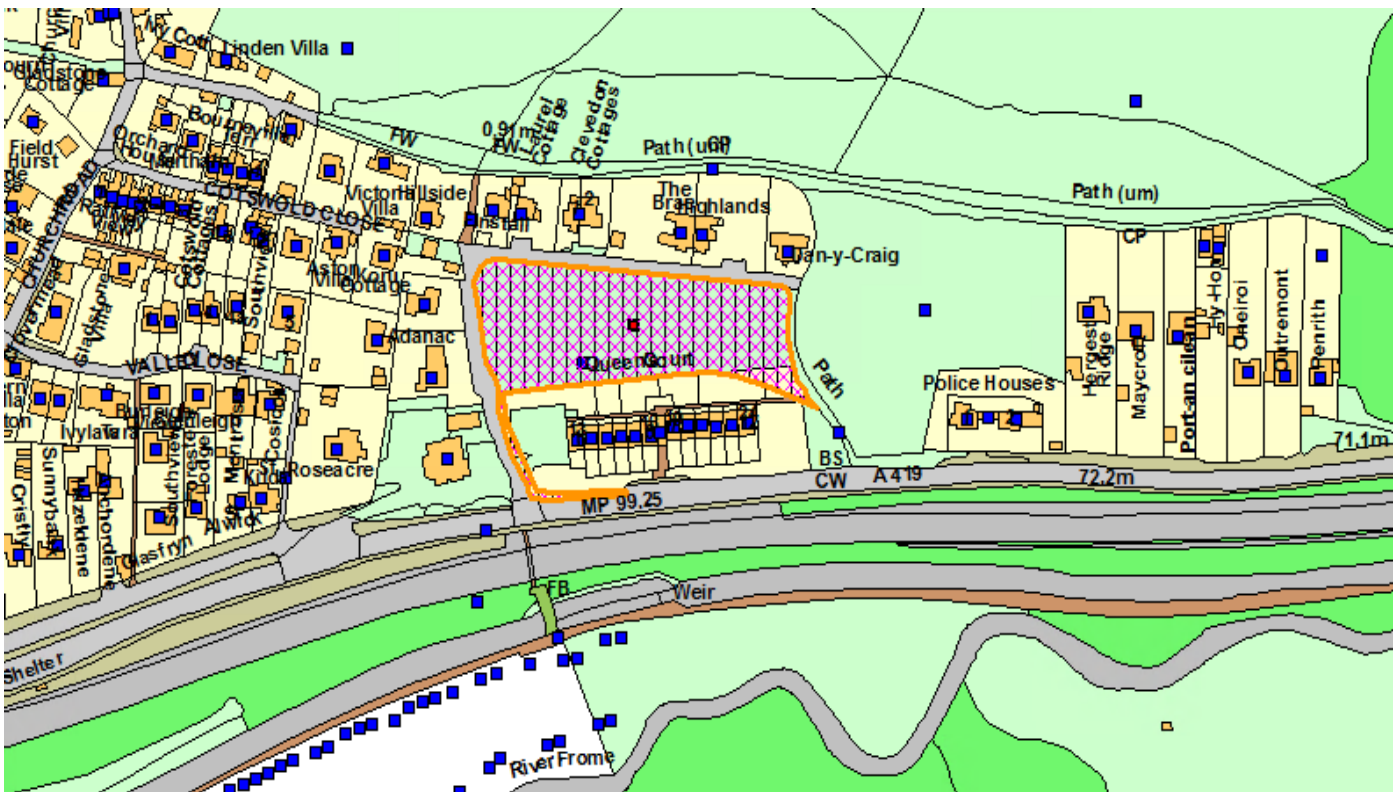




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Item No:	02
Application No.	S.21/1240/FUL
Site Address	Play Area, The Bourne, Brimscombe, Gloucestershire
Town/Parish	Brimscombe And Thrupp Parish Council
Grid Reference	387894,202288
Application Type	Full Planning Application
Proposal	Erection of 4 dwellings
Recommendation	Permission
Call in Request	Cllr Christopher Jockel





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Applicant's Details	Ruislip Manor Property Ltd C/o Ken Parke Planning Consultants, Anniversary House, 23 Abbott Road, Bournemouth, BH9 1EU
Agent's Details	Mr Ken Parke Ken Parke Planning Consultants, Anniversary House, 23 Abbott Road, Bournemouth, BH9 1EU
Case Officer	Nick Gardiner
Application Validated	19.05.2021
CONSULTEES	
Comments Received	Conservation North Team Arboricultural Officer (E) Contaminated Land Officer (E) Area Walking Environment Officer Housing Strategy And Community Infrastructure Brimscombe And Thrupp Parish Council Biodiversity Team Development Coordination (E) Environmental Health (E) Conservation North Team SDC Water Resources Engineer
Constraints	Aston Down Airfield Consultation Zones Adjoining Canal Affecting the Setting of a Cons Area Consult area Kemble Airfield Hazard Neighbourhood Plan Brimscombe and Thrupp Parish Council Affecting a Public Right of Way Rodborough 3km core catchment zone Settlement Boundaries (LP) Single Tree Preservation Order Points
OFFICER'S REPORT	

