



# STROUD DISTRICT COUNCIL

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## DEVELOPMENT CONTROL COMMITTEE

23 February 2021

6.00 pm – 9.20 pm

Remote Meeting

Minutes

# 3

### Membership

<b>Councillor Martin Baxendale (Chair)</b>	P	Councillor Steve Lydon	P
<b>Councillor Miranda Clifton (Vice-Chair)</b>	P	Councillor Jenny Miles	P
Councillor Dorcas Binns	A	Councillor Sue Reed	P
Councillor Nigel Cooper	P	Councillor Mark Reeves	P
Councillor Haydn Jones	P	Councillor Jessica Tomblin	P
Councillor Norman Kay	P	Councillor Tom Williams	P

P = Present    A = Absent

### Officers in Attendance

Head of Development Management  
Majors & Environment Team Manager  
Monitoring Officer  
Strategic Director of Place  
Principal Planning Lawyer, One Legal  
Specialist Conservation Officer

Senior Biodiversity Officer  
Principal Planning Officer  
Senior Planning Officer  
Senior Democratic Services & Elections Officer  
Democratic Services & Elections Officer

### Other Member(s) in Attendance

Councillor Ken Tucker	Councillor Lindsey Green
Councillor Martin Whiteside	Councillor Mattie Ross

### Others in Attendance

Stephen Hawley, GCC Highway Team Leader

### DC.027

### APOLOGIES

Apologies were received from Councillor Binns.

### DC.028

### DECLARATIONS OF INTEREST

There were none.

### DC.029

### MINUTES

**RESOLVED** That the Minutes of the meeting held on 5 January 2021 were approved as a correct record.

**DEVELOPMENT CONTROL PLANNING SCHEDULE**

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

1	S.20/2473/VAR
2	S.19/1502/FUL
3	S.19/1503/LBC

**DC.030            GOSPEL HALL, CHURCH STREET, STROUD (S.20/2473/VAR)**

The Senior Planning Officer introduced the report and outlined considerations relating to policies ES10, HC1 and ES3. The development was now being built to specified variations, including the current request to change to increased ridge heights. A comparative proposal had not been approved in 2017 and reduced levels of height increase were now being sought. Differences across the roof heights were deemed of minimal impact. The changes proposed, although varied across the units and not insignificant, were stepped and considered acceptable since no detrimental impact had been demonstrated, including through the sunlight study submitted. The recommendation was therefore to resolve to grant permission, subject to an updated section 106 legal agreement. The original planning application had been subject to a section 106 legal agreement, relating to the Rodborough Common Special Area of Conservation mitigation contribution as well as the Costwold Beechwoods Information Homes Pack. These needed to be updated for this latest application to ensure they were secured.

Gethin Jenkins, neighboring resident of 49 Lansdown, joined the meeting and spoke against the proposed variations and on behalf of a number of residents. Seventeen objections had been raised in total. The following points were highlighted:

- Although there was no variation in changes to the layout, the latest proposal was not in line with previous planning applications regards proximity to neighboring properties. This would be raised as a separate issue.
- There was strong disagreement that the impact of the proposed maximum ridge height change of 480mm was not deemed significant. Residents considered this as not within tolerable limits. The element of confusion within the developer's documents also caused a lack of confidence in the accuracy of data submitted. Inconsistencies with comparative data derived from a local consultancy had been found.
- The increased ridge heights related to roof height but did not include windows or wall plates. This was believed to be incorrect based on the original visual impact assessment submitted to the Council, in which the impact had been assessed for windows at a lower height than the ones in the current proposal.
- The sun shadowing report contained a number of errors. Indexes and values used as a basis were not wholly correct. The 12.00pm visualisation did show an impact on the houses to the north of the development, but based on the correct data, this impact would be 3m greater into the gardens than suggested.
- The example of the bedroom of the speaker's daughter was given. This now had five additional windows facing into it, which opened, looked down over and into the neighboring properties and were higher than previously agreed. The conclusion that this would not cause an impact on local residents was disagreed with.
- The history of the development project had been controversial from the start regards behaviours on site, noise, dust, vibration, drones and intimidation. Errors and confusion in the submitted documents and lack of accurate information communicated directly with residents had caused concerns around the competence and intention of the architects and developers. Where impact became intolerable, but was not deemed so, families and resident's lives were affected.

