following planning issues-  
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 (25/01/2023): Objection - This application is a lost opportunity for promoting public access and securing recreational space on a permanent basis.

Wildfowl & Wetlands Trust (12/05/2023):

Mitigation regarding the Severn Estuary SPA required. Welcome the mitigation package but this needs to be secured via a legal agreement. Severn Estuary Mitigation Strategy is currently out of date so the Commitment to strategy is also out of date. Revised Mitigation Strategy required.

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

National Planning Policy Framework Revised December 2023

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

### **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 Councils website:

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

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.  
CP11 - New employment development.  
CP12 - Town centres and retailing.  
CP13 - Demand management and sustainable travel measures.  
CP14 - High quality sustainable development.

EI1 - Key employment sites.  
EI2 - Regenerating existing employment sites.  
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.  
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:



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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.

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)
- Canals Vision and Strategy SPD (2022)

South West Inshore and South West Offshore Marine Plan June 2021

<https://www.gov.uk/government/publications/the-south-west-marine-plans-documents>

### INTRODUCTION

Consideration of this regeneration proposal was deferred from consideration at Development Control Committee in September 2023.

Concern was raised regarding whether the scheme has been assessed against the Southwest Marine Plan. Following engagement with the Marine Management Organisation (MMO) and an assessment of the marine plan, outlined below, it is considered that the scheme is in accordance with the marine plan aims and objectives.



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Further discussions and engagement have taken place regarding the ecological implications of the scheme. This has resulted in a revised and update HRA appropriate assessment. This concludes that the scheme with the mitigation proposed will not have a significant impact on designated Severn Estuary and has been agreed with specialists at Natural England. This is address further in the ecology section of the report below.

GCC Infrastructure Team have updated their consultee response on this planning application. Whilst they are still objecting due to the education and library infrastructure not being addressed by planning obligations they have reduced the amount that they are seeking.

The GCC position is appreciated and their request for a contribution understood. It is positive that the County Council is looking to work with partners to provide an integrated approach to meeting housing need and the provision of education. However, when consider a planning application as the decision makers, we have to have regard for a wider perspective than just the single issue which the county are putting forward. As is the case here, the assessment of the planning applications can be difficult and includes weighting various issues and making assessments on often conflicting considerations when looking at the details of a specific proposal.

The lack of an education contribution or a detailed solution to a potential future school capacity issue is not enough of a reason to simply refuse. The consequence of this would be that any new residential development could be prevented by the consequential demand for places at local schools irrespective of how desperate the need for more housing may be. To address this the planning system including within National guidance and our local adopted policy includes flexibility and allows for a review of the viability of the scheme. It is acknowledged the scheme is not fully policy complaint and does lack of some of the contributions. However, a viability assessment is provided for in policy with the national guidance (NPPG) also states that obligations alone should not prevent development from going forward.

It is acknowledged that the scheme will put extra pressure on the education infrastructure in the area. However, purely this and the lack of an education contribution of itself is not considered sufficient a reason to refuse planning permission but is a material consideration to be weighed in the overall planning balance.

The County's comment also looks to advance that the scheme is unsustainable without their contribution. The starting point for consider whether any proposal is sustainable is the development plan. The land at Sharpness docks has been allocated in the adopted Local Plan Policy SA5 and therefore the principle of the allocation has been assessed and confirmed as representing a sustainable form of development. GCC were consulted during the 2015 Local Plan consultation and this issue addressed. This allocation recognised the nature of Sharpness/Newtown that it is not an urban area but through a mixed-use scheme the proposal could contribute to the increased sustainability of Sharpness as a whole secure opportunities at the docks for jobs, homes and leisure and recreation facilities to meet the vision and objectives of the Local Plan.

GCC Highways have raised no formal objections to the scheme and have not provided any revised comments. The scheme includes mitigation and highway junction improvements in the



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wider area but also accessibility and connectivity to the existing settlement by walking and cycle and a travel plan. This is discussed in the highway section below.

The application has a number of considerations which cover the principle of development and the detailed considerations of the proposed scheme. These will be addressed in turn below. Planning application decisions have to be made in accordance with the development plan unless material considerations indicate otherwise. Having considered these, it is then for the decision maker to address them in the planning balance of the proposal.

### **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 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.



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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. Whilst the housing is unlikely to come forward in a timescale to be counted within our current 4 year housing supply, it would still make an important contribution towards future land supply calculations 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.