MAIN ISSUES

- o Principle of development
- o Design, Layout, Appearance and Landscape
- o Residential Amenity
- o Environmental
- o Highways and Public Right of Way (PROW)
- o Arboriculture
- o Ecology
- o Heritage Assets
- o Flood Risk
- o Obligations



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INTRODUCTION

The application site relates to a 0.40-hectare rectangular parcel of land, behind Queens Court, London Road, Brimscombe. The site falls outside of the Industrial Heritage Conservation Area, which is found to the south side of London Road, opposite. The site profile is steep, falling North to South.

In its current form, the application site is a mature area of land that is overgrown with seldom management. Numerous large trees are in existence on the site with heavier groupings located towards the East of the site and a protected Walnut tree (TPO 0573) central to the site, with mature hedgerow planting occupy the borders of the site.

The site lies within the development boundary of Brimscombe, in proximity to but outside the Area of Outstanding Natural Beauty whilst being within the catchment areas of the Rodborough Common SAC and Cotswolds Beechwoods.

The immediate vehicular access is from Bourne Lane, an unclassified road with a junction to the A419 London Road. Bourne Lane is on a steep gradient and the current junction in terms of access and visibility with the A419 does not comply with current highway standards. The lane currently serves approximately ten dwellings as well as Queens Court.

Public Footpath 37 runs through the site west to north and footpath 36 runs along the western boundary but outside of the site and this path runs between the site and the adjacent Charlea Community Gardens.

The application has been called in to the Development Control Committee by Councillor Jockel. The planning reasons for the request:

"The proposed layout creates an uncharacteristic cluster of dwellings that relates poorly to the scheme as a whole, therefore the scheme in virtue of its scale, form, layout and amenity is out of keeping with the detached dwellings in large plots in ribbon development found to The Bourne whilst failing to maintain the open nature of this important site contrary to Policy HC1 of the adopted Stroud District Local Plan 2015.

and

By way of the proposed site layout, the design, form, retaining structures and proposed materials to this highly visible site on the periphery of the Cotswolds Area of Outstanding Natural Beauty, the proposed application fails to conserve and enhance a site that is rich in natural features with the proposed building resulting in an incongruous addition, contrary to policy ES7 of the 2015 Stroud District Local Plan as well as paragraph 170 of the National Planning Policy Framework."

PROPOSAL

The proposal seeks permission for the erection of four dwellings with associated access and parking.



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RELEVANT PLANNING HISTORY

13/03/2020 Withdrawn -S.19/2639/FUL Erection of four dwelling (resubmission of S.19/0794/FUL).

01/07/2019 Refused - S.19/0794/FUL Erection of four dwellings.

12/04/2019 Refused - 2019/0003ASSETC Asset of community value nomination.

19/02/2019 Confirmed -TP0-573 - TPO of Walnut from provisional TPO under S.18/2666/NEWTPO.

31/01/2019 Refused - S.18/2353/FUL Erection of eight three-bedroom three storey dwellings.

27/3/1973 Permission -2742/B Use of land as children's play area.

REVISED DETAILS

Submission of revised Transport Assessment, additional drainage and tree information.

MATERIALS

Walls: Natural stone and timber cladding.

Windows: aluminium / UPVC.

Doors: Timber / aluminium / UPVC.

Boundary Treatments: Timber fencing, hedging, and planting.

Access: Tarmac, permeable paving, and block paving driveways.

REPRESENTATIONS

Statutory Consultees:

Brimscombe with Thrupp Parish: Object for a number of reasons.

- o Site Access and highway safety
- o Statements in the design statement are inaccurate
- o Overbearing impact to Queens Court
- o Green space is informally used and there is no evidence that the community does not use it.
- o It is a green space that provides aesthetic and environmental value to the community.
- o Development would lead to a loss of open land that contributes to the landscape value of the area.

Environmental Health: No objections subject to conditions surrounding construction hours, dust emanation as well as a burning informative.

Contaminated Land: The site lies within 250 metres of a former quarry, unknown if filled. Therefore suggests the landfill informative is added to any permission.

Tree Officer: No objection subject to conditions.



