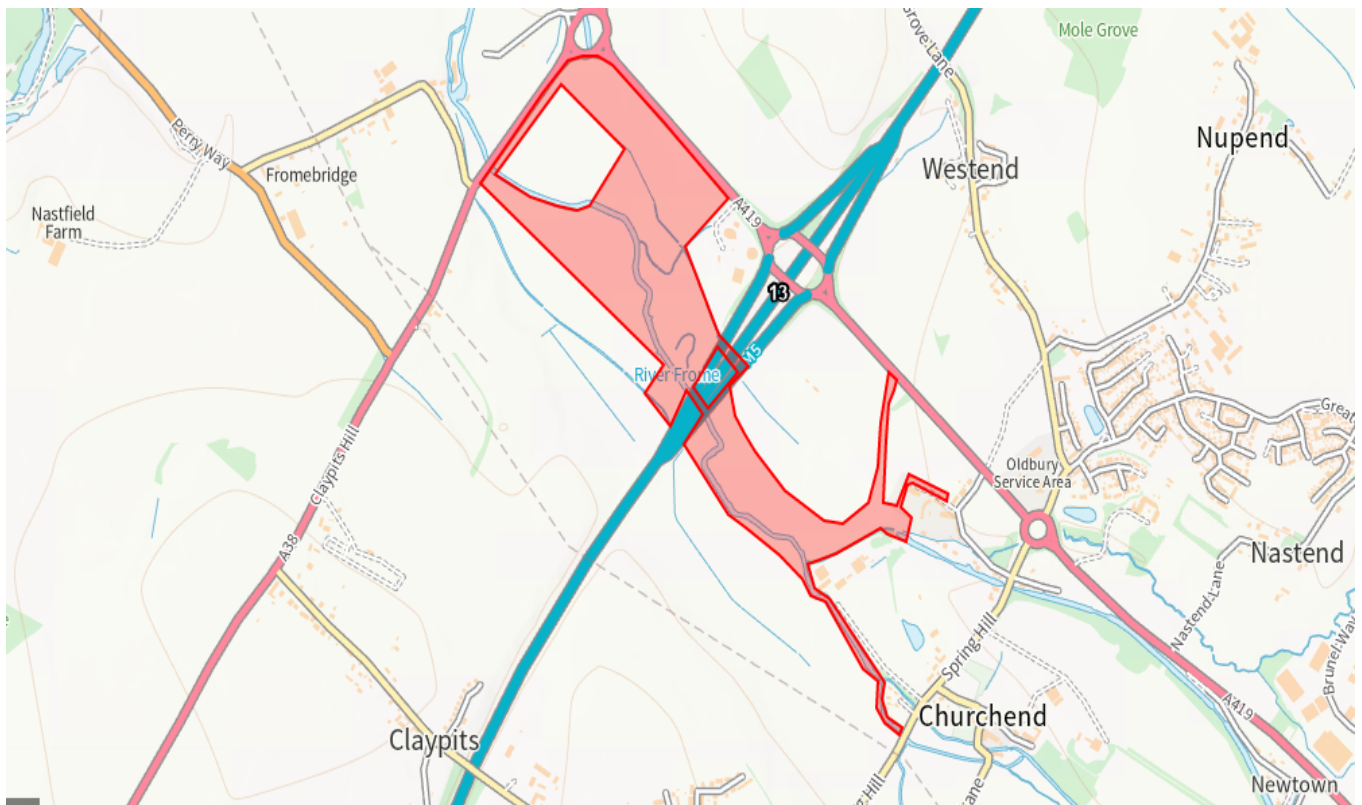




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| Item No: | 02 |
| Application No. | S.19/0291/FUL |
| Site Address | Stroudwater Canal Phase 1B, Eastington, Gloucestershire, |
| Town/Parish | Eastington Parish Council |
| Grid Reference | 377681,206557 |
| Application Type | Full Planning Application |
| Proposal | Reinstatement of the 'Missing Mile' section of the Stroudwater Navigation and development of associated infrastructure including locks, mooring basin, car parking, cafe and leisure facilities building with combined office and residence for basin manager. |
| Recommendation | Resolve to Grant Permission |
| Call in Request | Requested by Head of Development Management |



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|----------------------------|--|
| Applicant's Details | Stroud District Council Ebley Mill, Westward Road, Ebley, Stroud, Gloucestershire |
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|------------------------------|---|
| | GL5 4UB |
| Agent's Details | LUC 37 Otago St, Glasgow, G12 8JJ |
| Case Officer | John Chaplin |
| Application Validated | 17.12.2021 |
| | CONSULTEES |
| Comments Received | <p>Inland Waterways Stonehouse Town Council Eastington Parish Council Development Coordination (E) National Highways (Previously Highways England) Severn Trent Water Ltd (E) Flood Resilience Land Drainage Conservation North Team Historic England SW Archaeology Dept (E) Environmental Health (E) Contaminated Land Officer (E) Natural England (E) Gloucestershire Wildlife Trust (E) Biodiversity Team Arboricultural Officer Area Walking Environment Officer Stonehouse Town Council Eastington Parish Council Frampton On Severn Parish Council National Highways (Previously Highways England) Severn Trent Water Ltd (E) Conservation North Team Historic England SW Archaeology Dept (E) Contaminated Land Officer (E) Public Rights of Way Officer Conservation North Team Contaminated Land Officer (E) Archaeology Dept (E) National Highways (Previously Highways England) Biodiversity Team Canal And River Trust Conservation North Team Contaminated Land Officer (E) Eastington Parish Council Environmental Health (E) National Highways (Previously Highways England) Area Walking Environment Officer Arboricultural Officer Whitminster Parish Council Public Rights Of Way Officer</p> |



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|--------------------|--|
| | Health And Safety Executive Secretary Of State Archaeology Dept (E) National Highways (Previously Highways England) |
| Constraints | Eastington Parish Council Whitminster Parish Council Eastington Parish Council Article 4 Directive Adjoining Canal Consult area Affecting the Setting of a Cons Area Conservation Area Within 50m of a Proposed Cycle Route Flood Zone 2 Flood Zone 3 Glos Centre Env Records - Species Hazard Area Key Employment Land (LP) Key Wildlife Sites - Polygons Within 200m of M5 Neighbourhood Plan Affecting a Public Right of Way Surface flooding 1 in 100 years Surface flooding 1 in 30 years SAC SPA 7700m buffer Village Design Statement Wales and West Utilities gas pipeline Wales and West Utilities gas pipeline Wales and West Utilities gas pipeline Canal and Rivers Trust zone Canal and Rivers Trust zone Cotswold Beechwoods SAC core catchment SDRA 3b SDRA 3b |
| | OFFICER'S REPORT |

MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity and Noise
- Highways
- Landscape impact
- Contaminated land
- Ecology
- Flood risk
- Archaeology and Heritage Assets
- Obligations



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- The Planning Balance

DESCRIPTION OF SITE

The application site is located on land south of the A419 on either side of the M5 motorway at Junction 13. The land is currently agricultural with the original route of the canal filled in during the construction of the M5. The application site is mainly linear joining the visible unrestored elements of the canal at Eastington with the new section and bridges at the Whitminster A38 roundabout.

The application site boundary includes access points and temporary working area from the nearby highway network.

The site is located within the Industrial Heritage Conservation Area which follows the industrial infrastructure along the River Frome and Stroud valleys.

There are listed buildings in the nearby area, the group of Grade II listed buildings at Fromebridge Mill and others further field in Churchend and Westend. The non-designated heritage assets of Meadow Mill, Westfield Bridge and the group of buildings in the historic enclave of Chipmans Platt are located close the proposed development.

The River Frome and associated tributaries form part of the local Key Wildlife Site. The site is also located within the zone of influence of the Severn Estuary SAC and Cotswold Beechwoods SAC.

There are several public footpaths that cross the application site at Westfield Bridge, east of the M5 and another in the middle of the agriculture land to the West of the M5. The Thames and Severn Way is also within the red line of the application located south of the River Frome.

The application site is within Eastington and Whitminster Parishes.

PROPOSAL

This proposal form part of the wider Cotswold canal restoration project with this element part of the phase 1B between Saul Junction and Ocean at Stonehouse.

The application seeks to reinstate the missing section of canal channel that was removed during the construction of the M5 motorway. This includes the construction of a new canal channel from John Robinson (Westfield) Lock at Eastington near Westfield Bridge to connect with the new channel already constructed at the A38 roundabout. The proposed canal channel has varying widths to allow for the corners, canal features and will be approximately 20m wide but will narrow where restricted for example under the M5.

The proposed route diverts away from the historic route of the canal as this original route has been built on by the motorway junction, highway depot and A38 roundabout and link road. The proposed canal channel diverts south from Westfield bridge before going under the motorway sharing the existing River Frome bridge. Then moving west the proposed canal channel crosses the fuel pipeline before coming back up to meet the existing canal at the A38 roundabout.



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The canal works include new locks at Bristol Road and lower Westfield, an aqueduct to allow Oldbury Brook to cross under the canal and an inverted syphon for Walk Bridge Rhine. The section of channel under the M5 also includes a weir within the River Frome.

The scheme includes a towpath with new pedestrian bridge and making use of the existing cattle creep to get under the M5.

A new mooring basin with space for 44 non-residential moorings with associated facilities and car park is also proposed.

A two-storey building including café and canal basin managers accommodation is also proposed adjacent to the proposed basin and car park. Adjacent to this a bund and associated landscaping.

THE SUBMISSION

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA 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 inland waterway construction, canalisation and flood-relief works if the area of works exceed 1 hectare. As the proposed project exceeds this threshold, and has the potential to lead to significant effects, an EIA has been undertaken. The applicant has submitted an Environmental Statement with the application.

REVISED DETAILS

In January 2019 an outline planning was submitted. Following discussions, it was agreed that a full planning application should be submitted instead. Therefore, in December 2021 a revisited full submission with updated information including updated environmental statement was received.

Supplementary and updated information including Supplementary Environmental Information (SEI) report, Ecological reports, FRA, revised Arboricultural Impact Assessment and revised drawings was submitted on 25 July 2023.

This was again amended with a Revised Supplementary Environmental Information (SEI) report submitted on 04th December 2023.

Additional ecological information was also submitted on 21st December 2023.

MATERIALS

Canal: Mix of soft edges and sheet piled - Clay lined channel.

Locks: Concrete construction

Café and facilities buildings

Roof: Sheet metal standing seam barrel-vaulted roof

Walls: Blackened Timber and brick



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REPRESENTATIONS

Statutory Consultees:

Eastington Parish Council (14/11/2023):

Eastington Parish Council have considered the application at its meeting on 14th September 2023 and have the following observations: - we note that the decision has been delayed; whilst we support the principle of the reinstatement of the 'Missing Mile' section of the canal, we do not agree that the application should also include the cafe/pub, leisure facilities and residential house. EPC believes that these applications should be considered separately in their own rights.

Eastington Parish Council 16/01/2022):

Eastington Parish Council has sought to support the reinstatement of a canal at the missing mile and are on the whole supportive of the project. However the proposal misses the opportunity to cater for the horse riding communities on either side of the M5. Horses would have been part of the working canal in its hayday and as such it is disappointing that the horse riding community is not engaged given that the Environmental Statement states that the five core Strategic Aims of the CCC are:

1. To create a sense of Place.
2. To build prosperous and connected communities.
3. To broaden opportunities to a wider audience and build resilient and cohesive communities.
4. To create pathways for heritage learning.
5. To conserve, protect and enhance wildlife.

Horses should be permitted to use the towpaths, permitted to be lead through the tunnel underpass and to use the towpath and bridge. As it appears that the towpath is having to be on the southern side of the canal cutting the new bridge should be designed for safe equine use in accordance with the British Horse Society guidance.

Paragraph 8.92 of the Environmental Statement Chapter 8 states that 'In addition to the provision of the towpath, there is a vision to create a number of links from the canal to existing PRoW, thereby creating a set of smaller circular routes. Access routes and accessibility for all users is a key part of the National Lottery Heritage Fund Project and these projects will be negotiated with relevant landowners and authorities throughout the project.' This is welcomed but the upgrade of the towpath such as it exists on the CCC land or on land forming part of the application could be offered as a bridleway (giving horses priority over cycles as normal) or as a multi-user path. Additionally any new bridges created could be designed to be suitable for equine use as set out in guidance from the British Horse Society, so as to future proof future connectivity between the bridlepaths on either side of the M5.

Finally given that a reed bed is proposed on the line of the online definitive Footpath EEA46 (Thames and Severn Way) this may need to be addressed with a diversion to closely follow the river.

Whitminster Parish Council (02/02/2022):

In regard to the application as it stands, after detailed consideration Council resolved to Oppose the application and would not wish to see it approved. Council's concerns can be summarised as follows:

The proposed pub/café and leisure facilities building will generate a large volume of traffic taking access from and egress onto the adjoining A road in close proximity to a roundabout. This poses a notable highway safety concern and it does not appear that any detailed consideration of this



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has been conducted and there are no proposals in regard to a protection refuge for turning vehicles or to require vehicles exiting the site to turn left and proceed toward the roundabout. Clearly, when operating and during construction, the facility will also generate commercial vehicle traffic as well.

The car parking provision would appear to be inadequate. The development is in an isolated location that's is not served by any public transport and we would argue this is not sustainable. The scale clearly indicates to be viable it will need to become a destination rather than rely on passing boaters or walkers. In reality, it will likely become an unofficial service/rest area for passing M5 traffic. The number of covers proposed within the café/pub would appear to reflect this but the car parking provision is less than adequate. Council is of the view that this would lead to hazardous parking on adjacent highway verges and gateways.

Council has previously been advised that the proposed moorings will not be residential. However, no information can be found as to how this will be enforced. When rigorous enforcement is not applied moorings can give rise to significant issues for local communities as is currently evidenced within parishes bounding the Gloucester & Sharpness canal. Either a complete assurance and robust enforcement is necessary or otherwise the application should be considered in the context of the impact of the relevant number of residential units on local facilities and in the open countryside. On the assumption that the moorings are strictly used by leisure owners as day boats this then further suggests that the car parking provision is inadequate. As well as parking for the pub/café parking will be required for the boat owners and that could be several cars per boat.

Council is of the view that the pub/café is inappropriate development of detriment to the Industrial Heritage Conservation area.

The development is contrary to the District Council's Local Plan policies being outside of a defined settlement boundary. This could set a precedent for additional similar development within the village.

Council cannot understand and doesn't feel any need has been demonstrated for the proposed residential property. In an era where dairy farms operate without requiring 24hr on site supervision and seeking consent for an agriculturally tied dwelling is rare it is perplexing as to why this facility requires a manager to be resident on site. This is especially true with technology offering a variety of off-site monitoring options. Council cannot see any justification for what is essentially a new residential dwelling in open countryside, outside of the settlement boundary and for this form of operation.

It is not clear what designation will be applied to towpaths as walking routes. Given the alterations to public rights of way considered previously to facilitate the project, Council would wish to see the towpaths confirmed as public rights of way throughout the stretch of the canal to which the application relates.

Whilst Council is supportive of the reopening of the canal in principle, the current application proposes unacceptable and unsustainable development in open countryside and for that reasons and the issues raised above Council trusts that the application will be refused.

Stonehouse Town Council (12/11/2023):

Comment: The town council recognises the value of the canal to the area and absolutely support phase 1B of the development of the canal network. It does feel however that the planned infrastructure in this location is somewhat replicating facilities that already exist in fairly close proximity (Saul Junction). It is felt that relocating the facilities further in land, particularly in the Stonehouse area, where there is known land available to support such infrastructure, would



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provide greater value to tourists and hence the local economy, be far more accessible to a greater pool of local people by virtue of being closer to a large urban development and, visitors that may wish or need to travel by public transport (as the location is on a planned public transport route). It is unfortunate that the existing location provides only for very narrow boats to access the remaining canal network in an easterly direction.

