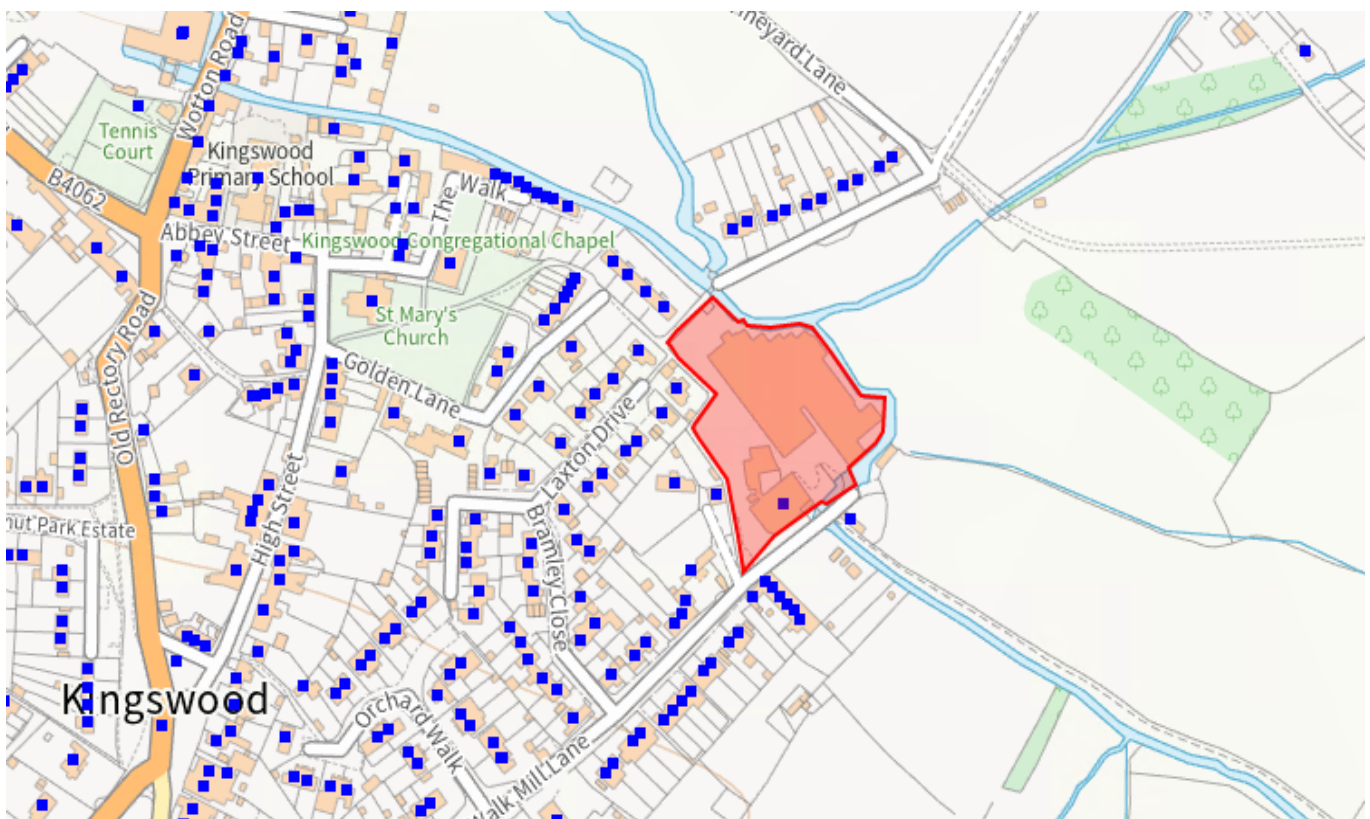




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Item No:	02
Application No.	S.22/2473/FUL
Site Address	Former Orchestra Works Site, Walk Mill Lane, Kingswood, Wotton-Under-Edge
Town/Parish	Kingswood Parish Council
Grid Reference	374933,191904
Application Type	Full Planning Application
Proposal	Demolition of Orchestra Works and Associated Buildings, and development of no.32 new Zero Carbon dwellings, access from Walk Mill Lane, highways, open space, landscaping, drainage, and associated infrastructure.
Recommendation	Resolve to Grant Permission
Call in Request	Parish Council





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Applicant's Details	Mr M Kurton Newland Homes Ltd, Brighthouse Court, Barnett Way, Barnwood, GL4 3RT
Agent's Details	None
Case Officer	Alena Dollimore
Application Validated	17.11.2022
	CONSULTEES
Comments Received	Development Coordination (E) Biodiversity Team Kingswood Parish Council Contaminated Land Officer (E) GCC Community Infrastructure Contributions The Environment Agency Flood Resilience Land Drainage Kingswood Parish Council Conservation South Team Environmental Health (E) National Highways (Previously Highways England) Kingswood Parish Council Contaminated Land Officer (E) The Environment Agency SDC Water Resources Engineer Biodiversity Team Flood Resilience Land Drainage Biodiversity Information Officer (E) GCC Community Infrastructure Contributions Public Rights Of Way Officer Flood Resilience Land Drainage The Environment Agency Mike Towson
Constraints	Affecting the Setting of a Cons Area Berkeley Safeguard Area Consult area Flood Zone 2 Flood Zone 3 Glos Centre Env Records - Species Key Employment Land (LP) Neighbourhood Plan Kingswood Parsh Council Settlement Boundaries (LP) Surface flooding 1 in 100 years Surface flooding 1 in 30 years Village Design Statement
	OFFICER'S REPORT



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1 MAIN ISSUES

- Principle of development
- Design and Layout
- Archaeology & Historic Environment
- Ecology
- Drainage
- Residential Amenity
- Highway Impact
- Planning Obligations
- The Planning Balance

2 DESCRIPTION OF THE SITE

- 2.1 The site is located in Kingswood, Wotton-Under-Edge. The site is within the settlement development limits of Kingswood. The site is designated as a 'Key Employment site' under the Stroud District Local Plan (2015) Policy E11.
- 2.2 The site was an established factory - The Orchestra Printing works were shut down in 2011, but the site was acquired and intermittently used. The buildings are vacant and have not been in active use since the site's closure in 2020.
- 2.3 The buildings on site are in a poor state of repair, with some buildings showing strong signs of dilapidation. The pub building in the centre of the site has no roof covering and has suffered significant damage.
- 2.4 The eastern and southern boundaries are defined by the watercourse. The planning history of the site indicates that extensive works were undertaken to strengthen the riverbank to prevent subsidence. These works consisted of the introduction of gabion walls.
- 2.5 The site is not located within a Conservation Area and there are no listed buildings in the vicinity of the site.
- 2.6 The site is surrounded by residential development, and the watercourse represents a natural and defensible boundary to Kingswood's settlement development limits. The access to the site is through Walkmill Lane.

3 PROPOSAL

- 3.1 The planning application is for the demolition of existing buildings, and the development of 32no. dwellings with access from Walkmill Lane.
- 3.2 Vehicular access to the site is proposed through the existing access of Walkmill Lane. The proposal includes a new pedestrian site access and introduces a new connection to the existing Public Right of Way to the north.
- 3.3 The proposal introduces new landscaping features and ecological enhancements, as well as sustainable urban drainage systems (SUDS).

4 REVISED DETAILS



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4.1 During the course of the assessment of this application the following revisions have been provided:

- Changes to the site layout were negotiated to accommodate 10m riparian buffer. Additional changes were negotiated to the housing mix on site, and to the design of some units and their associated carports.
- In the course of the assessment, updates were made to the Flood Risk Assessment, Ecological Appraisal (with the addition of details Biodiversity Metric calculations), and Marketing Report.
- Sustainability Checklist was submitted following the Parish Council's request
- Energy Statement was submitted in August 2023.
- Viability Report was submitted for Officers' consideration only.
- A revised Transport Statement was submitted in June 2023
- Employment Land Report was submitted in March 2024 = this report outlines the existing and proposed employment land within Kingswood. It further includes a full Structural Survey that assesses the integrity of the existing buildings and their ability to be re-used/repared. The Report also contains a detailed cost analysis of costs involved in bringing the site to an acceptable standard that would allow for the B2/B8 industrial uses to recommence on site.

5 MATERIALS

5.1 The following materials have been specified in the Design and Access Statement:

Walls - bricks in grey, brown or red (including quoin surrounds)

Roofs - concrete tiles

Windows - grey with parapet detailing and dormers

6 REPRESENTATIONS

6.1 - Kingswood Parish Council

Kingswood Parish Council objects to the proposed development. The Town Council has provided a comprehensive responses, somewhere prepared by Troy Planning + Design.

December 2022

KPC has carried out an initial review of the documentation and have the following questions. Can the following information be provided to enable us to comment in full on the application? AS some of the information is outstanding, please can you confirm that there will be a further extension to allow KPC to review the documentation and comment in full on the information.



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1. SDC Pre-Application Advice. We note from the Applicant's Planning Statement (Paras 5.4 - 5.6) that the Applicant requested pre-application advice from SDC on 22nd March and that a response was provided by SDC on 10th May 2022. We have not been able to locate this pre-app advice from SDC on the application webpage. Please can SDC provide us a copy of its pre-application advice as well as the Applicant's submitted request for pre-application advice (and supporting documentation).

2. Marketing Report. The Marketing Report is missing its Appendices (Appendix A, B, C, D & E) which are clearly important for anyone seeking to understand and interrogate the evidence provided by the Applicant about the marketing of the property. We request that these be provided to the Parish Council.

3. Affordable Housing Statement. The Applicant's Affordable Housing Statement is inadequate and fails to comply with SDC's Validation List which requires that the following is provided in the Applicant's Affordable Housing Statement:

- Number, mix and tenure of units
- Gross internal floor area per unit in sqm
- Viability appraisal must be provided if less affordable units than required are proposed.

The Applicant claims that they qualify for the use of a 'vacant building credit' however we question whether this would be the case and if SDC concludes that a vacant building credit is not justified then the application has provided no evidence of the potential affordable housing the scheme could viably achieve. There are clear links on this topic with the failure to include the Appendices to the Marketing Report - this evidence and likely more evidence would be required in order to determine whether the property has been abandoned, is vacant and for how long etc.

4. Flood Risk Assessment. We note the Lead Local Flood Authority's response to the application setting out the inadequacies of that Applicant's Flood Risk Assessment (FRA). We consider the inaccuracies and omissions by the Applicant in relation to the flood risk present on-site to be concerning and the PC wishes to have the opportunity to review the updated FRA from the Applicant given that flood risk is a key issue for this site and location. We request that the consultation period for the application be extended to allow the PC and other parties to review and comment on any further documentation (and correspondence) provided by the Applicant.

5. Preliminary Ecological Appraisal. The Applicant has submitted a Preliminary Biodiversity Survey. At this stage of the application we would expect a full Appraisal to have been undertaken given that it is a full planning application. Will the Council's Ecology expert be providing comments on the Applicant's Appraisal?

6. Structural Survey. The Applicant has not provided a Structural Survey regarding the buildings proposed for demolition despite this being identified in the Validation List.

7. Lighting Assessment. The Application fails to address lighting despite this being required in the Validation List. There will presumably be significant external lighting proposed as part of the scheme and the Design and Access Statement mentions a 'suitable lighting strategy is to be designed' yet there is nothing provided with the application. A Lighting Assessment should be required as part of the application.



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8. Sustainability Checklist. The Validation List requires a Sustainability Checklist in relation to sustainable construction and design yet this has not been provided.

May 2023

Proposed use

The proposal for housing on the application site is contrary to policy.

The application site is identified as an employment site in the adopted Local Plan. Policy EI1 of the adopted Local Plan seeks to safeguard sites for employment purposes including, at EK20, the application site.

This position is reflected and further developed in Policy BE1 of the KNDP. This seeks to protect and enhance employment sites in Kingswood. Where a change of use is proposed it establishes criteria that first need to be met. These include whether or not the land has been in active use for a continuous period and if it could be reused for employment generating purposes.

The emerging Local Plan recognises that Kingswood has an important employment function and that although the Orchestra Works is identified in Delivery Policy E12 as an opportunity for regeneration, that this should be for a mixed-use scheme that includes employment generating uses as well as housing, and that, where possible, any rationalisation of employment space should reprovide the same level of employment opportunities.

A Marketing Report has been submitted as part of the application material. This states that efforts have been made to market and explore a variety of leasing options for the site following a period (24-months) of vacancy. The Marketing Report states that 'there is no demand for this property from individuals or business within the locality or part of the wider national area'. However, the Marketing Report does not comment on alternative development forms, i.e.: mixed use including employment. This is confirmed within the Planning Statement accompanying the application, which effectively argues that because the site is vacant, and that there is no interest in the site as it is for employment purposes, then it should be released in its entirety for residential development. There is no evidence of mixed-use forms of development and different types of employment having been explored. Indeed, the Planning Statement makes reference to heavy industrial usage of the site being unsympathetic to surrounding residential development, but does not consider whether different types of employment could be successfully accommodated. Until such time as this has been undertaken the application must be considered premature.

In the event that such options are explored and marketing efforts demonstrate that a mixed use form of development, including employment, would not be viable, then, and only then, should a housing only scheme be considered. In this scenario, the last criteria of Policy BE1 of the KNDP would be triggered, requiring proposals to comply with wider development plan policies.

Development form and layout

The proposed layout of the site, the relationship between buildings and public space should be informed by a thorough site-appraisal and draw upon good practice guidelines as well as local context.

The adopted Local Plan makes clear, at Core Policy CP4, that new development should (1) be well integrated into the neighbourhood, (2) protect or enhance sense of place, and (3) create safe streets, homes and workplaces. Sense of place and identity is reflected further in the sub-area



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strategies established in the adopted Local Plan. Kingswood is identified as falling within the 'Wotton Cluster'. One of the key guiding principles for this sub-area (and which is retained in the submission version of the emerging Local Plan) is to:

'Conserve and enhance the area's heritage assets and secure high quality, distinctive design, in keeping with local identity and character to preserve the individual character and distinctiveness of communities, villages and hamlets.'

The requirement for high quality design continues through to Core Policy CP14 (High quality sustainable development) and Delivery Policy ES12 (Better design of places), which cross refers to Neighbourhood Plans and Design Statements. These are important as they further develop an understanding of local qualities and characteristics that help contribute to sense of place.

Policy SL2 (Sustainable Development Characteristics) of the KNDP establishes a set of criteria that proposals for development should meet in order to be supported. These include reinforcing local character and distinctiveness. It also requires proposals for major development to demonstrate how they have responded to the Kingswood Village Design Statement (KVDS).

The KVDS was adopted by the District Council in December 2014. It is a material consideration in the determination of planning applications. It identifies distinctive features related to geographic areas. The application site is located within the 'Walk Mill Lane, Bramley Close, Laxton Drive, Russet Court and Orchard Walk' area. Distinctive features identified include, but are not limited to, the industrial nature of the application site itself, the open countryside that surrounds this, the presence of terraced mill cottages on Walk Mill Lane and adjacent to the stream. It also notes the lack of trees and greenery in the area.

However, it is not clear from the Design and Access Statement accompanying the planning application how the proposals have been developed and evolved in response to the site and local context. By way of example:

- There is very limited reference to the site's history, landscape character and evolution of the settlement pattern in the application material. These should be used to inform the proposals. Images on pages 22 and 23 of the Design and Access Statement illustrate features of the built form that help characterise the area. But these are not reflected in the house types submitted and street sections illustrated on page 47 of the Design and Access Statement. Rather, these have taken, as their reference point, examples of recent developments in places as diverse (and distant from Kingswood) as Cambridge, Tiverton and Norwich (as illustrated on page 46 of the Design and Access Statement). It is not clear why these are considered to be relevant and appropriate for Kingswood.
- The NPPF clearly sets out the importance of place identity and character. In terms of architectural style, the proposals represent a missed opportunity. The proposed homes are not distinctively Kingswood. There is no reference in the application material to the distinctive features and qualities identified in the KVDS and how these have been used to reinforce local character (as required by the KNDP).
- The proposed scheme is for a higher density development than reflected in the existing built form. The result is a high density scheme that is dominated by car parking and with limited open space. A development of the density proposed is inappropriate in this location: on a rural, landscape edge of settlement location development should work hard to integrate into the surrounding landscape context.