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Policy Implementation Manager: Does not trigger a contribution to affordable housing

Biodiversity Team: Acceptable subject to conditions and mitigation in respect of the Rodborough Common and Cotswolds Beechwoods Special Area of Conservation.

Ramblers Association: Object to the loss of the play area and green space in an urbanised area but the indicated diversion of MTH37 through a green corridor between the properties would be acceptable.

Water Resource Engineer: Following clarification from the agent/application and a consultation response from Severn Trent in relation to the combined discharge to foul, no objection.

Severn Trent: No objection and no conditions required subject to informative.

Conservation Specialist: No objection on heritage grounds.

GCC Highways the Local Highway Authority: No objection subject to conditions and financial obligations.

Public:

There have been thirty-seven public representations submitted to the LPA at the time of writing all in objection surrounding the following:

- o Historic use as a play area
- o Designated as public open space
- o No benefit to local residents
- o Invaluable community asset
- o Inadequate open space replacement
- o Impact to adjacent Community Gardens
- o Overlooking to Queens Court residents
- o Loss of privacy
- o Overdevelopment
- o Construction traffic and safety
- o Construction noise
- o Concerns over storm water run off
- o Drainage issues in the locality
- o Impact upon wildlife
- o Sites suitability to support reptile population
- o Loss of verdant back drop
- o Loss of trees and hedgerow
- o Loss of parking to Queens Court
- o Land subsidence
- o Validity of reports



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NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1).

Stroud District Local Plan.

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

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- CP2 - Strategic development and locations
- CP3 - Settlement hierarchy.
- CP4 - Place making.
- CP14 - High quality sustainable development.
- HC1 - Meeting small-scale housing need within defined settlements.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality, and flood risk.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape Character.
- ES8 - Tree, hedgerows, and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES12 - Better design of places.
- ES13 - Protection of existing open space.

The proposal should also be considered against the guidance laid out within:

SPG Residential Design Guide (2000)

Stroud Landscape Assessment SPG (November 2000)

Landscape Sensitivity Assessment (2016)

Stroud District Planning Obligations SPD (2017)

Stroud District Open Space and Green Infrastructure Study (2019)

Brimscombe and Thrupp Parish have designated a neighbourhood area and have an emerging neighbourhood development plan (NDP).

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



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PRINCIPLE OF DEVELOPMENT

The proposal is for the erection of four new dwellings on an open sloping parcel of land.

The site lies within the defined Settlement Boundary of Brimscombe, designated as a Third Tier Settlement within the 2015 adopted Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided.

The site in conjunction with Queens Court was owned by Stroud District Council. Queens Court is a residential block of apartments that remains as such under the applicant's ownership. The site had planning permission in the 1970's for the formation of a play area. The site is no longer subject to any play equipment or defined recreational area currently and has not been since the facilities were removed in the 1980's. The site is not designated as a play area or any other designation within any policy documents including the current 2015 SDLP.

There is strong local objection including from the Parish Council to the proposed dwellings due to the loss of the open space that is important to the community.

Policy ES13 pertains to the protection of existing open space:

- o Point A - contribute to the distinctive form, character and setting of a settlement.
- o Point B - create focal points within the built area.

The site has been subject to nomination to be an Asset of Community Value. This nomination was not supported. It was acknowledged that the land once provided play equipment which was subsequently removed, however this was never formally designated as a protected outdoor play space in the Stroud Local Plan.

The Stroud District Quality Audit of Green Infrastructure and Open Space Audit (2019) did assess the site as an old orchard and classified the site as amenity greenspace that was poor in green infrastructure and open space quality. The audit assessed planned spaces, recreational spaces and adopted sports facilities. As the site has no formal designation as open space, its inclusion seems to have been linked to the site being within the council's ownership and therefore whilst in ownership of the council the improvements identified could have been implemented. The report did not take into account that the site had been sold in 2018. Nonetheless, its assessment is useful in identifying that the site has poor access and was poor in quality but did offer the opportunity to become an enhanced community orchard.

The site is well connected to green open space including the adjacent Charlea Community Gardens. There is a good connection of Public Rights of Way from Bourne Lane including footpath 53 which runs along the boundary of Finstall and Hillside that connect to numerous footpaths across open countryside, representing immediate access to recreational space. The highway improvements will provide a crossing to the south making it easier to navigate to access Footpath 156 bridge over the railway and connect to the canal towpath and connecting to other recreational opportunities.



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The development represents infill development between Queens Court and the development to Bourne Lane. The rear gardens to the development to the north on Bourne Lane marks the settlement development boundary which then extends east, with this site and the adjacent Charlea Community Gardens being green spaces before a row of dwellings up to the eastern edge of the settlement limits. The Cotswolds Area of Outstanding Natural Beauty begins at the edges of the settlement with the site being severed from the AONB by the ribbon development to the north.