Stonehouse Town Council (18/01/2022):

The provision of canal related facilities is supported but following issues should be addressed: The design of the canal as it goes under the M5 limits use of the canal because of the restricted height and width. It would be preferable if the canal could be used by a wider variety of craft along this section. It would also be preferable if the towpath went alongside the canal for the whole of the route rather than being diverted away for some sections. The proposal would be improved by providing links to the existing footpaths along the River Frome (EEA46, EHW17). Adequate cycle parking and EV charging points should be provided. The concerns of the Environment Agency regarding the impact of the proposal on the River Frome Key Wildlife Site and flooding risk must be addressed.

Frampton On Severn Parish Council (10/08/2023):

Frampton on Severn Parish Council support the amendments to the proposals

Canal & River Trust (CRT) 19/12/2023: Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) is that the Trusts previous comments, provided on 22.08.23 are still applicable.

Canal & River Trust (CRT) 25/08/2023:

We are the charity who look after and bring to like 2000 miles of canals and rivers. Our waterways contribute to the health and wellbeing of local communities and economies, create attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) is the following general advice:

As a fully restored route, the Cotswold canals would comprise part of the original along with new sections where the restoration of the old can route is unfeasible. The 'missing mile' section does not include the connection to the wider canal network at Saul Junction and the Trust will continue to work with the Stroud Valleys Canal company on the restoration of the remainder of section 1B, including linking to the section owned by the Canal and River Trust.

Any potential issues relating to the connection such as asset management, water resources, including the possible interruption of the water supply to the Gloucester and Sharpness canal, navigational safety moorings and ecological impact will be fully considered as part of those ongoing discussions.



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You may find the information contained in the Canal and River Trust Environmental Framework of use.

GCC Archaeology (18/12/2023): Thank you for consulting the archaeology department on the revised details. I can confirm that I have no additional comments from those made previously.

GCC Archaeology (21/08/2023):

Since my previous advice archaeological excavation has been carried out in the area of archaeological interest within the site (under a new Written Scheme of Investigation by Archaeology England, July 2022). There has been agreement for further archaeological monitoring on some remaining aspects of construction in the area of Romano-British settlement. Also since my previous advice I have agreed archaeological monitoring of a habitat creation scheme under another Written Scheme of Investigation (KJS Heritage, August 2023) which includes the proposed reed bed shown in the Landscape Masterplan.

Considering the outstanding archaeological work to be carried out I advise that a compliance condition should be attached to consent to allow for the archaeological work to be completed and reports to be produced. You may wish to use the following condition wording: The proposed development shall be carried out in accordance with the approved Written Schemes of Investigation for archaeological mitigation (Archaeology England, July 2022 and KJS Heritage, August 2023).

I have no further observations to make on the additional details submitted with the application.

GCC Archaeology:

Thank you for consulting the archaeology department on this application. Further to previous advice provided by my predecessor, archaeological evaluation has been carried out at the proposed development site and the report deposited with the Historic Environment Record. The archaeological evaluation established the presence of a Romano-British settlement site consisting of ditches, pits and possible structural remains. The results of the archaeological evaluation have been incorporated the Environmental Statement chapter 4. I concur with the conclusions in the ES, that the construction impacts will have a significant effect on archaeological deposits relating to the Romano-British settlement.

In order to mitigate the impact on significant archaeological remains, I advise that a programme of archaeological excavation and recording should be made a condition of planning permission and you may wish to use the following condition wording:- 'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework.



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Environment Agency (25/8/2023):

Thank you for consulting us on the revised plans and submissions for the above application which was received on 01 August 2023. We have the following comments for your consideration at this time:

BACKGROUND

We previously commented on the application in our letter dated 12 January 2022, our ref SV/2019/110175/03-L01. (For context, please read this letter in conjunction with our 12 January 2022 letter.) At that time we recommended that the application not be granted due to unresolved issues with the flood modeling work that underpins the Flood Risk Assessment (FRA) and further consideration required on ecology matters.

Since then we have continued to work with the applicant under our Cost Recovery (CR) Planning Advice Service. This has resulted in the resolution of the previous flood modeling issues; we are now satisfied that adequate flood modeling work underpins the FRA. We have also been able to advise on ecology matters including commentary on a draft version of the Supplementary Environmental Information (SEI) Report; this has enabled the applicant to take on board our advice on ecology matters and make necessary improvements.

We have the following comments on the revised application and documents submitted:

ECOLOGICAL PROTECTION AND ENHANCEMENT

We note and welcome the revisions and submissions relating to ecological matters. These have been as a result of our discussions with the applicant to date. It has not been possible to undertake a full review of the information submitted at this time due to resource issues in our Biodiversity and Geomorphology Team. However that Team has previously influenced the proposal and we are satisfied that our previous concerns are sufficiently addressed.

FLUVIAL FLOOD RISK

Further to the Flood Risk Assessment (FRA) prepared by Katherine Colby Consultants dated 11 July 2023 in support of the above planning application the Environment Agency has some concerns regarding the impacts of the proposed scheme on the local flood regime and how these impacts are to be appropriately dealt with as set out below.

Flood Risk Vulnerability

The proposed development consists of the following development activities.

1. Creation of a new canal channel
2. Construction of in channel navigation features such as locks
3. Construction of a shop/office/residential building for use by canal staff
4. Construction of a mooring basin
5. Construction of raised bunds to enable continuous function of the canal.

In general canals, including supporting functions, are considered water compatible development as set out in Annex 3 of the National Planning Policy Framework (NPPF).

We concur with most of the classifications listed within table 3.1 of the LUC report dated July 2023, except for that of the noise bund which is in fact the disposal of excess material. As the "noise bund" is related to all activities at the basin area it should reflect the most vulnerable use upon the site, in this instance less vulnerable.



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Flood Zones

As outlined in Chapter 3 of the FRA, the application is based on a reassessment and update to the Environment Agency's River Frome Hydraulic Model, referred to as the Capita 2008 model within the FRA.

Appendix A outlines the modelling work undertaken to produce a new Baseline and Developed models; this work was signed off by the Environment Agency in June 2023.

The proposed canal channel is shown to be located within all flood zones, including Flood Zone 3b.

The new canal basin and associated buildings are shown mostly in Flood Zones 3a and 2.

The new baseline shows differences to the extents of the flood plain in comparison to the original EA model as shown in Figure 28 with a reduced area impacted on the right bank (looking downstream) and greater extent on the left bank.

The reasons for the changes outlined in paragraph 3.3.18 are deemed reasonable but is also likely to have been influenced by how the upstream inflows have been split, it does not however change the current flood zone designations in which the proposals would be sited.

Other Sources of Flooding

The other key potential risk of flooding originates from surface water sources as outlined in Figures 43 and 44, some of which downstream of the M5 are related to the Rhyne as suggested in paragraphs 3.5.8 to 3.5.10.

Upstream of the M5 ponding appears to be as a direct consequence of the M5 embankment and is likely to remain irrespective of the design concept of the canal, as flow paths appear to be related to the cattle creep connecting it to the flood plain and Rhyne downstream.

Hence the canal design including elements such as footpaths could have some impacts on this source of flooding and careful consideration should be given as part of the detailed design to ensure there are no impacts on third parties. The Lead Local Flood Authority (LLFA) is responsible for 'other sources' of flooding.

Sequential Test

It is noted that a report prepared by LUC dated July 2023 has been submitted with relation to both the Sequential and Exception Test.

The former is solely a matter for the Local Planning Authority to determine.

Proposed Development Design

The proposed design which includes all the aforementioned features has been incorporated into the baseline model to provide a developed model which is to be used to provide evidence to support the Exception Test and identify where (if necessary) appropriate mitigation of impacts from the development will need to be delivered.



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The developed model is shown to result in increases in flood levels at various points along the Missing Mile section of the River Frome as highlighted in Figure 38.

When taking account of the potential impacts of climate change, on the left bank upstream of the M5 increases in peak flood levels range from 0.1 to 0.5m*, which are well in excess of model tolerances that are normally applied.

These changes are clearly a result of the current design submitted and therefore could be considered contrary to the principles of the NPPF and Stroud District Council's own Local Planning Policy ES4.

[*Please note we have taken these figures (the level range of 0.1 to 0.5m) from the information presented in the planning application. We are aware from our discussions with the applicant that in reality the level may be at the lower end of 0.1m, however the information submitted in the planning application presents a range, and as such this should be considered.]

Exception Test

The principles of the test must be applied to all parts of the proposed development.

Although it is accepted that the exception test for "water compatible" development does not technically need to be applied the proposals should meet the following principles as set out in paragraph 079 of the National Planning Policy Guidelines.

- remain operational and safe for users in times of flood.
- result in no net loss of floodplain storage.
- not impede water flows and not increase flood risk elsewhere.

Shop/office/residential building

The proposed location of the building will be partially located within Flood Zone 3a but outside Flood Zone 3b as shown in Figure 40.

The 1% Annual Exceedance Probability (AEP) flood level at this location from the baseline model is 11.74 metres Above Ordnance Datum (Newlyn) (m AOD(N)) which would suggest the whole footprint of the building would be located in Flood Zone 3a based on the topographical survey shown on drawing P1B/2.00/SKT/011 Rev P1.

The developed model reduces the flood level for the 1%AEP event to 11.60m AOD(N).

The FRA must take account of the impacts of climate change. This has been done within paragraph 4.03 that states the 1% AEP flood level including an allowance for climate change, referred to from hereon as the Design Flood Level (DFL) is 11.89m AOD(N) which completely encompasses the building footprint as shown in Figure 41.

Paragraph 4.04 states that ground floor finished floor levels containing the 'less vulnerable' uses will be set at 11.60m AOD(N), resulting in the potential for internal flooding of up to 0.29m. Given the proposed use of this building we would not object on this point, but highlight the potential issues this could cause to the business; this is considered to be a business decision. The design of the building should include flood resilience measures as a minimum.



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It is noted the finished floor level quoted within the FRA are different to those mentioned in paragraph 5.10 of the sequential/exception test document and that none of this information appears to be contained on supporting drawings, which raises some concerns over how appropriate mitigation is implemented and regulated.

As indicated above, at a minimum it is suggested that the recommendations set out in paragraph 4.0.5 should be implemented in full.

The upper floors that are to form the residential use would remain unaffected by the DFL.

However the occupants of the residential element of the building should be able to safely access and exit the site during the DFL event. This should be covered by an appropriate access and evacuation procedure.

The loss of flood plain resulting from the construction of the building must be mitigated for to pass the exception test. Initial calculations have been outlined in paragraph 3.4.42 but no formal details of any compensation proposals have been submitted. At present this would mean the exception test would be considered to have failed and the application could be refused on these grounds. Alternatively we would be willing to consider the following pre-commencement condition to be attached to any permissions issued. This is on the understanding that this can be delivered within the red line boundary of the application.

CONDITION:

No development approved for the provision of the café building shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved programme and details.

REASON:

To alleviate the increased risk of flooding.

New Canal and Flood Bunds

The new canal channel and mooring basin should technically remain operational throughout the duration of the DFL. However, pragmatically this would be impossible to implement over the whole of the Cotswold Canal Regeneration Project where the former canal channel now forms part of the natural watercourse system, specifically downstream of the Missing Mile and on the existing length between Ebley Mill and Lower Wallbridge.

Hence the Environment Agency would suggest this element is not required to be passed subject to an appropriate flood risk management procedure being in place prior to the canal becoming operational. As the Local Planning Authority you may wish to secure this through an appropriately worded condition.

The implementation of the flood banks will result in a loss of flood plain storage and based on the findings of the modelling submitted will also result in an increase in flood risk to third party land over the lifetime of the development as shown in Figure 38. It should be noted that the bank height and profiles have changed significantly to those details submitted on 17 December 2021,



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and this specific point has not been subject to further consultation with the Environment Agency under our CR Service.

Although Paragraph 4.0.23 to 4.0.29 highlights the need for appropriate mitigation to be provided, this could take a number of forms. Unfortunately to date no detailed evidence or proposals for the mitigation have been submitted as part of the application.

Proposed mitigation options

The following are the proposed mitigation options:

- Alterations to the current design to negate the current impacts shown in the FRA, this is likely to involve altering the crest level of the long lengths of embankments introduced and acceptance that the operation of the canal would be affected above a certain flood level for a short period of time.
- Full direct physical mitigation, including level for level, volume for volume flood plain compensation works.
- Legal agreements with those parties shown to be impacted on by the proposals as set out within the FRA. These agreements must be signed off by those third parties prior to the detailed design application being submitted to provide the necessary confidence that the impacts caused are accepted.
- A suitably worded pre-commencement condition is applied to the planning permission granted requiring the delivery of agreed mitigation works in full (one of the options above) to be agreed with Stroud District Council and the Environment Agency, prior to any construction works beginning. This last option will need the formal agreement of the local planning authority but does guarantee that the scheme could be delivered as currently envisaged.

The removal of connectivity to the adjacent natural flood plain as a result of development is not considered a benefit in terms of planning policy from a flood risk perspective. This is because no benefits are delivered with regards to protection of actual built development in the form of businesses, property or residential dwellings.

Therefore we disagree with the Exception Test conclusions presented by LUC in their document dated July 2023 as the proposals would currently not meet the principals of the NPPG highlighted earlier or the principals of Common Land Drainage Law. In addition no attempts have currently been made to present evidence that appropriate mitigation measures have been investigated as is clearly required within paragraph 49 of the NPPG.

This could be considered sufficient reason to refuse the application on flood risk grounds, unless all parties can agree an appropriately worded pre commencement condition to deliver appropriate mitigation. Some discussions on this have taken place already under our CR Service, and it is only because of that that we would be willing to consider a conditioned route to resolve this matter. We would not otherwise / normally accept a condition in lieu of submitted evidence that mitigation measures can be delivered. Such an approach could set a present for other development which is not acceptable to the Environment Agency. We are disappointed that more information has not been submitted at this point as part of the application, but we understand there is an ability and a willingness to deliver appropriate mitigation. Accordingly you may consider that the following condition should be attached to any permission granted:



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CONDITION:

No development approved by this permission shall be commenced until appropriate flood mitigation proposals have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The approved mitigation shall be implemented in accordance with the approved programme and details.

REASON:

To alleviate the increased risk of flooding.

Again, this is on the understanding that this can be delivered within the red line boundary of the application. Should there be a risk that this may require land outside the red line boundary, then we believe it would be appropriate to use a Section 106 Legal Agreement in combination with a condition to secure the appropriate mitigation.

Hayes Mooring Basin

Paragraphs 4.0.9 to 4.0.14 outline the design principles of the mooring basin. The basin is directly connected to the canal channel and hence will also be directly impacted upon during the DFL event. Paragraph 4.0.9 of the FRA states that the basin will not offer residential style mooring, but the basin will provide permanent moorings based on the current practice of the Canals & Rivers Trust as set out on page 3 of the Draft Flood Emergency Plan dated July 2023.

Hence it is considered that whilst some form of sleeping accommodation is present this would be linked to the navigational facilities so could still be defined as water compatible use subject to a specific warning and evacuation plan.

Disposal of excavated arisings from the scheme

It is noted that excess arisings from the excavation of the new canal channel are to be deposited in an area close to Hayes Basin, being defined as a 'noise bund.' Insufficient detail has been provided in the FRA on these proposals to enable the Environment Agency to assess any potential impacts. However the key principle will be that no material shall be deposited within the flood plain as defined by the Design Flood Level from the developed model run in this location. Therefore we request the following condition be attached to any permission granted:

CONDITION:

All excess material including soil shall be removed from that part of the site liable to flood as defined by the Design Flood Level of 11.89 metres Above Ordnance Datum (Newlyn) and shown highlighted pink in Figure 25 of the Flood Risk Assessment dated July 2023.

REASON:

To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

Safe Access

Paragraph 042 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 044, 047 and 048 provides detail on access and egress.

The FRA states that the 1 in 100 year fluvial flood level (including an allowance for climate change) is 11.89m AOD. This is termed the 'design flood' level (DFL).