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- The size of the proposed homes gives little consideration to future change and adaptability, changing lifestyles and demographic patterns, which is particularly pertinent given the need to plan for an ageing population. The parish suggest that larger plots and more flexible housing types would allow for change and adaptation over time, with the associated reduction in density benefitting the proposals through opportunities to better integrate green space into the site.
- The implication of the density is that a large number of parking spaces need to be provided on the site. The consequence is that the proposed layout of the site is dictated by and dominated by car parking provision. This runs counter to advice in the Gloucestershire Manual for Streets which states that 'development must provide for exemplar on-street space, designed and allocate for pedestrians, cyclists, mobility users, deliveries, bus stops and bus priority measures before parking of private vehicles'.
- The KNDP, at Policy T6A, requires new development to provide adequate car parking, but that provision of this should also have regard to matters of good design and local character. This is not demonstrated in the application material.
- Views into the site both from Walk Mill Lane and Vineyard Lane are of parking. The central part of the site is designed around a parking courtyard. Areas of private and public realm are poorly defined, with the fences of rear gardens enclosing much of the space. The space is poorly defined, lacks natural surveillance and performs poorly against secured by design principles. These are all design points that Building for a Healthy Life states should be avoided in the design of new developments¹.
- Furthermore, much of the parking provision is located to the rear of properties. The reality of using backland parking does not appear to have been given full consideration: best practice research, including, for example, 'Car Parking: What works where' (English Partnerships and Design for Homes), indicates that backland areas of parking are not well used because they are inconvenient for home owners and simply lead to parking being displaced on to the street.
- The Parish is not convinced that the proposed layout adequately allows for bin lorries and other similarly sized vehicles to be able to access the site without existing on street parking being moved. The displacement of this parking and the impact of that on residents has not been suitably demonstrated in the planning application material. Closely linked with this, the proposed scheme will in any event cause the displacement of existing on street parking provision currently available on Walk Mill Lane, with parking spaces outside proposed properties on Walk Mill Lane resulting in the removal of on-street spaces. Although some of these spaces are identified as visitor spaces, the reality is that residents of new properties on Walk Mill Lane will likely make use of these, rather than the allocated parking to the rear, as they will be convenient to access for them. The Planning Application material does not adequately demonstrate how the displacement of existing spaces and mis-use of proposed new spaces will be resolved.
- The waterfront and countryside edge is a key asset and opportunity for placemaking. This however is undermined by the presence of large parking courtyards that open onto this and provide a view through to undefined space and extensive areas of hard standing behind.
- Where pedestrian routes are provided between the waterfront and centre of the site these follow between and around back gardens. They lack activation and natural surveillance and are places which could suffer from safety issues.
- The existing public right of way along the western boundary of the site has been retained but has been poorly integrated within the proposed layout. The arrangement of spaces and buildings along this do not help structure nor sufficiently address the street, and nor are opportunities taken to create clear and logical connections with the surrounding public right of way network. Opportunities could, and should, have been taken to reconsider the network



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of routes and connections, and how these might help structure the arrangement of buildings within the development, reflecting the clear and logical order of development adjacent to the site which provides a clear building front to the street.

- Beyond private gardens there is a general lack of greenery on the site. It is dominated by hard standing; primarily areas of parking. There appears to have been limited thought given as to how the community will actually be able to use and enjoy green space, and how this links into the wider green infrastructure network. Indeed, the green space that has been provided on site appears to be an afterthought, being limited to 'left over spaces' at the entrances to and along the boundary of the site.
- Where areas of new open space are to be provided they should, as set out guidance such as the National Model Design Code, be (i) well integrated with development rather than pushed to the periphery, (ii) include a range of different open space types for different types of use, (iii) be well overlooked to provide natural surveillance of the space, (iv) include children's play space as well as natural landscape features, and (v) be designed in line with the principles of inclusiveness to be accessible to and enjoyed by all. The proposals do not do this.

A number of the comments outlined above are annotated on the attached plan.

In summary, the application material does not demonstrate an understanding of context and time depth and therefore does not give confidence that the applicant truly understands the character of the site.

The design response to the site does not demonstrate that it has understood and reflected National and Local design guidance nor met design policies set out in the National Planning Policy Framework (NPPF), National Design Code, adopted Local Plan and Neighbourhood Plan.

It is recommended that the proposed layout be revisited. As a start point, the applicant should review guidance set out in Building for a Healthy Life and make use of the checklist within this to revisit the layout such that it better responds to the site and local context.

Flooding and drainage

The adopted Local Plan (at Core Policy CP14) seeks to ensure that there is no increased risk of flooding on or off the development site, and that measures should be included to reduce the causes and impacts of flooding as a consequence of development. Delivery Policy ES4 states that 'new developments shall incorporate Sustainable Drainage Measures (SuDs)...'. Supporting text to this policy states that the multi-functional role of SuDs should be considered in all developments, providing for flood alleviation measures as well as green corridors and habitat creation. This requirement is retained in the submission version of the emerging Local Plan. Policy FR1 of the KNDP expresses a preference for the use of SuDs that incorporate bio-retention schemes, retain and encourage biodiversity.

The application material includes a Flood Risk Assessment and Drainage Assessment (October 2022). This concludes that the development is not at significant flood risk 'subject to the recommended mitigation strategies being implemented'. Proposed mitigations include a SuDs strategy. The Design and Access Statement notes that site constraints prevent a detention basin being proposed, and that below ground attenuation will be applied. The Flood Risk Assessment and Drainage Strategy says this is because 'adequate percolation' will not be available on site. However, Section 4 of the Flood Risk Assessment states that the recommended mitigation strategy is to make use of SuDs to encourage percolation into the ground and controlling



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discharge rates. It also notes that a surface water drainage system should be formulated to intercept and attenuate runoff. It is not clear from the application material how these recommendations have been fed through and incorporated into the proposed design and layout of the site.

Beyond provision of private gardens the proposed scheme essentially comprises hard landscaping. There is no reference to incorporation of rain gardens or similar in the proposed scheme for example, nor the wider benefits these bring in terms of green infrastructure provision.

The Flood Risk Assessment refers to the use of rainwater harvesting, green roofs and use of water butts as part of a sustainable drainage strategy but rules these out. Reasons given include expense and maintenance. Given this is a proposal for zero-carbon homes, and thus where climate change should be to the fore, the design response is underwhelming. An alternative arrangement should be considered that clearly shows how green infrastructure has been provided for on-site and how this can help contribute towards climate change and flood risk, including surface water run-off.

It is noted that, in response to earlier objections from the Environment Agency (EA) and LLFA, that the Flood Risk Assessment has been updated (February 2023). This indicates that much of the site is at low risk from flooding (fluvial and surface), although there is a medium risk of surface water flooding within the centre of the site (between existing buildings). Despite these updates, no further consideration has been given to the use of SuDs and their wider benefits, simply referring back to the Drainage Strategy from October 2022. The proposals should take the opportunity to help deliver a network of diverse and high quality open spaces, including the use of SuDs, that deliver wider benefits for the natural environment. At present, the proposal does not satisfactorily do this.

We also note that the EA has responded to the revised Flood Risk Assessment and maintains its objections to the proposal. The response from the EA also notes that they are aware that a proposed revision to the site layout may be forthcoming, incorporating a larger riparian buffer and that, if this is the case, then an updated Flood Risk Assessment may be needed. The Parish supports amendments to the proposals that better respond to flood risk and the setting of the sites, and welcomes the opportunity to comment on any future proposed changes.

Traffic

The KNDP encourages measures that support active travel, i.e.: walking and cycling. Policy T1B requires proposals for major developments (i.e.: those in excess of ten homes) to prepare and submit a 'Non-Motorised User' (NMU) Context Report. This is important in Kingswood given the sensitivity of the road network. Although a Transport Statement has been submitted as part of the application this does not include a NMU Report as stipulated in the KNDP. Such a report must be submitted before the application can be fully considered.

The Parish also express concerns in terms of the impact of development on the Walk Mill Lane / Hillesley Road junction which is currently difficult to navigate (given lack of visibility), and which will be exacerbated by increased vehicle movements. The Transport Statement suggests that the junction is safe because there have been no recorded accidents here. The Parish does not agree and suggest that design measures are required that support visibility and aid navigation at this junction, and which will thus also support safe movement by those on foot or bicycle. In addition, the Parish notes that the traffic counts undertaken did not capture all traffic accessing Walk Mill



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Lane from Hillesley Road, including that traffic associated with homes on Orchard Walk, Bramley Close, Russet Court and Laxton Drive. The counts are thus considered to be misleading and have not been appropriately accounted for in terms of junction safety and residential amenity.

Furthermore, sustainable travel options in Kingswood are limited. Bus service 85 has been withdrawn, limiting travel choice for residents who do not have access to a private car. The proposed development will not help resolve this issue and instead result in residents making use of the private car as their default mode of choice, including travel for essential services such as healthcare. The Parish is concerned about the lack of sustainable transport options and the impact of this on social isolation, health and wellbeing. Until such time as a package of sustainable transport options is prepared for the Parish as a whole it is inappropriate to be considering proposals for new development.

Summary

These comments represent an objection to the proposals for development at the Former Orchestra Works Site, Kingswood, based on which the Parish Council suggest that planning permission for the scheme as proposed should be recommended for refusal.

July 2023

This response is submitted on behalf of Kingswood Parish Council by Troy Planning + Design. It addresses the revised application material submitted in respect of the Orchestra Works Site dated 12 June 2023.

Revised Layout

It is noted that amendments have been made to the proposed layout of the scheme (Drawing No.: 875-05 Rev A). It is acknowledged that development is now shown as being set slightly further back from the waterfront. However, and fundamentally, the layout remains the same as per the scheme subject to our comments dated 28 April 2023. Our concerns and objections expressed in those representations remain. We reiterate the point that the scheme does not demonstrate how it successfully responds to the site context and best practice design guidance outlined in National Policy. It remains a car dominated scheme.

We suggested in our earlier response that the applicant should review guidance set out in Building for a Healthy Life and make use of the criteria and checklist within this to revisit the layout such that it better responds to the site and local context. It is noted that a 'Building for Healthy Life Pre-Assessment' has now been submitted alongside the revised layout.

This self-assessment rates the scheme as scoring 'green' (i.e.: 'good') on eleven out of the twelve criteria on the checklist, with one 'orange'. The Parish does not agree with the assessment. By way of example, criteria 12 of Building for a Healthy Life requires a clear demarcation between public and private spaces. The assessment claims it does this successfully and rates the scheme as 'green'. But it does not. The central part of the scheme is dominated by an extensive parking court which is edged by back gardens. Successful public spaces should be well overlooked by active edges (i.e.: the front of properties), with back gardens adjoining back gardens and thus enclosing and clearly defining private spaces.

Equally, criteria 10 of the checklist states that well-designed developments provide well integrated car parking. The self-assessment states that allocated parking is provided and rates the scheme



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as 'green' against this, but it does not explain how parking is successfully integrated into the scheme. As noted above and in previous representations made by the Parish Council, it is quite clear that parking provision has driven the scheme layout and dominates this. Much more needs to be done so that this becomes a successful place for people.

We strongly advise that the Building for Healthy Life assessment is reviewed by the District Council and preferably by an independent advisor (perhaps drawing upon the resources of the Gloucestershire Design Review Panel or similar). As it is, the Parish does not consider the assessment to be fit for purpose.

Traffic

The Revised Transport Statement is flawed. It states that development of the site will result in a 50% reduction in movements associated with the existing use of the site. Existing movements are based on the site currently being in 'general industrial use'. However, and as the Transport Statement acknowledges elsewhere, the site is no longer in operational use and, as it says at para 1.1, 'is currently vacant'. The statement that traffic movements will be reduced is thus incorrect and misleading as there are no movements to the site at present. Rather, it will lead to an increase in movements. It is noted that the Transport Statement has been updated in respect of bus services. It notes that bus provision is conveniently located to the site and will allow many trips to be made by a direct public transport route. The Parish Council does not agree. Indeed, the information in Table 2.5 of the Transport Statement is not correct. Bus service 60 is the most frequent service but is limited to just seven buses per day. This cannot be considered a frequent enough service to encourage people to use public transport. Other bus services are more limited than this:

- o Bus service 84 only provides three buses per day.
- o Bus service 288 only provides two buses on a Tuesday and Friday
- o Bus services 626, C60 and S8 are limited to one return journey per day (as the Transport Statement notes).

This level of service does not provide an alternative to the car and will not allow for 'many trips to be made by a direct public transport route' as claimed by the Transport Statement. As per the earlier representations made by the Parish, a package of sustainable travel options are required for Kingswood, and a Non-Motorised User report needs submitting by the applicant in line with policies in the Kingswood Neighbourhood Development Plan before the application can be determined.

The Parish Council would like to be consulted on the proposed changes to Walkmill Lane. Currently we are unable to access any plans. It is a busy road and the traffic counts taken by the applicant do not reflect this as the counts were taken at the bottom of the road as opposed to the top where all vehicles access from Hillesley Road. Walkmill Lane is the access for farm vehicles such as tractors and combines to access the adjacent farmland. Any narrowing of the road will cause issues. Similarly, refuse vehicles reverse down Walkmill Lane from Bramley Close as they are already unable to turnaround.

There is a busy agricultural supplies business located adjacent to Walkmill Lane which is accessed via Walkmill Lane. Delivery lorries to the site frequently miss the point of access and need to reverse back towards this. The Parish Council does not believe that the applicant has assessed or considered the current vehicle usage of Walkmill Lane adequately and any proposed



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changes could have a significant impact on the safety of this road for residents of Walkmill Lane, Crow Meadow, Bramley Close, Laxton Drive, Russet Close and Orchard Walk.

Highway Adoption

Drawing No.: 875-101 Rev B indicates areas, shaded pink, proposed as adoptable highway. There remain extensive areas, including the street running along the western boundary of the site providing access to properties at the northern end, that are not indicated as being adopted. It is entirely unclear to the Parish what is proposed in terms of the management and maintenance of these spaces and all parking courts. Given the car-dominated nature of the scheme the ongoing maintenance, or otherwise, of these areas will have a significant impact on quality of place. The Parish Council would prefer all highways to be adopted. A management and maintenance plan will also need to be prepared and agreed for all spaces that will not be adopted (i.e.: parking courts).

House Type Plans and Elevations

The floor plans for House Type TE (Drawing No.: 875-15 Rev A) do not show any internal stairs leading to the second floor (Bedroom 1 in that house type). This, and any consequent changes to the layout of the second floor, will need amending to reflect the appropriate Building Regulations.

Equally, the first of the two 'Front / Side Elevations' shown for House Type 4B (Drawing No.: 875-20 Rev A) is incorrect as it does not show the windows associated with the downstairs W.C nor the window above this in Bedroom 2 as indicated on the floor plans.

All other comments previously made in respect of the application (dated 28 April 2023) remain and need reading with this letter. The Parish is of the view that the revised application material has not addressed issues raised and that planning permission for the scheme should be recommended for refusal.