The site does form part of the feathering of development at this juncture of the settlement but does not form a transitional space to the AONB and does not have a physical or immediate visual connection to the AONB and open countryside, unlike the adjacent Charlea Community Garden. Due to the site's location within the settlement it does not create a focal point within the built-up area or represent a space that is intrinsic and therefore important to the character of this juncture of the settlement. Charlea Community Gardens would still remain as a green space between existing development. Further, the proposed site layout is at a level of density of housing to allow the appearance of an open and green site with green infrastructure to all the boundaries of the site as well as maintaining an open space in the centre that incorporates the protected tree and public right of way. In this respect the proposal, subject to conditions, would maintain a satisfactory level of green infrastructure, if not offer betterment across the site. The benefit of the development would be that the space would be subject to management and would have increased accessibility. This green boundary would be viewed from each side of the development, offering a visual green break between the built form and therefore a feathering of development at the edge of settlement would be maintained, albeit with four additional units. Overall, the detrimental impact of the short-term construction and overall loss of green space due to the built form being balanced out by the inclusion of green space, its management and improved accessibility, at worst would offer a neutral impact in open space and green infrastructure terms.

This leads to the conclusion that whilst it is acknowledged that the site is currently open parcel of land within the settlement, it is not one of good quality and one that could be closed to the public at any time, other than access to the public footpath. The parcel of land is not deemed to be of such importance to the character of the settlement to preclude development with the proposal not being contrary to the policy ES13.

Emerging Neighbourhood Development Plan:

Brimcombe and Thrupp Parish Council have recently undertaken a public consultation on their emerging Neighbourhood Development Plan. This site was identified as a site in which it is sought to be designated as Local Green Space. The emerging plan at this stage carries minimal weight and the designation process would require for the site to be demonstrated to meet the relevant tests set out within the NPPF.

It is acknowledged that the Parish and local residents object to the application and support the use of the site as a Local Green Space. Comments submitted have also alluded to the community gardens having offered to purchase the site to protect it and extend the community gardens.



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Under current policy the site is not protected or designated as such under the 2015 Local Plan or other legislation and as such the application needs to be considered on that basis.

Principle Summary:

The site is within the defined settlement development limits of Brimscombe where there is a presumption in favour of development. The site is currently an open parcel of land which has been a play area in the past with no formal equipment at the site for approximately 30 years. The comments received indicate that it has been presumed to be a public open space. The site is not designated or protected as such within policy. The site failed to gain approval as an Asset of Community Value and when viewing the site, it is not considered to be an such an important space in terms of the character of the settlement.

The proposal has a neutral impact in green infrastructure terms and due to its location good links to open space remains, and whilst it has the potential for other uses and forms of development, the current application before officers is for the erection of four dwellings. The loss of this open space is therefore attributed minimal weight and when considering the above, the principal of residential development on the site can be considered subject to other material planning considerations with the proposal being in accordance with policy ES13 of the 2015 SDLP.

DESIGN/ LAYOUT, APPEARANCE AND LANDSCAPE

The site is set below, and adjacent ribbon development served by Bourne Lane which is characterised by semi-detached and detached single storey and two storey dwelling varying from Victorian red brick dwellings to Bradstone more modern bungalows, some of which have been subject to extension and modernisation. Queens Court is set below the site and is a mid-century modernist flat roof ex- local authority housing block.

The proposal is for four detached dwellings set centrally within a reasonably large plot and into the slope of the land. Each unit has parking as well as an integral garage and front gardens. The plot size for each unit, parking provision and amenity are typical of the dwellings in the vicinity and therefore the proposal would be in keeping with the pattern of development. There is sufficient amenity space for each unit, which includes an area of private amenity space to accord with the Residential Design Guide.

The proposed dwellings are contemporary two storey flat roof units completed in timber cladding and natural stone. The proposal therefore relates in scale and form to the surrounding residential dwellings whilst also responding to the topography. The design does not emulate the mid-century modern form of Queens Court nor offer a pastiche representation of the nearby house types, instead opting for a contemporary approach that will offer a welcome juxtaposition. The combination of materials, scale and form units will not appear strident within the street scene. The materials are key in a cleaned lined contemporary scheme, and it is therefore necessary to apply a materials sample condition to any permission.

The proposal seeks to maintain an area of green communal space within the centre of the site surrounding the now protected walnut tree, whilst making a more defined and formalised



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public right of way. A condition for management of the public area of the site will be applied to any permission. In order to maintain the green edges and open feeling to the development. This will be combined with the landscape and ecological management condition.