Currently, access to strategic and the full range of local facilities and services available at Berkeley and Dursley is limited. However, the site is located adjacent to Newtown/Sharpness, which is identified within the adopted Local Plan settlement hierarchy as being a Tier 3 village, which provides the best opportunities outside the Local Service Centres for greater self containment. The scheme provides employment opportunities within the commercial elements, the marina and tourism offer and also makes public transport contribution along with the other travel plan provisions.

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.

Sharpness Docks is a location identified in both the adopted and draft Local Plans where development is proposed to contribute to the development strategy and key regeneration objectives for the District. The principle of development in this location is therefore in accordance with the adopted and draft Local Plans, together with the broad mix of uses proposed. There are many aspects of this application that satisfy criteria set out in Local Plan Policy SA5 and Draft Local Plan Policy PS34 and can deliver the placemaking principles for the Sharpness Canal Area set out within the Canals Vision and Strategy SPD.

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.

### **THE SOUTH WEST MARINE PLAN**



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The South West Marine Plan introduces a strategic approach to planning within the English inshore and offshore waters between the Severn Estuary border with Wales and the River Dart in Devon. The plan seeks to inform decision-making and help achieve sustainable development.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO is responsible for preparing marine plans for English inshore and offshore waters and also marine licensing in English waters.

The application site is located outside the marine plan area being above the mean high water mark. Where the development may have a relationship is in the harbour area and tidal reach. This is where water from the canal basin is connected and could make its way into the River Severn. As the MMO have outlined it remains the applicant's responsibility to take necessary steps to ascertain whether a marine licence is required. Neither the MMO or the applicant have outlined that they consider a marine licence is required.

Marine plans are a material consideration but they do not form part of the development plan. Decision Makers have to 'have regard to' the Marine Plan but it is for them to decide how the proposal meets the marine plan objectives. As outline in the SW Marine Plan itself (paragraph 52) the Local Plan may be more relevant when considering for example housing schemes.

The planning merits of the scheme therefore still have to be considered in accordance with the development plan and having regard to all materials considerations. Decisions also still have to have regard for other legislation eg habitat regulations which the marine plan compliments with.

It is therefore relevant to consider the objective and policies of the SW Marine Plan as part of the consideration of this planning application.

The Marine Plan seeks to enhance and protect the marine environment and achieve sustainable economic growth. There are no specific proposals or designations within the Marine Plan which would prevent the development of the Sharpness Docks in the manner proposed within this application.

There are a number of broad policies with the marine plan covering issues like fisheries, subsea cables, marine navigation routes, aggregate and dredging which aren't affected by the development. However, the marine plan should be considered as a whole and some policies are of relevance and generally seek to avoid, minimise or mitigate any adverse impacts on the marine environment.

Marine plan policy SW-PS 1 - Supports sustainable port and harbour developments which are compatible and do not restrict current activities or future growth. It supports schemes that support the long-term economic growth and prosperity.

The scheme consolidates the south part of the dock operations, protecting the existing commercial areas and providing industrial (B1,B2 and B8) development. Marina areas and mixed use commercial space is also part of the regeneration scheme. It is therefore considered that the scheme does not adversely affect the Harbour or adversely affect shipping.





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The marine plan Policy SW-HER 1 seeks to protect and enhance marine and coastal heritage assets by considering the potential for harm to their significance. This provides similar policy requirement to the Local Plan and the impacts on heritage is addressed later in this report.

Policy SW-SCP-1 seeks to protect the character, quality and distinctiveness of seascape and landscapes. Whilst this includes the sea protection of landscape character is required by the Local Plan and is addressed in the landscape section of this report.

Marine plan Policy SW-EMP-1 supports a net increase in marine related employment. As outlined above the scheme provides mixed commercial space in both industrial land parcels but also in the light industrial elements of the marinas. The scheme also has a tourism employment offer which could relate to the leisure use of the water and canal.

The marine plan also includes policies on climate change, air quality and sea litter which the scheme does not adversely affect.

Marine Plan Policy SW-WQ-1 covers water quality. This supports developments that protect, enhance and restore water quality. Adverse impacts from developments should be avoided, minimise and mitigated.

This provides similar policy requirement to the Local Plan and the impacts on ecology and the purposed mitigation are addressed below in the ecology section of this report.

