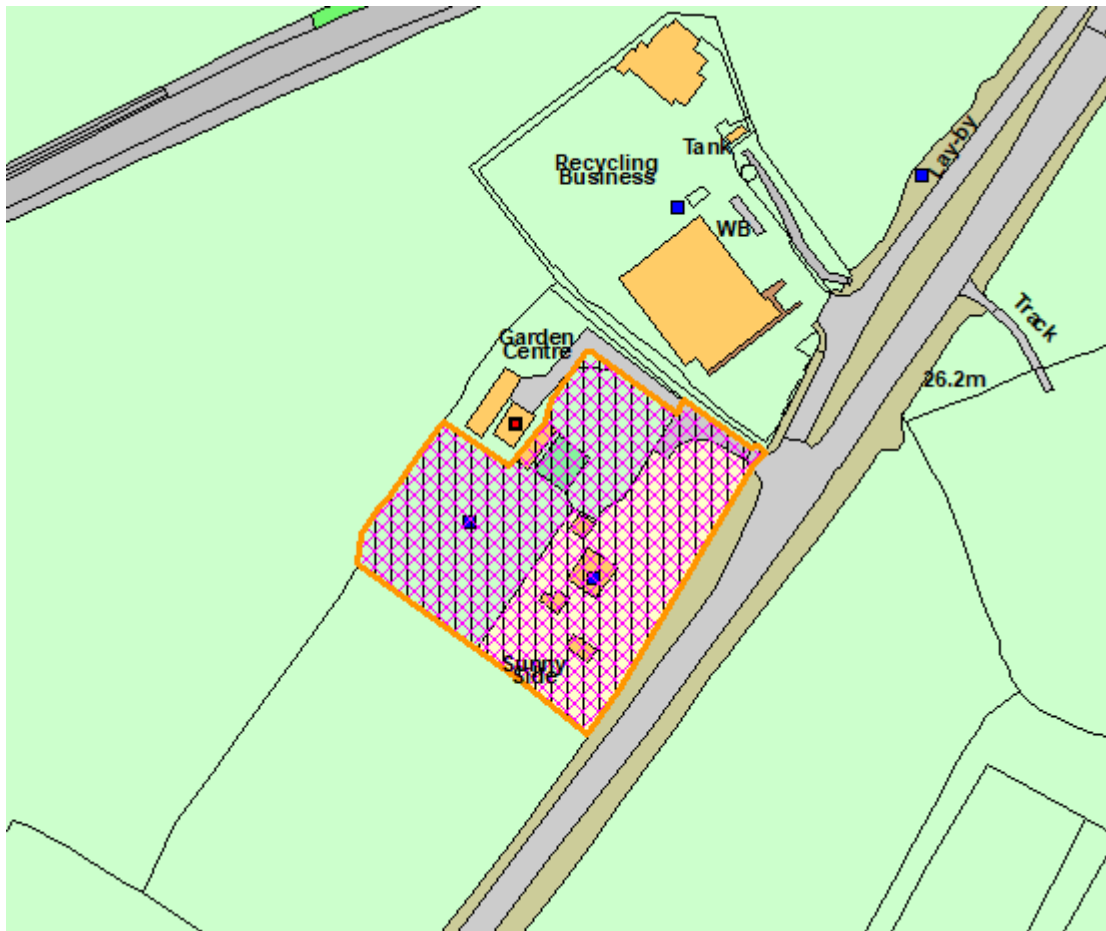




Development Control Committee Schedule 15/06/2021

Item No: 01	
Application No.	S.20/2148/OUT
Site Address	Sunnyside Nurseries, Cam, Dursley, Gloucestershire
Town/Parish	Slimbridge Parish Council
Grid Reference	373566,201702
Application Type	Outline Planning Application
Proposal	Redevelopment of the site for an industrial use (Use Class B2/B8) and retail use (Use Class A1) including the change of use of an existing dwelling house to office use (B1) with associated works, infrastructure and the creation of a new highway access onto the A38 with all matters relating to appearance and landscaping reserved
Recommendation	Refusal
Call in Request	Requested by Head of Development Management





Development Control Committee Schedule 15/06/2021

Applicant's Details	Mr & Mrs M McNally Sunnyside, Cam, Dursley, Gloucestershire, GL11 5JA
Agent's Details	Stuart Leaver Powells Rural
Case Officer	Amy Robertson
Application Validated	09.10.2020
	CONSULTEES
Comments Received	Slimbridge Parish Council Contaminated Land Officer (E) Biodiversity Officer Development Coordination (E) Environmental Health (E) Flood Resilience Land Drainage
Constraints	Consult area Slimbridge Parish Council SAC SPA 7700m buffer Village Design Statement
	OFFICER'S REPORT

MAIN ISSUES

- * Principle of development
- * Highways
- * Residential amenity
- * Landscape impact and ecology
- * Flood risk
- * Archaeology and Heritage Assets

DESCRIPTION OF SITE

The application site relates to Sunnyside Garden Centre, a recently closed business site on the A38.