Nick Mills, Agent, spoke in support of the application and highlighted points including:

- Ridge heights had to be raised by an average of 390mm to accommodate the necessary head heights required for stairwells which was at least 2m for compliance with building regulations. In order to keep the raising to a minimum, cat slide roofs over stairs and bathrooms had been incorporated to ensure compliant head heights.
- Floor levels of the units at the eastern end of the site closest to 9 Church Street and the semi-detached properties on Lansdown had been marginally reduced, which minimised the increase to 330mm. The construction height was lower than this.
- The developer had been mindful to keep changes to a minimum and any impact to neighbours as low as possible.
- The gradient of Brick Row was found to be steeper than suggested in the original survey, therefore an increase in stepping height was required.
- The steepness of the road led to the higher ridge heights on the west side of the site closest to Church Court.
- A shadow study had been conducted and computer-generated images had been submitted which showed any identified impacts.

Councillor Jones asked why the variations in ridge heights being proposed had not been accommodated correctly at the start of the planning application process and queried what work had been done by Officers to ensure the accuracy of reports submitted by the developer. The Senior Planning Officer confirmed that all submissions had been cross-referenced with the original application submitted. Councillor Kay raised further questions regards any investigations the Planning team had carried out, the increased amount of velux windows and the overbearing issues for the residents of Lansdown Road. Members were informed by the Senior Planning Officer that the developers were not under any obligation to give a reason as to why the variation was being proposed. The differences now being considered did not give rise to any significant detrimental impact. The Head of Development Management added that no further justification was required. There was no demonstrable harm inherent in any of the proposed variations nor any issue with the information submitted by the developers. Councillor Tomblin requested further information about the height of the new windows and whether these were additional or repositioned. The Senior Planning Officer confirmed that no windows were being added to the wall plate, but the velux and cat slide windows were additional and at eye level. There were five extra windows which served landings and bathrooms. A condition on these windows could be added if deemed necessary, prior to occupation and in perpetuity, to provide obscure glazing and minimal opening.

Councillor Lydon proposed and Councillor Cooper seconded the recommendation, to include an additional condition regards the use of obscured glass and limited opening, in order to address overlooking concerns. The Head of Development Management explained that the aspect from the roof light windows looked out into the valley due to the orientation of the buildings. Councillor Williams proposed an amendment that that this condition should not be added, which was seconded by Councillor Miles. After some debate, a vote was taken on this amendment, with 7 votes for and 4 against. It was therefore decided to not add the condition.

The substantive Motion relating to the Officer's original recommendation to permit, without any additional condition to be added, was then proposed by Councillor Lydon, seconded by Councillor Williams and debated.

On being put to the vote it was carried, with 9 votes for and 2 against.

**RESOLVED To APPROVE Permission for Application S.20/2473/VAR subject to satisfactory completion of S106 legal agreement.**

**DC.031****BRIMSCOMBE PORT BUSINESS PARK, PORT LANE, BRIMSCOMBE  
(S.19/1502/FUL)**

The Majors & Environment Team Manager introduced the proposal, which was focused on enabling the initial infrastructure of the development. The detailed design of the wider scheme was to be brought forward at a later date. Key features were outlined including:

- reinstatement of the canal;
- location of the canal basin in the middle of the development;
- opening up of the river;
- provision of new access from London Road;
- creation of a new bridge from Brimscombe Hill with the canal and river to flow under;
- demolition of several buildings on site including within the business park and industrial estate, and
- the wider site was allocated for redevelopment within the Local Plan.

There were continuing discussions regards relocation options and help for Rush Skate Park and Inside Football. The loss of these indoor sports facilities was considered to be outweighed by the significant recreational benefits of the canal development and the wider public benefits of the development as a whole. The Long Table and other commercial spaces in the business park area would also be lost. Whilst this was a great shame, this proposal would enable the wider redevelopment of the site, supported by policies, and provided a significant opportunity to bring wider benefits across the whole site. Concerns had been raised and acknowledged regards potential impact on The Golden Valley Cycleway project. This project was still at study stage with no funding yet secured. Detailed drawings were not yet available to be able to assess any potential impact. The proposal was for the main infrastructure and did not preclude a cycleway in any way. This would form part of the design brief during the next phase. Condition 18 could however be amended to give extra reassurance that provision for cycleways would be considered in the detailed design of access arrangements going forward. The Local Lead Flood Authority and Environment Agency had been consulted on flood risk and were satisfied with the details and drainage proposed. Furthermore, the canal development and opening up of the river would enable some parts of the site to be brought out of flood risk. This would be of benefit and would be looked at in further detail going forward. Members were also informed of late objections received which raised concerns on ecology issues including the loss of three cedar trees adjacent to the business park end of the site. These had been surveyed again and have a low potential to support roosting bats, therefore soft felling in winter was proposed to ensure no impact.