The marine plan Policy SW-ACC-1 seeks to enhance public access and supports the provisions of services for tourism and recreation activities. Marine plan Policy SW-TR-1 also promotes tourism to expand and diversify the current use. The proposal seeks to provide a leisure and tourism as part of the vision for the redevelopment of the north part of the docks.

The marine plan also has policies on biodiversity, fish and habitats Policies SW-BIO-1-3 & SW-HAB-1 and SW-FISH-3. These seek to protect priority habitats and species and supports BNG. These are directed towards the marine environment but provide a similar policy framework to the Local Plan and or ecological legislation being considered and addressed in the Ecology section of this report.

The MMO have provided guidance comments on the Marine Plan. These have highlighted a need to consider the impact on habitat features within the SAC and demonstrates that the proposal adheres to the mitigation hierarchy.

This is addressed further in the ecology section of the report but as part of our assessment of the planning application, the HRA and EIA we have fully considered the impacts on the SAC include habitat features. Mitigation has been proposed which follows the hierarchy by avoiding the impact.

The MMO have also highlighted the need for a Construction Environmental Management Plan (CEMP) to mitigate adverse impacts on the surrounding environment. This has already been proposed and form part of the assessment and includes for example a requirement to address water quality from the development.



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The engagement with the MMO regarding the SW marine plan is outline above. This has aided our assessment of the scheme against the aim and objectives of the marine plan. Much of the marine plan aims are consistent with those of our adopted Local Plan. The proposal seeks to provide a tourism-led redevelopment with employment opportunities whilst avoid or mitigate any impacts on the environment. It is therefore considered that the proposed scheme is in accordance with the SW marine plan.

### **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).

Following the concerns raised, our HRA Appropriate Assessment has been reviewed and updated to make sure it takes full account of the marine environment and the content of the SW Marine Plan. This update AA has been shared and consulted with Natural England who have formally confirmed that they have no objection to the scheme with the mitigation identified being secured.

As outlined above ecology and biodiversity considerations are outlined as part of the policies in the SW Marine Plan but it is noted that the marine plan is more than just an ecological policy document. The MMO marine planner highlighted a need to make sure the scheme fully addresses the qualifying features of the SAC. This has been done and the scheme and proposed mitigation has been fully assessed by Council Officers and with the professional input of Natural England's local and national specialist teams. Officers are satisfied that impacts on the marine environment are fully mitigated.

Given the location of the development adjacent to the River Severn, the proposed development is within the identified 7.7km zone of influence of the Severn Estuary SPA/Ramsar. In accordance with the adopted Local Plan Policy ES6 and the adopted 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 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.



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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.
- 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.

Whilst the next phase of the council's avoidance strategy is being worked on, the proposed bespoke mitigation package including the contribution to the Council's strategy element is still current and effective. In agreeing the HRA Natural England have confirmed their agreement of the mitigation package proposed.

Five identified routes have been ground truthed 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. Whilst no SAC fish species were found within the submitted inland fish surveys the proposed marinas, canal and river are hydrologically connected. Safeguards are therefore required to include protection of any SAC fish that do enter the canal or marina both during the construction phase and the ongoing operation. This can be included in the Construction Ecological Management Plan (CEMP) already required via condition to address sedimentation and water pollution issues during construction and via a fish mitigation strategy for the ongoing operational life of the marina.

Whilst we as the 'competent authority' have carried out a HRA appropriate assessment and had it signed off by Natural England for the development as a whole, NE has directed that a further HRA assessment is undertaken at the reserved matters stage with particular reference to the SAC fish issue. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') requires the 'competent authority' making the decision which includes reserved matters or discharge of conditions applications for a project that could have a



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significant effect on a European site to undertake a HRA appropriate assessment of the implications of the project for that site in view of that site's special conservation objectives. Therefore, it is agreed that a further HRA appropriate assessment could be required at reserved matters when the more detailed SAC fish mitigation information is available.

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. 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 the Land Use Regulatory Plan have been updated to reflect the updated findings of the Phase 1 Habitat Plan (Updated baseline report (September 2022)). This ensure 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 also 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 the bats 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 any 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 raised no concerns about the ecology and provide general advice. Similarly, they EA have raised no issues with the HRA but do highlight pollution controls and other possible mitigation. These can be covered by the CEMP.



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To mitigate 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 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.

Given all of the above, it is considered that the proposal with the mitigation proposed remains up to date and can be controlled via conditions and the S106 legal agreement. These means the proposal meets its requirement 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.