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The topographical plan submitted referenced P1B/2.00/SKT/012 shows that access for the design flood level would be through flood waters up to 0.29 metres in depth. Future occupants will have to walk through that flood water for a short distance to reach land above the DFL. Specific information on distance cannot be provided as the drawings supplied have no scale attached to them.

The access would have a flood hazard (in terms of depth and velocity) that would create a danger for some. Reference should be made to DEFRA Hazard risk (FD2320) - 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 - DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at:

https://assets.publishing.service.gov.uk/media/602d040fd3bf7f721a23a993/Flood_risk_assessment_guidance_for_new_development_-_phase_2_technical_report_Full_Documentation_and_Tools.pdf

Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPG. Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

Flood Warning and Evacuation Plan

The NPPG (paragraph 048) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraph: 057 Reference ID: 7-057-20140306.

We would advise that the Flood Warning and Evacuation Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what an acceptable level of flood risk to occupants is.

We note a Flood Warning and Evacuation Plan (FWEP) has been submitted however this is only a draft document; we would not make comment on the appropriateness or otherwise of it.

Due to the above should you be minded to secure permission with a Flood Warning and Evacuation Plan (FWEP) again we would not make comment on the appropriateness or otherwise of it.



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We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the FWEPP secures safe and sustainable development.

For your consideration, a comprehensive Flood Warning service operates in this local area. A trigger level may be sought to assist in evacuation.

Conclusion

Whilst the Environment Agency considers that the restoration of the Cotswold Canal within the missing mile is in principle an appropriate use, this is based on meeting the principles set out paragraph 079 of the National Planning Policy Guidelines.

- remain operational and safe for users in times of flood.
- result in no net loss of floodplain storage.
- not impede water flows and not increase flood risk elsewhere.

As highlighted, we do not believe the first point is in reality particularly relevant with regards operational use as direct impacts on the canal are unavoidable both here and in other locations that have already been restored and future sections.

In regard to safety this will be reliant upon an appropriately detailed flood management procedure being put in place to manage the use of the canal, it is understood this is only set out in draft at present.

The proposed design as submitted clearly results in a loss of flood storage as a result of new buildings located within the flood plain as defined by the Design Flood Level and disconnection of the natural flood plain through the creation of flood bunds to defend the canal from inundation.

The introduction of the flood berms clearly impedes natural flood flow routes and results in increases to flood levels on third party land. At present the mitigation for this has not been presented. Therefore you may consider that the proposal would currently fail to meet the principles of the NPPG and NPPF as well as the Councils own Local Plan Policy ES4.

We are aware that there is an importance and urgency for the determination of the application, and the proposal has been on-going for a number of years. Given we understand through our CR discussions there is an ability and willingness to resolve the issues with the application as presented, given the proposed uses are water compatible and less vulnerable, and given that the flood risk impacts do not impact upon residential / built development, we are willing to take a pragmatic approach in this instance. Hence we have set out above a conditioned route to resolution of these matters.

However, if more time were available, we feel that should a more pragmatic approach be taken on the part of the applicant with regards to the realities of flood risk that all the above issues could be overcome. We would be willing to advise on appropriately worded pre-commencement conditions in an attempt to resolve the above issues if this were deemed to be an acceptable solution to enable delivery of the project. Whilst this may result in alterations to the current proposals, we believe it would not cause any significant material changes to current alignments or layouts but may result in some minor changes to the current built form, specifically the embankments.



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In conclusion whilst we do not fully support the application we believe there is a conditioned route to resolution of the issues (with potential S106 Agreement). Whilst not ideal, we believe it is possible to deliver this in this unique situation, without setting negative precedent for other development. Nevertheless we wish to state that our preference would be for there to be more time so that the applicant could amend some of the details submitted so as to reduce and avoid some of the flood risk impacts, as well as ensuring that they will be mitigated through appropriate design.

I trust the above will assist at this time. Please do not hesitate to contact me if you have any queries. If you are minded to approve the application we would request notification of this so as to make further representation. If a determination is made, a copy of the subsequent decision notice would be appreciated.

GCC as Lead Local Flood Authority (LLFA):

Revised details submitted 1st August 2023 include updates to the Flood Risk Assessment prepared by Katherine Colby Hydrologists Limited dated 11/07/23 to revision 4. The updates include a development of the baseline hydraulic model, showing flood extents in the current situation compared to a model of the flood extents following development. These show decreases in flood depths and extents following development at places previously identified as problematic. The section 3 of the FRA is supported by Appendix A provides details on the principles and technical approach to the modelling that the LLFA accept.

The LLFA have no further objection to the proposal.

National Highways (27/11/2023):

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

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference S.19/0291/FUL.

Statement of Reasons

Previous Response

The application is seeking permission for the reinstatement of the 'Missing Mile' section of the Stroudwater Navigation and development of associated infrastructure including locks, mooring basins, car parking and cafe/leisure facilities, Stroudwater Canal Phase 1B, Eastington, Gloucestershire.



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National Highways (previously Highways England), issued a holding recommendation in response to this application dated 5 March 2019 to allow the applicant to provide the following additional information:

- Detailed design drawings regarding the section where the canal is proposed alongside the river adjacent to our structure should be provided.
- Detailed Plans relating to the proposed construction adjacent to the Highways England boundary should be supplied for our review and approval. Any fences, screening and other structures must be erected on land outside Highways England's boundary, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development".
- Full details of any proposed interaction with the embankments, river and drainage assets within the immediate vicinity of the M5 should be provided for our review and approval.

Our holding recommendation was extended by a further 3 months on 6 June 2019, 29 August 2019, 29 November 2019, 27 February 2020 and for a further 6 months on 27 May, 27 November 2020, 21 May 2021 and 15 November 2021.

Following engagement with the applicant's consultants, in May 2022 National Highways were satisfied that the above matters can be dealt with at detailed design stage, subject to all works being undertaken strictly in accordance with DMRB and following written approval from National Highways. We therefore provided an approve with conditions response.

In August 2023, National Highways was reconsulted on S.19/0291/FUL as further information was submitted since our Conditions response was issued in May 2022. The additional information of interest to National Highways includes drainage and landscaping information and associated plans.

In December 2022 the DfT Circular was updated to 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and therefore the application has been assessed with regards to the revised document.

Drainage

National Highways have reviewed the submitted plans and documents relating to drainage. We consider that the construction of the new Canal under the M5 River Frome Bridge and Subway, and the new northbound and southbound multi-user path linking to the M5 Stroudwater Cattle Creep Underbridge will likely come into conflict with National Highways M5 existing drainage assets from both structures, and the M5 Junction 13 slip road drainage.

The drainage team request that the surface water drainage proposals are provided for the multi-user path to determine whether there will be any direct conflicts with National Highways existing drainage, or any proposed outfalls that would contravene DfT Circular 01/2022 Paragraph 59.

We are satisfied that the drainage detail design could be secured by condition, as appropriate.



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Landscaping

National Highways have reviewed the 'Outline Plant Schedule and Specification' within the General Arrangement Plans, we note that this remains unchanged from the previous version.

We would wish to remind the applicant that for reasons of safety, liability and maintenance the following species must not be planted within 10m of our estate: 1. Blackthorn (*Prunus spinosa*) 2. Goat willow (*Salix caprea*) 3. Crack willow (*Salix fragilis*) 4. Dogwood (*Cornus sanguinea*) 5. Italian alder (*Alnus cordata*) 6. Bird cherry (*Prunus avium*) 7. Quaking Aspen (*Populus tremulans*) 8. Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway or any significant National Highways asset: 9. Silver Birch (*Betula pendula*) 10. Austrian Pine (*Pinus nigra*) 11. Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*) 12. English Oak (*Quercus robur*)

Furthermore, the planting of ash (*Fraxinus excelsior*) and larch (*Larix sp*) is ill advised due to the current diseases they spread and succumb to.

From a review of the General Arrangement Plan it is noted that the 'Native Hedgerow Planting' (ph) in the plan, shows Blackthorn and Dogwood in the mix.

Whilst there is a 2m tow path shown separating our estate from the hedge, the 10m distance for the above species should be observed in this case. However, we are satisfied that this could be addressed by a planning condition to secure for our review and acceptance a detailed boundary treatment plan which clearly shows those prohibited species removed from planting mixes within 10m of our boundary.

Position Update

In September 2023, National Highways was contacted by the LPA Case Officer and our Conditions have been updated to reflect the proposed phasing of the proposals.

Recommendation

National Highways has no objection in principle to application S.19/0291/FUL subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the phase of development which includes the motorway bridge and subway hereby permitted, detailed designs of the full scheme of works of this phase shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). All works within this phase must be designed and undertaken fully in accordance with the requirements of the Design Manual for Roads and Bridges and National Highways Governance and Technical Approval processes.

Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the M5 structural assets.

2. Prior to the commencement of the phase of development which includes the motorway bridge and subway hereby permitted a detailed boundary treatment plan shall be submitted to and



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approved by the Local Planning Authority (in consultation with National Highways). The plan shall include as a minimum: a. details of any fencing and associated maintenance strip b. details for management of any existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a method statement for any works required to address the removal, retention and management of trees along this boundary, and details provided for access and easement to enable maintenance to third party land; and c. details of any proposed new planting including location, species mix, maintenance method statement and schedule. All works within this phase shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason: in the interest of the safe and efficient operation of the strategic road network and to safeguard the long term integrity of its assets.

3. Prior to the commencement of the phase of development which includes the motorway bridge and subway hereby permitted, a full drainage strategy for this phase including a maintenance method statement and schedule shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). The design and construction of the proposed drainage for this phase must be undertaken strictly in accordance with the Design Manual for Roads and Bridges and must be maintained as such thereafter.

Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the highway drainage asset.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption. These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highways (10/08/2023):

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

GCC Highways (24/05/2022):

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.

The justification for this decision is provided below.



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The applicant has provided a transport assessment (December 2021) which considers the impact of the proposal from a multimodal perspective, it also considers how access would be provided as a temporary measure whilst construction takes place. The proposal is located off the A419 which is a high capacity and high speed carriageway, to the east of the M5 it is also subject to alteration as part of extant and proposed development works. The proposal needs to be assessed in several stages both as a temporary and permanent trip generator and in relation to each of the access points.

Construction Works

Western and Eastern Accesses. The proposal is for a temporary bellmouth with ancillary traffic management works to ensure it operates as a left in / left out operation. This is acceptable in principle, but the applicant should note that conditions are required to control the works. The applicant suggests that the access will be formed using a section 184 licence, this is incorrect, and given the scale of the access it will need to be provided via a section 278 agreement. At the end of the works this access will need to be removed and highway reinstated to its current arrangement. The proposal also requires a temporary traffic regulation order to prohibit right turning movements both in and out of the site. The eastern most access is located adjacent to a layby, this is a potential safety concern as vehicles parked in the layby would obstruct the visibility splay of emerging construction traffic. As such it is essential that this layby is closed for the entirety that the temporary access is in situ.

It is necessary to seek conditions to ensure the access is constructed prior to commencement and reinstated at the end, and for a traffic management plan to be submitted confirming the temporary traffic management measures included the temporary legal orders.

Permeant Traffic Generation

The transport assessment concludes that the busiest day for the development will be a Saturday, this is not surprising given the proposal is leisure based. The marina activity will generate relatively modest numbers of trips, but the proposed café/restaurant has the potential to be more intensive. The TA demonstrates the likely number of trips across the day, it does not account for whether the trips are new trips or pass-by trips and as such represents a robust assessment. The anticipated demand does not give rise to a capacity shortcoming or any adverse impact on safety, and whilst there will inevitably be a slowing of traffic as a vehicle decelerates to enter the site the visibility splay exceeds that required in terms of the junction splay and forward visibility splay for passing traffic.

The western access is the only access retained for the permanent site needs, and this is proposed to be amended from the temporary construction access design. A central barrier is proposed to ensure the all traffic exits the site to the left and has to turn left in, this is acceptable but requires a traffic regulation order (TRO). The permanent TRO process cannot be guaranteed through the planning determination process and as such in order to be able to ensure the development is only brought into operation when the order is confirmed a Grampian condition is needed, the risk associated with its potential non delivery is accepted by the applicant as the scheme promotor.

Subject to conditions to ensure the access is constructed fully and the necessary legal orders are in place prior to the first use of any part of the site there is no justifiable reason to object to the proposal. All access works both temporary and permanent will require a section 278



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agreement and the applicant should ensure that they apply for the necessary approvals promptly as work to the highway cannot commence until the legal agreements are in place. Parking arrangements. The applicant has proposed 93 car parking spaces made up as formal and overflow provisions. It is accepted that there will be significant variation in demand between seasons, days of the week and times of the day, as such the quantum of parking is considered to be acceptable based on the likely peak demands of both planning uses. The proposal includes for 6 accessible spaces, this meets the locally adopted requirements. The proposal also includes for 5 electric vehicle charging points, whilst this is welcomed the charging time of the unit needs to reflect the dwell time of the uses, as such it is appropriate to allow 2 spaces for 8 hours charging time to reflect the marina need, and 3 spaces for 30 minute charging to reflect the café / restaurant need, a condition is recommended to require the specification and location of these spaces to be provided. 14 Bicycle spaces are proposed, this is considered acceptable but it is hoped that bicycle demand will be greater than anticipated the applicant will look to provide additional cycle parking facilities. Finally, no provision is made for motorcycles, given the ratio of car spaces 5 motorcycle spaces with secure fixing points are required, a condition is proposed to rectify this matter.

Public Rights of Way

The proposal results in the diversion of public rights of way, this requires a separate legal process which needs to be completed before the rights of way are obstructed. The applicant must ensure that they have applied to do this in a timely manner.

Travel Planning Measures

Whilst the scale of the proposal does not warrant a travel plan, it is appropriate for information pack to be provided to each mooring and each employee, furthermore an information board to inform visitors of how they can access the site sustainable (and website if provided) would help encourage trips by non-car modes.

Overall, the proposal is considered to be acceptable, but given the nature of the road it is served off and the design of the accesses pre commencement and use conditions are necessary to make the development acceptable.

The Highway Authority has reviewed the planning application and based on the analysis of the information submitted it is concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Temporary site access The Development hereby approved shall not commence until the temporary site access works comprising: 1. Eastern Access as shown on drawing P12/2.17/011 Rev C 2. Western Access as shown on drawing P1B/2.17/010 rev D Have been constructed and completed. REASON: To ensure the safe and free flow of traffic onto the highway. Reinstatement of Access The temporary eastern access shown drawing P12/2.17/011 Rev C, hereby permitted shall be reinstated prior to the first use of the development hereby permitted and in accordance with details that shall be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.



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Permeant Site Access The Development hereby approved shall not be brought into first use until the permeant site access works shown on drawing P1B/2.17/041 Rev D have been constructed and completed. REASON: To ensure the safe and free flow of traffic onto the highway.

Temporary Traffic Regulation Order No development shall take place until a Temporary traffic regulation order (TTRO) relating to the prohibition of right turns at each of the westerns and eastern access points, and the closure of the layby to the east of the eastern most access on the A419 has been implemented. Reason: To Restrict impact and harm until suitable mitigation is delivered.

Grampian Traffic Regulation Order No part of the development hereby approved shall be brought into use until a traffic regulation order (TRO) relating to the Prohibition of Right Turns on A419 (Western Access) into and out of the development has been implemented. Reason: To Restrict impact and harm until suitable mitigation is delivered.

Electric Vehicle Charging Points An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification. Reason: To promote sustainable travel and healthy communities.

Motorcycle Parking Provision The development hereby approved shall not be brought into use until at least 5 secure motorcycle parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for motorcycle parking as approved. Reason: To provide safe and suitable access for all users.

Bicycle Parking

The Development hereby approved shall not be brought into use until at least 14 sheltered, secure and accessible bicycle parking have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter. REASON: To promote sustainable travel and healthy communities

Residential Welcome Pack The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority an employee / marina berth welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each employee / canal berth. REASON: To reduce vehicle movements and promote sustainable access.