The Senior Biodiversity Officer summarised further ecology aspects, for which various surveys had been undertaken dating back to 2015. Unit 5 had initially been demolished at the eastern end of the site in 2020 for which the potential impact on roosting horseshoe bats had been surveyed. Installation and monitoring of bat boxes had been implemented in mitigation and findings were positive. Further activity and monitoring surveys had been conducted by highly experienced ecologists in suitable weather conditions for all other buildings on the site proposed for demolition. A question mark had been raised over building P and Q regards the common, crevice-dwelling pipistrelle bat. Bat boxes would be installed to mitigate these potential risks. It had also been conditioned that works would be undertaken with the CEMP, which had recommended that further surveys should be done and a low impact licence should be sought. Complaints had been received about the level of information provided regarding the flight line along the River Frome. Whilst it had been assumed that this was being used as a bat corridor, as many of the Stroud Valleys are, it was confirmed that the works to the canal proposed would not impact the flight line. No vegetation would be removed apart from the wooded section necessary to facilitate the canal development. Bat-foraging capabilities were expected to be enhanced within the site.

The Majors & Environment Team Manager brought Members' attention to the updated schedule of conditions. These included lighting required to mitigate ecological impact, which would be looked at to ensure any impact was low to none. The scheme also had embedded mitigation and further conditions relating to migratory fish, on which a specialist at Natural England had been consulted. Confirmation was pending regards this. Members were asked to consider an updated recommendation, which was seeking resolution to grant authority for permission, subject to receiving this confirmation from Natural England over the HRA-Appropriate Assessment, particularly regards the assessment on migrating fish. Late pages had been shared in which lighting and other ecologically-related conditions were detailed.

The proposal included the demolition of various buildings across the site, many of which were modern industrial buildings. However, due to historical factors, the loss of the curtilage listed old Port House and some buildings attached to Port Mill required particular consideration. The loss of these had been tested according to policy and the substantial public benefit was considered to outweigh the harm of their loss. Their demolition would allow the canal scheme to come forward, enhance the conservation area, allow greater interpretation and enjoyment of the site and provide further opportunities for wider development.

The Head of Development Management brought Members' attention to questions raised by Minchinhampton Parish Council. These contained two key requests:

- Grazing season to be avoided, since road closures on Brimscombe Hill during development work could impact upon cows grazing out on the common from May to November, and
- Clarification regards whether or the cycle route along the A419 would be included.

The Majors & Environment Team Manager advised that the cows' grazing season on Minchinhampton Common was not an issue for determining this planning application and would be a matter for the local highways authority when considering the timing of the works to the public highway, and that there was nothing in the proposal that precluded a cycleway coming forward.

Councillor Whiteside, Ward Member for Brimscombe and Thrupp, joined the meeting to speak on behalf of the ward community, for whom this development had been a long-held aspiration since 2003. A working group had been set up to ensure the wishes of the community were brought to the fore. Surveys and large meetings had been organised and community ideas and aspirations for the development had crystallised, incorporating the port basin, a connected canal, a mix of housing and employment, a community enterprise hub and design. There had been some false starts including a developing area action plan that had become invalidated due to a change in government rules, a tender that had received no bids and lapsed British Waterways plans for the site. The community had started to grow weary and sceptical, but after some recent work with Parish Councillor Graham Russell, a bid had been submitted and a £2 million grant had been secured, which was transformational. A huge amount of work had been done. Five key challenges remained:

- Short-term leases with community enterprises - the social enterprises on site occupied buildings that were not fit for purpose, with leaking asbestos roofs. It was already agreed that they would eventually vacate but an excellent, effective local hub had been formed and the community did not want this social capital to be lost. Alternative homes for some of these businesses had possibly been found, but if that took longer than planned, flexibility on development timeframes would be required;
- Timing of demolition - certainty must be sought that the redevelopment was scheduled and funded before any demolition happened, with similar caution required over the cedar trees, to avoid a blighted site being created;
- Dangers of A419 for cyclists – since a modal shift to cycling was a key part of the council's CN2030 Strategy, the issue of safety for cyclists along this main road must

be addressed. This new development presented an opportunity in respect of this and the principle of improved cycling connections should be kept high on the agenda;

- Biodiversity - it was positive that the leisure corridor would be opening up via the connected canals, however this needed to be done with care, appropriate lighting design and through working with the natural vegetation, and
- Community collaboration - the seventeen-year development to date of this project, and its long-established importance to the local community, meant that it remained essential that all planning would always be done with, rather than 'to' the community, including work with cyclists, nature, the social enterprises and all residents.