6.2 - External Agencies

6.2.1 - Gloucestershire Wildlife Trust

I am writing to provide Gloucestershire Wildlife Trust's (GWT) comments regarding the above application. Firstly, whilst the site is not within any core habitats for Gloucestershire's Nature Recovery Network, there are wetland opportunities to the north and south east with core wetland habitat, including Ozleworth Brook Key Wildlife Site, immediately adjacent to the site boundary.

We would recommend that all mitigation strategy referred to in the Preliminary Ecological Appraisal (PEA) regarding the protection of the water environment be adhered to in order to protect the Brook and associated wetland habitat (section 4.18 in the PEA). It also highlights that provision will need to be made to address the long-term potential impacts to the brook and to ensure that any change in hydrology on the site is not at the detriment of the brook.

We are pleased to see that the development proposes to deliver +32.17% Biodiversity Net Gain (BNG). A Landscape and Ecological Management Plan (LEMP) detailing a full list of habitats and hedgerows should be approved in writing by the Local Planning Authority prior to development. We would recommend a 30-year management plan is put in place to support long term net gains and ecological enhancement.



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We would also encourage as many of the mitigation and enhancement recommendations for wider wildlife set out in the PEA be implemented in the design, preferably as a condition of application approval. It is noted that the hedgerow provision is for a single species (*Carpinus betulus*).

It would perhaps be better to include a mix of local native species to broaden diversity on the site and encourage a wider range of flora and fauna into the area.

6.2.2 - Environmental Agency

December 2022

Thank you for your consultation of the above planning application, received by us on 18th November 2022.

Flood Risk: The site is located within Flood Zones 3, 2 and 1 (the high, medium and low risk zones respectively) of the Whatley Brook (a Statutory Main River) on the Flood Map for Planning (Rivers and Sea) as defined in Table 1 of the Planning Practice Guidance (PPG).

We have reviewed the 'Flood Risk Assessment and Drainage Strategy' by Newland Homes, ref: 875-ER-01 (dated 17th October 2022). In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application. Please see our comments below.

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 159, 161 and 162 of the NPPF and paragraphs 027-029 within the Flood Risk and Coastal Change Section of the NPPG.

The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required.

The fact that we are not providing comments does not mean that there are no ST issues, but we would leave this for the LPA to consider. Providing the LPA are satisfied that the ST has been passed, then we can provide the following comments on the submitted FRA.

Exception Test: If, following application of above, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, for development within Flood Zone 3, the Exception Test should be applied. See paragraphs 031-032 and 035-037 within the Flood Risk and Coastal Change Section of the NPPG.

We would recommend that you be satisfied on part 1 of the ET i.e. it must be demonstrated that the development provides "wider sustainability benefits to the community that outweigh flood risk"

In relation to matters within our remit, Part 2 of the ET states that "a site-specific flood risk assessment must demonstrate that the development will be "safe for its lifetime taking account of



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the vulnerability of its users without increasing risk elsewhere, and, where possible, will reduce flood risk overall".

You should be satisfied sequentially with development in this location and that the above considerations would make it an acceptable location for a more vulnerable development in an area of high flood risk. Providing you are satisfied we can provide the following comments on the FRA.

Flood Risk Assessment: The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA fails to identify that plots 11-25 on the eastern side of the proposed planning layout, ref 875-05 (September 2022) are partially within Flood Zone 3 (the high risk zone). Neither does it consider how a range of flooding events (including extreme events) will affect people and property.

Climate Change: Paragraph 153 of the NPPF states that: 'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.'

The submitted FRA does not take the impacts of climate change into account. There is no assessment of the impact of climate change using appropriate climate change allowances. Please refer to 'Flood risk assessments: climate change allowances'. We advise the use of the Central 2080's allowance for peak river allowances:

Climate change allowances for peak river flow in England (data.gov.uk).

Mitigation Measures: There are no Fluvial Flood risk mitigation measures included within the scheme (as per Table 4.4 of the FRA) to address flood risk for the lifetime of the development included in the design due to the consideration of the FRA that the development is entirely within Flood Zone 1. Based on this assumption, the development does not propose correct Flood Storage Compensation, Finished Floor Level (FFL) or Resistance and Resilience Measures.

Flood Storage Compensation Area: The FRA as proposed does consider or include detail of volume gains. We would seek for a betterment in the form of Flood Storage Compensation. This may take into account any present buildings or structures on site.

Finished Floor Levels: It is advised that Finished Floor Levels should be set no lower than '600mm' above the 1% river flood level plus climate change. This 600mm freeboard takes into account any uncertainties in modelling/flood levels and wave action (or storm surge effects).



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Once the FRA has been updated with the relevant climate change information so as to establish the Design Flood Level for the site (as advised above), we would likely seek to secure an appropriate Finished Floor Level, based on satisfactory evidence with a condition.

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

The need for safe access and egress is the jurisdiction of the LPA but it is noted that the submitted FRA does not consider how people will be kept safe from the identified flood hazards. 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 National Planning Practice Guidance (NPPG).

Furthermore, access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

Flood Risk Activity Permit: Any works, in, under, or within 8 metres of the top of the bank of any designated main river (i.e. the Retaining Edge Improvement as per the 'Planning Layout', drawing number 875-05, dated Sept 2022) require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010. This would have formerly been called a Flood Defence Consent. For more advice to confirm whether a permit is required, what type, and exemptions please ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. Also go to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Overcoming our objection To overcome our objection, we advise the applicant obtains a copy of The Environment Agency fluvial model, Little Avon (2017) or modelled outputs to use to assess fluvial flood risk plus an allowance for climate change. This can be obtained by emailing Enquiries_Westmids@environment-agency.gov.uk.

The applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we would be happy to respond as such.

April 2023

Thank you for consulting us on the new Flood Risk Assessment (FRA), reference number: FOW-BWB-ZZ-XX-RP-YE-0001_FRA (dated February 2023) submitted in support of the proposed development. While we are pleased to see that the new FRA aims to address the concerns detailed in our previous response (our ref: SV/2022/111523/01-L01, dated 28 December 2022), at present we consider that insufficient detail has been included such that we **maintain our objection** to the proposed development. Please see our comments below.

Flood Risk: The site is located within Flood Zones 3, 2 and 1 (the high, medium and low risk zones respectively) of the Whatley Brook (a Statutory Main River) on the Flood Map for Planning (Rivers and Sea) as defined in Table 1 of the Planning Practice Guidance (PPG).



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Site-Specific Flood Modelling: The findings of the new FRA are largely based upon the updated modelling exercise undertaken on behalf of the applicant, updating the topographic data in our existing Little Avon River flood model and considering the latest climate change allowances. The applicant's modelling indicates that design flood extents remain in-bank past the site, and this reduces the scope of additional assessment required, with the resultant flood levels largely only influencing the recommended finished floor levels (FFLs) of proposed dwellings.

Close inspection of the site topographic data however, does demonstrate that the modelled flood levels appear very close to adjacent river bank levels, such that scrutiny of the site-specific modelling is justified. Small increases in flood level could significantly change the necessary flood mitigation strategy.

We do not anticipate needing to review the applicant's flood modelling in detail and furthermore do not consider requesting a full Flood Modelling Report/Appendix to be proportionate. However, the supporting modelling commentary included in the new FRA is light on detail and inadequate in terms of providing confidence in the model outputs in support of a 'more vulnerable' development immediately adjacent to a designated 'main river'.

Specifically, the FRA should be updated with further information provided to address the following:

- How have the topographic changes been applied to the existing flood model? It needs to be documented in more detail which specific model files have been updated with new topographic data. A comparison should be provided at suitable spacing indicating how the existing model topography varies from that proposed in the updated model. In particular, the impacts at the river bank / 1D-2D linkages should be explored/clarified, as we note from available site photography that the river edge is comprised of a mix of natural ground and some lengths of retaining wall.
- A 1 in 1,000 (0.1%) flood event needs to be run and results compared to those already described. This is in line with the requirements of the Flood Risk and Coastal Change section of the Planning Practice Guidance (PPG) that requires consideration of an 'extreme flood', particularly with respect to safe access/egress arrangements.
- Consideration of the impact of model sensitivity on the findings. Standard sensitivity tests need to be undertaken where appropriate: for inflows, hydraulic roughness, downstream boundary, structural and spill coefficients, as described in 'Hydraulic Modelling: best practice (model approach)'.

Further scrutiny of the above is justified based on the proximity of modelled levels to site ground levels and the vulnerability of the proposed development.

Finished Floor Levels: The new FRA recommends, in section 4.3/4.4, that FFLs of proposed dwellings are set to 600mm above the design flood level, including climate change, "reported at the nearest upstream node", or 150mm above surrounding ground levels, whichever is the higher.

In order for proposed FFLs to be appropriately secured at the planning stage, in line with the comments in our previous response, we consider it appropriate for the applicant to undertake the next step following the commentary in the FRA, and provide a plan showing the precise FFLs for each of the proposed dwellings. The level of each dwelling and proposed surrounding ground levels may also need cross-checking against the 'extreme event' mentioned above, with respect to safe access and egress.



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Overcoming our objection: To overcome our objection, the applicant should submit a revised FRA and accompanying plan(s) which address the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted.

We note that a site layout change may be forthcoming to incorporate a larger riparian buffer strip (10 metres). We may wish to see an updated Flood Risk Assessment to take the new layout into account depending upon the extent of flooding at the Design Flood Level (DFL) that is awaiting confirmation as discussed above.

June 2023

Thank you for your consultation of the updated Flood Risk Assessment (FRA) submitted in support of the proposed development. We previously requested some additional information in our response ref: SV/2022/111523/02/L01.

We required confirmation of:

1. How topographic changes were made to the model, and how any impact of local retaining walls was included in the assessment.
2. Consideration of a 1 in 1,000 (0.1%) flood event, as an extreme flood in line with the Planning Practice Guidance.
3. Sensitivity testing of the model, given the concerns over how close flood levels were to site levels.
4. Clarification of finished floor levels (FFLs), rather than the statement in the previous FRA.

Following review of the additional flood modelling detail provided within document ref: FOW-BWB-ZZ-XX-RP-YE-0001_FRA (dated May 2023) and confirmation of the finished floor levels proposed, **we withdraw our objection** to the proposed development, providing the following condition is attached to the decision notice.

Condition

Finished floor levels shall be set no lower than the levels as detailed on Planning Layout '875-05' in Appendix 8 of version P02 of the submitted Flood Risk Assessment (1% plus climate change flood level) unless otherwise agreed in writing by the LPA.

Reason

To protect the proposed dwellings from flood risk for the lifetime of the development.

Environmental Permit - Advice to Applicant The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert



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- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6.2.3 - National Highways

Referring to the consultation on a planning application dated 30 November 2022 referenced above, in the vicinity of the M5 junction 14 that forms part of the Strategic Road Network, notice is hereby given that national Highways' formal recommendation is that we **offer no objection**.

Statement of Reasons

The application by Newland homes seeks full planning permission for the construction of No. 32 dwellings (Class C3). The proposals include the demolition of the employment site at the 'Orchestra Works' and associated buildings. All dwellings are proposed as new zero carbon dwellings. The access is proposed from Walk Mill Lane.

A Transport Statement and Planning Statement have been submitted with the planning application to assess the development's impact on the surrounding area. The proposed development site is located approximately 7.5km to the east of M5 junction 14 (M5 J14). An assessment of the traffic impact on the M5 J14, has not been included in the planning application documents submitted.

As stated above, National Highways is a government owned company responsible for operating, maintaining and improving the SRN which in this area includes the M5 J14, and we are therefore concerned about any impacts that this development may have on its safe operation.

M5 J14 at Falfield in South Gloucestershire has historically operated over capacity and, whilst post-covid travel demands continue to stabilise, recent surveys suggest that the junction continues to suffer from congestion at peak times. The operation of the junction can result in the formation of extensive queues on the northbound off-slip in the morning peak period (creating a safety issue), and westbound on the B4509 from the direction of Charfield in the morning and evening peak period.

The Planning Statement advises that the site falls within the adopted Settlement Development Limits of Kingswood, and the site is currently designated as a 'Key Employment Site' (Policy E11) in the adopted Stroud District Local Plan (adopted 2015). It is proposed to be designated as a 'Regeneration Employment Site' (Policy E12) under the Local Plan Review.

As part of the Employment Land Review (2021) (paragraph 10.18) assessment of the Orchestra Works site (site reference EK20) it is stated that: "If EK20: Kingswood Orchestra Works does come to the market this isolated, constrained location is unlikely to be attractive to other businesses. If the properties do fall into long term vacancy while Local Plan creation is proceeding



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it is recommended it be considered for alternative uses". Notably, the Planning Statement advises that the recommendation is to protect the site as employment use only if the site remains occupied. The site became vacant in August 2020, and this planning application proposed a residential use for the site.

Trip Generation and Distribution

The proposed residential development for 32 dwellings is proposed as net Zero-Carbon Homes. National Highways welcomes development with a net zero-carbon principles and looks favourably on measures put in place to reduce carbon emissions through transport opportunities. We are pleased to see a Travel Plan has been proposed to be provided at 6-months post-occupation of the site. Travel which is undertaken by sustainable modes rather than single occupancy private car has the potential to reduce the traffic impact on the SRN and thereby potentially improving safety and capacity issues on the road network.

The Transport Statement sets out that the trip generation assessment for this site based on TRICS. National Highways considers that the trip rates are acceptable. The existing and forecast trips as demonstrated by the TS based on a TRICS assessment which is provided in the table below, demonstrating that a reduction of traffic is forecast on the highway network for the proposed residential use at the site compared to the extant employment use at the Orchestra Works.

Comparison of Forecast Trip Generation between Existing and Proposed Uses	Period Existing Use	Proposed Use	Difference (Veh)	Difference (%)
AM Peak Hour	29	19	-10	-53%
PM Peak Hour	30	15	-15	-50%

Noting that the proposal will replace an existing use, National Highways accept that the proposal will not result in additional traffic movements and therefore we would not be able to withstand an objection as the development would not cause a severe impact to the safe and efficient operation of the M5. The number of forecast trips is considered to be low during peak hours, and the disbursement of vehicles between the site and the M5 J14 would lead to the development to not have a material impact on the SRN.

Recommendation:

National Highways has no objections to the application reference S.22/2473/FUL.

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.



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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.

6.3 - Stroud District Council Technical Officers

6.3.1 -Contaminated Land Officer

November 2022

Thank you for consulting me on the above application. I have read the submitted Preliminary Ground Investigation Report, Number 4795 dated 24 September 2021. I have the following comments to make.

1. Reliance on this report is restricted to Quinque Stella Holdings Limited and Mr Paul Cripps. The applicant, Newland Homes, need to demonstrate that they have permission to also rely on the contents of the report.
2. The report has identified elevated levels of arsenic, lead and PAHs and has recommended that further investigation is required to fully assess the site.
3. Areas of the site were restricted, and further site investigation is required to cover the full site. This may be prudent to undertake following demolition of the buildings.
4. At the time the report was written, the layout of the residential development was unknown and so was final development levels. Any further site investigation needs to take this into account to be able to undertake adequate risk assessment.
5. Further site investigation should also sample for PFAS as these substances are associated with printing inks.

As such, I would request that the full contaminated land condition is attached to any permission granted. Part 1 of the condition (Phase 1 desk study) has been met.

March 2024

Thank you for consulting me on the above application. Dave Jackson, EHO, has recommended a condition for the control and management for the asbestos removal in his response dated 28 November 2022. This is sufficient to cover the new information presented in the Employment Land Report.

The full contaminated land condition should be attached to any permission granted, as per my email dated 23 November 2022. The further site investigation should be undertaken after the asbestos containing materials have been removed from the site and the buildings have been demolished.