Construction Management Plan Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to: o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); o



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Locations for loading/unloading and storage of plant, waste and construction materials; o Method of preventing mud and dust being carried onto the highway; o Arrangements for turning vehicles; o Arrangements to receive abnormal loads or unusually large vehicles; o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Informatives

Informatives suggested relating to works/stopping up on the Public Highway and the need for various highway agreements with GCC, that a Traffic Regulation Order (TRO) will be required. Expectation for developer to be registered with the Considerate Constructors scheme and the need to engage with local community during the works.

GCC PROW team:

Highlights the potential need for temporary closure of a Public Rights of Way during construction and the need for permanent diversion of a path will require a Diversion Order.

This planning application has been forwarded for the attention of the Area Public Rights of Way Officer for further investigation.

They may respond in further detail; however, the following must be strictly observed in all circumstances:

- 1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:
 - a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>
 - b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

- a) There must be no encroachment on the width of the public right of way.
- b) No building materials may be stored on the public right of way.
- c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.
- d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.



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

Ramblers Association (12/01/2022):

The Ramblers Association supports this project, recognizing its value for recreation and community. However, we note that the towpath, proposed to be designated as a footpath with permissive use for cycles, is up to 2m wide. That is less than our baseline requirements of 5m and segregation. However it is understood that more width may not be feasible here.

For reference, the DfT Cycle Infrastructure Design document LTN 1/20 states Shared use routes away from streets may be appropriate in locations such as canal towpaths and its recommended width for shared use routes carrying up to 300 pedestrians per hour is 3.0m, or 4.5m where more than 300 cycles per hour are anticipated. Also, for unsegregated cycling/walking routes, the Greenways Handbook and Sustrans Guidelines recommend a minimum width of 3 metres, an absolute minimum of 2 metres but only if traffic flows are less than 200 users per hour and there is a clear verge on each side of the route. For the new sections of canal and towpath it should be possible to meet these standards.

Another issue relates to the intended fate of existing rights of way. The plans are unclear with regard to footpath EEA41. The Landscape Masterplan Schedule shows the towpath crossing the canal at that point, but other diagrams do not. For example, the Oldbury Aqueduct plan shows a towpath running beneath the Westfield bridge but there is no connection shown between it and the bridge. The reason for concern here is to ensure connectivity from the new business development to the north, which could be built over the top of this footpath and the canal to the south so that access is retained for the benefit of the workers and visitors to that site. Similarly, EWH17 is not shown on the plans and no means of crossing the new section of canal is apparent. For the same reasons, this access needs to be maintained.

Natural England (07/02/2024):

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Severn Estuary Special Protection Area (SPA), Special Conservation Area (SAC) and Ramsar Site, Cotswold Beechwoods SAC and - No Objection - Subject to appropriate mitigation being secured

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with



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the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission as necessary.

Severn Estuary Site of Special Scientific Interest

Our comments regarding the need to secure proposed mitigation for the Severn Estuary SPA, SAC and Ramsar Site also apply in respect of the SSSI's notified features.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

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

Natural England (15/11/2023):

Additional Information required

Natural England has previously provided comments on the proposed development (our letter dated 25 February 2022 our ref 379209). Our advice included detailed comments on the further information required to assist your authority in informing the Council's Habitats Regulations Assessment. We note the new information provided in support of this re-consultation include shadow Habitats Regulations Assessment (HRA) submitted by the applicant.

As competent authority, under the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is your responsibility to produce the HRA and be accountable for its conclusions. Page 2 of 2 We therefore advice that Natural England should be re-consulted once the Council's HRA is available.

If your authority wish to adopt the shadow HRA report produced by the applicant, please let us know and we will provide our response based on this report.

Natural England (25/02/2022):

FURTHER INFORMATION REQUIRED TO INFORM THE COUNCIL'S HABITATS REGULATIONS ASSESSMENT - STAGE 2 - 'APPROPRIATE ASSESSMENT'

As submitted, the application could have potential significant effects on the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site and the Wye Valley and Forest of Dean Bat Sites SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.



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The following information is required:

1. Further information on the potential impacts of additional recreation pressure on the wild birds of the Severn Estuary SPA and habitats associated with the SAC and Ramsar Site. The Council's Severn Estuary Recreation Management Strategy¹ refers.
2. Further information on impacts and scope for their mitigation in respect of migratory fish species forming part of the Severn Estuary SAC and Ramsar Site designations.
3. Further information regarding the mitigation of potential effects on seasonal commuting of bats between the Wye Valley and Forest of Dean Bat Sites SAC and Woodchester Park SSSI.

Historic England (04/8/2023):

Thank you for your letter of 1 August 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice We last wrote to you on 4 January 2022 in respect of these proposals, which propose a new section of canal to connect the restored portion of the Stroudwater Navigation to the National inland waterway network, via a connection to the Gloucester and Sharpness Canal at Saul Junction.

We advised that the proposals will better reveal the significance of the Industrial Heritage Conservation Area through which the new canal would pass. Connecting the restored connection of the Stroudwater Navigation through Stroud to the wider inland waterways network will significantly increase boating activity on the canal, which will enhance the character and appearance of the linear conservation area and allow for wider appreciation of it.

We also advised that the proposals will bring substantial heritage benefits to Stroud and represent significant investment in the locality by funding partners such as the National Lottery Heritage Fund.

The proposed changes to design respond to environmental and ecology matters. The minor design changes have no additional implications for heritage.

Recommendation Historic England continues to support the application on heritage grounds.

Historic England (04/1/2022):

The proposals are for the restoration of the Stroudwater Navigation Canal on a new alignment between the junction of the A38 and A419 to the west, and Spring Hill to the East. The former alignment of the canal was obliterated by 20th century roadbuilding, and by necessity a restored canal is now forced to take a new route.

These proposals provide detail of the proposed new alignment. The new canal will head east from the recently-restored section of canal which bisects the A38/A419 roundabout, and a new marina with associated facilities (including public house) will be created alongside the A419. From this new basin the canal will turn sharply to the South and then to the east, in a new formation alongside the river Frome.

The canal will pass underneath the M5 sharing the existing river underbridge, with the canal water maintained at a lower level than that of the river to allow the safe passage of narrowboats.



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Once under the M5, the new canal will follow a gentle curve incorporating a new lock chamber, and rejoin the historic former alignment of the canal just north of the Eastington trading estate.

The section of new canal will connect Stroud to the National inland waterway network via a connection to the Gloucester and Sharpness Canal at Saul Junction. The proposals will better reveal the significance of the Industrial Heritage Conservation Area through which the new canal would pass. Connecting the restored connection of the Stroudwater Navigation through Stroud to the wider inland waterways network will significantly increase boating activity on the canal, which will enhance the character and appearance of the linear conservation area and allow for wider appreciation of it.

The proposals will bring substantial heritage benefits to Stroud, and represent significant investment in the locality by funding partners such as the National Lottery Heritage Fund.

Recommendation

Historic England supports the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

SDC Conservation Specialist (20/12/2023):

Thank you for re-consulting me on this application. I have nothing further to add to my previous comments

SDC Conservation Specialist (17/1/2022):

The proposed development site falls partially within the Industrial Heritage Conservation Area. Section 72(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Also under consideration are the group of Grade II listed buildings at Fromebridge Mill, and the non-designated heritage assets of Meadow Mill, Westfield Bridge, and the group of buildings in the historic enclave of Chipmans Platt. Section 66(1) of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and in particular, listed buildings. These requirements extend to all powers under the Planning Acts, including the Stroud District Council Local Plan, Adopted 2015, Delivery Policies ES10 and ES11, and Paragraphs 189- 208 of the NPPF.

Whilst it is a shame that the historic line of the canal cannot be reinstated, it is considered that the new alignment would still have some of the linear quality of the original, thereby giving an understanding of the historic landscape through which the Stroudwater Navigation and early river navigations cut. The associative interest of the Frome Navigation, the Stroudwater Navigation, the Grade II listed group at Fromebridge Mill, Meadow Mill, Chipmans Platt and the network of historic roads and footpaths would remain legible.



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The proposed infrastructure relating to the canal- the new lock and swing bridge, as well as the general construction techniques, would be similar to that which has been used elsewhere along the length of the Navigation, and are deemed to be appropriate in this context.

The wide open views with limited development are the key components of the character and appearance of this stretch of the Conservation Area. To the west of the site, the proposed café building would appear as a typically isolated structure within the landscape, its form echoing the Dutch barn to the east of the motorway. It is considered that this element of the proposed development would preserve the undeveloped character of this part of the conservation area.

The impact of access roads, parking, and of the marina and its related structures, do have the potential to cause harm to the character and appearance of the conservation area, however, it is appreciated that their potentially intrusive nature would be significantly lessened through landscaping, therefore these elements are unlikely to be unacceptable in heritage terms. From a conservation perspective, it is considered that the proposed development would preserve and enhance the character and appearance of the conservation area, and no harm would be done to the special interest of the nearby listed buildings and non-designated heritage assets through development in their setting. These proposals are therefore considered to comply with the provisions of duties, policies and guidance contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the adopted Stroud District Local Plan Policies ES10 and ES11, November 2015, and the Council's adopted Industrial Heritage Conservation Management Plan of 2008.

SDC Environmental Health (13/12/2023):

I have no additional comments arising from these submissions.

SDC Senior Contaminated Land Officer (21/12/2023):

Thank you for consulting me on the above application. Please refer to my comments dated 6/3/2019, where I recommended that the full contaminated land condition should be attached to any permission granted. My response remains the same.

SDC Senior Contaminated Land Officer (17/08/2023):

Thank you for re-consulting me on the above application. I have been unable to locate any further information with regards to contamination, and as such, please refer to my comments dated 6/3/2019 and attach the full contaminated land condition to any permission granted.

HSE (04/01/2022)

HSE's advice on this application was provided on 5 May 2021; we have no further comments to make in relation to the proposed development.

HSE (05/05/2021):

HSE is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines. The proposed development site in planning application S.19/0291/FUL lies within the HSE consultation distance (CD) of a major accident hazard pipeline, currently operated by Wales and West Utilities:

- Ref: 7208_1477 Gloucester / Wickwar (Ref. GW)

This consultation has therefore been considered using HSE's land use planning (LUP) methodology (see <https://www.hse.gov.uk/landuseplanning/methodology.pdf>), taking account of the above major accident hazard pipeline in order to determine HSE's advice.



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The proposed development lies within the inner, middle and outer HSE consultation zone, and outside the consultation distance of pipeline ref: 7208_1477.

Cafe

Within HSE's LUP methodology, we would classify a café as 'Indoor Use by the Public' development type. As the total floor space of the proposed café will be less than 5000m², the sensitivity level (SL) will be SL2. As long as the café is located more than 16m from the pipeline, then HSE would not advise against the granting of planning permission for the cafe.

Managers Flat

HSE would not advise against one dwelling unit located in any of the HSE consultation zones.

Canal Moorings

There are 10 permanently moored non-residential moorings proposed, located within the middle, outer and outside the HSE consultation distance. Within HSE's LUP methodology we would classify this land use as 'Hotel/hostel/holiday accommodation' development type. Accommodation up to 100 beds or 33 pitches would be SL2, and HSE would not advise against the granting of planning permission for this within the middle and outer zones.

Car Parking

HSE would not advise against car parking located in any of the HSE consultation zones.

Remainder of the Site

The rest of the site appears to be footpaths and landscaping. Within HSE's methodology we would class this as 'landscaping' development type and HSE would not advise against this in any of the HSE consultation zones.

HSE's Advice

Consequently, having considered this proposal as described above, HSE does not advise, on safety grounds, against the granting of planning permission for the proposed development.

Please note this advice letter supersedes the advice Stroud District Council obtained using the HSE Planning Advice Web App on the 7 April 2021 (HSL-210407140240-55).

Cotswolds Conservation Board:

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

SDC Biodiversity (08/01/2024):

Designated Sites

Habitats Regulations Assessment

An updated sHRA has been submitted, which now identifies and recommends the promotion of 4 additional existing routes, to help alleviate recreational pressure away from the towpath and the Severn Estuary designation. This network of existing footpaths have been ground truthed and assessed for their impact on qualifying bird species of the Severn Estuary SPA / Ramsar. The footpaths are currently viable and none of the promoted footpath routes are considered



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likely to be functionally linked land in respect of qualifying bird species, further reducing the likelihood of disturbance to qualifying species.

Once operational, site monitoring will be undertaken between the missing mile and Saul Junction to determine if the towpath users are creating recreational disturbance, remedial action will be undertaken in the form of installing further signage and fencing (if required).. This bespoke mitigation package in the form of Reasonable Avoidance Measures (RAMS) will result in no material adverse effect on the Severn Estuary SPA/Ramsar and should be secured with a planning obligation/condition.

There is also the possibility that lighting, vibration and noise effects from construction could inhibit fish movements within the River Frome. This is considered likely to be the case at the M5 crossing where there are physical alterations to the River Frome and where sheet piling maybe required. A CEMP will be required which includes controls on timing (works should commence between 16th June to 30th September) and lighting to avoid impacts on fish. This mitigation will ensure that there will not be any effect on migratory fish and adverse effects on the integrity of the Severn Estuary will be avoided.

It is considered that the measures proposed in the sHRA can be relied upon to avoid adverse effects of the integrity of the Severn Estuary SAC/SPA/Ramsar and can be adopted by the LPA.
Habitats

The updated reports have been revised to reflect the location of the 'offsite' mitigation more accurately, which is located within the redline boundary, therefore an outline offset plan is not required.

Bats

The results of the updated Preliminary Roost Assessment (PRA) have now been submitted. The survey work concluded that no bats were recorded roosting in the 16 trees to be removed, therefore a licence is not required before works can proceed. A Precautionary Working Method Statement (PWMS) for the trees and habitat is included in the Species Protection, Mitigation and Enhancement Plan (SPMEP), which has now been updated and these principles should also be used for the underpass.

Reptiles - The SPMEP now identifies a potential translocation site if slow worms are found during construction works on site.

Water Vole - the applicant has submitted a summary of works which will need to be undertaken under licence. This is the formal submission to demonstrate that a licence will be granted by Natural England.

Recommendations and Conclusions

There is no ecological objection. If planning is granted the following conditions will be required:

- a Construction Ecological/Environmental Management Plan (CEMP)
 - a Landscape and Ecological Management Plan (LEMP),
 - a Surface Water Management Plan (SWMP)
- securing Section 106 contributions per dwelling as part of Stroud District Council's avoidance mitigation strategy for the Severn Estuary SAC/SPA and Cotswold Beechwood SAC
(Full details of these conditions can be found in the draft Appropriate Assessment 13/12/2023)
in addition, a suitably worded condition will be required to secure the bespoke (RAMS) mitigation package detailed in the submitted sHRA.



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SDC Tree Officer:

No objection - recommends conditions

Gloucestershire Wildlife Trust (08/09/2023):

Our previous points (below) have been addressed by the revised submissions:

Impacts on designated sites - Agree with the decision of Natural England that disturbance of the Severn Estuary cannot be ruled out completely so a s106 agreement is required to implement the monitoring of visitors and may result in a bespoke set of mitigation measures being required.

Pollution impacts - we accept that a draft CEMP has been produced.

Protected species - we accept that LUC subsequently wrote a Species Protection, Mitigation and Enhancement Plan

Operational LEMP - LUC have suggested in the SEI that this will be produced after planning has been granted so this should be conditioned by the planning authority.

Nature Recovery Network comment was provided for information to aid design.

Severn Trent (01/11/2023):

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Inland Waterways Association (05/03/2019):

Thank you for consulting the Inland Waterways Association (IWA) in relation to the above Application which has been considered by the IWA Planning Advisory Panel comprising experienced practitioners with expertise in the field of waterways conservation and development. The Panel's comments on behalf of the IWA are set out below.