Colette Wilson joined the meeting to speak on behalf of Brimscombe and Thrupp Parish Council. There was broad support for and excitement about the development, but some overarching concerns had also been received from local residents including:

- The feeling of consultation fatigue and potential shock due to lack of clarity around timescales and strategy. It was suggested that a long lead in time would be beneficial as would active, clear communications to enhance understanding and information;
- Anti-social behaviour and dereliction was a worry, especially given three nearby derelict mill building sites that were already causing issues with vandalism, graffiti, rubbish and trespassing within empty units;
- What could be done to tie in the demolition works to the wider development works;
- The changes and transition to the area could result in feelings of loss, bereavement and conflict, which would be mitigated through community engagement including plenty of meetings and opportunities for residents to be listened to freely;
- The loss to the local area of the indoor sports facilities and Grace Network social enterprises, particularly as there were around 75 local residents in employment with these businesses which would be a significant loss, and
- The flat expanse of common land on the current site, currently used by local families for recreation time such as cycling, within an otherwise steep-sided valley.

Local resident Debbie Bird joined the meeting to speak in opposition. As a parent of a young person who attended the Rush Skate Park, Debbie raised the point of the timing of the proposed development work and asked Members to reflect upon this in light of the pandemic, requesting to let Rush Skate Park operate until at least the end of the school summer holidays in 2021, during which young people would be able to benefit from the facility if it were to stay open. This would sustain an invaluable resource at a hard time for young people, where mental health and wellbeing was a primary concern, and avert any adverse impact due to the closure of the facility if that were to happen before the end of the school holidays. Debbie Bird suggested to Members that none of the local social enterprises on the existing site should be moved out of their current premises in too much of a hurry.

The applicant Alison Fisk, Head of Property Services, outlined the following aspects:

- Brimscombe Port was the largest inland port in the country with a unique history and importance, designated for redevelopment in the Local Plan since 2015;
- As a large brownfield site needing to be brought out of the flood plain, the levels of infrastructure and decontamination costs to be delivered for this complicated development were disproportionately high;
- The design and flood modelling presented huge challenges as well as a fantastic opportunity to create an exemplar in sustainable design in a unique waterside setting. This would be of national draw as a leisure and recreation hub, along with all the retail, residential, commercial and social benefits for local residents and businesses;
- Design work had been carried out over several years to date with the consultants Atkins, and in partnership and consultation with the Parish Council, Stroud Valleys

Canal Company, the Environment Agency and the Highways Authority. Requirements were to be balanced across all stakeholders involved;

- There had been a well-attended pre-application public event;
- The proposed infrastructure would reopen the culverted river and naturalise some of its banks, and reintroduce extensive open areas of water within the canal basin;
- A secluded area of woodland for protected species would be retained;
- Although the loss of the Port House was regrettable, the canal could not be reinstated and connected without its loss and the setting of Port Mill would be enhanced overall;
- Once this phase was agreed, a development partner could be procured along with further consultation with all stakeholders;
- Public investment secured was time-limited and any delays would pose a risk to this;
- The project was a key corporate priority of Stroud District Council, and
- This proposal, if agreed, would give a significant leap in bringing forward the overall project vision and give certainty of the heart being put back into the local community.

Councillor Williams asked why there was no mention in the proposals of migrating brown trout. The Senior Biodiversity Officer advised Members that due to weirs on the River Frome the levels of migrating fish such as salmon were low. This was also likely to be the case for trout. The Environment Agency wanted to reduce the amount of weirs as they were barriers to migrating fish along the watercourse. By unculverting the channel, using modifications such as eel pass doors and letterbox culverts, the velocity of the current could be reduced allowing more fish such as eels and elvers to migrate. The weirs downstream were also a focus and the overall aim was to improve the watercourse for all fish including sea trout. The nature of the still and slow-moving water environment was discussed in respect of it being a habitat for insects and therefore an area in which bats could benefit. There was great potential to enhance bat-foraging capabilities so long as the lighting within the development was appropriately considered and properly actioned.