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6.3.2 - Environmental Health Officer

I have a reservation in respect of the Noise Impact Assessment submitted with this application, as follows:-

For properties in close proximity to monitoring locations 1, 4, 5, 6 and 7, night noise values are predicted to exceed 30 dB LAeq,8hrs with windows open by up to 5 dB (position 7). The recommendation is that an excess of up to 5 dB is "reasonable" under the terms of BS8233:2014. However, that standard states that: -

- a) If relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level; and
- b) A relaxation by up to 5 dB may be reasonable where a development "is considered necessary or desirable".

I would please request that the applicant considers alternative arrangements for the relevant plots, for example by provision of mechanical ventilation to affected bedrooms.

Further to the above, I would recommend that any permission should have the following conditions and informative attached: -

Conditions:

1. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
2. No demolition works shall commence unless and until a plan detailing methods, controls and management procedures relating to the removal of all Asbestos Containing Materials associated with the development site has been submitted to, and approved in writing by, the Local Planning Authority.
3. Construction/demolition works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to, and approved in writing by, the Local Planning Authority.

Informative:

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

6.3.3 - Water Resources Officer



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This is a major planning application and as such the LLFA will respond as statutory consultees on drainage matters.

6.3.4 - Bio-Diversity Officer

February 2023

Comments relate to the following documents:

Preliminary Ecological Appraisal by All Ecology (August 2022)

Biodiversity Net Gain Preliminary Design Stage Report by All Ecology (October 2022)

Dusk emergence Survey for Bats by All Ecology (July 2022)

Protected Species

A survey of the building concluded that Building 4, 6 & 10 and the majority of building 5 did not have any roosting potential. Building 1 to 3 and the southeast elevation of building 5 had low potential. Further survey work concluded that no bats were roosting in the buildings.

The site is not suitable for any other protected species.

Biodiversity Net Gain

A significant biodiversity gain has been achieved; however, the design and effectiveness/ecological functioning of this needs to be reconsidered. There is a requirement to protect and enhance the brook and its ecology through the provision of a 10m riparian buffer zone which should consist of semi-natural vegetation (native deciduous trees and shrubs).

If the scheme cannot be redesigned to include the 10m riparian buffer zone **Refusal** is recommended for the following reasons:

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

April 2023

Biodiversity Net Gain

The scheme has been redesigned to include the 10m riparian buffer zone (where feasible). The revised layout is now acceptable. Biodiversity Net Gain now needs to be re-calculated using the latest biodiversity metric and resubmitted as a BNG plan to the LPA.

June 2023

The Biodiversity Metric Calculation Tool is used to calculate the biodiversity value of a site before and after development. The proposed development and associated landscaping will result in a habitat net percentage change of + 753.09% and a hedgerow net percentage change of + 219.81%. The river would be unchanged (0.00%) but significant gains have been made within the 10m riparian zone, resulting in an enhanced ecological design for the scheme.



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Recommendations and Conclusions

There are no ecological objections to this application. The Preliminary Ecological Appraisal (August 2022) and the Biodiversity Net Gain Preliminary Design Stage Report by All Ecology (June 2023) recommends various mitigation and enhancement measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development.

The following Conditions should be attached to Consent (if granted):

- The development should proceed in accordance with the recommendations made in Section 4 of the Preliminary Ecological Appraisal (August 2022) and Dusk Emergence Surveys for bats (July 2022) by All Ecology. This includes avoiding disturbance/harm to nesting birds, water vole and otters, badgers and other mammals. Biodiversity enhancements include provision of bird and bat boxes on/in the new buildings and on existing mature trees.
- Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Biodiversity Net Gain metric calculation and supporting plans All Ecology (August 2022) and shall include the following:

- A. Description and evaluation of the features to be managed.
- B. Aims and objectives of management
- C. Appropriate management options for achieving aims and objectives
- D. Prescription for management actions
- E. Details of biodiversity enhancements, including location and specification of bird and bat boxes as detailed in the Preliminary Ecological Appraisal (August 2022) and Dusk Emergence Surveys for bats (July 2022) by All Ecology.
- F. Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- G. Details of body or organisation responsible for implementation of the plan.
- H. Ongoing monitoring and remedial measures.

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

- Prior to the installation of external lighting for the development, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
 - A. identify the areas/features on site that are particularly sensitive for foraging/commuting bats;
 - B. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter/foraging route.

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



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6.3.5 - Conservation Officer

The above site is situated near the Kingswood Conservation Area. Special attention must be paid to the desirability of preserving or enhancing the character and appearance of the area.

This proposal is for the demolition of Orchestra Works and Associated Buildings, and development of no.32 new Zero Carbon dwellings, access from Walk Mill Lane, highways, open space, landscaping, drainage, and associated infrastructure.

The proposal will not cause any harm to the character of the conservation area. The application has been assessed in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

6.3.6 - Waste Officer

To ensure there is no disruption to the waste collection service for householders it is advised that the corners of the roads are painted with double yellow lines to prevent residents/visitors from parking on or too close to the corners, which hinders access for waste collection vehicles.

Bin collection points should be a solid/concrete base large enough to accommodate the following containers (1 x per household) - 140 litre bin, 44litre recycling box, 240 litre bin, 23 litre food waste bin and potentially a 180litre garden waste bin should residents wish to opt in to the service.

Bin collection points should also be next on or on a drop kerb to enable residents and collection teams to safely manoeuvre bins for presentation/collection.

6.4 - Gloucestershire County Council Technical Officers

6.4.1 - Highway Authority

June 2023

No Objection subject to the following conditions

This new residential development is located on the site of a former industrial site which has a challenging and historical access. There have been extensive and detailed negotiations between the Highway Authority and the applicants through their chosen highway consultant which has resulted in the layout now being considered for this planning consent.

I am now generally satisfied with the layout and access provision. One major factor in the consideration of this development proposal is the removal of the industrial buildings and their use which have the benefit of an extant permission. The submitted Transport Statement and subsequent Technical Note contends that there will be approximately half the traffic generation from the new residential development compared with the industrial use. I have no reason to doubt this from the technical information supplied and whilst there will be approximately 50% less traffic, a major consideration will be the removal of Heavy Goods Vehicles from the site and surrounding access roads which will be a positive benefit of this application in transport terms.



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A minor highway improvement will be undertaken at the junction of Walk Mill Lane and Hillesley Road by provision of kerbing and white lining to provide some improvement to the existing visibility splays at the junction. This is shown on revised drawing No. 2022-F-025-002 REV A dated 17 January 2023.

A further minor improvement will be made by the provision of an extension to the existing inferior footway outside Numbers 59 and 61 Walk Mill Lane as shown on revised drawing No. 2022-F-025-006 REV B dated 1 March 2023 to provide increased pedestrian safety.

Now turning to the layout, this is generally acceptable and accessible with access though the site to link to the Public Rights of Way and village centre for local facilities including the primary school and convenience store and bus stops. The main access road within the site will be adopted and tracking plans have been submitted to show that refuse vehicles can service the site.

In respect of the car parking provision, this is generally acceptable, however, it is our policy now not to allow garages to be included within the allocation of parking standards. Plots 23, 24 and 26 do not therefore have sufficient spaces allocated, however, it is noted that these are intended to be provided as car ports and if this is retained as such the overall allocation for the development is acceptable.

In respect of cycle parking, whilst it has been mentioned in the Design and Access Statement, no indication has been given on the submitted plans, therefore this aspect will need to be conditioned.

I am satisfied with the sustainability of the site from the evidence presented in the submitted Transport Statement.

Conditions

Conformity with Submitted Details (Multiple Buildings)

The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing 875-05 Rev A.

Reason: To ensure conformity with submitted details.

Provision of Vehicular Visibility Splays

The development hereby approved shall not be occupied until visibility splays shown on the application plans hereby approved have been provided in accordance with plan No. 2022F -025-001. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

Provision of Pedestrian Visibility Splays



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The Development hereby approved shall not be [occupied/brought into use] until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the [back of footway / edge of carriageway] shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

Highway improvements / offsite works / site access (Details Provided)

The Development hereby approved shall not be commenced until the offsite works comprising:

Improvements to the Walk Mill Lane junction with Hillesley Road by the provision of kerbing and white lining to provide improvement to the existing visibility splays at the junction as shown on revised drawing No. 2022-F-025-002 REV A dated 17 January 2023, and

by the provision of an extension to the existing footway outside Numbers 59 and 61 Walk Mill Lane as shown on revised drawing No. 2022-F-025-006 REV B dated 1 March 2023.

Have been constructed and completed.

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

Completion of Vehicular Access - Shown on the approved plans

The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing 875-05 Rev A.

Reason: In the interest of highway safety.

Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. 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 a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

REASON: To reduce vehicle movements and promote sustainable access.



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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:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

Informatives

Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.



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Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Public Right of Way Impacted

There is a public right of way running adjacent to the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for any vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any



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activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Protection of Visibility Splays

The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or parts thereof.

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the Public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Extraordinary Maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall



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be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

6.4.2 - GCC Developer Contributions Investment Team

This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.

<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/>

The assessment also takes account of CIL Regulations 2010 (as amended)

In support of the data provided please note the following:

Education

Following a recent Planning Appeal Decision, Gloucestershire County Council (GCC) has undertaken to review its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

GCC is committed to undertaking a full review of its Pupil Product Ratios (PPRs), which will subsequently be consulted upon. In the meantime, GCC has reviewed its PPRs, taking account of comments made by the Planning Inspector in the above appeal, and using information that is currently available adjusting its calculations per 100 dwellings. This information can be found in the Interim Position Statement on PPRs which was published by Gloucestershire County Council in June 2021. The Interim Position Statement (IPS) is available on Gloucestershire County Council's website which you can access on the below link:

<https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershireschool-places-strategy-and-projects/>

The latest School Places Strategy 2021 - 2026 is also available on the Gloucestershire County Council website (see the link above). The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2021-2026. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. The 2021-2026 update was approved by Cabinet on 24 March 2021 and came into effect on 1 April 2021.

Cost Multipliers - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years GCC has applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per the wording of the s106 legal agreements. GCC calculates the percentage increase using the BCIS indices published at



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the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the education requirement. Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

Libraries:

- Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.
- New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.
- Consideration will be given to the existing capacity of the library using the national recommended floorspace benchmark of 30 sq metres per 1,000 population (as set out in the Public Libraries, Archives and new development: A Standard Charge Approach, 2010).
- Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution and calculated using the County Council's established per dwelling charge of £196.00.
- Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.

Section 2 of the consultee response contains details of site specific assessment and detailed calculations - for practical reasons these are appended to the report. The remaining sections are included as follows:

Regulation 122(2) of the Community Infrastructure Levy Regulations, 2010 provides that a planning obligation may only be taken into account as a reason for granting planning permission where it meets the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet



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the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change of the amendment is the 'lifting' of the 'pooling restriction' and the 'lifting' of the prohibition on section 106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority's published 'regulation 123 list' as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to section 106 obligations contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both section 106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122 continue to apply.

The Department for Education has updated its guidance in the form of a document entitled "Securing developer contributions for education (November 2019), paragraph 4 (page 6) states:

"In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)"

CIL Reg 122 tests in relation to the education contributions required for S.22/2473/FUL - Former Orchestra Works Site Walk Mill Lane Kingswood Wotton-Under-Edge Gloucestershire GL12 8SA

The education contributions that are required for this proposed development are necessary to fund the provision of the additional secondary age 11-16 places and the secondary age 16-18 places generated by this development.

The proposal is for 32 dwellings of which 30 are qualifying dwellings for education. This number of qualifying dwellings would be expected to generate an additional demand for 5.10 primary places. Katharine Lady Berkeley School and/or West Stroud Secondary Planning Area are forecast to be full. **Gloucestershire County Council is therefore requesting a primary contribution of £121,252.50 towards the provision of these places**, to be used at Katharine Lady Berkeley School and/or West Stroud Secondary Planning Area.

This number of qualifying dwellings would also be expected to generate an additional demand for 1.80 secondary age 16-18 places. Katharine Lady Berkeley School and/or West Stroud Secondary Planning Area is forecast to be full. **Gloucestershire County Council is therefore requesting a secondary age 16-18 contribution of £42,795.00 towards the provision of**



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these places, to be used at Katharine Lady Berkeley School and/or West Stroud Secondary Planning Area.

The education contributions that are required for this proposed development are directly related to the proposed development in that the contributions have been calculated based on specific formulas relative to the numbers of children generated by this development. These contributions will be allocated and spent towards creating secondary age 11-16 places and secondary age 16-18 places either at the local existing schools and/or within the planning area to enable children from this development to attend a local school. In this instance, contributions will be used at Katharine Lady Berkeley School and/or West Stroud Secondary Planning Area.

The developer contributions are fairly and reasonably related in scale and kind to the development. The contribution requirements have been calculated using an up to date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings.

CIL Reg 122 Tests in relation to the library contributions required for S.22/2473/FUL - Former Orchestra Works Site Walk Mill Lane Kingswood Wotton-Under-Edge Gloucestershire GL12 8SA

The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from this development.

The contribution is directly related to the development as it is to be used at the library nearest to the application site which is **Wotton-Under-Edge Library** and is based on the total number of new dwellings generated by the development (**total of 32 dwellings**).

The contribution is fairly and reasonably related in scale and kind to the development as it is calculated using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (**in this case 32 dwellings x £196 = £6,272.00**).

CIL/S106 Funding Position

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of development as it occurs.

The level of CIL charged on a development does not cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of that development.

March 2024

Thank you for consulting the County Council on the potential community infrastructure requirements arising from the above proposal. The comments are made "without prejudice" and are an officer-level response to your consultation.

IMPORTANT INFORMATION: The education data/analysis behind the figures contained within this consultation response is ordinarily valid for a period of one (1) year from the date of the



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assessment that lies behind it [the date of this education assessment is 15/02/2024]. However, in certain circumstances a re-assessment and therefore a revised consultation response will be required/provided; such circumstances will include (but is not exclusive to) situations where:

- There has been an agreed update in the PPRs used by the Council; or
- There is an adopted update in GCC's Local Development Guide, or
- Other planning reason

Please note that should the assessment expiry date referred to above be less than 6 weeks you should contact Community Infrastructure - Developer Contributions Service community.infrastructure@gloucestershire.gov.uk to ensure that a re-assessment is undertaken prior to its expiry to guarantee that you are in possession of the Authority's revised/up-to-date requirements in respect of the proposed development.

Please can you inform Community Infrastructure - Developer Contributions Service community.infrastructure@gloucestershire.gov.uk when the application has a resolution to approve, either by committee or through delegated officer powers, so we can instruct our solicitors as soon as possible to avoid any delay in the S106 process.

The requirements below would need to be addressed to make the development acceptable in planning terms through the delivery of necessary infrastructure. The funding of this infrastructure would be by Planning obligation.

In most cases the County Council will seek a charge towards the administration of any S106 agreements (i.e. to cover monitoring and compliance of S106 obligations - undertaking site visits and chasing up any payments outstanding). The monitoring charge will normally be part payable on completion of the agreement with the balance on commencement of the development.

Summary of Education Contribution Requirements

This analysis refers to a planning application for the demolition of the former Orchestra Works and associated buildings, and development of 32 new zero carbon dwellings with access from Walk Mill Lane; it includes highways, open space, landscaping, drainage and other associated infrastructure.

This application will impact on schools in the following education planning areas: -

- 9161740 Wotton-Under-Edge Primary Planning Area
- 9162410 West Stroud Secondary Planning Area

[Table Omitted]

Contributions Requested:

Primary - Kingswood School and/or the Wotton Primary Planning Area - £0.00

Secondary (11 - 16) - Katharine lady Berkeley School and/ or West Stroud Secondary Planning Area - **£121,252.50 (5.10 places)**

Secondary (16 - 18) - Katharine lady Berkeley School and/ or West Stroud Secondary Planning Area - £0.00

The supporting data for this education request can be found in the corresponding education data sheet - the relevant tab number will be referred to in the body of the text below.