The IWA strongly supports this Application which aims to establish the broad principles and framework to guide the provision of this key link in progressing the full restoration of the Cotswold Canals. The approach adopted - seeking agreement to the main principles and providing a framework for future action - is a necessary first step in this part of a nationally important restoration project. In this respect, it is difficult to overstate the importance of the "Missing Mile" in contributing to the ultimate revitalisation of the local rural economy, to the far wider benefits that will accrue via the formation of new cruising rings, and to the conservation of heritage assets.

We briefly comment on a few detailed considerations: -

1. Some clarification may be needed as it is currently unclear if the Application is in Outline form with all Matters Reserved as submitted or is a Full Application as registered.
2. We note the request of the Gloucestershire County Council Archaeologist for further survey information to support the project and consider that there will be opportunities to promote the interpretation of the findings in conjunction with the history of the obliterated line of the Stroudwater Canal.
3. We consider that any Conditions imposed restricting hours of working should distinguish between the main groundworks and structural engineering works on the one hand and work undertaken by volunteer "navvies" on the other - the latter which often needs to take place over weekends and Bank Holidays. We urge that this distinction is drawn in a Construction Management Plan so that the valuable contribution that volunteers are able to make to this restoration project can be fully harnessed.



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We note and welcome the widespread support for this project and hope that support for it will also be forthcoming from the District Council in due course.

Department for Levelling Up, Housing and Communities (26/1/2022):
I confirm that we have no comments to make on the environmental statement.

Public:

3 Objection comments received:

Concerns raised regarding the access arrangements and a possible conflict with football stadium conditions requiring replacement laybys.

Mooring basin is too close to the road.

Only walkers and cyclists would be catered for but the SDC Stroudwater Heritage Fund Lottery Application mentioned a multi-use towpath which would include horse riders. The area desperately needs safe off-road routes for horse riders and this seems an obvious gain for little effort.

101 Support comments received:

Stroud with vital green infrastructure links with pedestrian and cyclable access

Public health and well-being benefits

Benefit to district being connected to national canal network and enhance as a tourist destination.

Bring economic benefits visitors, tourists and investment.

Visitor centre will attract users to the water

Provide a much-needed recreational facilities

Important to improve habitat for wildlife bring significant local environmental benefits

The balance between wildlife areas and infrastructure is just right.

The simple design of the cafe reflects the architecture of the area and is not over development

Building community engagement and upskilling the volunteer workforce.

The canal should have links to a new station halt at Stonehouse to allow better access by public transport by rail

2 Comment only received:

Needs to be more parking to avoid wider parking issues - underestimate is the likely popularity of this new asset.

Should the marina be on the other side of the canal away from the road?.

Concerns regarding the footpath using the cattle pass.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework revised - December 2023.

Available to view at:

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) and Section 72(1).

Stroud District Local Plan 2015.

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



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<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.
- CP4 - Place Making.
- CP5 - Environmental development principles for strategic growth.
- CP11 - New employment development.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside.

- 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.
- 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.

The proposal should also be considered against the guidance laid out in:
Stroud District Landscape Assessment SPG (2000)
IHCA Conservation Area Management Proposals SPD (2008)

Stroud Canals Vision & Strategy - The Council's Environment Committee adopted the Canals Strategy as a Supplementary Planning Document on 4 October 2022.

Heritage strategy for Stroud District SPA 2018

On February 8th, the Council's Environment Committee adopted a strategy for the positive management of Stroud District's historic environment and heritage assets. The Heritage Strategy is now Supplementary Planning Advice.

Whitminster Design Statement 2014

Whitminster Parish Design Statement was adopted as Supplementary Planning Advice (SPA) 23rd October 2014.

Eastington Neighbourhood Development Plan Made on 26th October 2016
Policy EP2: Protect and Enhance Biodiversity and The Natural Environment
Policy EP3: Restoration and Development of The Canal Corridor



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Policy EP9: Public Rights of Way and Wildlife Corridors

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

PRINCIPLE OF DEVELOPMENT

The site is located in countryside location outside the defined settlement limits. In such locations, to protect the identity and quality of the countryside development would not normally be permitted by Core Policy CP15 unless it meets certain criteria. The principle of canal restoration is also a key consideration supported by Policy ES11.

Canal channel

The proposed canal restoration would meet criteria 2 of CP15 that it is essential to be located in this rural location and that it promotes public enjoyment of the countryside and support leisure and tourism. The scheme is required in this location to connect the canal and join the missing link, previously cut by the construction of the M5. The proposal also provides a leisure and tourism opportunity for local residents but also to attract visitors to the area.

Local Plan Policy E111 provide further support for leisure and recreation facilities. Whilst this does direct development to the settlements it is acknowledged that this proposal seeks to meet a specific need in this rural location to reconnect and reinstate this section of canal. This cannot therefore be met at settlements within the settlement hierarchy. The other criteria of the policy for assessing the merits of the scheme are addressed in the specific planning consideration sections of this report.

The Local Plan also specifically supports restoration of the District's canals. Local Plan Policy ES11 encourages the restoration and functional improvement of the canal. It seeks to improve access to and along the canal and encourages use for transport and leisure/recreational purposes.

The primary aim of the proposal is the provision of the new canal cut and therefore aligned fully with this policy.

IHCA Conservation Area Management Proposals SPD also highlights the canals significance and supports proposals for physical works to the canal channel and canal restoration.

NDP Policy EP3 seeks to support continued restoration of the canal and encourages the development of canal-side land for tourist and recreational uses and activities.

The canal contributes towards economic and regeneration objectives by providing attractive locations for canal-side development and making a contribution to achieving more sustainable patterns of movement.

The Council's Canals Strategy supports longer term schemes and the restoration project that is unlocking a lost section of the Cotswold canals corridor between Saul Junction and Eastington. It seeks to maximise the social, economic and environmental benefits of the District's canals.

Given all of the above, it is therefore considered the construction of a new section of the canal channel is clearly acceptable in principle in this location.



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Mooring basin

In addition to the canal channel, the proposal includes a mooring basin and associated leisure facilities. The ancillary small buildings provide showers and basic amenity offer for boat users. These facilities are directly connected to the use of the canal and are required in this location to allow access to the canal but also sufficient space. It is acceptable that it would be difficult for the basin to be located within the development limits of nearby settlements.

The installation of landing stages for various canal boats, canoes and kayaks etc provides a specific leisure and recreational facility and is part of the business plan for the operation of the canal.

Manager's Flat and Café

The scheme also includes a basin manager's residential flat. A new residential property is located adjacent to the canal basin to allow onsite supervision of the mooring basin. This is required to provide safety and security as well as management of the onsite mooring and facilities. The Café is proposed as a direct connection to the canal to support the canal and basin as a leisure and tourism facility. To reflect what has been proposed by the applicant's, the use of the café and flat will be controlled via the legal agreement and conditions.

The Stonehouse Town, Eastington Parish and Whitminster Parish Councils have questioned the inclusion of the café/pub, leisure facilities and residential house within the same application as the reinstatement of the canal channel and that facilities nearer to Stonehouse would have greater accessibility.

The complexity of the scheme and these views from the Town and Parish Councils are appreciated. The application has to be considered on its merits as submitted with a decision made on what has been proposed. These additional elements are proposed by the applicant as part of the sustainability of the scheme in this location and to provide additional connected services and benefits for canal users. The pub use has been removed and the principle of these elements has been addressed above and has been considered.

Stonehouse Town Council has also highlighted that it is unfortunate that only very narrow boats will be able to access the remaining canal network in an easterly direction. This is noted but a 5m canal channel is still provided and whilst it is constrained by the M5 crossing and the lack of viable alternative, boats can still make use of it. Some operational management might be required for wider vessels.

DESIGN AND APPEARANCE

The proposed café building has a rural design making use of a Dutch barn as its design inspiration. These are found locally and the proposed design follows the style & proportions providing an utilitarian structures which minimise its height and prominence. It retains the local context in its design but still provides a modern appearance. It is proposed to be construction with a portal frame with sheet metal, blackened timber cladding and brick.

The mooring basin facilities buildings will have similar material palette and functional design. These are of a small scale and will appear subservient to the larger café building.



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The canal channel and canal features including the mooring basin will have utilitarian canal appearance, following the approach used on other phases of the canal restoration.

Whilst the scheme does introduce new built development into the rural area, it is considered that the design does have regard for this setting and the appearance is considered an acceptable approach.

RESIDENTIAL AMENITY AND NOISE

Consideration is required of the possible impact on the amenities of nearby neighbouring residential properties. This includes noise and vibration during the construction phase and then also the ongoing operation. Local Plan Policies CP14 and ES3 seek to avoid unacceptable adverse effects on the amenities of neighbouring occupants and do not support developments that lead to unacceptable levels of noise, general disturbance, loss of privacy and other amenity impacts.

The nearest noise sensitive receptor to the proposed project is William Morris College, which is located approximately 100m from the site boundary. William Morris College is a specialist college promoting work-related learning and independence for young people with learning difficulties. There are also residential properties in the nearby area, near William Morris House and Churchend including Riverside Park and also adjacent to the A38 roundabout.

Whilst the noise and vibration has been scoped out of the ES it does have to be considered as part of the assessment of the planning considerations of the application.

With the rural setting much of the construction phases will be set away from residential and sensitive receptors. However, given the close proximity of some of the work to a sensitive receptor at Westfield lock, the applicant has submitted a noise impact assessment. This has been independently reviewed by the Council's noise consultant.

The submitted noise report presents the results of baseline noise monitoring and an assessment of expected construction phase activities associated with excavation and piling at the development site. Although the results of the assessment identify that excavation works and piling activities which will be the most disruptive element, are expected to be within acceptable BS5228 criteria at nearby William Morris College, a number of best-practice measures are to be employed at the site during the construction phase to reduce construction noise levels.

Our noise consultant highlighted that the Construction Noise Assessment did not consider all activities outlined within the submitted phasing plan and draft CEMP, and that the documents should all be aligned.

The agent has updated the draft CEMP to address the concerns in the noise review and it now includes the implementation of noise control measures, such as acoustically considerate materials handling practices, to reduce impact sounds, and liaising with William Morris College prior to de-vegetation works close to the college. Other measures that have been proposed include conducting and making records of noise monitoring during the construction phase of the development, and only carrying out works within the agreed working hours.



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These clarifications to the assessment have provided additional comfort and it is considered that specific noisier activities can be controlled (such as vegetation clearance) and now that the measures outlined in the report align more closely with the draft CEMP, this reduces the possibility of mitigation measures being overlooked during the implementation of the works.

Concern regarding the cumulative noise impact with the construction work on the adjacent football training pitches is also noted. With the work at an advantaged stage on the training pitches it is not anticipated that the works will significantly overlap anymore.

Once operational, there will be additional vehicle movements and a slightly increase in visitors including on boats and along the towpath associated with the canal, the mooring and as a wider leisure facility. However, this is not anticipated to generate significant level of noise and with the background levels from the nearby busy roads (M5, A419 and A38) it is considered that the distance to residential properties particularly from the mooring basin and café would be enough to reduce any impacts.

With the proposed mitigation being controlled via condition it is considered that the scheme will not have a significant adverse impact on residential amenities of local residents including William Morris College.

The scheme includes areas of bund and landscaping. These are located adjacent to the mooring basin and also the proposed car park. These features will help screen the canal and users from adjacent highway.

With the proposed mitigation it is considered that the scheme would not have a significant impact on residential amenity and neutral weight is given.

HIGHWAYS

The proposal is located off the A419 either side of the M5 motorway at Whitminster and Eastington.

The applicant has provided a transport assessment (December 2021) which considers the impact of the proposal from a multimodal perspective, it also considers how access would be provided as a temporary measure whilst construction takes place and during the operation of the development. This has been reviewed by officers at GCC Highways with the highway officer has assessed the proposal in several stages both as a temporary and permanent trip generator and in relation to each of the access points.

During the construction phases of the project, temporary access points will be required on each side of the M5. These will provide temporary bell mouth entrances but also need additional traffic management works to ensure they operate as a left in/left out operation. This will require separate consent (S278) from the Local Highway Authority (GCC). The eastern temporary access is located adjacent to a layby and to address the potential safety concern of vehicles parked in the layby obstructing the visibility splay of emerging construction traffic, the closure of the layby will need to be addressed as part of the highways legal agreement. Coordination with the adjacent training pitches development would be required on this element as this part of the highway is affected by these other consented developments. Reinstatement of the verge is not required as the permanent access for the pitches development is in the same location.



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The other proposed temporary access is located west of the M5. This will be required for the construction phase but will be retained and upgraded for operational use of the scheme. A central barrier is proposed to ensure that all traffic exits the site to the left and must turn left in. GCC have confirmed that this is acceptable in principle but outlined that this requires a traffic regulation order (TRO). The permanent TRO process cannot be guaranteed through the planning process and as GCC have outlined that this is necessary to make the access safe to use they have recommended a Grampian condition which would ensure the development is only brought into operation use once the order is confirmed. The applicant would need to address this element with GCC Highways.

The submitted transport assessment uses Trip Rate Information Computer System (TRICS) data. TRICS is a database of trip rates for developments in the United Kingdom and Ireland used for transport planning purposes to quantify the trip generation from new developments. The submission concludes that the busiest day for the mooring basin will be Sunday but when combined with the café, the development as a whole Saturday becomes the busiest day. This takes into account that the mooring basin is non-residential and provide a leisure use. GCC are satisfied that these figures are robust and whilst there might be a slight slowing of traffic as vehicles enter and leave the access, the anticipated demand does not give rise to a capacity shortcoming or any adverse impact on safety.

The applicant has proposed 93 car parking spaces made up as formal and overflow provisions. It is accepted that there will be significant variation in demand between seasons, days of the week and times of the day, as such the quantum of parking is considered to be acceptable based on the likely peak demands of both mooring basin and the café uses. The proposal includes for 6 accessible spaces, this meets the locally adopted requirements.

The level of parking has been queried by the Parish Council raising concern this being limited and raising the risk of vehicles parking on the adjacent public highway. This is noted but with the other modal options available to encourage an alternative it is considered an appropriate level of parking has been provided.

The proposal also includes 5 electric vehicle charging points, whilst this is welcomed the charging time of the unit needs to reflect the dwell time of the uses. Therefore, following GCC Highways advice, as such it is appropriate to allow 2 spaces for 8 hours charging time to reflect the marina need and 3 spaces for 30 minute charging to reflect the café need. Details of these can be submitted via a condition.

Whilst the scale of the proposal does not warrant a travel plan, information to encourage accessing the site via non-car modes is required. This can take the form of berth welcome/employee pack.

14 bicycle spaces are proposed as part of the scheme with boats also likely to provide cycle storage potential. This level is considered acceptable to meet the policy requirement but given the nature and aims of the wider project, as outlined by the applicant and GCC Highways it is hoped that bicycle demand will be greater than anticipated and that the applicant will look to provide additional cycle parking facilities in the future.



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National Highways are satisfied that the traffic impact of the development on the safe and efficient operation of the strategic road network have been adequately addressed.

The proposed canal channel and towpath go underneath the M5 sharing the existing River Frome bridge and a cattle creep. National Highways initially raised concern with these elements as they could have an impact on the motorway structures including the existing drainage. Concern regarding the landscaping and proximity to the strategic road network was also raised. Following further clarification they are satisfied that the detailed drainage design and landscaping can be secured by condition.

The developer for the nearby extant stadium development has highlighted a potential conflict between the proposed access west of the M5 and an indicative location for some replacement layby provision required for their development. This is noted and dialogue has taken place with the applicant, GCC Highways and the 3rd party developer. Whilst the 3rd party developer comments are noted, the replacement layby details have not yet been approved by the planning authority or the separate highway agreement and therefore remain as an indicative design and location. This does not create 'race to implement' where only one development can take place as outline by the 3rd party objection, as alternative solutions appear to be available. The Case Officer has had positive engagement with all parties to find a solution and work is ongoing. Whilst this has not yet been concluded it is still considered fair and reasonable given the possible alternatives solutions that the indicative design does not preclude a positive determine of the access as submitted in this application.