Due to proposal seeking to maintain the open nature it is necessary to remove permitted development rights requiring any outbuildings or structures requiring the benefit of planning permission. Further, a pre-commencement condition for approval of levels and site sections is required to ensure the acceptability of the development in terms of building heights, visual appearance and landscape.

The site can be seen from localised close-range viewpoints as well as in wide range views, but the proposal preserves some of the green open space nature of the site, especially to the edges of the site and therefore would be viewed in the context of the surrounding development to the north, south and west of the site, with the east being the Charlea Community Gardens. The access road would site behind Queens Court in longer range views and the flat roof nature in conjunction with the palette of materials will result in the important setting, and views into and out of the AONB would not be detrimentally impacted. The site also does not fall within in an at-risk zone contained within the Stroud District Landscape Sensitivity Assessment. The proposed layout includes tree and hedging planting to which a condition to secure the details and implementation of this planting can be applied to any permission.

The proposed development offers four dwellings that are commensurate and compatible with the scale of dwellings that surround the site. The number of units has been kept to follow this density to in-keeping but also to maintain the sense of openness of the site as well as accommodating the protected tree and public right of way.

RESIDENTIAL AMENITY

The proposed dwellings are set quite centrally within each plot, set back from the access the road which is bordered by a wide green open space to the boundary with Queens Court. The dwellings are built into the sloping land. Each unit is individual and responds to the land levels at that juncture of the site. The units are all two storey and approximately six meters in height with a large proportion of glazing to the front elevations and an external terrace.

The residential design guide indicated that all clear glazing facing clear glazing needs to be a distance of 25 metres which can be reduced to 10 metres should one be obscurely glazed or a blank elevation. The layout indicates a minimum distance of 26.5m from unit 4 with all other units being further away from Queens Court. As a result the proposal will not give rise to an unacceptable degree of overlooking or loss of privacy. Due to the modest height of the units, being set into the bank and the degree of setback within the site there would be no overbearing, overshadowing, loss of light or loss of privacy to Queens Court.

To the rear the units are set approximately 3m above ground, with the rear elevation being set into back from the ground by the sunken rear terrace set within a retaining wall, with the rest of the sloping garden above leading up to the northern section of Bourne Lane. Due to degree of separation and units being set down in the plot there will be no overlooking, loss of privacy to the dwellings to the north. A construction hours condition would be applied to any permission to protect the amenity of the residential properties surrounding the site.



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Due to the sloping nature of the site it is necessary to apply a pre-commencement condition for the submission and approval of levels and finalised site sections to ensure the amenity of the adjoining properties is maintained.

ENVIRONMENTAL

The site lies within 250 meters of a known quarry unknown if filled and as such a landfill informative will be applied to any permission. The proposed dust condition will not be applied.

HIGHWAYS & PROW

The proposed layout includes a parking area to the front of each unit large to accommodate at least two parking spaces per dwelling, sufficient to accord with the adopted parking standards contained within the SDLP. The site is located within settlement within walking distance of bus stops and access to the canal towpath to encourage alternative modes of transport other than the motor vehicle.

The existing access from London Road onto Bourne Lane is inadequate when assessed against current standards. The access serves approximately ten dwelling plus the units contained within Queens Court. The revised submitted transport assessment demonstrates that the number of vehicle trips generated by the proposed four dwellings will not have a serious impact to highway safety.

The details proposed include a suitable access to the proposed development as well as significant improvements to the current A419 junction, improved vertical alignment to Bourne Lane, introduction of a pedestrian footpath and crossing place to reach the southern side of the A419 representing betterment for all residential dwellings served by Bourne Lane, in highway safety terms as well as a footway to the bus stop and crossing point to the A419. The London Road junction visibility splays would be improved by the acquisition of land which has been demonstrated to be in control of the applicant. The proposal is therefore acceptable and does not give rise to a detrimental impact to highway safety. The mentioned highway improvements would be subject to a Section 278 and Section 38 Highway Agreement, however they would be secured by way of condition to ensure the off-site improvements are carried out prior to occupation. The Transport Assessment and drawings contained within will be subject to compliance conditions and will form part of the approved plans.

The proposed works to the access seem to have caused confusion in relation to the current parking provision at Queens Court. The proposal does not reduce the existing parking provision attributed to the units at Queens Court. It is inevitable that the construction phase of development and alterations to the junction and Bourne Lane will cause short term inconvenience. Due to the nature of the works onto an A-road, GCC Highways have suggested a Construction Management condition. This would not usually be deemed necessary for developments of this scale, however in this instance, due to the location and highway safety implications of the works, a construction management condition will be applied to any permission.