### **HIGHWAYS**

The application has been submitted in outline will all matters being reserved. 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.

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.

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 harm 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



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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 National Highways 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.

High level highway modelling undertaken as part of the Draft Local Plan has identified that the M5 motorway junction 14 is nearing capacity and there is limited scope for more development before a major mitigation scheme is required. Discussions at the Draft Local Plan examination have explored whether the site should be required to contribute with other strategic allocations to a future mitigation scheme. However, this requirement has not been confirmed. Detailed site specific highway modelling and the potential for public transport and active travel measures to mitigate impacts have been proposed. As above National Highways and GCC Highways are satisfied with a robust travel plan provision to address this issue. This can be secured via S106 legal agreement.

Following the highway officer raising Active Travel England (ATE) at Committee, Planning officers have engaged with ATE. Active Travel England statutory remit applies to planning applications validated on or after 1st June 2023 so there is not a requirement to consult them on this planning application which was submitted before this date. They do make exception but only on large significant schemes which includes schools. As this scheme does not meet these criteria it was agreed that it was unclear what they could add at this stage in the process. However, if approved ATE can offer comment on the reserved matters submissions.

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.

### **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.

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.



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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 but with the regeneration nature of the proposal and the viability constraints it has not been possible to include this provision within the scheme.

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.

### **LANDSCAPE IMPACT**

The application is supported by a Landscape and Visual Impact Assessment (LVIA). This assesses 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 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.



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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.

### **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





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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.

### **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.



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



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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.

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.



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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.

The proposal is also likely to have impact on the setting of the nearby 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.



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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 has indicated 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.

The required mitigation can therefore be provided 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 complaint. As a strategic site the development would be expected to meet the housing need across the district rather than just Sharpness itself.

As addressed in more depth in the viability section of the report, the viability of the scheme has been tested with the applicants figures being reviewed by an independent specialist. This work has included sensitivity testing to see if a reduced level of affordable housing could still be



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brought forward and the scheme remain viable. Whilst the applicant has looked at the options to provide 5% the DV review outlines that the scheme would not be viable if it includes affordable housing. The allocation policy allows for viability testing and whilst no affordable housing can be provided at this stage by the proposal, it does not conflict with Site Allocation Policy SA5 which incorporates flexibility in this area. Whilst we have no details at this time and must consider the scheme before us, it may be that alternative grant funding may become available in the future. A review clause is proposed in the legal agreement should circumstances change with the figures being revisited.

### **VIABILITY**

This application provides a large complex mixed use regeneration development and given its nature and the context of the current economic circumstances, the applicant has raised concern about the viability of a fully policy compliant scheme on the site that meets the full range of infrastructure contributions.

The adopted Local Plan states that in considering the nature and scale of any additional or improved infrastructure provision, the Council will have regard to viability considerations and site specific circumstances (Policy CP6). In relation to affordable housing, although the requirement is for at least 30% affordable housing, Policy SA5 does explicitly state "unless viability testing indicates otherwise."

The general expectation is that development proposals should meet the policy requirements for the site which are set out in the adopted Local Plan. However, during a planning application more details are known, and it is therefore up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment during the consideration of the planning application.

This is confirmed within paragraph 58 of the NPPF which states:

*"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force."*

This more detailed site-specific appraisal is based on the known specifics of the proposal before us. It is different to the viability review at a local plan examination stage which uses a different and much broader, higher level methodology. It is therefore difficult to do a direct comparison between the Local Plan viability assessment and the detailed site and proposal specific viability assessment that has been carried out as part of the assessment of this planning application for an adopted local plan allocation site. Circumstances have also significantly changed since the viability assessment of the adopted Local Plan in 2014 compared with world events affecting the wider economy.

During discussions, the applicant has outlined that the proposal could not support the full infrastructure/contribution requirements. To support this the applicant provided a briefing note and viability report to evidence the development values, costs and the outcomes.

The National planning guidance (NPPG Paragraph 008 Reference ID: 10-008-20190509) outlines the amount of weight to be given to a viability assessment is a matter for the decision



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maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

The scheme's viability is therefore a material consideration when determining this planning application and appropriate weight needs to be given as these viability considerations are inherently linked to delivery.

Therefore, it is appropriate for the viability to be considered when weighting the planning balance of the application. It is up to the Local Planning Authority as decision maker to decide how much weight to give benefits and disbenefits of an application and for the Local Planning Authority to consider these implications within the planning balance of the application.