Footpaths

The scheme does have implications for the footpaths within the application site. Where the canal channel, basin and associated elements are proposed these do result in the need and the expedience of users of the footpaths to be altered. For example, an alternative route has been provided for Whitminster footpath 17 which currently crosses the position of the new canal and basin.

The development and alternative routes do change the character of these routes slightly however, it is considered that they are not substantially less convenient to the public and the public enjoyment of the rural setting would not be significantly adversely affected. As addressed elsewhere in this report the canal and basin with the proposed facilities will provide landscape and ecology enhancements that mitigate the impact of the additional development.

As part of the mitigation for the scheme footpath connections and local circular routes are being created. These will provide greater access and amenity value and a wider community benefit.

The scheme also providing a towpath along the side of the new canal channel. This connects up with the existing towpath and wider footpath network and includes a canal bridge and underpass to reopen a connection under the M5 motorway on the north side of the river. This would also be an alternative to this section of the Thames and Severn Way which is a benefit of the scheme.

The Ramblers Association have supported the proposal but raised the desire to have a wider towpath. Easington Parish Council has also highlighted the need to make provision for horses and safe equine users.



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The applicant has discussed this with the Parish Council and noting the restrictions on site particularly the tunnel section beneath the M5 alternative routes not within the site are being progress separately.

The applicant will need to address any implications for the definitive footpath map separately with appropriate diversion/stopping up orders. Any appropriate temporary closure for safety during construction phase would also need to be addressed by the applicant.

Given the above, it is considered that the proposed scheme with the mitigation proposed, provides a safe access during the construction and operation, promotes sustainable options and would not have an unacceptable impact on highway safety or a severe residual cumulative impact on the highway network.

LANDSCAPE IMPACT

The site is located as the Frome River Valley, a sub-division of the Rolling Agricultural Plain Landscape character type. This is characterised by rich rural lowland, with strong field patterns with some woodlands and mature hedgerow and trees. The gentle valley sides character a slightly enclosed character sheltered by the vegetation along the river valley which create a pastoral river valley quality.

The key landscape priority is to conserve and protect this character which is susceptible to change from inappropriate development that results in the loss of pasture land and hedgerows and when viewed from elevated positions including the nearby AONB.

The landscape and visual impact has been scoped out of the ES but still needs to be fully considered when assessing the merits of the planning application. The assessment is assisted by the submission of a LVA.

The application site is set approximately 2.5km from the nearest point of the boundary of the Cotswold protected landscape (National Landscape/formerly known as Area of Outstanding Natural Beauty (AONB)). This follows the Cotswold escarpment which provides elevated views across the site from the nearby hills like Haresfield Beacon, Doverow Hill, Selsley Common and along the Cotswold Way. Views from and to the Cotswolds escarpment are recognised as 'special qualities' in the AONB and needs careful consideration.

From the elevated views the site and proposed canal channel would be seen in the context of the surrounding farmland with their field boundaries of hedgerows and trees which as outlined above as characteristic of the lowland landscape.

Some of these views also already have views of the existing canal at other points as it continues through the valley. However, this proposed section of canal is not considered to be overly obvious or noticeable being both distant and largely screened. Whilst the M5 is visible at points some of the other existing transport infrastructure like A38 and A419 are similarly not so visible from these views.

The basin (including when in use by colourful boats) and café building may be visible but would be part-screened or filtered by intervening vegetation. The building has also been designed with a rural design character to help reduce the impact and appear appropriate for the landscape



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setting. When viewed from these elevated positions, these new elements of the development are also seen in the context of existing settlements including the commercial area at Oldends Lane.

The Cotswold Conservation Board have raised no objection to the scheme and are satisfied that the distance mitigates any significant adverse impacts.

Therefore, due to the distance, the nature and limited built scale of the development, it is considered the proposal would not have a significant impact on the character or setting of the protected landscape.

There will be closer views from, for example raised land to the South at Eastington and along the Thames and Severn Way and these are more likely to be experienced by the local community near to the project. Whilst there will be the loss of some pastureland and a small amount of hedgerow, there would only be filtered views of canal features or slow moving boats. These would be noticeable but as elsewhere along the valley where canal features are prominent, there is only a localised impact which is unlikely to result in significant effects given the consented context and the M5/A38.

Views from along the canal when transversing along it on the towpath or on a boat will be important and the sense of arrival when going under the M5 towards Stroud will retain the rural and green character between the historical mill settlements with escarpment beyond. The scheme does not adversely affect this character but allows it to be experienced with the reinstatement of the canal and towpath.

The construction phases including any construction machinery maybe visible in all views but this is considered to the limited and would not result in significant landscape or visual effects.

The cumulative effects also have to be considered. The recent residential developments in the nearby area are noted but of particular note are the consented FGR football stadium and the training pitches which are under construction. Given the landscape and visual impacts of the canal restoration are not expected to be significant and given the scale of the stadium it is considered no additional cumulative landscape and visual effects beyond those already predicted for the football stadium development in isolation.

It is therefore considered that whilst the proposed Missing Mile restoration will be noticeable locally the scheme will not result in significant adverse landscape or visual effects.

CONTAMINATED LAND

The application site is mostly made up of agricultural land which is generally considered to be absent of contamination sources with the land quality considered to be good. However, contamination may be present within the infilled canal west of Westfield Lock.

Given the history of asbestos product manufacture in the local area, quantities of asbestos cement waste and other household wastes may have been deposited within the infilled canal sections between Westfield Lock and the M5. However, the connection with the timing of the infilling and the M5 construction may point to this more likely being comprised of inert soils from the motorway cuttings. The road construction, made up land/embankments also have the



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potential to have various materials/contaminants. The adjacent commercial sites are also noted in this regard.

Given this the applicant has carried and submitted an initial desk study and Preliminary Risk Assessment. The current risk posed to either human or environmental receptors for the majority of the site is considered low but the report recommends further investigations (a phase 2) and appropriate mitigation if required. This allows for a proportionate programme of site investigation and monitoring works be undertaken in order to establish the presence or absence of contamination and to enable a quantitative assessment of the associated environmental risks. An appropriate remediation strategy can then be agreed.

This has been reviewed by our Senior Contaminated Land Officer who considers this to be acceptable and raises no objection to the scheme with this further detail being controlled via a normal full contaminated land investigation/remediation condition.

ECOLOGY

Local Plan Policy ES6 seeks to safeguard and protect all sites of biodiversity importance with all developments required to conserve and enhance the natural environment. Schemes also have to address protected species.

The proposals are located 3.3km from the Severn Estuary SPA/SAC/Ramsar. In addition to the new residential unit, the visitor facilities and a linking up of the towpath to other stretches means an increase in recreational pressure on the Estuary cannot be ruled out.

An updated shadow HRA has been submitted, which now identifies and recommends the promotion of 4 additional existing routes, to help alleviate this possible recreational pressure away from the towpath and the Severn Estuary designation. This network of existing footpaths have been ground truthed and assessed for their impact on qualifying bird species of the Severn Estuary SPA / Ramsar. The footpaths are currently viable and none of the promoted footpath routes are considered likely to be functionally linked land in respect of qualifying bird species, further reducing the likelihood of disturbance to qualifying species.

Once operational, the applicant has proposed site monitoring will be undertaken between the missing mile and Saul Junction to determine if the towpath users are creating recreational disturbance, remedial action will be undertaken in the form of installing further signage and fencing (if required). This bespoke mitigation package in the form of Reasonable Avoidance Measures (RAMS) will result in no material adverse effect on the Severn Estuary SPA/Ramsar and is proposed to be secured with a planning condition.

Temporary associated works have the potential to release silt-laden run-off into the River Frome. Such activities will be subject to an Environmental Permit and/or Land Drainage Consent but it is recommended that a Construction Environmental Management Plan (CEMP) and a Surface Water Management Plan (SWMP) is attached to secure this mitigation to meet the Habitat Regulations. Therefore, with the mitigation it is not expected that significant amounts of silt laden run-off would reach the Severn Estuary SAC/SPA/Ramsar.

There is also the possibility that lighting, vibration and noise effects from construction could inhibit fish movements within the River Frome. This is considered likely to be the case at the M5



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crossing where there are physical alterations to the River Frome and where sheet piling maybe required. A CEMP will be required which includes controls on timing (works should commence between 16th June to 30th September) and lighting to avoid impacts on fish. This mitigation will ensure that there will not be any effect on migratory fish and adverse effects on the integrity of the Severn Estuary will be avoided.

Once operational, physical and chemical barriers to migrating fish could result in barriers to movement. To mitigate the effects on European eel, which are more likely to enter the canal system, the lock gates and other structures will incorporate Eel passes. This will provide a large uplift in functional eel habitat in the wider catchment. In addition, eel friendly habitat features, such as soft margins and reedbeds will be added to the canal.

As the proposal also includes a new residential property in the form of the basin mangers flat the recreational pressure of this property also has to be considered.

All new housing development within 7.7km of the Severn Estuary SAC/SPA/Ramsar are considered to contribute towards an impact on the site's integrity as a result of increased recreational disturbance in combination with other development in the Severn Estuary area. This can either be mitigated by the applicant providing bespoke mitigation or as set out in our adopted Severn Estuary Avoidance Mitigation Strategy a contribution towards our avoidance measures can be made. The applicant has offered to make the contribution. A legal agreement will be necessary to secure the mitigation package (1 x £385.00).

All new housing development within 15.4km of the Cotswold Beechwood SAC are also considered to contribute towards an impact on the beechwood's site integrity as a result of increased recreational disturbance in combination with other development. Similar to above this can either be mitigated by the applicant providing bespoke mitigation or as set out in our adopted Cotswold Beechwood SAC Recreation Mitigation Strategy a contribution towards our avoidance measures can be made. The applicant has offered to make the contribution. This can also be secured via a legal agreement with the avoidance and mitigation package of £673 (x1).

Therefore, it is considered that the measures proposed in the sHRA and the submitted details can be relied upon to avoid adverse effects of the integrity of the Severn Estuary SAC/SPA/Ramsar. Natural England has been consulted on the draft HRA and following discussions with them they raise no objection subject to the mitigation be secured. Natural England have confirmed that they concur with the Councils' 'Appropriate Assessment'.

The site is situated entirely within the River Frome KWS and includes grassland, hedgerows and the river habitats. The updated reports (including the Species Protection, Mitigation and Enhancement Measures Appendix K) outline that two areas of compensation will be provided within the site for floodplain meadow, scrapes and pools between the River Frome and new canal and a reedbed and fen area along the western bank of the River Frome, between the M5 and the A38. These and the other elements of mitigation along with the landscaping detail will be controlled via condition.

The results of the updated Bat Preliminary Roost Assessment (PRA) have now been submitted. The survey work concluded that no bats were recorded roosting in the 16 trees to be removed. A Precautionary Working Method Statement (PWMS) for the trees and habitat is included in the



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Species Protection, Mitigation and Enhancement Plan (SPMEP), which has now been updated and these principles should also be used for the underpass.

It is therefore considered that the proposed development will not impact suitable habitat upon which the SAC bats are likely to depend i.e., severance of landscape features (particularly linear features) which would be considered important for maintaining bat commuting across the landscape. Important habitat features within and surrounding the development site would remain intact and unlit, thereby ensuring that bat commuting is unaffected.

The SPMEP now identifies a potential translocation site if slow worms are found during construction works on site.

The applicant has submitted a summary of works required to protect and mitigate the impact of the scheme on Water Voles. This will require to be undertaken under licence from Natural England and following submission the Council's Senior Biodiversity Officer is satisfied that it has been demonstrate that a licence could be granted.

The Environment Agency Biodiversity and Geomorphology Team have previously influenced the proposal and the EA are satisfied that their previous concerns are sufficiently addressed.

The application has been supported by an Arboricultural Impact Assessment and tree survey. This does identify that some areas of trees/hedge will need to be removed as part of the scheme. This has been kept to a minimum and the submitted Tree Protection Plan and Arboricultural Method Statement seek to protect the remaining features. Separate notification has been approved for the removal of some of these features ahead of the final consideration of this planning application. The Councils Senior Arboricultural Officer was satisfied and raised no objection subject to the implication of the recommendations. These can be controlled via condition.

It is therefore considered that the measures proposed to mitigate for all identified adverse effects are acceptable and can be secured via conditions and legal agreement. This is therefore contributed neutral weight.

FLOOD RISK

Extensive discussions have taken place between the applicant's consultant and the Environment Agency regarding the scheme and hydrology impacts. This has included additional work on the flood modelling and Flood Risk Assessment. These in-depth discussions have now resulted in the Environment Agency now being satisfied that adequate flood modeling work underpins the FRA.

The new baseline modelling shows the differences to the extents of the flood plain in comparison to the original EA model with a reduced area impacted on the right bank (looking downstream) and greater extent on the left bank. The EA have accepted this modelling but it doesn't change the current flood zone designations in which the proposals would be sited.

The proposed canal channel is located within all flood zones, including Flood Zone 3b. The new canal mooring basin and associated buildings are shown mostly in Flood Zones 3a and 2.

Sequential test



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Paragraphs 167-168 of the NPPF seeks to take a sequential approach and steer new development to areas of lowest risk of flooding. Local Plan policies ES3 and ES4 also seeks developments to be safe, to not increase flood risk elsewhere and maximise opportunities to reduce the risk of flooding.

Developments must therefore pass the sequential test. The guidance outlines that this should have regard for local circumstances and the nature of the development and the applicant FRA address this issue.

The proposed canal channel is required in this location to connect with the existing canal infrastructure, the fixed location of the existing end of the canal at Westfield Lock and the new A38 canal bridge. To get under the M5 requires the use of the existing bridge. It is accepted that an alternative is not viable.

The towpath also has to be located adjacent to the canal to allow other users to access the benefits of the canal restoration. It also connects into the existing footpath network in this location.

The associated elements, the basin and leisure facilities need to be located adjacent to the canal and each other to be affective and useable. They are also affected by the other constraints of the site, the route of the gas main, the road network and access as well as design criteria. These have been located on the periphery of the areas affected during flood events but it is accepted that there is no reasonable alternatives available.

It is therefore considered that the development as whole is needed in this location and there are no reasonable alternatives of lower level risk.

As it has been demonstrated that the development cannot be located elsewhere and needs to be located here to provide the wider benefits of the scheme, the sequential test is past and the exception test needs to be applied.

Exception Test

The Exception Test is outlined in paragraph 170 of the NPPF. This requires the development to provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe, taking account of the vulnerability of its users, without increasing flood risk elsewhere.

The scheme does have significant wider sustainability benefits to the community. The project is part of the wider regeneration efforts connecting up the canal and facilitating local regeneration along the canal corridor. The scheme will also have social, economic and environmental benefits, providing an opportunity to enhance wellbeing by providing access and connecting/encourage walking and enjoyment of the canal/towpath. The canal restoration could also promote local tourism and investment.

Within the developed model the proposed café will potentially flood (up to 0.29m). Given the nature of the use this is accepted as users could leave the building before a flood event but it should be noted that this could affect the business and flood resilience measures should be



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provided. The detailed design of the buildings should therefore include flood resilience measures as a minimum.

The upper floor of the café building provides a residential use for the Basin Manager. This would remain unaffected by a flood but the occupants should be able to safely access and exit the site during a flood event and this would need to be covered by an appropriate access and evacuation procedure.

The new canal channel and mooring basin should technically remain operational throughout a flood event. However, The EA accepts that pragmatically this would be impossible to implement over the whole of the Cotswold Canal Regeneration Project where the canal forms part of the natural watercourse. As this element is 'water compatible' it is not required to pass the exception test but it still needs to ensure it is safe for all users on the towpath and water. Therefore, an appropriate flood risk management procedure is required and can be secured via condition.