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A public right of way runs through the site running west to north. The exact route on the ground is unclear currently, but there is a definitive route mapped. The proposal seeks to formalise the PROW but the route will be need to permanently altered from the definitive mapped route. This proposed route still runs west to north, is proposed to offer better accessibility and legibility, and therefore is considered to be a suitable alternative that would not undermine its public use or disadvantage its users. GCC have not objected to the proposal but offer informatives to make the applicant / developer aware of the requirements upon them in temporarily altering, closing, or permanently altering the route of a PROW which is subject to separate legislation.

The electric vehicle charging point condition will not be applied as this now forms part of the Building Regulations requirements. A condition will be applied to any permission to secure the details and issuing of a sustainable transport welcome pack to new occupiers. This is important to inform occupants of sustainable and alternative methods of travel other than by the motor vehicle.

Stroud District Council is CIL Charging Authority. GCC Highways have sought a contribution via a planning obligation towards improvements to bus stops, including poles flags, timetable cases, carriageway markings and shelter. These could be applied for under CIL and is considered to be overly onerous upon a development of four dwellings which has includes significant highway improvements.

ARBORICULTURE

The site does not fall within the conservation area and is subject to one tree preservation order to the central walnut tree. Trees that are not protected and that do not fall within the conservation do not require permission for works or felling to be undertaken.

The development has been designed in such a way to leave an open space at the centre of the site that encompasses the public right away and ensures the integrity and root protection zones of this protected tree. There are many retained trees proposed. Indicative landscaping has been shown and a landscaping plan, detail and implementation condition can be applied to secure suitable landscaping scheme.

SDC's Tree Officer offers no objection subject to conditions. The proposed pre-commencement onsite meeting with the tree officer is not reasonable or necessary due to the compliance condition for the development to be carried out in accordance with the details as contained within the report.

The pre-commencement condition for service runs method statement to be undertaken by a moling contractor is deemed to be necessary for the proposed drainage strategy and is more than the limitations of the submitted tree survey.

ECOLOGY

The application has been supported by and ecological appraisal and retille survey. There have been comments received in relation to the site being mown prior to the appraisal. The site could be mown at any time. The report confirmed a low population of slow-worms and common lizards are present. In addition, the site provides suitable habitat for nesting birds,



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commuting, and foraging bats and badgers. Subsequently, both reports have included appropriate safeguarding measures that need to be adhered to throughout the construction phase. Furthermore, the reptile report has included appropriate mitigation and compensation proposals to offset the loss of suitable reptile habitat.

The site falls within the 3.3 km core catchment zone of the Rodborough Common SAC therefore, the applicant can either make a one-off S106 contribution per new dwelling to the Stroud District Council's avoidance mitigation strategy; the cost is £200 per new dwelling. Or the applicant can provide their own bespoke strategy to mitigate the identified impacts the proposed development will cause. Bespoke mitigation has not been submitted. A signed and completed unilateral undertaking by the applicant/agent for a mitigation contribution of £800.00 for the four dwellings will be required prior to determination.

The proposed site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods, identified via visitor surveys undertaken by Footprint Ecology and agreed with Natural England. The core catchment zone indicates that any new dwelling or holiday accommodation within the core catchment zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods; at a level considered detrimental to the sites qualifying features. The Cotswold Beechwoods has been designated as a Special Area of Conservation and as such is classed as a European protected site, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is also notified at National level as The Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI). After carrying out a preliminary screening regarding this application, SDC as the competent authority have determined, that there is potential that without appropriate mitigation the proposed new dwellings could result in negative effects to the European site through increased recreational pressure. Therefore, SDC as the competent authority has undertaken an Appropriate Assessment and has identified additional mitigation measures considered necessary to address the uncertainty of the proposal. As a result, a homeowner information pack will need to be created for the new resident(s). This will need to be submitted to and agreed in writing by the Local Planning Authority, it will need to detail the ecological importance of the Cotswold Beechwoods, appropriate code of practice for using the woodlands and alternative local recreational sites A suitably worded condition will be applied to any permission.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Whilst there are some reptile enhancements outlined within the submitted report, to which will be subject to compliance conditions, further enhancements can be made on site, and as such the suggested enhancement condition will be applied to any permission.

The submitted report concluded boundary hedges and tree lines were likely to function as nocturnal ecological corridors for important wildlife, namely, European protected bat species. As a result, lighting should be carefully considered during the construction phase and post-development. If lighting must be used at night, it should not be allowed to spill over habitats beyond the site boundaries and it should only be used when necessary. A lighting condition will therefore be applied to any condition.