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The schools factored into the review are determined by identifying the site from the LPA planning portal and then identifying the closest schools using the following publicly available tools to provide straight line distance, before calculating travel distances (if further information is required, please refer to tab 2 of the corresponding education data sheet).

Summary of Library Contribution Requirements

A contribution to GCC of **£6,272.00** is required (based on the total of 32 dwellings), and which would be used at Wotton-Under-Edge Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.

Education Considerations

Primary Places Impact

The proposal is for 32 dwellings, including 2 x 1-bed dwellings, therefore the net number of qualifying dwellings for education will be 30. This number of qualifying dwellings for education would be expected to generate an additional demand for 11.55 primary places which based on current forecast data can be accommodated in local schools. Therefore, Gloucestershire County Council is not seeking a contribution towards primary places at this time (if further information is required, please refer to tab 3 of the corresponding education data sheet).

- The closest school to this site is Kingswood Primary School in the 9161740 Wotton Primary Planning Area (PPA). This school is within walking distance (0.4 mile) of this development. This route may be shorter when the proposed pedestrian paths are completed.
- There are a further 4 schools in the PPA, 2 are <2 miles, but it should be noted the routes have not been assessed as 'safe' routes at the time of this assessment; the other 2 are >2miles drive away and would require transport.
- The data for all schools has been provided in the embedded development data assessment. (Tabs 2 & 3)
- Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions; see Local Development Guide <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/> page 14, pt. 56.
- When assessing forecast surplus or shortfall we look to the penultimate year of forecasts as they are calculated using NHS GP data, therefore the final year of forecasts will not include all births for that forecast year.
- When considering forecast data and the schools within the scope for a development we can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places in order to calculate whether there are places to credit to a development.

[Table omitted]

Secondary (age 11-16) Places Impact:

The proposal is for 32 dwellings, including 2 x 1-bed dwellings, therefore the net number of qualifying dwellings for education will be 30. This number of qualifying dwellings for



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education would be expected to generate an additional demand for 5.10 secondary (age 11-16) places. As the catchment school and Secondary Planning Area is forecast to be full, Gloucestershire County Council is seeking a secondary (age 11-16) contribution of £121,252.50 towards the provision of those places (if further information is required, please refer to tab 5 of the corresponding education data sheet).

- This development site falls in the secondary catchment and transport catchment area for Katharine Lady Berkeley's School (KLB) in the 9162410 West Stroud Secondary Planning Area (SPA).
- The site is closest to KLB, which is within walking distance at approximately 0.7 miles. This route may be shorter when the proposed pedestrian paths are completed.
- The secondary planning area includes 1 additional school which is a 7.3 miles drive away.
- The other school in the SPA is Rednock School; the data for both schools has been provided in the embedded workbook.
- It should be noted we request an additional assessment for transport costs when children are compelled to use spare capacity at schools further afield (>3miles) - in this case it does not apply as there is no spare capacity forecast in the SPA, so it is appropriate to address places at the closest school.
- As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

[Table omitted]

Post 16 Places Impact

The proposal is for 32 dwellings, including 2 x 1-bed dwellings, therefore the net number of qualifying dwellings for education will be 30. This number of qualifying dwellings for education would be expected to generate an additional demand for 1.80 secondary (age 16-18) places, which based on current forecast data can be accommodated in local schools. Therefore, Gloucestershire County Council is not seeking a contribution towards places at this time (if further information is required, please refer to tab 5 of the corresponding education data sheet).

[Table omitted]

Compliance with CIL Regulation 122(2) and paragraphs 57, 59, and 99 of the NPPF 2023 and DfE Guidance:

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122(2) (as amended by the 2011 and 2019 CIL Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.



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As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change in the amendments is the 'lifting' of the 'pooling restriction' and the 'lifting' of the prohibition on section 106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority's published 'regulation 123 list' as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to section 106 obligations contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both section 106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122(2) continue to apply.

The Department for Education has updated its guidance in the form of a document entitled "Securing developer contributions for education (August 2023).

In the Introduction it is stated:

"The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.....DfE expects local authorities to seek developer contributions towards school places that you create to meet the need arising from housing development"

Para 2 makes it clear CIL and Section 106 will remain the standard means of securing developer contributions for local authorities before the new Infrastructure Levy is fully adopted.

Para 4 states:

"An infrastructure project may receive funding from both CIL and Section 106".

Para 5 states:

"In two-tier local authority areas, the county council is often a signatory on the Section 106 agreement and the agreed education contributions are paid directly to the county council. This is considered best practice, ensuring efficient transfer of land and/or funding to the relevant local authority".

Education Provisions and meeting CIL Regulation 122(2):

The education contribution that is required for this proposed development is based on up to date pupil yield data and the Interim Position Statement is necessary to fund the provision of the additional places generated by this development.



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The proposal is for 32 dwellings, including 2 x 1-bed dwellings, therefore the net number of qualifying dwellings for education will be 30.

This number of qualifying dwellings would be expected to generate an additional demand for 5.10 secondary age 11-16 places. Gloucestershire County Council is seeking a primary contribution of £121,252.50 towards the provision of those places. This secondary age 11-16 contribution will be allocated and spent at Katharine Lady Berkeley School and/or West Stroud Secondary Planning Area

The education contributions that are required for this proposed development are directly related to the proposed development in that the contributions have been calculated based on specific formulas relative to the numbers of children generated by this development.

These developer contributions are fairly and reasonably related in scale and kind to the development. The contribution requirements have been calculated using an up to date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings. Any existing capacity has been accounted for.

The contributions will be required to be paid on specific triggers relative to the progress and impact of the development. This will enable the Education Authority and local schools to plan appropriately and in a timely way to provide for the additional capacity to accommodate additional children arising from this development.

Library Provisions and meeting CIL Regulation 122(2):

The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to library provision to mitigate the impact of increasing numbers of library users arising from this development.

The contribution is directly related to the development as it is to be used at the library nearest to the application site which is Wotton-Under-Edge Library and is based on the total number of new dwellings generated by the development (32 dwellings).

The contribution is fairly and reasonably related in scale and kind to the development as it is calculated using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (in this case 32 dwellings x £196 = £6,272.00).

CIL/S106 Funding Position

GCC has a statutory duty to:

- provide additional school places to enable children from this development to have a school place and
- provide a comprehensive and efficient library service to all who live, work or study in the County.

Developer contributions from S106/CIL are the only funding available to the LA to support additional education and library infrastructure arising from new development.



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Local Authorities with responsibility for Education do not get funding from central government to deliver new school places to meet demand arising from new development. There is no Basic Need funding available and the DfE expects local authorities to seek and secure developer contributions towards new school places that are created as a result of housing development. Basic Need funding is allocated primarily to meet population growth in existing communities. It is allocated where there is clear evidence submitted by a LA that there is growth forecast from an increase in the birth rate/migration in existing areas - not from new housing.

Local Authorities with responsibility for statutory library provision, such as GCC, do not receive funding from Central Government to increase library services to meet demand arising from new development in the county.

Opportunities to apply for grant funding from external bodies arise only very infrequently, and there is also no guarantee that a grant application for a library improvement project will be successful.

GCC has been, and will continue to be, reliant on funding library capital improvement projects via developer contributions. To illustrate this point, in the financial years 2016/17 to 2018/2019 (inclusive), developer contributions secured via Section 106 agreements were the principal source of libraries capital funding.

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of this development as it occurs.

The level of CIL charged on a development is unlikely to cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of this development.

A request is therefore made to give the appropriate weight to the need for essential additional education and library infrastructure in the area of the development. This will ensure the development is fully accountable for the impact of the proposal and will enable the LA to fulfil its statutory obligations to provide sufficient and local early years and school places and a comprehensive library service.

6.4.3 - Lead Local Flood Authority LLFA

November 2022

The LLFA disagree with the Flood Risk Assessment ref 875-ER-01 dated 17th October 2022 (FRA). It is not adequately detailed for the flood risks of this site.

The FRA states in section 3 that the site is entirely in flood zone 1. This is not the case and the area that borders the Ozleworth/Marlees Brook is in flood zone 3 according to the EA flood map for planning. I believe that the scale of the maps used to evidence the FRA are too big to identify the detail on this site, for example, the border line of the site in Figure 3.1 masks the flood zone extents. I have included a copy of the EA flood map for planning as downloaded from the EA website for information. I believe that the area influenced by flood zone 3 will affect plots 11



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through to 25 in that they will both flood in themselves and occupy potential flood storage capacity increasing flood risk elsewhere.

The Strategic Flood Risk Assessment (by GCC) shows plots 25 through to 18 to be in flood zone 3b. The extent of flood zone 3a with climate change allowances extends across considerably more of the site.

Flood risks shown by historic mapping have been ignored.

Against the site layout as proposed with the low level of detail used to inform the FRA the LLFA strongly oppose this proposal. If the conclusion of such a hydrological desk study and walk over inspection is that fluvial flood risk is low then that is clearly an inadequate level of study.

I would suggest that the developer ask the EA for river levels in 1:30 and 1:100 events and compare them to finished floor levels proposed for this development. Given that the river network surrounding this proposal is largely comprised of main rivers I would expect the EA to have this data. Potentially, the FRA should include modelling of the watercourses at this location.

March 2023

The Flood Risk Assessment (FRA) published on the planning portal on 9th March 2023, reference 221895_FRA rev P01, published by BWB Consulting, adequately identifies the flood risks of this development site. The FRA identifies suitable mitigation measures for the flood risk primarily in raising finished floor levels to 600mm above the 1:100 + climate change allowance peak flood level. These levels are defined in table 4.1 of the FRA.

These levels are reflected in drawing 875-142-1 at first issue.

Impact of the development is to be controlled by controlling surface water runoff to provide 20% betterment over the existing condition of this brownfield site.

These rates are defined in the previously submitted FRA as :

1:1 - 26.5 l/s
1:30 - 42.8 l/s
1:100 - 48.9 l/s

The drainage plan shown in drawing 875-142-1 at first issue is shown to be able to achieve this through the Info Drainage modelling dated 13/10/2022.

The LLFA therefore have no further objection to this proposal and the detail provided at this stage means there is no requirement for drainage conditions to be applied to any permission granted against this application.

May 2023

An updated FRA (P02) has been submitted to address issues raised by the EA relating to model details, primarily sources of topographical data and the changes from the topographical data used to provide original models that justify the model presented to support the FRA.



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These details are provided in Appendix 4 of the P02 FRA.

The LLFA did not object previously on this basis considering the proposed FFL levels against modelled flood depths in the FRA rather than the situation of the current topography. As the concern was raised by the EA the LLFA will defer comment on the suitability of the revised FRA to the EA.

The LLFA continue to have no objection to the proposal.

NOTE 1: The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

6.4.4 - Public Rights of Way Officer

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

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

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

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

b) **Important:** if the development will permanently affect any public right of way, then the developer **must** apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally: -

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



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

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

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

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

6.5 - Public

There has been approximately 38 responses received from the local community and other public contributors. The key issues of concern identified in the responses are as follows

Support

None received

Objection

- With many houses having at least 2 cars, the amount of traffic going up and down Walk Mill Lane will be excessive.
- Increase in congestion of this somewhat restricted road by further delivery drivers, refuse collections and the like.
- White lines to the junction of Walkmill Lane and Hillesley Road are not a solution to the problem of poor visibility, no pavements and pedestrians needing to duck in and out between parked cars to avoid a single tack road taking two way traffic including lots of large farm machinery and lorries.
- Already dangerous road that cannot take the extra traffic the development will create.
- Public transport is no longer available in the village as the 84/85 bus service has now been withdrawn.
- The submitted traffic survey data are flawed and based on inaccurate conclusions.
- Existing road in poor state of repair with no improvements or pothole infilling.
- Not enough parking for existing residents
- Long-standing existing residents should be able to park by their own homes as they have done for many years.
- Orchestra Works tried to prevent their factory from being flooded by putting up boards along the riverbank. This resulted in Vineyard Lane being flooded, gardens being flooded, and several houses being flooded. Water came in, not only through the front door but came up under the floor into the house as well.
- Whilst we recognise houses will be built, it is our considered opinion that 32 is too many.
- The bottom half of Walk Mill Lane by the factory has regular water leaks as well which are left some time before being sorted, not very well either as leaks will again appear on a regular basis.



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- The safe demolition of the site must be considered due to the presence of contaminants such as asbestos.
- The physical appearance of the buildings does not reflect the marketing materials in public domain. This means that any interest from potential tenants results in no occupation.
- The existing buildings were stripped and all plumbing and wiring were removed in December 2020.
- The removal of wires from the premises resulted in telephone and internet connection problems for immediate neighbours.

7 NATIONAL AND DEVELOPMENT PLAN POLICIES

7.1 - National Planning Policy Framework Dec 2023

7.2 - Adopted Stroud District Council Local Plan 2015

Strategic Objectives

SO1 - Accessible Communities

S04 - Transport and Travel

S05 - Climate Change and Environmental Limits

Core Policies

CP1 - Presumption in favour of Sustainable Development.

CP2 - Strategic Growth and Development Locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making

Core Policies - Homes and Communities

CP6 - Infrastructure and Developer Contributions

CP7 - Lifetime Communities

CP8 - New Housing Development

CP9 - Affordable Housing

CP14 - High Quality Sustainable Development

Delivery Policies - Homes and Communities

HC1 - Residential Development in Urban Areas

Delivery Policies - Economy and Infrastructure

EI1 - Key Employment Sites

EI12 - Promoting Transport Choice and Accessibility.

Delivery Policies - Environment and Surroundings

ES1 - Energy Efficiency and Sustainable Construction

ES3 - Maintaining Quality of Life Within Our Environmental Limits

ES4 - Water Resources, Quality and Flood Risk

ES5 - Air Quality

ES6 - Biodiversity and Geodiversity

ES8 - Trees and Hedgerows and Woodlands

ES10 - Valuing Historic Environment and Assets

ES12 - Better Design of Places.



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ES14 - Provision of Semi-Natural and Natural Green Space with New Residential Development
ES15 - Provision of Outdoor Play Space

7.3 - Kingswood Neighbourhood Development Plan 2017

Policy SL1 - Kingswood Settlement Development Limits Boundary
Policy SL2 - Sustainable Development Characteristics
Policy SL3 - Affordable Housing
Policy BE1 - Protection and Enhancement of Employment Opportunities
Policy BE2 - Small Scale Enterprise and Home Working

Policy E1 - Conservation of Natural habitats
Policy E2 - Minimising the Environmental Impact of Development
Policy E3 - Green Infrastructure and Development
Policy E5 - Public Rights of Way Footways and Cyclepaths

Policy FR1 - Minimising the Impact of Flooding from Development

Policy T1A - Pedestrian connectivity and Access
Policy T1B - New Development and Access for All
Policy T2A - Encouraging Active Travel
Policy T3A - Traffic and Village Character
Policy T3B - Traffic Impact Reduction
Policy T4A - New Development and Traffic Speed Reduction
Policy T5 - Travel Plans
Policy T6A - New Development and Parking Provision

7.4 - County Level Development Plan

Gloucestershire Local Transport Plan (2020 to 2041)
Minerals Local Plan (2018 to 2032)

7.5 - Other relevant documents

Stroud District Open Space and Green Space Infrastructure Study (June 2019)
Stroud District Playing Pitch Strategy (June 2019)
Planning Obligations Supplementary Planning Document (July 2017)
Stroud District Landscape Assessment Supplementary Planning Guidance (November 2000).
Stroud District Residential Design Guide Supplementary Planning Guidance (November 2000).
Stroud District Residential Development Outdoor Play Space Provision Supplementary Planning Guidance (November 2000).