The NPPG (paragraph 048) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. Whilst a draft Flood Warning and Evacuation Plan has been submitted a final full version is required which can identify a trigger flood level for evacuation of people and vehicles, and any subsequent closure of the building/car park/basin. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what an acceptable level of flood risk to occupants is. This will be required via condition.

The loss of flood plain resulting from the construction of the building must be mitigated for to pass the exception test but no formal details of any compensation proposals have been submitted. It is understood that this can be delivered within the red line boundary and in line with the technical advice of the Environment Agency, the details of this can be controlled via condition.

The applicant's developed model, when taking account of the potential impacts of climate change, does show an increase in flood levels at various points along the Missing Mile section of the River Frome.

On the left bank upstream of the M5 increases in peak flood levels range from 0.1 to 0.5m is shown. This is likely to be at the lower end of this range, but the applicant has not provided a more detailed number. These changes in flood risk are clearly a result of the current design submitted and therefore could be considered contrary to the principles of the NPPF and Local Plan Policy ES4.

The proposal does result in the flooding of 3rd party land and this is not offset by taking other land out of the flood plain which does not include any actual built development. Initial discussions, including with the EA, have taken place regarding how to possibly mitigate this impact and whilst it is disappointed that more information has not been submitted as part of the application, there is a willingness to deliver appropriate mitigation. Accordingly, in these specific circumstances, it is considered acceptable to secure the detailed information via condition.

Conclusion

It is therefore considered that the safety of users is addressed with the scheme being reliant upon an appropriately detailed flood management procedures being put in place to manage the



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use of the canal and associated features. Further flood mitigation will be required and can be secured via condition. The applicant has accepted the risk that comes with this and that future discussions and work maybe required.

The schemes most vulnerable elements are located in the areas of lowest flood risk but, as above, it is noted the overriding reasons for this location. The scheme could be flood resistant and resilient and the residual flood risk managed. Whilst it does potential increase flooding elsewhere to a limited degree, the mitigation for this can be approved via condition.

It is therefore considered that whilst limited flood risk provides a negative weight in the wider planning balance.

Drainage

The surface water drainage strategy has been submitted with the application. This seeks to discharge surface water runoff from the development to the rhyne at the southern end of the site. This will be restricted to greenfield runoff rate. This will include attention and a controlled discharge rate.

The phasing of the scheme will also be reflected in the phasing the surface water drainage system. GCC as the LLFA is satisfied with the submitted details and have no further objection to the proposal. The detailed design, implementation and ongoing management can be secured via condition.

The foul drainage strategy has also been submitted. This includes a phased approach with a cesspool and sewage treatment plant proposed. These will need flood protection measures and ongoing monitoring and inspections. The full detailed design, implementation and ongoing management can be secured via condition.

As addressed in the highway section, National Highways have sought reassurance that the proposed drainage for the scheme will not adversely affect the motorway and its drainage assets. Therefore, the detailed design and maintenance details of the element adjacent to the motorway will be required via condition to address this point for this phase of the scheme.

It is therefore considered that a viable surface and foul water drainage scheme is achievable. This is given neutral weight.

ARCHAEOLOGY and HERITAGE

A desk-based assessment of the archaeological and historical background of the site has been carried out by the applicant's consultant. This was followed by geophysical survey and trial trenching to inform the assessment.

The site has known potential to contain evidence for Mesolithic and Neolithic remains given the proximity of those uncovered immediately to the northeast. The site contains the potential for mid to late Roman settlement, potentially associated with Whitminster villa which is located around 500m to the southeast.

To address this a Written Scheme of Investigation for Archaeological Mitigation has been submitted. The GCC Archaeologist has reviewed this and has confirmed that this provides an



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appropriate programme of archaeological work. A compliance condition is required so the work is carried out in accordance with submitted details.

The proposed development is located partially within the Industrial Heritage Conservation Area. In such locations Section 72(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Also under consideration are the group of Grade II listed buildings at Fromebridge Mill, and the non designated heritage assets of Meadow Mill, Westfield Bridge, and the group of buildings in the historic enclave of Chipmans Platt. Section 66(1) of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and in particular, listed buildings.

In such locations Local Plan Policies ES10 and ES11 and paragraphs 200-214 of the revised NPPF are relevant. Regard should also be had for the Canals Strategy for Stroud District which supports the restoration project and unlocking lost section of the canal corridor. The Heritage Strategy for Stroud District SPA 2018 and Industrial Heritage Conservation Management Plan of 2008 are also important and aim to ensure the preservation or enhancement of the character and appearance of the conservation area. They identify the special architectural and historic interest of the area and the pressures that are affecting the area's special interest.

The proposal is to restore a missing section of the canal as part of the wider canal restoration project. The canal forms a distinctive element of the landscape and character of the conservation area. Whilst it is a shame that the historic line of the canal cannot be reinstated, it is considered that the new alignment would still have some of the linear quality of the original, thereby giving an understanding of the historic landscape through which the Stroudwater Navigation and early river navigations cut.

The Conservation Specialist is satisfied that the associative interest of the Frome Navigation, the Stroudwater Navigation, the Grade II listed group at Fromebridge Mill, Meadow Mill, Chipmans Platt and the network of historic roads and footpaths would remain legible.

Revisions to the scheme have seen a reduction in the hard edging to the canal with instead of straight, piled edges, in some locations a shallower bank profile is proposed which can allow vegetation to be planted which will soften the edges.

The proposed infrastructure relating to the canal, the new locks and swing bridge, as well as the general construction techniques, would be similar to that which has been used elsewhere along the length of the Navigation, and are deemed to be appropriate in this context. The wide open views with limited development are the key components of the character and appearance of this stretch of the Conservation Area.

To the west of the site, is located the proposed café building, the carpark and mooring basin. Concerns including from the Parish Council have been raised about the impact on the character of the Conservation Area.



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The design of the café building has sort to address this rural character and it is considered that it would appear as a typically isolated structure within the landscape, its form echoing the Dutch barn to the east of the motorway. It is considered that this element of the proposed development would preserve the undeveloped character of this part of the conservation area.

The impact of parking, mooring basin and related structures, do have the potential to cause harm to the character and appearance of the conservation area, however, it is appreciated that their potentially intrusive nature would be significantly lessened through landscaping, therefore these elements are unlikely to be unacceptable in heritage terms.

To protect the non-designated heritage asset of Westfield bridge during the construction phase appropriate working methods will be required in and around the bridge. This includes limited weight of vehicles using it and during excavation work on the canal beneath and adjacent. This and the CEMP should be implemented during the construction phase adjacent to the bridge. Operationally the canal channel will be reinstated under the bridge and whilst this reverts the setting to its historic position, the narrative and impact of how the bridge was saved during the infilling of this section of canal slightly reduced.

During the construction phase construction activity will have an impact on the rural character and setting of this part of the Conservation Area. Given the scale of the built development this impact will be limited and also only be for a limited period of time. Removal of any site compounds and reinstating any temporary working area would be required to protect the ongoing character and appearance of area.

When having regard for the nearby consented developments it is consider the scheme would not add significant harmful cumulative effects to the heritage assets during either the construction or operational phases.

From a conservation perspective, it is considered that the proposed development would preserve and enhance the character and appearance of the conservation area, and no harm would be done to the special interest of the nearby listed buildings and non-designated heritage assets through development in their setting.

These proposals are therefore considered to comply with the provisions of duties, policies and guidance contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the adopted Stroud District Local Plan Policies ES10 and ES11, November 2015, and the Council's adopted Industrial Heritage Conservation Management Plan of 2008.

OTHER ISSUES

The route of the canal channel crosses a gas pipeline and goes through HSE risk zones. These has been addressed in the design and layout of the scheme and the proposed construction and use for the relevant sections. This has required mitigation for example the method to cross the pipeline. The implementation and appropriateness of this will require engagement with the operators and is controlled by other legislation.

To address the safety concern, the location of the café building has been moved away from the high pressure gas pipeline. As the building is more than 16 metres away it is out of the HSE inner consultation zone and the HSE have not advised against the granting of planning



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permission. HSE have also not advised against a single residential dwelling unit (ie the managers flat above the cafe) or the car park located in the inner or middle zone.

The moorings are not to be used as residential and whilst some boats could be located within the middle or outer zones, HSE do not advise against. If the nature of the mooring changed further assessment would be required therefore the use will be controlled via condition.

The rest of the scheme provides towpath and transient features. There are not features that encourage the public to congregate for example at the Westfield bridge. HSE are satisfied that these can be treated as such and as landscaping. The HSE does not advise on safety grounds against the granting of planning permission for the proposed development.

OBLIGATIONS

To address the principle justification and retain control of the development for the onsite basin manager's flat, a planning obligation is required to link the Basin Manager and occupation of the onsite basin manager's flat and office to the management and maintenance of the canal basin and to address the flood risk.

SAC contributions to mitigate the recreational impact of the new residential unit on both the Severn Estuary (£385.00 x1) SAC and the Cotswold Beechwoods SAC (£673.00 x1) are also proposed and covered via a planning obligation.

CONCLUSION AND THE PLANNING BALANCE

The starting point for making decisions in relation to planning applications is the development plan and other material planning considerations. In this instance, the proposed development is considered to be sustainable and acceptable in principle and is consistent with the scope of the key strategic policies contained in the Stroud District Local Plan. The proposal has a location and space requirement to be position in this rural location.

In accordance with paragraph 47 of the National Planning Policy Framework the planning application should be approved unless there are material considerations that indicate otherwise.

As the decision maker, the Local Planning Authority must weigh up the positive benefits of proposed development against identified negative impacts; and this should be carried out in the wider public interest.

Operationally the canal channel and mooring basin with background noise will not result in adverse noise or amenity impacts. Noise mitigation is proposed during the construction phase. The highway safety implications of the scheme both during the construction phase and ongoing operation has been addressed. Whilst the proposed Missing Mile restoration will be noticeable locally in the landscape, the scheme will not result in significant adverse landscape or visual effects including on the AONB. Ecological mitigation is proposed as part of the scheme. This addresses the recreational pressure on the SACs and protected species onsite. All these issues give neutral weight in the balance, mitigating the potential adverse effects.

It is considered that the proposed development would preserve and enhance the character and appearance of the conservation area, and no harm would be done to the special interest of the nearby listed buildings and non-designated heritage assets through development in their setting.



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Flood resilience measures and flood mitigation is secured via conditions and whilst the impact is limited and will be mitigated negative weight is attributed.

Existing footpaths will need to be diverted but new routes and the addition of the towpath provide a significant benefit.

The scheme does have significant wider sustainability benefits to the community. The project is part of the wider regeneration efforts connecting up the canal and facilitating local regeneration along the canal corridor. The scheme will also have social and economic benefits. This includes providing leisure opportunities to enhance wellbeing by providing access and connectivity to encourage walking and enjoyment of the canal on the water. The canal restoration and mooring basin also promotes local tourism and investment. Whilst some of the work will necessitate professional contractors due to the scale and complexity, however, the project will encourage volunteering and training opportunities during the construction but also the ongoing maintenance. Officers consider that these factors can be attribute substantial public benefit in the decision-making process.

With the mitigation proposed, Officers consider that the positive public benefits identified would provide a positive planning balance.

RECOMMENDATION

Given the above, it is recommended that Members **Resolve to grant** planning permission subject to the proposed conditions as set out in this report and the landowner first voluntarily entering into appropriate s106 legal agreement.

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.

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| Subject to the following conditions: | <ol style="list-style-type: none">The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below: Site Location Plan; Submitted December 2021 Canal Layout and Infrastructure Submitted December 2021 |
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River Frome Cross Sections (P1B-2.17-035 - Rev C);
River Frome Cross Section Locations (P1B-2.17-034 - Rev C);
Dimensions of General Arrangement 2 of 2 (P1B-2.17-033- Rev C);
Dimensions of General Arrangement 1 of 2 (P1B-2.17-032- Rev C);
M5 Crossing Temporary Works (P1B/2.17/030);
M5 Crossing General Arrangement (P1B/2.17/029- Rev E);
Westfield Local Oldbury Aqueduct General Arrangement (P1B-2.17-028 - Rev C);

Cross Sections 8, 9 and 10 (P1B-2.17-026 -Rev D);
Cross Sections 6 and 7 (P1B-2.17-025 -Rev D);
Cross Sections 1, 2 and 3 (P1B-2.17-023-Rev D);
Detail Cross Section 7-13 Location Plan 2 of 2 (P1B-2.17-022-Rev E);
Detail Cross Section 1-6 Location Plan 1 of 2 (P1B-2.17-021-Rev E);
Hydes Basin Jetty General Arrangement (P1B-2.17-018-Rev E);
A38 Footpath Ramps Plan and Section (P1B-2.17-017-Rev D);

Westfield Lower Lock (P1B-2.17-014-Rev D);
Bristol Road Lock (P1B-2.17-013-Rev D);
Indicative Inverted Syphon Under Canal (P1B-2.17-012-Rev D);
Schematic sections 2 of 2 (P1B-2.17-009-C);
Schematic sections 1 of 2 (P1B-2.17-008-F);
Schematic cross section locations 2 of 2 (P1B-2.17-007_Rev E);
Schematic cross section locations 1 of 2 (P1B-2.17-006_Rev E);

High Pressure Gas Main Crossing (P1B-2.17-040-Rev B);
M5 New Mile Bridge (P1B-2.17-036-Rev D);
General Arrangements 1 of 2 (P1B-2.17-001-Rev F);
General Arrangements 2 of 2 (P1B-2.17-002-Rev E);
P1B-2.17-010-Rev D - Working access Junction.pdf
P1B-2.17-011-Rev C - Temporary Junction
P1B-2.17-041-Rev D - Permanent Junction
Cross Sections 11, 12 and 13 (P1B-2.17-027 -Rev D);
Cross Sections 4 and 5 (P1B-2.17-024 -Rev D);
Proposed external lighting (C16151-HYD-XX-00-DR-ME-0011).

Landscape masterplan (LUC-10729-LD-PLN-100 - Rev D);
Landscape general arrangements (LUC-10729-LD-PLN 101 - Rev E);
Landscape general arrangements (LUC-10729-LD-PLN 102 - Rev E);
Landscape Visitor building and Hydes basin car park (LUC-10729-LD-PLN-103 - Rev D);
Landscape Sections (LUC-10729-LD-SEC -104 - Rev E);

Floor Plans (for proposed buildings) (9738-PL102) 17 Dec 2021
East & West Elevations (for proposed buildings) (9738-PL103) 17 Dec 2021
North & South Elevations (for proposed buildings) (9738- PL104) 17 Dec 2021



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Shower Block Elevations (for proposed buildings) (9738-PL105) 17 Dec 2021

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

3. No development shall commence until a detailed Phasing Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall include but not be limited to the phasing of sections of the canal channel, towpath, mooring basin and associated facilities, the temporary accesses, car park and café building and illustrate how these would be delivered. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development is carried out in appropriate phases in accordance with the range and scale of impacts assessed and measured in the Environmental Statement and to ensure the proposed mitigation is provided in a timely manner.

4. The Café hereby permitted shall only be used by a Class E (b) cafe for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: In accordance with the submitted details, sustainability and to limit the impact on the health of, vitality and viability of nearby settlements in accordance with Policies CP15 and EI11 of the adopted Stroud District Local Plan, November 2015.

5. The Café hereby permitted shall not be open to the public until such time that the canal channel, towpath and mooring basin have been constructed and are fully open to the public to use. Written notification of full construction and first public use shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason: In accordance with the submitted details, as the café is proposed to serve and be associated with the canal, and general sustainability hierarchy in accordance with Policies CP15 and EI11 of the adopted Stroud District Local Plan, November 2015.

6. All the moorings hereby approved are non-residential in nature ie not used as a person's sole or main residence as shown on the submitted Mooring basin jetty general arrangement plan ref: P1B/2.17/018 Rev E received on



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25 Jul 2023. The owners/operators of the basin shall maintain an up-to-date register of the names of all users of the basin and of their main home addresses, and shall made available within 1 calendar month of a written request by the Local Planning Authority.