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A landscape and ecological management plan condition will be applied to any permission to be provided and approved prior to occupation to ensure appropriate management of the site not only for ecological purposes but also to maintain the communal areas of the site.

The application has demonstrated that subject to conditions that the development will not have a detrimental impact to the biodiversity of the site.

HERITAGE ASSETS

The application site is located in close proximity to the Industrial Heritage Conservation Area (IHCA); special attention must therefore be paid to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Whilst the development would not impact the conservation area directly, it would be visible in many long- and short-range views from and across the conservation area.

The proposed dwellings would be appropriate in design and siting, though attention will have to be paid to the levels to ensure that they would not be overly dominant in the landscape, to which a can be controlled by a suitably worded levels condition.

Due to the site's location and therefore degree of separation from the IHCA in conjunction with the proposed form of the proposal there is no harm caused to the setting of the IHCA and as such no objection was raised by the Conservation Team.

FLOOD RISK

The site is within Flood Zone 1, however Flood Zone 2 and 3 are South on London Road. Due to the large fall across the site and the presence of clays and sandstone, it is unlikely that soakaways would be viable to use on the site. There are no surface water sewers or existing watercourses to connect to and therefore a combined connection into the foul water sewer is shown. The indicated flow has been restricted down each plot to 1.0l/s for a total discharge rate of 4.0l/s into the foul water sewer. Any connection would be subject to Severn Trent approval.

Severn Trent have been consulted on the application and comment in no objection and do not require any conditions. This is not acceptance to the drainage proposals which will be subject to approval outside of the planning process. They also advise that there may be a public sewer located within the application site and therefore to which can give rise to build out and connection issues. As such relevant informatives will be applied to any permission.

SDC's Water Resource Engineer comments in no objection following Severn Trent's comments.

OBLIGATIONS

The site is not within a designated rural area or within the AONB and therefore does not trigger any contributions as outlined with the Planning Obligations SPD (2017).



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Stroud District Council is a Community Infrastructure Levy (CIL) Charging Authority. An additional questions form has been submitted as part of the planning application.

PLANNING BALANCE

The site falls within the defined settlement development limits where there is a presumption in favour of sustainable development. The site is an open parcel of land that has had historic use as play area and represents a green open space. The site is not designated or protected as a play area or green space in policy and was highlighted as a poor area of green infrastructure and accessibility.

The proposal before officers is for four dwellings with associated access within defined settlements limits which affords significant weight. Due to the open space being of poor quality and not designated it is not considered to be an important space to the character of the settlement and therefore its partial loss is given minimal weight.

The proposed layout offers a good balance between built form and green space with a sense of openness in combination with the proposed built form and ecological mitigation, the development gives rise to a neutral impact in ecological and landscape terms.

The application mitigates against ecological harm and will secure enhancements whilst offering a density of development that maintains a good provision of green infrastructure and its improved accessibility, whilst due to the proposed layout, design and form of development it does not give rise to detrimental impacts to landscape or residential amenity, therefore gaining neutral weight.

There is a desire for the site to be designated a Local Green Space and has been put forward as such in the emerging Brimscombe and Thrupp Neighbourhood Development Plan. At the current stage of the emerging plan this carried minimal weight.

The provision of improved accessibility and highway safety due to the works proposed and secured by condition offers public benefit is given positive weight.

Overall the benefits of the proposal outweigh the harm.

RECOMMENDATION

The application is considered to comply with the relevant policies and is therefore recommended for permission, subject to conditions.

HUMAN RIGHTS

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



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Subject to the following conditions:

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

Site Location Plan, Drawing 1570P/301D
Proposed Site Plan, Drawing 1570P/300E
Unit 1 Floorplans, Drawing 1570P/302
Unit 1 North and South Elevations, Drawing 1570P/303
Unit 1 West and East Elevations, Drawing 1570P/304
Unit 2 Floorplans, Drawing 1570P/305
Unit 2 North and South Elevations, Drawing 1570P/306
Unit 2 West and East Elevations, Drawing 1570P/307
Unit 3 Floorplans, Drawing 1570P/308
Unit 3 North and South Elevations, Drawing 1570P/309
Unit 3 West and East Elevations, Drawing 1570P/310
Unit 4 Floorplans, Drawing 1570P/311
Unit 4 North and South Elevations, Drawing 1570P/312
Unit 4 West and East Elevations, Drawing 1570P/313
Proposed Street Scene, Drawing 1570P/314
Transport Assessment by Helix Transport Consultants Limited Document 2112REP01
Reptile Survey by All Ecology Project Number 18123
Ecological Appraisal by All Ecology Project Number 18123
Arboriculture survey, impact assessment, and tree protection plan by Matt Reid: MHP 21046 V2.