7.6 - Emerging Stroud District Local Plan - Draft Pre-Submission (May 2021)

DGP1 - Delivering Carbon Neutral by 2030
CP2 - Strategic Growth and Development Locations
CP3 - Settlement Hierarchy
CP4 - Place Making
CP6 - Infrastructure and Developer Contributions



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CP7 - Inclusive communities
DHC1 - Meeting Housing Need Within Defined Settlements
HC1 - Detailed Criteria for new housing developments
DHC5 - Wellbeing and Healthy Communities
DHC7 - Provision of new open space and built and indoor sports facilities
DCP2 - Supporting Older People and People with Mobility Issues
CP8 - New Housing Development
CP9 - Affordable Housing
CP13 - Demand management and sustainable travel measures
EI2 - Regenerating existing employment site
EI12 - Promoting Transport Choice and Accessibility
CP14 - High Quality Sustainable Development
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
ES8 - Trees, Hedgerows and Woodlands
ES12 - Better Design of Places
DES2 - Green Infrastructure

8 PRINCIPLE OF DEVELOPMENT

- 8.1 The site is within the settlement development limit of Kingswood. Kingswood is classified by the Stroud District Local Plan 2015 as an accessible settlement with limited facilities - a Tier 3 settlement. Core Policy CP3 outlines that Tier 3 settlements provide for lesser levels of development in order to safeguard their role and to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing.
- 8.2 The site is designated as a 'key employment site' in Policy EI1 of the SDC Local Plan. As such, Policy EI1 of the SDC Local Plan (2015) and Policy BE1 of the Kingswood Neighbourhood Plan (2017) are principal policies against which the principle of development is considered.
- 8.3 Policy EI1 outlines all of the key employment sites in the District and states that: such sites are to be retained for 'B Class Uses'. The policy states that "redevelopment for alternative uses or changes of use from employment use will not be permitted on these sites."
- 8.4 This proposal seeks a redevelopment into non-employment uses and as such the proposal is in direct conflict with the SDC Local Plan Policy EI1. Accordingly, Officers attribute a **significant** weight against the proposed development to this factor.
- 8.5 Kingswood has a significant business base relative to its population and Policy BE1 of Kingswood NDP seeks to protect and safeguard the stock of employment land in the Parish. Policy BE1 is, however, more flexible than Policy EI1 SDC Local Plan in-so-far that it allows for a change of use to an activity that does not provide employment opportunities. This is, however, subject to the following criteria:



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- The land or building in question has not been in active use for a continuous period;
- The land or building in question has no potential for either reoccupation or redevelopment for employment-generating uses as demonstrated through the results both of a full valuation report and a marketing campaign covering a reasonable period and the minimum necessary to demonstrate exceptional circumstances supporting other uses; and
- Proposals for any alternative use are appropriate for the land in question, having regard to other policies in the development plan and any relevant constraints.

8.6 In respect of the first criterion, it is acknowledged that the site has been vacant since the last tenant left. It is therefore concluded that the proposed development complies with the first criterion of the Kingswood Neighbourhood Plan. The compliance with a criterion of a principal planning policy is attributed a **neutral** weight in the planning balance.

8.7 Officers are content that the proposed residential use would be appropriate in this location and thus the proposal complies with the third criterion of Policy BE1. Accordingly, a **neutral** weight in the planning balance is attributed to compliance with a criterion of a principal planning policy.

Marketing Campaign and Viability Reports

8.8 The second criterion of the Kingswood NDP Policy BE1 requires the applicant to demonstrate that no potential exists for either re-occupation or redevelopment for employment uses. The Policy wording also outlines how compliance with this criterion can be achieved.

8.9 The applicant submitted evidence that considered a development on site for mixed residential and commercial use, however, it was concluded that this would not be a viable option.

8.10 The applicant submitted a marketing report (dated January 2022), and a marketing report update (dated July 2023). According to the reports, the application site has been actively marketed for at least 36 months. The marketing campaign sought potential tenants and no marketing was undertaken to dispose of the site. Several well-known online platforms were used to advertise the site. In addition, an advertisement in a local press was published multiple times. The application site was actively listed online in August 2023 when it was first viewed by the Council's officers.

8.11 The Marketing Report from January 2022 shows that the advert was viewed 314 times between September 2021 and January 2022. The Report further outlines that 7no. viewings took place. An updated Report from July 2023 shows that the advert was viewed 453 between March 2023 and July 2023, but according to the agent, no meaningful inquiries were received. While officers note that public comments on the application highlighted numerous sightings of potential tenants undertaking an informal site visit, no tenancy has been in place and the site remains unoccupied.

8.12 Officers concur with the assertion that the site is unlikely to be suitable for retail uses, however, the steady interest in the property indicates that other uses falling with use classes E and B2 could be viable despite its 'secondary' market classification.



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- 8.13 The applicant submitted a comprehensive Employment Land Report (March 2024) that demonstrates that the re-development of the site for employment-generating uses is unviable. The report includes a detailed Structural Survey that demonstrates that the existing buildings on site require a significant level of work before they can be occupied. The presence of asbestos-based materials within the majority of the buildings which are broken and/or cracked in multiple locations presents a health and safety hazard to any new occupant. The report also identifies significant issues with the structural stability of the supporting frames and walls which are unlikely to carry the weight of a modern roof. The former public house building and its extensions are noted to be damaged beyond repair.
- 8.14 The applicant provided cost calculations for both the refurbishment of the existing buildings to create modern flexible employment space, and the replacement of the existing buildings with new industrial units. The cost calculations demonstrate that it would be significantly cheaper to demolish all existing buildings and replace them with newly built units, rather than refurbishing the existing ones.
- 8.15 In any case, the Report indicates that covering the cost of bringing the site back into an appropriate condition would result in an increase in the current market rent from £5.50 per square foot to £29.00 per square foot in case the site was refurbished; and from £7.00 per square foot to £25.00 per square foot in case the industrial units replacement. Officers concur with the finding of the report, that such rents are unlikely to be achieved on the application site due to the site-specific constraints.
- 8.16 The marketing campaign and viability reports were not submitted to the District Valuer for review. Officers consider these documents to be satisfactory in addressing the requirements of the second criterion of Policy BE1.
- 8.17 Overall, it is concluded that the evidence provided by the applicant provides sufficient evidence that the site is unlikely to be re-occupied or redeveloped for employment-generating uses. Accordingly, a **neutral** weight in the planning balance is attributed to compliance with this criterion of a principal planning policy.

Emerging Local Plan Policy EI2

- 8.18 In line with the requirements of paragraph 48 of the NPPF, due to the advanced stage or preparation of the emerging SDC Local Plan, a limited weight must be given to the emerging Policy EI2 that allows for regeneration of existing employment land into mixed-use development. However, this policy also requires the scheme to provide at least the same employment opportunities for the local community as existed when the employment space was previously used, subject to viability and site specific circumstances. The explanatory note (para 5.23) further elaborates that the aim of this policy is to regenerate sites that would otherwise be lost entirely to alternative uses, such as housing. The intention of this policy is therefore to protect the identified sites from a total loss of employment element.
- 8.19 This policy has not yet undergone examination as it was not discussed during the emerging SDC Local Plan Examination hearings. The emerging policy does, however, acknowledge that the application site requires intervention. As discussed elsewhere in this report, the



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applicant demonstrated that the sole use of the site as an employment site is not viable. Furthermore, the scheme complies with the adopted Kingswood Neighbourhood Plan Policy BE1. In this context, officers attribute a **limited** weight to the conflict of the proposal with the emerging Local Plan Policy EI2.

Loss of Employment

- 8.20 The application proposal would result in the loss of employment premises, and would also result in the loss of a designated key employment site.
- 8.21 It is noted that the Stroud District Council Employment Land Review (March 2021), which forms part of the evidence base for the emerging Local Plan, identified the buildings on site to be 'poor - moderate' and the site scored only 30 (out of 100) in the overall assessment. Several physical and environmental constraints, such as the location of the site within a residential area, and the relatively constrained access to the site were identified. These made the site the lowest-scoring key employment area in the District. Accordingly, Officers observed that the site was listed as a key employment designation in SDC Local Plan 2015, but the emerging plan has removed the site from this designation. Instead, the site has been moved onto the list of sites envisaged to be regenerated under the provisions of emerging policy EI2.
- 8.22 It is therefore acknowledged by the officers that there has been a shift in the policy direction which supports the residential redevelopment of the site, and thus accepts that a level of loss of employment uses will be associated with such development.

Summary

- 8.23 Robust evidence has been submitted that demonstrates compliance with the requirements of the Kingswood Neighbourhood Plan Policy BE1. The proposal conflicts with the adopted SDC Local Plan Policy EI1, but there is only limited conflict with the emerging SDC Local Plan Policy EI2.
- 8.24 Paragraph 60 of the NPPF requires Local Planning Authorities to support the Government's objective of significantly boosting the supply of homes, while paragraph 124 c) directs decision-makers to give **substantial** weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.25 The application scheme will deliver 32no. homes on a disused brownfield site within the adopted settlement boundary. Accordingly, Officers conclude that the conflict with the adopted SDC Policy EI1, and a limited conflict with the emerging SDC Policy EI2 is outweighed by the remediation and a housing-led redevelopment of this brownfield site within the settlement of Kingswood. The principle of development of 32 dwellings is therefore acceptable in principle subject to compliance with relevant policies of the adopted development plan.



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9 DESIGN AND LAYOUT

- 9.1 The planning application is accompanied by a Design and Access Statement and 'Building for a Healthy Life' Pre-Assessment. These documents outline how the design and layout follow urban design principles.
- 9.2 The proposal seeks to deliver 'Zero Carbon dwellings' and the applicant submitted an Energy Strategy Statement. This statement outlines that Zero Carbon will be secured through the employment of measures that minimise energy demand (the fabric-first approach) and a combination of renewable energy systems to maximise self-reliance and efficiency.
- 9.3 The housing mix includes large family dwellings as well as much smaller 1 and 2-bedroom units. All units have allocated parking. The housing mix is acceptable and broadly responds to identified needs in this location. The density of the proposed development is broadly consistent with the modern estates in the vicinity of the application site and thus acceptable. In doing so, Officers accept that the proposal efficiently utilises the land available.
- 9.4 The character of the development surrounding the application site is not uniform and reflects relatively modern additions to the 1990s cul-de-sac estate. The area does not have a single unifying element, instead, a mixture of traditional rendered cottages and later additions of exposed brick and mixed-elevation treatments are present.
- 9.5 The design of the scheme references the industrial history of the site and the external appearance of proposed buildings refers to the interesting and desirable elements and/or features of existing employment buildings. The proposed building heights are broadly consistent with those of surrounding development. The proposal also references a traditional terraced form of development so far that the proposed units are carefully clustered to create a feel of a uniform frontage. The buildings are oriented outwards with the car parking areas located in the centre of the site.
- 9.6 The use of exposed bricks on external elevations would be acceptable in this location, and the differing colours of external elevations would sit well within the varied street scene while simultaneously referring to the variation of forms and materials associated with the historic employment use on site.
- 9.7 The removal of the built form within the river corridors is welcomed, as is the introduction of a new footpath along the river. This creates a strong frontage and a defensible boundary of the settlement development limit of Kingswood Village. The soft planting and landscaping along the river footpath will soften the views from the nearby PROW.
- 9.8 Internally, the layout of the development broadly corresponds with the layout of the existing commercial buildings. Separation distances between the existing residential properties in the proposed scheme are maintained.
- 9.9 Carparking spaces are distributed throughout the site and are allocated to individual units. Visitors parking is also provided. The location of the car parking areas within the centre of the site, and the perceived orientation of the buildings resulting in the 'backland parking'



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has been raised by Parish Council. Officers note, however, that the positioning of the car parking area at the centre of the site has been partially determined by the site drainage strategy and the need for below-ground attenuation systems. The large gap between the buildings in this location also allows for uninterrupted views into the open countryside from the existing PROW.

- 9.10 Overall, the design and layout of the proposed development are acceptable and comply with the requirements of SDC Local Plan Policies CP7, CP8, and HC1, and Kingswood NDP Policies SL2 and E5.

10 FLOODING AND DRAINAGE

Flooding

- 10.1 The site is located adjacent to Ozleworth Brook, and it is partially located within Flood Zones 2 and 3 according to the Environment Agency Flood Maps.
- 10.2 Throughout the determination of the planning application, the applicant submitted several Flood Risk Assessments to resolve comments and objections made by the Environment Agency and the lead flooding authority. The site-specific Flood Risk Assessment (dated May 2023) ('the FRA') forms the basis for the officer's consideration of the planning application.
- 10.3 The FRA concludes that the site is considered to be at a low risk of flooding from fluvial sources and that the vast majority of the site is shown to be at a very low risk from surface water flooding. The site is in an area considered to be at a medium risk of groundwater flooding.
- 10.4 The Environment Agency recommends that the finished floor level within proposed dwellings be set to be at least 600mm above the design flood level, including climate change; or 150mm above surrounding ground levels, whichever is the higher.
- 10.5 The FRA includes the site layout drawing with finished floor levels that have been agreed to by the Environment Agency.
- 10.6 However, the revised Drainage and Finished Levels Layout drawing no. 875-142 Rev C is conditioned instead as this shows the agreed house types. The finished floor levels are noted to be above those agreed upon by the EA. As such, Officers are content that the changes to the house typology would not compromise the scheme in flood risk terms, and would not undermine the EA's comments.
- 10.7 Furthermore, a compliance condition is imposed to ensure that the proposed flood risk mitigation measures and recommendations outlined in the site-specific Flood Risk Assessment are implemented accordingly.

Drainage

- 10.8 The drainage strategy is outlined within the Flood Risk Assessment submitted with the planning application (as received 11/11/2022). In determining this application, officers only



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considered the chapters relating to the drainage strategy as the flooding issues have been covered in detail in the later iterations of the FRA.

- 10.9 The existing foul water sewers within the site are to be diverted through the road network of the proposed development. These will also only cater for foul sewage. The surface water drainage will be separated.
- 10.10 The site is not suitable for the implementation of ground attenuation. It is noted that the Parish Council comments that its implementation of SUDS appears unclear. Officers note that this element is addressed through updates made to the submitted Flood Risk Assessment, and the submission of the detailed drawings showing the below-ground infrastructure that includes references to all types of drainage on site.
- 10.11 Surface water drainage will discharge to Ozleworth Brook at a restricted runoff rate. The runoff rate is controlled by below-ground attenuation that allows the water to be collected into below-ground storage crates and then discharged using a hydrobrake. The site levels are raised so that sub-surface storage can be provided within the proposed parking areas.
- 10.12 Further Sustainable Urban Drainage (SuDS) measures are proposed in the form of soakaways and infiltration trenches to individual properties.

Summary

- 10.13 Subject to the imposed conditions, Officers consider that the scheme will be safe for its lifetime without increasing the flood risk elsewhere. As such, the application scheme accords with the requirements of paragraph 165 of the NPPF and SDC Local Plan Policies CP14 and ES4.

11 ARCHAEOLOGY & HISTORIC ENVIRONMENT

- 11.1 The site is not located within a Conservation Area and there are no listed buildings on site. There are no listed buildings in the close proximity of the site.
- 11.2 The application proposal does not impact any listed building and/or Conservation Area.
- 11.3 Heritage Statement was submitted for the Council's consideration. This outlines the historical context of the site and assesses the site's potential to contain archaeological remains.
- 11.4 The Statement indicates that historically the site formed part of the wider fulling mill site which was dissected by a watercourse. However, in the 1970s significant changes occurred as the site was re-developed. This re-development likely resulted in the filling of the watercourse channel, the demolition of the main mill building, and the development of modern large-span buildings. The only historic building remaining on site is that of a former public house.
- 11.5 Two bridges along the southeastern boundary are noted to be of historical origin, but modern concrete additions and repairs are visible.