Reason: The moorings are located in a rural location and it has not been demonstrated that adequate access, services and infrastructure or ecological mitigation has been provided to be sustainable location for full residential use in accordance with Policies CP15 and EI11 of the adopted Stroud District Local Plan, November 2015.

7. Prior to the commencement of the phase of development as defined by condition 3 which includes the new canal channel cut hereby permitted, a canal bank construction design engineering review shall take place and be submitted and approved by the Local Planning Authority. The review shall address the issues raised in the FRA and demonstrate the suitability and flood resilience of the design. The development shall be implemented in accordance with the approved details.

Reason: To alleviate the increased risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works have implications for flood risk in the locality.

8. Prior to the commencement of the phase of development as defined by condition 3 which includes the café building hereby permitted, details of the finish floor levels of the building and the flood resilience measures shall be submitted and approved by the Local Planning Authority. Notwithstanding the details outlined elsewhere in the submission the floor level shall be in accordance with the FRA and demonstrate the suitability and flood resilience of the design. The development shall be implemented in accordance with the approved details.

Reason: To alleviate the increased risk of flooding and encourage flood resilience in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works have implications for flood risk in the locality.

9. Prior to the commencement of any above ground works of the phase of development as defined by condition 3 which includes the basin facilities buildings or café building, details of the precise materials used in the construction of the external surfaces of the development including the finishes and colours shall be submitted to and approved by the Local Planning Authority. This shall include sample panels and/or boards which will be retained on site and made accessible and available for inspection for the period of the construction works. This condition shall apply



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notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details and retained in perpetuity.

Reason: To enable the Local Planning Authority to ensure the satisfactory appearance of the development, in accordance with Policies CP4, CP14, EI11, ES3, ES7 and ES10 of the adopted Stroud District Local Plan, November 2015.

10. Notwithstanding the submitted plans, the bund hereby approved shall be limited to a maximum of 4m in height above the existing ground level.

Reason: To ensure the landscape and visual impact remains in accordance with the assessment of the planning application to protect the character and appearance of surrounding area in accordance with Policies ES3, CP14, and ES7 of the adopted Stroud District Local Plan, November 2015.

11. The development hereby approved shall not commence until a timetable for the implementation of the measures specified in the submitted Missing Mile Species Protection, Mitigation and Enhancement Plan (SEI ANNEXE K By LUC in collaboration with Apem Ltd) Rev 2 received on 04 Dec 2023) has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved timetable and the measures implemented 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, 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.

12. Prior to the commencement of each phase of development as defined by condition 3, no works shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) for that phase 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. Measures taken to safeguard the River Frome (e.g. pollution prevention, storage of materials, equipment and waste)
- e. Avoidance mitigation strategy to safeguard great crested newts, breeding birds, roosting bats and habitats, water vole, otters, badgers



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- and reptiles and other mammals such as hedgehog and migratory fish species.
- f. 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) for all associated species, supporting habitat and structures.
 - g. 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)
 - h. The timing during construction when ecological or environmental specialists need to be present on site to oversee works
 - i. Responsible persons and lines of communication
 - j. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
 - k. Use of protective fences, exclusion barriers and warning signs
 - l. 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, 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. This is required pre-commencement to protect the biodiversity on the site.

13. Prior to the first use/occupation of each phase of development as defined by condition 3, a landscape and ecological management plan (LEMP) for that phase shall be submitted to and approved by the Local Planning Authority. 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) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20 year period)
 - f) Details of body or organisation responsible for implementation of the plan.
 - g) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved



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scheme. The approved plan will be implemented 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, 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.

14. Prior to the commencement of each phase of development as defined by condition 3, no works shall take place (including demolition, ground works, vegetation clearance) until a Surface Water Management Plan (SWMP) has been submitted to and approved by the Local Planning Authority. The SWMP shall include, but not limited to the following:
1. Measures to prevent release of silt-laden run-off into the River Frome
 2. Pollution, water quality and emergency pollution control measures
 3. Management of rainfall and runoff during construction to ensure that flood risks are not increased on or off site.
- The development shall then be carried out in accordance with the approved details.

Reason: To protect the biodiversity and specialist interest of the site, the surrounding area and the Severn Estuary SAC/SPA/Ramsar during the construction phase in accordance with paragraph 180 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

15. Prior to the first use/occupation of the phase of development as defined by condition 3 which includes the towpath a bespoke (RAMS) mitigation package as detailed in the submitted sHRA (SEI Dec 2023 Annexe J HRA Informative Report including the Mitigation Plan Dec 2023 Version 3 and promotion of alternative Footpath study) shall be submitted to and approved by the Local Planning Authority. The approved RAMS will be implemented in accordance with the approved details.

Reason: To protect the biodiversity and specialist interest of the site, the surrounding area and the Severn Estuary SAC/SPA/Ramsar in accordance with paragraph 180 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act.

16. Prior to the installation on site of any external lighting within each phase of the development as defined by condition 3 hereby approved including within the underpass and bridges, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will;



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- a. identify the areas/features on site that are particularly sensitive as commuting routes and for foraging bats and other nocturnal species;
- 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 and timing of lighting use will not disturb or prevent the above species using their commuting routes.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed.

Reason: To ensure those species sensitive to lighting can continue to use and cross the Site in accordance with Policies CP14, EI11 and ES6 of the adopted Stroud District Local Plan, November 2015.

17. Each phase of the development as defined by condition 3 hereby approved must be undertaken in accordance with the impact assessment, tree protection plan, and arboriculture method statement produced by S.J. Stephens Associates ref 1344 dated 06 January 2021. All of the provisions for the phases under construction shall be implemented in full and according to any timescales laid out in the method statement.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with the guidance in the revised National Planning Policy Framework paragraph 180.

18. Prior to the first use/occupation of each phase of development as defined by condition 3, details of a scheme of hard and soft landscaping must be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas and boundary treatments (including heights, the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/ densities and a timetable for implementation. The development shall be implemented in accordance with the approved details and any plants which fail within a five year period of planting must be replaced.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 180 (a) and (b).

Please note that National Highways have recommended no Blackthorn and Dogwood within 10m of their motorway assets and this should be reflected in the submitted details.



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19. Prior to the commencement of the phase of development as defined by condition 3 which includes the motorway bridge and subway hereby permitted, detailed designs of the full scheme of works of this phase shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). All works within this phase must be designed and undertaken fully in accordance with the requirements of the Design Manual for Roads and Bridges and National Highways Governance and Technical Approval processes. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the M5 structural assets.

20. Prior to the commencement of the phase of development as defined by condition 3 which includes the motorway bridge and subway hereby permitted a detailed boundary treatment plan shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). The plan shall include as a minimum:

- a) details of any fencing and associated maintenance strip
- b) details for management of any existing boundary planting to include an
- c) Arboricultural Tree Survey and Tree Protection Plan with a method statement for any works required to address the removal, retention and management of trees along this boundary;
- d) details of any proposed new planting including location, species mix, maintenance method statement and schedule.
- e) All works within this phase shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason: In the interest of the safe and efficient operation of the strategic road network and to safeguard the long term integrity of its assets.

21. Prior to the commencement of the phase of development as defined by condition 3 which includes the motorway bridge and subway hereby permitted, a full drainage strategy for this phase including a maintenance method statement and schedule shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). The design of the proposed drainage for this phase must be undertaken strictly in accordance with the Design Manual for Roads and Bridges and then be construction in accordance with the approved details and maintained as such thereafter.

Reason: In the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the highway drainage asset.

22. The development hereby approved shall not commence until the temporary site access works comprising Eastern Access as shown on drawing P12/2.17/011 Rev C have been constructed and completed. Any works west of the M5 shall not commence until the Western



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Access as shown on drawing P1B/2.17/010 rev D have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway in accordance with Policies CP13, EI11, ES1 and ES3 of the adopted Stroud District Local Plan, November 2015.

23. The development hereby approved shall not be brought into first use until the permanent site access works shown on drawing P1B/2.17/041 Rev D have been constructed, completed and open for use.

Reason: To ensure the safe and free flow of traffic onto the highway in accordance with Policies CP13, EI11, ES1 and ES3 of the adopted Stroud District Local Plan, November 2015.

24. No development shall take place using the temporary access points outlined in condition 21 until a temporary traffic regulation order (TTRO) for that access which prohibition right turns and in addition for the Eastern access, the closure of the layby to the east, have been implemented.

Reason: In the interests of highway safety to restrict impact and harm from the scheme until suitable mitigation is delivered in accordance with Policies CP13, EI11, ES1 and ES3 of the adopted Stroud District Local Plan, November 2015.

25. No part of the development hereby approved shall be brought into use until a traffic regulation order (TRO) relating to the Prohibition of Right Turns on A419 (Western Access) into and out of the development has been implemented.

Reason: In the interests of highway safety to restrict impact and harm from the scheme until suitable mitigation is delivered in accordance with Policies CP13, EI11, ES1 and ES3 of the adopted Stroud District Local Plan, November 2015.

26. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.



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Reason: To promote sustainable travel and healthy communities in accordance with Policies CP13, EI11 and ES1 of the adopted Stroud District Local Plan, November 2015.

27. The café building hereby approved shall not be brought into use until at least 14 sheltered, secure and accessible bicycle parking have been provided in accordance with details which shall first be submitted to and approved by the Local Planning Authority. The approved cycle storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities in accordance with Policies CP13, EI11, ES1 and ES3 of the adopted Stroud District Local Plan, November 2015.

28. The marina/basin and the café building hereby approved shall not be occupied until an employee/marina berth welcome pack promoting sustainable forms of access to the development has been submitted to and approved by the Local Planning Authority. The approved pack shall be provided to each employee/canal berth user upon their first use and shall be reviewed and updated at least every two years.

Reason: To reduce vehicle movements and promote sustainable access in accordance with Policies CP13, EI11 and ES1 of the adopted Stroud District Local Plan, November 2015.

29. Prior to the commencement of each phase of development as defined by condition 3 of the development hereby approved details of a Construction Management Plan/Statement shall be submitted to and approved by the Local Planning Authority. The plan/statement shall include but not be restricted to:
- I. Parking of vehicle of site operatives, volunteers and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - II. Locations for loading/unloading and storage of plant, waste and construction materials;
 - III. Method of preventing mud and dust being carried onto the highway;
 - IV. Arrangements for turning vehicles;
 - V. Arrangements to receive abnormal loads or unusually large vehicles;
 - VI. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- VII. The approved plan shall be adhered to throughout the demolition/construction period.

Reason: To reduce the potential impact on the public highway and amenity of the surrounding area and accommodate the efficient delivery of goods and supplies in accordance with Policies CP13, EI11, ES1, ES3 and ES6 of the adopted Stroud District Local Plan, November 2015.



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30. Prior to the commencement of the phase of development as defined by condition 3 which includes the café building, a scheme for the provision and implementation of compensatory flood storage works shall be submitted to and approved by the Local Planning Authority (in consultation with the Environment Agency). The scheme shall be implemented in accordance with the approved programme and details.

Reason: To alleviate the increased risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development of this phase as works have implications for flood risk in the locality.

31. No development approved by this permission shall be commenced until appropriate flood mitigation proposals have been submitted to and approved by the Local Planning Authority (in consultation with the Environment Agency). The approved mitigation shall be implemented in accordance with the approved programme and details.

Reason: To alleviate the increased risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works have implications for flood risk in the locality.

32. All excess material including soil shall be removed from that part of the site liable to flood as defined by the Design Flood Level of 11.89 metres Above Ordnance Datum (Newlyn) and shown highlighted pink in Figure 25 of the Flood Risk Assessment dated July 2023.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015.

33. Prior to first use or occupation of each phase as defined by condition 3, a full Flood Warning, Evacuation and Management Plan shall be submitted and approved by the Local Planning Authority. For the avoidance of doubt this shall include the mooring basin, café building, the canal channel and towpath. The development shall then be implemented in accordance with the approved plan.

Reason: To ensure the safe occupation and use of the development in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015 and NPPF paragraph 173 and NPPG paragraph 048.



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34. Prior to the commencement of the phase/s of development as defined by condition 3 which includes the carpark, leisure buildings and café, a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority. The strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible and where applicable adheres to the NPPF, Non-statutory technical standards for Sustainable Drainage, Building Regulation H and the Local Plan policy. The drainage scheme shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network/system/watercourse.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

35. Prior to the commencement of the phase/s of development as defined by condition 3 which includes the carpark, leisure buildings and Café, a SuDS maintenance plan for all SuDS/attenuation features and associated pipe work, in accordance with The SuDS Manual (Ciria, C753) shall be submitted to and approved by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

36. Prior to the commencement of the phase/s of development as defined by condition 3 which includes the mooring basin and café, a detail design of the foul water drainage system shall be submitted to and approved by the Local Planning Authority. The details submitted shall include the full design, equipment specifications, flood resilience measures, timetable for implementation and details of the future maintenance and management. The foul drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul sewage and to ensure that the development does not increase the risk of flooding or pollution. These details are required prior to the commencement of that phase of the



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development as they form an intrinsic part of the basin and café elements of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

37. The proposed development shall be carried out in accordance with the approved Written Schemes of Investigation for archaeological mitigation (Archaeology England, July 2022 and KJS Heritage, August 2023 received on the 01 March 2022) including the programme of reporting and archiving.

Reason: To ensure that the archaeological investigation is completed in accordance with Policies CP14, EI11 and ES10 of the adopted Stroud District Local Plan, November 2015.

38. Prior to the commencement of the phase of development as defined by condition 3 which includes the Westfield Bridge, a Construction Heritage Management Plan (CHMP) shall be submitted to and approved by the Local Planning Authority. The CHMP shall include, but not limited to a method statement to avoid damage to bridge, such as measures are likely to include restrictions in plant or other construction traffic using Westfield Bridge as a crossing, barriers around the bridge to prevent damage from collision and tool box talks for contractors and volunteers working in the affected area. The approved CHMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect the special interest of a non-designated heritage asset in accordance Policy ES10 of the Stroud District Local Plan 2015.

39. Prior to the commencement of any of the phase of development as defined by condition 3 which includes canal structures, details of the design of the locks and bridges shall be submitted to and approved by the Local Planning Authority. The details shall include but not be limited to the precise materials, their finishes and colour used in the construction of the external surfaces of the development and the method of construction and be in accordance with the Cotswold Canals Conservation Management Plan (CMP). The development shall be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to ensure the satisfactory appearance of the development, in accordance with Policies CP4, CP14, EI11, ES3, ES7 and ES10 of the adopted Stroud District Local Plan, November 2015 and IHCA PDG13.

40. 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



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Planning Authority dispenses with any such requirement specifically in writing:

a) 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.

b) 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.

c) 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:

d) 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.

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

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

Reason: To 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.



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41. Site preparation and construction activities will be undertaken in accordance with the noise management controls outlined within 'Construction Noise Assessment (Ref 22-026 V2) prepared by ABRW Associates Limited (t/a inacoustic)' and 'Draft Construction Environmental Management Plan (dated 10.12.2021) prepared by LUC'. The approved management plan shall be adhered to throughout the construction period; records of noise monitoring during the construction phase shall be retained for the duration of the works; details of any exceedances and associated remedial measures shall be recorded. The monitoring data shall be made available to the Local Planning Authority upon request.

Reason: To protect the amenity of the surrounding area and of nearby residential and sensitive receptors in accordance with Policies CP14, EI11, ES3 and ES6 of the adopted Stroud District Local Plan, November 2015.

42. During the construction phase with the exception of cases of emergency, no operations shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no permitted working on Sundays or Public Holidays.

Reason: For the protection of residential amenity and highway safety in accordance with Policies CP14, EI11, ES3 and ES6 of the adopted Stroud District Local Plan, November 2015.

Informatives:

1. 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.

2. ARTICLE 35 (2) STATEMENT - The case officer has have extensive contact with the applicant/agent and negotiated changes to the proposal that have enhanced the overall scheme.