In order to test the applicant viability figures and assumptions and carry out a robust viability assessment, we have sought specialist and independent input from the District Valuer's (the DV) Office. This 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 DV has no vested interest or conflict of interest can therefore provide a robust independent review in accordance with planning policy and guidance on viability.

The viability of the scheme was fully tested by the District Valuer back in 2018/19 and was found to be unable to make full policy compliant provision for the desired level of affordable all requested infrastructure contributions.

Given the passage of time and the submission of updated contributions, it was deemed appropriate to update the viability assessment with the DV and retest the new figures. The applicant's has therefore provided an updated baseline briefing of the figures which was reported on by the DV in June 2023. This indicates that the viability of the scheme remains significantly constrained.

Whilst the scheme can support some of the contributions outlined in policy SA5, such as ecological and highways mitigation, it is unable to provide the Education and Libraries contribution requested by GCC or any of the 30% affordable housing.

The table below identifies the fully policy compliant scheme requirements with the amounts requested and shows which contributions are being offered by the applicant.

<b>Policy Compliant</b>	<b>Applicants offer</b>
Ecology - £50,000 Newt mitigation - £348,948	✓
Offsite Highway mitigation A38/Alkington Lane Junction - £399,245.54 A38 / B4066 roundabout improvements - £56,000.00 Bridge road junction - £122,500 Oldminster Road improvements - £276,000 Access of Oldminster Road - £983,020	✓



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Education – GCC Dec 2023 updated figure - £3,545,112	x
Libraries - GCC Dec 2023 updated figure - £58,800	x
School transport £285,000	✓
Public transport - £700,000	✓
Affordable housing 30%	x
Residential Travel Plan £58,000 + £10,000 with bond £83,500	✓
Commercial Travel Plan £83,500 (bond) + £10,000 monitoring fee	✓
Monitoring fee for S106 and HSE restrictions -TBC	✓

National guidance confirms that there is a need for a competitive return both for the landowner and developer. Without this, delivery would be affected as there would be limited incentive to bring the development forward and to accept the level of risk that development may bring. The scheme still needs to be attractive for the applicant Canals and River Trust (CRT). This is a matter for them, but CRT will have its own internal processes to establish its reason for developing the site to meet its corporate aims and checks. An industry standard for returns has been used in the assessments.

This is a strategic allocation so the scheme would not attract Community Infrastructure Levy (CIL).

While the LPA seeks to support the provision of all appropriate infrastructure that meets the tests for an obligations (i.e. that it is necessary, directly related and fair and reasonably related in scale and kind to the development), it remains with the LPA as the decision maker to make this assessment of any overall proposal, having regard for the comments received.

Ideally, all schemes would be able to provide all required infrastructure, but where this cannot be achieved, the LPA needs to pragmatically balance the benefits of what a scheme can provide, with the disbenefits of what it cannot, and weigh this in the planning balance. In accordance with the NPPF, it is for the LPA as decision maker to recognise the requirements for sustainable development whilst also ensuring schemes are deliverable. The decision maker has to consider all the circumstances in the case.

The local plan requires the allocation to be viable and deliverable based on robust and credible evidence. This is the basic for the Sharpness docks allocation SA5 including the infrastructure and contribution requirements set out in the adopted Local Plan. At the same time the policy has to be adaptable to changing market circumstances and it allows for the viability to be considered on a site by site basis when considering the planning merits of a proposal





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GCC have understandably raised concerns about the scheme not being able to provide education and library contributions and SDC Officers have engaged and met with GCC colleagues to listen to their concerns. Despite requests for clarification, it is unclear what GCC would put the requested education money towards, whether its for capital projects or revenue and how local capacity would be affected by the other Sharpness draft allocations.

Planning Officers have positively engaged all consultees and the various interested services within GCC at both application and Local Plan stages on this scheme. With all parties agreement, the applicant's appraisal and the DV review report have been published as part of the application planning file on the Council's website. An advanced copy has also been directly shared with GCC to help them understand the viability issue with the development.

As outlined above, the viability figures have been fully independently tested to give an impartial and objective review of the viability assessment submitted. It is understood that GCC may wish to undertake a re-review of the viability information and the DV report but this is not required by the LPA in its consideration of this application.