The site is covered with a mixture of hard standing and a range of buildings associated with the last use of the site as a garden centre. Access to the site is from a lay by off the A38 which serves the application site and residential property (Sunnyside), as well as the waste transfer centre next door.

The site is well screened from the road by mature vegetation that conceals the site in its majority whilst travelling along the A38.

PROPOSAL

Redevelopment of the site for an industrial use (Use Class B2/B8) and retail use (Use Class A1) including the change of use of an existing dwelling house to office use (B1) with associated works, infrastructure and the creation of a new highway access onto the A38 with all matters relating to appearance and landscaping reserved.



Development Control Committee Schedule 15/06/2021

REPRESENTATIONS

Statutory Consultees

Slimbridge Parish Council - Object in relation to highway safety.

GCC as LLFA - No objection.

GCC Highways - recommend refusal (see highway section below).

Senior Contaminated Land Officer - No comments on application.

EHO - No objections subject to standard conditions.

Senior Biodiversity Officer - Acceptable subject to conditions.

Public

At time of writing, one letter of representation was made, objecting to the scheme. The issues raised covered:

- * Potential noise concerns
- * Industrial use in this area not appropriate
- * Light pollution concerns
- * Highway safety concerns

RELEVANT PLANNING POLICY GUIDANCE

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions. The NPPF was revised in July 2018.

Full details of the NPPF is available to view at

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

For the full content of the Stroud District Local Plan policies above together with the preamble text and associated supplementary planning documents are available to view on the Councils website at:

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

Local Plan policies considered for this proposal include:

CP1 - Presumption in favour of sustainable development.

CP13 - demand management and sustainable travel measures

CP15 - A quality living and working countryside

EI3 - Small employment sites (outside identified employment areas)

EI4 - Development on existing employment sites in the countryside

ES1 - Sustainable construction and design.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.



Development Control Committee Schedule 15/06/2021

PRINCIPLE OF DEVELOPMENT

The National Policy Framework (NPPF) sets out the Government's overarching planning policies for England. Paragraph 11 states that 'Planning law requires that applications for planning permission must be approved in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 continues that 'proposed development that accords with an up to date local plan should be approved and proposed development that conflicts should be refused...'

As a procedural note, the application was submitted in October 2020. In September 2020 there was an amendment to use classes within England, meaning traditional retail uses A1/2/3 and Office B1 uses should be treated as Class E. The application forms submitted as part of this application refer to the 'old' A1 and B1 use classes.

The application proposes the re-development of the former Sunnyside Nursery into a mixed B2/B8/B1 complex. The majority of the application site is to be assessed against policy EI4 of the Local Plan as it is considered existing employment land in policy terms. Policy EI4 allows for the extension to buildings, erection of new buildings, and the infilling in-between existing employment buildings on employment sites within the countryside providing they adhere to certain criteria.

The proposed development proposes new employment units within the existing parameters of the garden centre and is to this regard, acceptable in principle terms.

Notwithstanding this, a small parcel of land to the South of the site would not fall under policy EI4, as it is not within the existing boundary of the nursery site, and cannot therefore be considered policy compliant.

This small section of land is to be the location of a proposed attenuation pond, with no industrial or built development located on it. Although this element would not technically comply with the policy and would thus constitute development in the open countryside, the LPA consider there to be a limited negative impact as a result of such. The land to which the attenuation pond is to be located is read as part of the site when assessing the application site as a whole, and sits within the clear parameters associated with the existing garden centre via mature hedgerow boundary treatments.

In policy terms, retail uses (former A1 classes) should be targeted towards town centre locations and not countryside ones as per the application as submitted. However, the last known use of the site was as a garden centre with a residential property. Although the garden centre use has not been formally ratified by way of any applications or decisions, it has been established for some time and we have no evidence before us to conclude this is not a lawful use. Given this history of a retail use and that the inclusion of a proposed retail element of the development is only an ancillary part of the scheme it is considered this does not undermine the retail hierarchy with the Local Plan (CP12).

On balanced assessment, the principle of development for B2/B8/A1 is considered acceptable.



Development Control Committee Schedule 15/06/2021

HIGHWAYS

Ensuring safe and accessible highways for all users is a key planning consideration that falls under both local policy CP13 and the policies contained within the National Planning Policy Framework (paras 102 and 108-111). As such, it is imperative that any proposal for planning permission be adequately assessed in terms of its projected impact upon the existing highway networks.

The application seeks to construct a new access onto the site from the southern boundary. The existing access will remain in use, but only for the use of the Colts Communication site which lies to the rear of the application site. All traffic associated with the proposed development will be via new access.

The new access is proposed as a priority junction with right turn lane facility. A total of 60 vehicular spaces are proposed within the site.