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 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 residential amenity.

4. Prior to the commencement of the development hereby permitted details of a construction management plan shall be submitted to



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and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan 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);
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;
methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: This is required as a pre-commencement condition in the interests of safe operation of the adopted highway during the construction phase of the development.

5. Prior to the first occupation of any dwelling forming part of the development hereby permitted the access including visibility splays and highway improvements, parking and turning facilities shall have been provided as shown on the approved drawings and contained within the approved Transport Assessment and be maintained as such for the lifetime of the development.

Reason: To ensure conformity with submitted details and means of safe access prior to occupation.

6. Prior to the first occupation of any dwelling forming part of the development hereby permitted the details of a residential welcome pack promoting sustainable forms of access to the development shall have been submitted to and approved in writing by the Local Planning Authority. 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.

7. Prior to the occupation of the development hereby approved details of the Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following details:



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A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.

Reason: The above strategy will ensure that the development does not significantly affect the Cotswold Beechwood's Special Area of Conservation, this enables Stroud District Council as the competent authority to discharge its Statutory duty in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

8. All works shall be carried out in full accordance with the recommendations contained in the Ecological Appraisal and Reptile Survey, All Ecology, dated February 2020 and June 2020 respectively, already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 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 2006.

9. Prior to occupation of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, hedgehog friendly fencing, wildflower planting and native hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

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 2006.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the development. The content of the LEMP shall include the following:



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

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

Reason: To protect and enhance the site for biodiversity in accordance with 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 2006.

11. Prior to the installation of external lighting for construction purposes or attached to the approved dwelling hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

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

Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.



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12. The development hereby approved shall be carried out in strict compliance with the submitted and approved arboriculture survey, impact assessment, and tree protection plan produced by Matt Reid: MHP 21046 V2. The fencing must be fully compliant with figure: 2 contained within BS5837: 2012 Trees in relation to design, demolition, and construction and shall be erected prior to any construction works and remain in situ until the development is complete.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d).

13. All service runs that are to be sited within the root protection areas (RPAs) of the retained trees must be undertaken by a moling contractor. A method statement must be submitted to the local planning authority prior to the work commencing and the works need to be carried out in strict accordance with the approved method statement.

Reason: This needs to be a pre-commencement condition to ensure the preservation of trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d).

14. Prior to the construction of the external surfaces of the development hereby approved, samples / specification of the materials (natural stone, timber cladding, roofing and retaining structure surfacing) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include all boundary treatment and drive/ parking area material details. The development shall then be carried out in strict accordance with the approved materials.

Reason: In the interests of the visual appearance of the area in accordance with policy HC1 and ES7 of the 2015 Local Plan.

15. Prior to implementation of any landscaping indicated on the approved site plan, a landscape plan along with specific details of the species, quantity and size of specimens shall be submitted to the local planning authority and approved in writing. These details shall include the details of boundary planting details. The development shall be carried out in accordance with the approved



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details. All planting, seeding or turfing approved shall be carried out in the first complete planting and seeding seasons following the completion of the development to which it relates. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A-H inclusive of Part 1 of Schedule 2 (includes extensions and outbuildings), and within Class A of Part 2 of Schedule 2 shall take place.

Reason:

In the interests of the surrounding landscape and to comply with Policies HC5 and ES7 of the adopted Stroud District Local Plan, November 2015.

17. Notwithstanding the submitted details, no development shall take place until details of the existing and proposed ground levels including submission of site sections which include the public right of way, relative to a datum point which is to remain undisturbed during the development have been submitted to and approved by the Local Planning Authority. The development shall thereafter be constructed in accordance with these approved details.

Reason: Ground level and site section details must be agreed prior to commencement of development and any works take place in order to avoid a situation where unacceptable ground level alterations cannot be undone without significant reconstruction work and to ensure a satisfactory appearance of the development.

Informatives:

1. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated on elements of the scheme to allow for a positive recommendation.
2. 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



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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.

3. The application site is within 250 metres of a suspected landfill site, the applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice, regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health Section will make available to you, free of charge, any information or data which it has in relation to the land to which the application applies.
4. The development hereby permitted 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.

5. The development hereby permitted includes the construction of new highway visibility splays. To be considered for adoption and ongoing maintenance at the public expense the splays must be provided to the Highway Authority's standards. You are advised that you must enter into a highway agreement under Section 38 of



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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.

6. All new streets should be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

7. There is a Public Right of Way running through the site. The developer will be required to contact the PROW team to arrange for an official diversion if necessary. 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 vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion.



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8. Drainage arrangements shall be provided to ensure that surface water from the site 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.

9. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.