It should also be noted that that there may be other ways to fill any infrastructure gaps for the scheme. For example for affordable housing, grants may be available. For education, the DfE 'Securing developer contributions for education' Aug 2023 guidance (paragraph 13 & 16) outlines that Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development where the development viability is constrained. Bids for monies under other government grant programmes can also be made as funding becomes available. In addition, while this is not a CIL generating development, monies from the SDC CIL 'pot' may be available to support education and libraries services in the local area.

Furthermore, the gap in infrastructure provision can be reviewed in the future. Given the scale and complexity of the development and the timing of the phasing, a review mechanism has been negotiated and the applicant has agreed for this to be part of the S106 legal agreement. This allows for the figures to be reassessed to make sure if circumstances change, either conditions on the ground or the financial climate may improve the viability of the scheme, there is an opportunity for the missing contributions and obligations to be reconsidered. This means that any uplift caused by the regeneration benefits will be reassessed once this has taken place and may allow for an increased provision of affordable housing or the other contributions if the profitability of the development improves in the future. The review mechanism provided for in national guidance is a way to seek greater policy compliance over the lifetime of the project. Balanced against the identified negative aspects of the proposal is the fact that this is an important regeneration project supported and allocated with the adopted Local Plan. The vision for the docks is to consolidate the active dock operation with opportunities with a mixed use development including new commercial and employment uses but also tourism and recreational uses, making use of the canal basin and marina and building on the former uses of the Vindicatrix Camp and Sharpness Pleasure Grounds.

The proposed housing provision, therefore needs to be considered in this context as it is not a primary element of the regeneration scheme but more an enabling element to help bring forward the commercial and leisure regeneration developments. The income/value of the residential element supports these other less viable uses. It is the costs of the other elements including infrastructure that affects the viability of the scheme.



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The scheme provides significant wider regeneration benefits. The employment and commercial uses at the port with the additional commercial space along with the tourism/leisure uses provide significant employment opportunities. The recreational and amenity also provide a benefit to the local community. These are site and scheme specific circumstances that can be taken into account when considering the merits and carrying out the planning balance.

Whilst the essential planning mitigation is covered by the scheme with the ecology, highway and transport mitigation forming part of the scheme, the proposal cannot currently support affordable housing or the requested education and libraries contributions.

As it has been demonstrated that there are genuine exceptional economic constraints on the scheme and officers accept that a fully policy compliant scheme cannot be provided. However, whilst the lack of the education and library contribution and affordable housing does lead negative weight to the planning balance of the scheme, they need to be weighed against the positive planning and environmental benefits of the whole scheme.

The proposal does still provide a significant regeneration benefit. Sharpness is an important gateway location to the regional canal network and the leisure development with marina and other related activities including the holiday accommodation will compliment the wider economy, support it but also providing an important primary destination that makes use of the distinctive character of the docks. The environment enhancements improve the character and appearance of the area and provide improved recreational opportunities. The employment elements support the existing commercial activities at the docks but also provide new business development with opportunities for jobs, local skills and employment. This provides significant positive weight within the planning balance.

### **OBLIGATIONS**

In addition to the financial obligations outlined above the following obligations are also proposed: Management of HSE safety zone - to manage the risk, appropriate management of the nature and scale of the use of various elements of the site is required.

Outline and approved appropriate management of the Public Open Space within the scheme.

River Severn Estuary SAC mitigation strategy is proposed to mitigate the impact on protect features/species and habitat of the SAC.

Viability Review mechanism - to revisit the viability of the scheme to see if the financial situation has improved to allow for additional obligations to be met.

monitoring of the proposed Travel Plans for both commercial and residential elements.



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### CONCLUSION AND PLANNING BALANCE

The proposal seeks to provide a mixed use development with employment uses within the southern docks and a tourism and leisure mix of uses supported by housing to the north. The proposal is central to plans to regenerate Sharpness Docks, to bring back into beneficial use areas of under used brownfield land and to support the wider regeneration of the canal network through the District. 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 along nearby footpaths. This is at a level that would be expected for a strategic allocation of this size. These are mainly localised and mitigation is proposed as part of the scheme which 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 given the public benefits a positive heritage balance is provided.

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 the lack of this specific facility.

The viability of the scheme has been independently tested and confirms that the scheme cannot support all preferred infrastructure. This has resulted in a limit on the level of contributions that are possible. Therefore, for the scheme to remain viable and deliverable the affordable housing and the education and library contribution have not been offered by the applicant. This is given negative weight in the planning balance.