As with all application for major developments, Gloucestershire County Council Highways department were consulted and provided their formal response. A copy of the formal response is available to view in full on the website.

GCC Highways have recommended refusal of the application on highway safety grounds, and the non-compliance with the policies contained within the NPPF and the Stroud District Local Plan.

The proposed access does not comply with regulations in terms of entry tapers and visibility splays. As the site is to be accessed and egressed onto a fast flowing and busy highway where documented traffic speeds indicate that 85%ile speeds are in excess of the prescribed limits, a non-compliant site in terms of highway design and the intensification of the site as a result of this proposal would undoubtedly increase the potential for significant highway incident.

The Highways department have also passed comment on omission of electronic vehicle charging spaces from the site. According to Manual for streets, 5% of total parking spaces should be initially provided for electric vehicle charge point and a further 5% of the total parking spaces at an agreed trigger but no later than 3 years from the first opening. The application provides no electric charging capacity and therefore is contrary to Gloucestershire Manual for Streets and the policies promoting sustainable transport options within the NPPF.

In terms of the location and proposed use of the site, the highways department have considered that whilst the site is located next to an established group of industrial complexes, it has very little local services to support the users of the development - particularly those in association with A1 and B1 use classes. Whilst it is indeed noted that there are limited bus services available nearby and therefore it will be inevitable that the development would be reliant on car journeys, the site has an existing A1 (and C3) use class. It is nonetheless acknowledged that an intensification of the site in terms of potential visitors will exacerbate potential problems associated with the proposed substandard access.



Development Control Committee Schedule 15/06/2021

Finally, the application put forward a request for the Highways Department to put in place a new Traffic Regulation Order (TRO) for 50mph speeds around the site. The Highways Authority are not in support of this request and have suggested that the TRO may not be accepted by statutory authorities, and therefore the development would be unable to proceed to construction (should permission be granted).

Although some correspondence between the agent for the application, highways contractor and the Highways Authority has occurred throughout the course of the application, no plans have been provided or submitted to rectify this highway objection and so the recommendation for refusal stands.

RESIDENTIAL AMENITY

The application site seeks to remove the part residential use from the site in favour of a mixed industrial/retail scheme. There are no immediate residential neighbours to the site and as such, there is considered to be no detrimental impact on any neighbouring properties as a result of the proposed development.

LANDSCAPE IMPACT AND ECOLOGY

The application site does not lie within any significant landscape or environmental constraints in policy terms. The site is however located within a countryside location and is bordered by mature vegetation.

The Councils biodiversity team were consulted on the application and provided a positive response. In assessing the submitted preliminary ecological assessment, the Biodiversity team are of the considered opinion that the existing buildings to be removed provide negligible potential to support roosting bats. It is also considered that the site as a whole provides limited potential to support protected species other than nesting birds within tree and tall herb habitats which are the areas to be retained.

As the NPPF requires all new development to see overall net biodiversity gain, a suite of standard ecological enhancement conditions have been proposed and are recommended should permission be granted.

FLOOD RISK

The application is accompanied by a flood risk assessment. The site lies within the environment agency flood zone 1-the lowest risk of flooding having an annual probability of less than 1 in 1000 years.

A sustainable urban drainage system (SUDS), is proposed to deal with the surface water run off on the site. All hardstanding areas will be constructed from porous paving with slot drains to help drain storm water. A wall mounted rainwater harvesting tank will be provided on each building to encourage the re-use of rainwater.

Remaining surface water is to be directed into an attenuation pond that has been calculated to a 1 in 100 years plus 40% climate change event capacity.



Development Control Committee Schedule 15/06/2021

The Lead Local Flood Authority have reviewed the application and the accompanied documentation and have provided no objection to the scheme.

ARCHAEOLOGICAL AND HERITAGE ASSETS

The application site does not lie within any conservation area, nor is located in close proximity to any listed building. The LPA is satisfied that there will be no significant negative impact on any archaeological or heritage assets as a result of this application.

CONCLUSION

The principle for development of this application is accepted by the LPA. However, the application put forward fails to provide a safe and suitable development that meets highway safety standards in compliance with paragraphs 102, 108-111 of the NPPF and policy CP13 of the Stroud District Council Local Plan.

As its role as statutory consultee, the Highway Authority have undertaken a full assessment of the merits of the application. When assessed against Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the application fails to comply with the required standard and as such, is recommended refusal.

RECOMMENDATION

The application is recommended for REFUSAL.

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.

For the following reasons:

1. The proposed application is not compliant with the Design Manual for Roads and Bridges (DMRB) CD123. As such, the scheme proposed fails to provide a safe and suitable means of access for vehicle users which would cause a significant and detrimental impact on highway safety. The proposal is therefore not in accordance with Policies CP13 and EI4 (5) of the Stroud District Council Local Plan (2015), nor paragraphs 102 and 108-111 of the National Planning Policy Framework.