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- 11.6 The Statement concludes that the remaining historic buildings on site would have been modernised to suit the new uses and that it is reasonable to assume that any internal historic fabric would have likely been lost. The Council concurs with the findings that alterations and conversion works have likely compromised the historic significance of the remaining historic buildings.
- 11.7 While these structures hold a modest level of heritage value, this is significantly diminished by the loss of the associated mill buildings and the lack of reference to their presence. In this context, Officers attribute **moderate** weight against the development to the loss of the historic fabric within the site.
- 11.8 The proposal will not cause any harm to the character of the conservation area.

12 ENVIRONMENTAL ISSUES

Ecology

- 12.1 The application proposal has been submitted with a suite of documents that deal with the ecology and biodiversity net gain on-site.
- 12.2 The Preliminary Ecological Appraisal noted the need for surveys for Otters and Water Voles due to the site's location in the proximity of a brook. The site was also noted to have the potential to support a range of protected or notable species.
- 12.3 Accordingly, bat dusk emergence and pre-dawn re-entry surveys were carried out. No bats were recorded emerging from, or entering the buildings, however, some species were recorded to be foraging around the buildings. The Council's Biodiversity Officer concurs with the applicant's findings that no bats are roosting within the buildings. The Dusk Emergence Survey for Bats (dated July 2022) recommends enhancements in the form of bat boxes which would provide roosting opportunities and would compensate for the loss of existing features. This is secured through appropriately worded conditions.
- 12.4 Further surveys demonstrated that no other protected species are present on site.

Biodiversity Net Gain

- 12.5 From February 2024, all major development sites are subject to the mandatory Biodiversity Net Gain, however, this planning application pre-dates the introduction of this legislation. The proposal therefore must demonstrate compliance with paragraph 180 of the NPPF which encourages the provision of net gains and does not specify a set or target percentage.
- 12.6 Notwithstanding this, the Applicant provided a Biodiversity Net Gain Preliminary Design Stage Report that assesses existing habitats on site and their condition. The habitats present on site are considered to be of low to moderate ecological value in terms of their vegetation.



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- 12.7 The applicant has also volunteered the carrying out of a BNG style metric assessment (as there is no specific requirement in this instance). The Biodiversity Officer has reviewed the submitted details of BNG metric calculation tool and agreed with the baseline assessment.
- 12.8 The proposed development and associated landscaping will result in significant gains that are a result of restoration and enhancement of the 10m riparian zone along the Ozleworth Brook.
- 12.9 The net percentage change of +753.09 percent in respect of area habitats and +219.81 percent in respect of the hedgerow habitat are significant gains that are apportioned **significant** weight in favour of the development.
- 12.10 Biodiversity Officers conclude that there are no ecological objections to the application proposal. As such, it is considered that the proposal complies with the SDC Local Plan policies CP8, CP14, and ES6, as well as paragraphs 180 and 186 of the NPPF. The compliance with adopted local policies is attributed a **neutral weight** in the decision making.

Arboriculture

- 12.11 The Arboricultural Report submitted highlights the presence of Ash dieback on site and recommends that the single remaining Ash tree be removed.
- 12.12 The remaining Alder tree grows on the side of the river bank and will be removed. The remaining tree group containing thuja, yew and sycamore will be retained and integrated into the proposal.
- 12.13 There are no objections raised by tree officers. The new scheme provides for new tree planting. In this respect, the proposal complies with the requirements of Stroud District Council Local Plan Policies CP8 and ES8. The compliance with adopted local policies is attributed a **neutral weight** in the decision making.

Building performance, Sustainability, and Climate Change

- 12.14 The proposals indicate that the 32no. homes on site will be Net Zero Carbon homes. The Planning Statement notes that the developer is committed to low-carbon and zero-carbon development and that the application scheme will comprise net zero-carbon development. This is to be achieved through a fabric-first approach combined with air source heat pumps and PV panels installation so that no properties on site will require fossil fuel gas boilers for heating or hot water.
- 12.15 It is accepted by Officers that such development is achievable on site, and the provision of net zero carbon homes would be a welcomed addition to the District's housing stock, however, the application lacks detail as to how the net zero carbon would be achieved. However, it is the case that the Building Regulations Standards now require high levels of insulation and the fabric-first approach is now embedded within the required standards. Furthermore, these standards are likely to become more demanding in the near future.



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12.16 For this reason, officers do not give **any weight** to the net-zero carbon element of the proposal.

Ground Conditions

12.17 A Preliminary Ground Investigation Report has been submitted. This examines the site's contamination status, as well as the geotechnical conditions for appropriate foundations, ground floor slabs and external pavement design.

12.18 The Report is prepared by suitably qualified persons, and in accordance with relevant standards and defined methodologies.

12.19 The Report contains the Phase 1 desk study, as well as the Phase 2 testing and quantitative contamination risk assessment.

12.20 The report concludes that conventional strip/trenchfill foundations would be appropriate for development within the south-western half of the site, but pile foundations are recommended within the north-eastern part of the site and along the route of the infilled Ozleworth Brook channel (in the centre of the site).

12.21 The report notes that following preliminary findings, further investigation is recommended to understand the extent of the contaminated ground. It is likely that remedial/mitigation action will be required, with measures such as soil removal and disposal. The compliance condition imposed will ensure that the recommendations made are followed accordingly.

Noise Impact

12.22 The site is bounded by a watercourse which has been engineered in the past. As a result, there are two weirs that have the potential to emit high levels of noise.

12.23 The Noise Impact Assessment was submitted and reviewed by Environmental Health Officers who noted that some units may exceed the required standards of noise. Officers note that the planning layout has been amended which resulted in moving the most affected units further away from the source of noise.

12.24 However, it is accepted that plots 5 - 10 remain close to the weir and that the bedrooms facing the southeastern boundary may require an alternative ventilation provision to ensure compliance with relevant standards.

12.25 As such, officers consider it necessary to require the provision of a noise verification survey to be undertaken prior to the occupation of these units. An appropriately worded condition is imposed but limited to the affected units only.

13 HIGHWAY IMPACT AND ACCESSIBILITY

Highway Safety and Amenity/Public Highway Considerations



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- 13.1 The site is located at the end of Walkmill Lane which is predominantly a residential street with a 30mph speed limit. There is a footway on both sides on the majority (but not the entire) of its length. The street is lit.
- 13.2 A Transport Statement has been submitted to ascertain whether the application proposal would have a significant impact on the immediate and wider highway network. The Statement includes an analysis of accident data analysis and an analysis of two Automatic Traffic Count (ATC) surveys.
- 13.3 The Transport Statement identifies the nearest bus stop to be approximately 500m walking distance from the site with an additional bus stop within 700m walking distance served by additional services. However, officers note that public and Parish Council's comments highlight the recent reduction in bus service provision. It is acknowledged by Officers, that the future occupants of the site are more likely to rely on the use of the car rather than public transport. As such, the developer will need to explore the options for non-vehicular modes of transport as part of the preparation of Resident Information Packs which have been requested by the leading Highway Authority in the form of a pre-occupation condition.
- 13.4 The Statement notes that there are substandard pedestrian facilities at the junction of Walkmill Lane and Hillesley Road. The application proposal includes minor improvements to the junction. These mainly consist of the re-alignment which improves the visibility splays and provides extended footway. The leading highway authority notes that following detailed negotiations with the applicant and their highway consultant have resulted in the access provision and layout being considered satisfactory.
- 13.5 In considering this proposal, the removal of the industrial buildings and their use, the leading highway authority concurs with the applicant's assertion that the new residential development will reduce traffic generation. Special consideration is also given to the fact that the change of use from industrial to residential would remove heavy goods vehicles from the site and its immediate surroundings. This is considered to be one of the positive benefits of the application in transport terms.
- 13.6 In their objection, the Parish Council and their consultants do not agree with this conclusion on the basis that the site has not been occupied for several years, thus the proposed development would result in a traffic movement increase.
- 13.7 Officers, however, must consider that should the site remain in the existing industrial use either through the reuse of the existing buildings or through a more comprehensive redevelopment into a small industrial estate, the traffic generated has the potential to be frequent and could include a high number of heavy goods vehicles. For this reason, it is concluded that the change from industrial to residential use will result in the overall reduction of traffic movements.
- 13.8 GCC as the local highway authority has no objections subject to suggested conditions.

Parking

- 13.9 The majority of the public responses to the application scheme are due to concerns over on-street parking on Walkmill Lane, and the lack of parking provision for existing residents



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who wish to park outside of their properties. This issue is identified within the Kingswood Neighbourhood Development Plan which states:

"There is a high demand for parking by Kingswood residents, based on higher car ownership levels and this must be taken into account when preparing parking spaces for new development.

The feature of high car usage is reflective of the rural nature of the parish, the lack of viable public transport options (limited services operate to limited destinations) and the relative wealth of the local community, with a high level of out commuting particularly to the M4 and South Gloucestershire/Bristol. On-road parking resulting from inadequacies in development has displaced a number of cars onto the existing road network. Narrow roads and overcapacity leads to parking on verges or pavements in some areas. Parking in inappropriate locations leads to difficult access by vehicles and pedestrians and detracts from the character of the local area. Particular current issues within Kingswood are the long running conflict between cars parked on Walkmill Lane preventing large HGV vehicles from accessing the works site at the end of the lane, and incidents of emergency service vehicles being blocked from accessing properties on Golden Lane by roadside parking."

- 13.10 Kingswood NDP Policy T6A requires all new developments to provide adequate parking for the residents, with regard to design, local character, car ownership levels, and available public transport provision.
- 13.11 Stroud District Council Local Plan Policies CP8 and HC1 require residential developments within settlement development limits to have a layout, access, parking, landscaping, and community facilities that are appropriate to the site and its surroundings. Policy CP13 requires all development to provide appropriate vehicular parking, having regard to car ownership and the council's adopted standards. These parking standards can be found in Appendix 2 of the SDC Local Plan.
- 13.12 The adopted residential parking standards, included in Table B of Appendix 2, set out the requirement for 1.5 parking spaces per dwelling (on average). Where it can be demonstrated that a greater parking provision would assist in alleviating an existing on-street parking problem, 2no parking spaces per dwelling will be required.
- 13.13 Walkmill Lane does have an existing on-street parking problem. As such, the requirement for 2 parking spaces per dwelling is an appropriate approach to assessing the proposal against the adopted development plan policies.
- 13.14 The application scheme provides a total of 59no. allocated parking spaces, and 10no. visitor spaces. The total of 69no. parking spaces exceeds the required 2 parking spaces per dwelling standard. Some of the allocated parking spaces are located within carports. Carports are assessed as parking spaces, however, garages are not.
- 13.15 An appropriately worded condition can be used to secure the permanence of the proposed carports by prohibiting the installation of doors by removing the relevant permitted development rights. In this way, compliance with adopted parking standards can be secured, and enforced.



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13.16 Overall, it is considered that the scheme complies with the adopted parking standards for residential development and thus is in line with Stroud District Council Local Plan policies CP8 and HC1, as well as the Policy T6A of Kingswood Neighbourhood Plan.

Public Rights of Way Considerations

13.17 There is a public right of way (PROW) between the application site and the neighbouring housing estate. There are no changes proposed to this route.

13.18 Submitted drawings indicate that the existing fencing will be removed, and the demarcation of the PROW will be aided with the soft landscaping and tree planting.

13.19 There are areas where the separation of the PROW may not be as obvious and could potentially be obstructed by parked vehicles. Officers will therefore require further details to ensure that the existing PROW will not be compromised. These details will be provided together with the details of hard landscaping, and fences/boundaries that are required by an appropriately worded condition.

13.20 It is of note that a new footway will be provided within the development which will provide a further linkage with the surrounding public footpaths. This will provide an attractive new route along the river.

Summary

13.21 Overall, it is concluded that the applicant addressed concerns raised by the leading highway authority and that the scheme complies with the requirements of SDC Local Plan policies CP8, CP14, HC1, and EI12.

13.22 Subject to carports remaining open, the site provides policy-compliant parking in line with the requirements of SDC Local Plan policy EI12 and adopted SDC Parking Standards.

13.23 The proposal conserves the existing PROW and enhances the connectivity between the footpaths in this location in line with the requirements of Policy E5 of the Kingswood Neighbourhood Plan.

13.24 The pre-occupation condition requiring the Residents Information Packs addresses the requirements of Kingswood Neighbourhood Plan Policies T1B, T2A, and T5.

14 RESIDENTIAL AND GENERAL AMENITY

Overlooking, privacy and Proximity

14.1 The proposed layout shows the built form following the positioning of the existing industrial buildings. This ensures that separation distances from existing residential properties are maintained. The separation distances between the new buildings are appropriate.

14.2 The ensure privacy of the future occupants all windows on side elevations must be obscured. An appropriately worded condition will be imposed to secure compliance.



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Domestic Waste

- 14.3 The application is accompanied by a Refuse Strategy Plan that indicates how the waste will be collected. Furthermore, the Swept Path analysis demonstrates how the large refuse vehicle will manoeuvre on site, and that the refuse collection vehicles will be able to enter and exit the site in the forward direction.
- 14.4 The Refuse Strategy Plan (drawing no. 875 -146 Rev C), shows that the location of bin collection points for units 21 - 25 as these will not benefit from a 'kerbside' collection. It is unclear where other refuse collection points will be located within the site.
- 14.5 The condition requiring the developer to produce a Resident Information Pack will require the provision of refuse collection point details and as such this issue will be dealt with accordingly.
- 14.6 Overall, the proposed development complies with the requirements of SDC Local Plan Policies CP8, CP14, ES1, ES3 and HC1.

15 COMMUNITY INFRASTRUCTURE (School Places and Library Services)

- 15.1 Gloucestershire County Council Infrastructure Team (GCCIT) have requested S106 obligations to mitigate the impact of the development with respect of Library Services and Education (School Places). The requests are summarised and considered as follows;
- 15.2 Education Contribution (School Places) -
- i) Primary School Places - £0.00 (0 places) at Kingswood Primary School and/or Wotton Primary Planning Area.
 - ii) Secondary (11 to 16) - £121,252.50 (5.10 places) is requested.
 - iii) Secondary (16 to 18) - £0 is requested
- 15.3 Library Services - £6,272.00 directed to Wotton-Under-Edge Library. The County Council indicates that the funds would contribute towards improving customer access to services through refurbishment of the library building, improvements to stock, IT and digital technology, and increased services.
- 15.4 Consideration - Stroud District Council implemented its Community Infrastructure Levy 1st April 2017. The Stroud Infrastructure Funding Statement (IFS) is produced annually and prioritises future spending from CIL and S106 funding. The IFS outlines the projects that Stroud District Council intends to be wholly, or partially funded by the Community Infrastructure Levy. The IFS replaces the CIL Regulation 123 List.
- 15.5 The application site is not identified in the emerging draft Stroud District Local Plan as a Strategic Site. As such, it is a CIL liable development. The IFS (December 2023) provides the identified areas for prioritisation of Infrastructure Funding. Specifically, the document sets out that Education Infrastructure (covering school places for ages 2 to 19) and Social Infrastructure (including community facilities such as library Services) is to be funded



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through CIL where the site is not within a strategic allocation. As such, the requirement for this development proposal to secure this infrastructure via a s.106 legal agreement is contrary to policy CP6(4)4 of the Stroud District Local Plan (adopted) November 2015 (and the same draft policy contained in the emerging Stroud District Local Plan)

- 15.6 Regulation 122 of the CIL regulations (as amended in 2019) is particularly relevant to the County Council obligation request. The regulation sets out that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is;
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.