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

It provides significant regeneration benefits, bringing forward a brownfield site. There are economic benefits, including during the construction phase and the ongoing benefits of jobs and economic growth within the commercial elements and the leisure and tourism elements. These will provide significant positive benefits to the wider community. The proposal also contributes towards the housing need of the district. This supports the wider vision for this cluster as set out in the Local Plan.

The scheme delivers growth in the vision area, helping to sustain Sharpness/Newtown but also helping to boost Berkeley as the Local Service Centre. This includes job opportunities but also supports and builds on the existing tourism offer of the area. These benefits are given significant weight.

The off-site highway works, the public open space and ecological mitigation like the footpath enhancements will, whilst mitigating the impacts of the scheme, have a wider public benefit. The regeneration of the site will also have positives in terms of place making and social value.



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Therefore, in the overall assessment of the merits 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>	<ol style="list-style-type: none"><li>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.  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>2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five 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. The development hereby permitted shall be begun either before the expiration of five 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>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&amp;Streets_ Rev B - ACCESS AND STREETS REGULATORY PLAN</li></ol>
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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 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. The development shall then proceed in accordance with the approved phasing plan.

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.



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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 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



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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 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.

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:
- i. provide for the parking of vehicles of site operatives and visitors;
  - ii. provide for the loading and unloading of plant and materials;
  - iii. provide for the storage of plant and materials used in constructing the development;
  - iv. provide for wheel washing facilities and all construction traffic to leave the site with clean wheels;
  - v. specify the intended hours of construction operations;
  - vi. measures to control the emission of dust and dirt during construction;
  - vii. measures to avoid soil compaction in areas where infiltration has been proposed.
  - viii. details of the site access/routeing strategy/signage during the construction period



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ix. A scheme to demonstrate how it is intended to liaise with local residents during the construction process, including how complaints will be handled.

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 EI4 of the adopted Stroud District Local Plan, November 2015.

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 & 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;

- 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 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 EI4 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.





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Reason: To protect the development and occupiers from flooding for its lifetime in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015.

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 in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015.

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 in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015.

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 in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015.

18. 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



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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 114 - 116 of the National Planning Policy Framework, 2023.

19. 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 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 114 - 116 of the National Planning Policy Framework, 2023.

20. 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 and CP13 of the adopted Stroud District Local Plan, November 2015.

21. 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.



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22. 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 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 116 of the NPPF 2023.

23. 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



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

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

Reason: To 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 189.

24. 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.

25. 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 2023 paragraph 201 and Policy ES10 of the adopted Stroud District Local Plan, November 2015.

26. 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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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 211 of the National Planning Policy Framework 2023.

27. 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.

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 185 and 191 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

28. 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.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with paragraphs 185 and 191 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

29. 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:
- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.
  - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night



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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 185 and 191 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

30. 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.

31. 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:

- 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) 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)
- 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 and materials will be stored.
- g) The locations of where machinery and materials will be stored.
- h) Measures that will be taken to protect water quality and the inland and marine environment.
- i) Measures to protect the terrestrial environment.
- j) The timing during construction when ecological or environmental specialists need to be present on site to oversee works.
- k) Responsible persons and lines of communication



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- l) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- m) Use of protective fences, exclusion barriers and warning signs
- n) 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 180 of the National Planning Policy Framework 2023, 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.

32. A landscape and ecological management plan (LEMP) shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of the features to be managed.
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescription for management actions
- e) 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.
- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20 year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 180 of the National Planning Policy Framework 2023, 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.

33. 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 will not disturb or prevent the above species using their commuter route.



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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 Policy ES6 of the Stroud District Local Plan 2015.

34. 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.

35. Details submitted as part of the reserved matters stage for the layout and appearance of the marina phases of the development shall include a SAC fish mitigation strategy which will identify and assess the potential risk of impact of the development on SAC/Ramsar fish. This strategy shall include but not be limited to detailed design information regarding the construction and operation of the proposed marinas and how SAC/Ramsar fish and European eel will be safeguarded. The mitigation will be implemented in accordance with the approved details.

Sufficient details shall be provided to allow the 'competent authority' to carry out a further HRA appropriate assessment (Regulation 63 of the Habitats Regulations) on the additional information required at the reserved matters stage.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 180 of the National Planning Policy Framework 2023 and Policy ES6 of the Stroud District Local Plan 2015.





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### 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 commencement of any works on site.
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.
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 & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).