Councillor Kay highlighted the issue of cycleways routed through the development and proposed the discussion of some enhanced wording being added to Condition 18, following a related suggestion from Stroud Town Council. The Majors & Environment Team Manager acknowledged this as an aspiration, but one for which more information and design details on the location and route of the cycleway would be needed. He advised this level of detail would be addressed in later stages of the development proposals, but upheld that it could be added at this stage, if deemed appropriate, to give extra reassurance regards potential provision and in relation to the latest iteration of the cycleway design through the site. Councillor Lydon raised whether it would be appropriate or normal practice for Members to suggest changes to conditions that could be preemptive. Stephen Hawley, GCC Highway Team Leader, explained that the condition already included sufficient wording re access, but that there would be no harm in expanding the wording if that was deemed helpful for clarity. Road user hierarchy would be considered as a normal part of the due diligence in any case.

Councillor Lydon referenced the Senior Arboriculture Officer's reporting on the cedar trees on site having merit and asked should this be taken on board at face value, or was it an advisory position. The Head of Development Management advised this had to be considered against all other factors within the planning balance. Overall, there was no possibility to save these trees and it was legitimate for this to be considered a balanced decision. Councillor Williams enquired whether there was an image overlay which could demonstrate how the new post basin would correspond to the original. The Majors & Environment Team Manager showed pictures and informed Members what the new routing and layout would be in comparison to the existing routes.

Councillor Jones asked about listed building consent and potential impact on the heritage assets on site. The Specialist Conservation Officer gave information on the removal of the

modern buildings from the 1960s and 1970s attached to Port Mill and of the multi-purpose nineteenth-century Port House, which was curtilage listed. This had been rendered, re-roofed and extended, possibly twice since the 1840s. This asset was important to the area and for the evolution of the site, having been originally built to serve the purposes of the Mill. Legislation required careful consideration to be given to the demolition. The impact of the removal of the Port House had to be weighed up against the public benefits of the scheme as a whole. Any damage to the Mill resulting from the demolition of the attached modern element would be made good and addressed via proposed conditions.

Councillor Williams asked whether any provision for visitor parking, a visitor's centre and a café could be added to the proposals at a later date. The Majors & Environment Team Manager advised that detail on this would not be included in the current proposal included only the main infrastructure for the site, but options around active use of units such as cafés would be coming forward in future stages of the development. The meeting was paused for four minutes whilst Councillor Tomblin regained connection and then re-joined the meeting.

Councillor Kay proposed and Councillor Jones seconded an amendment to the resolution, to include the following underlined additional wording: "To delegate authority to the Head of Development Management to permit subject to receiving the agreement of Natural England over the HRA-Appropriate Assessment, with the updated conditions including the addition of "and cycleways" to condition 18." Stephen Hawley, GCC Highway Team Leader, confirmed this wording as appropriate, if it was deemed a requirement, in respect of its enhancement to the decision whilst also being integrative of further detail still pending. The need for an amendment to add this additional wording was then debated by Members. On being put to the vote, the amendment was carried with 7 votes for and 4 against.

Councillor Kay and Councillor Jones agreed to propose and second the amended resolution. On being put to the vote, the Motion was carried, including the amendment, unanimously.

**RESOLVED To grant delegated authority to the Head of Development Management to approve permission for Application S.19/1502/FUL subject to receiving the agreement of Natural England over the HRA-Appropriate Assessment, with the updated conditions including the addition of "and cycleways" to condition 18.**

**DC.032 BRIMSCOMBE PORT BUSINESS PARK, PORT LANE, BRIMSCOMBE (S.19/1503/LBC)**

The Specialist Conservation Officer summarised the two main aspects of the application; the demolition of the industrial modern buildings attached to Port Mill and the demolition of the Port House. Historic England had been consulted and comments were received with no objections. Clarification had been sought, and Officers had since assessed and were satisfied, that sufficient information had been gathered on the significance of the old Port House, and that there would be substantial public benefits required to outweigh the harm. The recommendation was therefore for consent, including the condition for the making good of the historic buildings.

Councillor Lydon proposed and Councillor Cooper seconded. On being put to the vote, the Motion was carried unanimously.

**RESOLVED To grant consent for Application S.19/1503/LBC**

The meeting closed at 9.20 pm.

Chair