Paragraph 57 of the National Planning Policy Framework reiterates these criteria.

- 15.7 In respect of the requested contributions for school infrastructure, this has been calculated on a formulaic basis. Whilst local schools are identified as benefiting from the requested funding, this is not precise and there is no evidence that the funds would be required to make the development acceptable in planning terms (because there is infrastructure funding available otherwise under the SDC CIL regime). Accordingly, the request for education contributions fails to meet the above tests and the identified District Planning Policy.
- 15.8 Notwithstanding the above, where 'revenue funding' is required to make a proposed development acceptable in planning terms, CIL funding cannot be used as that relates to capital projects only. In this instance, officers consider that the required funding towards Wotton-Under-Edge Library is revenue funding. The GCCIT has identified that the funds would be used towards improving customer access to services through refurbishment of the library building, improvements to stock, Information/Digital Technology, and increased services. For the avoidance of doubt, GCCIT have not provided evidence that indicates that the Education funding relates to revenue (as a whole or in part).
- 15.9 As such, in respect of the requests for funding towards Library Services, officers are satisfied that this cannot be collected from CIL money. Officers are satisfied that the purpose of the requested funding is necessary, directly related, and fairly and reasonably related in scale and kind to the development. Accordingly, in respect of this development proposal, the requested obligations comply with CIL regulation 122 as they meet the above tests. Furthermore, officers are satisfied that the effect of using a s.106 agreement to secure the funds would not amount to 'double counting' as it cannot be secured through CIL funding.
- 15.10 Officers therefore consider that it is appropriate to secure the requested funding (for library services only) through s.106. The developer has agreed to meet this obligation accordingly. **Neutral** weight is attributed to this factor.



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16 AFFORDABLE HOUSING

- 16.1 Adopted Stroud District Local Plan Policy CP9 requires all residential proposals to provide at least 30 % of the net units to be affordable, where viable.
- 16.2 Paragraph 65 of the NPPF states that "to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount." The proportionate amount is defined by footnote 31 as "equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned."
- 16.3 Planning Policy Guidance further specifies that where vacant buildings are brought back into any lawful use or are demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing floorspace when the local planning authority calculates any affordable contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 16.4 The applicant submitted an Affordable Housing Statement (November 2022) that outlines the size of the existing buildings. It also outlines that the buildings were last occupied by a printing works in 2020. Since then the site has been marketed.
- 16.5 Officers concur with the applicant that the relatively recent occupation of the buildings would indicate that they are not abandoned for the purpose of the calculation of the vacant building credit, as the majority of the buildings could technically become occupied. The total floorspace of existing buildings is approximately 3,574 sqm, while the proposed combined floorspace of approximately 2,754 sqm. The difference between these figures indicates that approximately 820 sqm surplus vacant building credit can be applied by the developer. As a result, the proposed development delivers a smaller amount of floorspace than what is currently present on site.
- 16.6 Accordingly, no affordable housing can be sought from the proposed development in line with the provisions of National Planning Policy Framework and the National Planning Policy Guidance.

17 PLANNING BALANCE AND CONCLUSION

- 17.1 Paragraph 124 c) of the NPPF directs the decision maker **"to give substantial weight to the value of using suitable brownfield land within settlements for homes "**.
- 17.2 The benefit of 32no. houses on the former Orchestra Works site weigh heavily in the planning balance. Other factors, such as remediation of the site, and significant biodiversity net gains resulting from the restoration and enhancement of the riparian buffer to Ozleworth Brook also weigh positively in the balance.
- 17.3 The submitted evidence revealed that it is unlikely that business uses would be viable.
- 17.4 The proposal complies with the adopted Kingswood Neighbourhood Plan Policy BE1 and the application proposal complies with relevant policies of the adopted Stroud District Local Plan (2015).



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17.5 Assessment has not identified negative impacts which would otherwise outweigh the positive benefits of the application scheme. As such, there are no material considerations that would prevent the grant of the planning permission.

18 RECOMMENDATION

18.1 That Members resolve to **GRANT** Planning Permission subject to the planning conditions as set out in this report (please see full list below*), and

- a. The applicant first voluntarily entering into appropriate legal agreements to secure the following:

Library Services

* A financial contribution (commuted sum) of £6,272.00

18.2 Authority is delegated to officers to prepare and seal the legal agreements referred to above and issue the decision to approve the planning application subject to identified conditions.

18.3 In the event that the above financial contribution is not secured within six months from the date of this planning committee, authority is delegated to officers to refuse to grant planning permission on that basis.

19 HUMAN RIGHTS

19.1 In compiling this recommendation the Local Planning Authority has given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

***SUBJECT TO THE FOLLOWING CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:



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Site Location Plan drawing no. 875-01, as received 11/11/2022
Planning Layout drawing no. 875-05 Rev A, as received 12/06/2023
Proposed Street Scenes drawing no. 875-06 Rev A, as received 11/11/2022
S2 House Type Plans and Elevations drawing no. 875-10 Rev A, as received 12/06/2023
2B House Type Plans and Elevations drawing no. 875-11, as received 03/08/2023
S2 House Type Plans and Elevations drawing no. 875-12 Rev A, as received 12/06/2023
FR2 House Type Plans and Elevations drawing no. 875-13, as received 11/11/2022
FR2 (plot 26) House Type Plans and Elevations drawing no. 875-14, as received 11/11/2022
TE House Type Plans and Elevations drawing no. 875-15 Rev A, as received 12/06/2023
T3 House Type Plans and Elevations drawing no. 875-16 Rev A, as received 12/06/2023
CF House Type Plans and Elevations drawing no. 875-18, as received 11/11/2022
4B House Type Plans and Elevations drawing no. 875-20 Rev A, as received 12/06/2023
1B APR House Type Plans and Elevation drawing no. 875-21, as received 12/06/2023
Car Port Plan and Elevations drawing no 875-22 Rev A, as received 03/08/2023

Drainage and Finished Levels Layout drawing no. 875-142 Rev C, as received 12/06/2023
Swept Path Analysis drawing no. 875-144 Rev C, as received 12/06/2023
Parking Allocation drawing no. 875-145 Rev C, as received 12/06/2023
Refuse Strategy Plan drawing no 875-146 Rev C, as received 12/06/2023
Adoptable Highway Plan drawing no. 875-101 Rev B, as received 12/06/2023
Landscape Proposals drawing no. 22110.101 Rev C, as received 12/06/2023

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.

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

Reason: In the interests of the visual amenities of the area and to accord with Policy ES12 of the Stroud District Local Plan (adopted) November 2015.

4. All car ports shall be retained and maintained for parking of vehicles only, and there shall be no enclosure installed that would prevent the use of the car port as a parking space. Thereafter the car ports shall be retained as such and shall be used only for the parking of private vehicles.

Reason: In the interest of maintaining sufficient parking provision in line with the adopted SDC parking standards and to accord with Policy ES3 of the Stroud District Local Plan (adopted) November 2015.

5. All windows on the side elevations of the dwellings hereby permitted shall be glazed in obscure glass (to Pilkington Level 3 minimum standard) and maintained as such thereafter.



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Reason: In the interests of the amenities of occupiers of adjoining residential properties and to comply with Policy ES3 of the Stroud District Local Plan, November 2015.

6. Prior to the commencement of any above foundation works, details of the hard and soft landscaping for the development must be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/ densities.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Policy ES8 of the adopted Stroud District Local Plan, November 2015. This is a pre-commencement requirement to protect existing trees and hedgerows on the site.

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

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians is provided in accordance with the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 112 of the National Planning Policy Framework and Policies CP14, EI12 and ES3 of the adopted Stroud District Local Plan (November 2015).

8. Finished floor levels of the development hereby permitted shall correspond with those set out in the Drainage and Finished Levels layout drawing no 875-142 Rev C (as received 12/06/2023). These shall be retained and maintained thereafter.

Reason: To minimise the flood risk for the lifetime of the development, and to ensure compliance with Stroud District Council Local Plan Policies CP8, CP14, and ES1

9. The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing 875-05 Rev A.

Reason: In the interest of highway safety and amenity and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

10. The development hereby approved shall not be occupied until visibility splays shown on the application plans hereby approved have been provided in accordance with plan No. 2022F -025-001 which forms part of the Revised Transport Statement (as received



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12/06/2023). These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interest of highway safety and amenity and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

11. The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the edge of carriageway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: In the interest of highway safety and amenity and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

12. The Development hereby approved shall not be occupied until the offsite as detailed below have been provided to an adoptable standard.
- i) Improvements to the Walk Mill Lane junction with Hillesley Road by the provision of kerbing and white lining to provide improvement to the existing visibility splays at the junction as shown on revised drawing No. 2022-F-025-002 REV A (which forms part of the revised Transport Statement, as received by the Local Planning Authority on 12th June 2023); and
 - ii) by the provision of an extension to the existing footway adjacent to numbers 59 and 61 Walk Mill Lane as shown on revised drawing No. 2022-F-025-006 REV B (which forms part of the revised Transport Statement, as received 12th June 2023)

Reason: In the interest of highway safety and amenity and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

13. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing 875-05 Rev A (as received by the Local Planning Authority 12th June 2023)

Reason: In the interest of highway safety and amenity and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

14. The Development hereby approved shall not be occupied until measures for the provision of sheltered, secure and accessible bicycle parking has been submitted to and approved in writing by the Local Planning Authority. The development shall be not be occupied until the measures have been provided in accordance with the agreed details. Thereafter the development shall be retained as such and the measures shall be maintained for that purpose.

Reason: To promote sustainable travel and healthy communities, and to comply with adopted parking standards of Stroud District Council Local Plan (2015)

15. The Development hereby approved shall not be occupied until a 'residential welcome pack' that promotes sustainable forms of access and transport to and from the



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development has been submitted to and approved in writing by the Local Planning Authority.

The 'residential welcome pack' pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason; To promote sustainable modes of travel and access and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

16. Prior to commencement of the development hereby permitted details of a construction management plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details. For the avoidance of doubt the CMP shall include but not be restricted to:
- i) 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);
 - ii) Advisory routes for construction traffic;
 - iii) Any temporary access to the site;
 - iv) Locations for loading/unloading and storage of plant, waste and construction materials;
 - v) Method of preventing mud and dust being carried onto the highway;
 - vi) Arrangements for turning vehicles;
 - vii) Arrangements to receive abnormal loads or unusually large vehicles;
 - viii) Highway Condition survey;
 - ix) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

This condition is a pre-commencement condition in order to ensure that the required measures and control are in place throughout the construction phase of the development.

Reason: In the interests of highway safety and amenity and residential amenity and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

17. The development hereby permitted shall not commence until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing: -
- i) A Phase 2 intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.
 - ii) As required by the submitted Phase 2 intrusive investigation reports, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear endpoint of the remediation should be stated, such



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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.

This condition is pre-commencement so as to avoid abortive works and retrospective remediation.

Reason: To protect the health of future users of the site from any possible effects of contaminated land in accordance with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

18. The development hereby approved shall not be occupied until 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.

Reason: To protect the health of future users of the site from any possible effects of contaminated land in accordance with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

19. The development hereby approved shall not be occupied until 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.

Reason: To protect the health of future users of the site from any possible effects of contaminated land in accordance with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

20. The development hereby permitted shall proceed strictly in accordance with the recommendations made in the Preliminary Contamination Report (as received by the Local Planning Authority on 11th November 2022).

Reason: To protect the health of future users of the site from any possible effects of contaminated land in accordance with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

21. The development hereby approved shall not be occupied until a SuDS management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the SuDS management plan shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Thereafter the approved SUDS maintenance plan shall be implemented in full in accordance with the agreed details.



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Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid the risk of flooding or pollution problems in accordance with Policies CP14, ES3 and ES4 of the adopted Stroud District Local Plan, November 2015.

22. Prior to the commencement of the development hereby approved (including any demolition of existing buildings on site) a plan detailing methods, controls, and management procedures relating to the removal of all asbestos containing materials (CMS) associated with the development site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details.

This condition is pre-commencement so as to avoid abortive works and retrospective remediation.

Reason: To protect the health of future users of the site from any possible effects of contaminated land in accordance with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

23. Prior to the commencement of the development hereby approved a scheme specifying the provisions to be made to control dust emanating from the site shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details.

This condition is a pre-commencement condition in order to ensure that the required measures and control are in place throughout the construction phase of the development.

Reason: In the interests of the residential amenity of occupants of nearby dwellings and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

24. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays, and not at any time on Sundays, Bank or Public holidays.

Reason: In the interests of the residential amenity of occupants of nearby dwellings and to accord with Policy ES3 of the Stroud District Local Plan (Adopted) November 2015.

25. The development shall proceed strictly in accordance with the recommendations made in Section 4 of the Preliminary Ecological Appraisal (as received by the Local Planning Authority on 11th November 2022) and Dusk Emergence Surveys for bats (as received by the Local Planning Authority on 11th November 2022) by All Ecology. This includes avoiding disturbance/harm to nesting birds, water vole and otters, badgers and other mammals. Biodiversity enhancements include provision of bird and bat boxes on/in the new buildings and on existing mature trees.

Reason: In the interests of and in order to improve the ecological value of the site and the surrounding area and in accordance with policy ES6 of the adopted Stroud District Local Plan, November 2015 and the National Planning Policy Framework.



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26. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The LEMP will be based on the Biodiversity Net Gain metric calculation and supporting plans All Ecology (as received by the Local Planning Authority on 12th June 2023) and shall include the following:

- i) Description and evaluation of the features to be managed.
- ii) Aims and objectives of management
- iii) Appropriate management options for achieving aims and objectives
- iv) Prescription for management actions
- v) Details of biodiversity enhancements, including location and specification of bird and bat boxes.
- vi) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- vii) Details of body or organisation responsible for implementation of the plan.
- viii) Ongoing monitoring and remedial measures.

The development shall be implemented strictly in accordance with the approved details (LEMP) and thereafter shall be retained as such.

This condition is pre-commencement so as to avoid abortive works and retrospective remediation.

Reason: In the interests of and in order to improve the ecological value of the site and the surrounding area and in accordance with policy ES6 and ES7 of the adopted Stroud District Local Plan, November 2015 and the National Planning Policy Framework.

27. No external lighting shall be installed at the development until a lighting design strategy (LDS) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the LDS shall

- i) identify the areas/features on site that are particularly sensitive for foraging/commuting bats;
- ii) demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) and how the installation would avoid the disturbance or prevention of bat species using their commuter and/or foraging routes.

Thereafter any external lighting shall be installed strictly in accordance with the agreed details and thereafter retained as such.

Reason: In the interests of and in order to improve the ecological value of the site and the surrounding area and in accordance with policy ES6 of the adopted Stroud District Local Plan, November 2015



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28. Prior to first occupation of units contained within plots 5 - 10 of the proposed development, a representative pre-occupation validation noise survey shall be carried out by a professional and competent contractor within the lounge and bedrooms at the dwellings closest to the existing weir in order to demonstrate compliance with the requirements set out in Noise Impact Assessment, as received by the Local Planning Authority on 11th November 2022.

The specified units shall not be occupied until such time as the post-completion testing demonstrates compliance with the internal standards of BS8233: 2014 and the results have been submitted to and approved by the Local Planning Authority.

Reason; To protect residential amenity of the specified units and to accord with policy ES3 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** - In dealing with this application the Local Planning Authority has worked with the applicant/agent in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application to enhance the scheme.