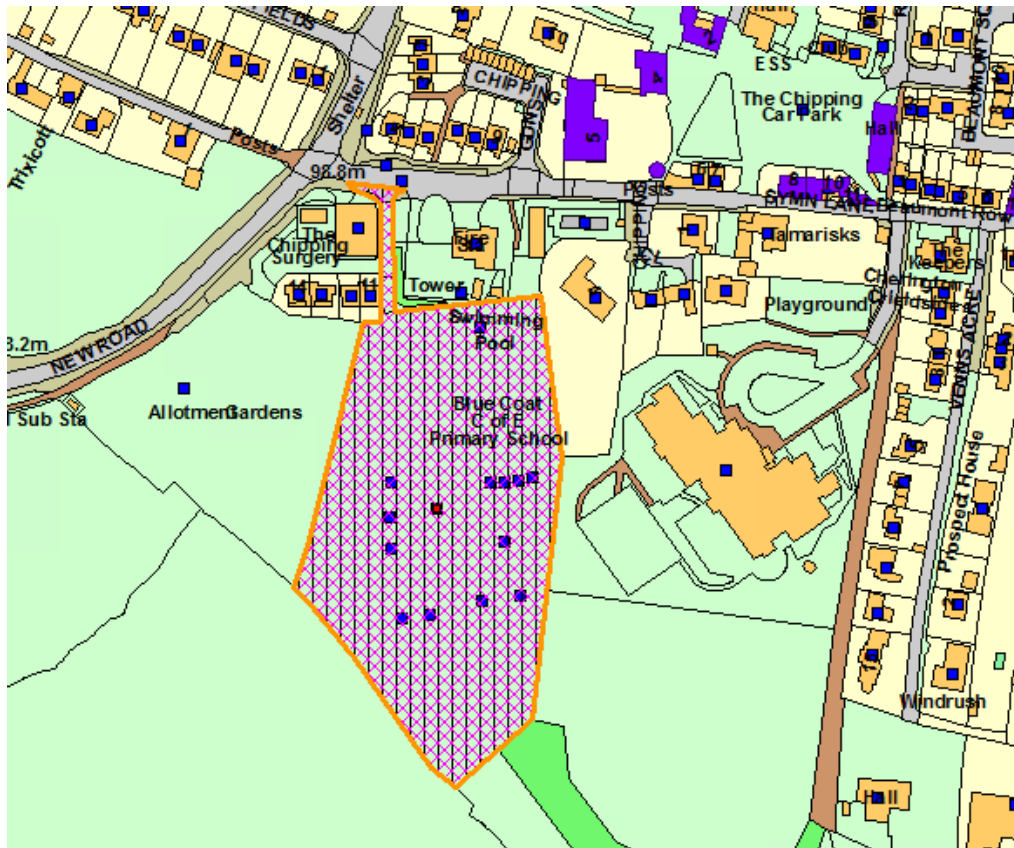




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Item No:	01
Application No.	S.23/0525/VAR
Site Address	Land South Of, Symn Lane, Wotton-Under-Edge, Gloucestershire
Town/Parish	Wotton Under Edge Town Council
Grid Reference	375482,192983
Application Type	Variation of Condition
Proposal	Variation of condition 2 (approved plans) & 4 (landscaping) from S.19/1722/VAR to provide additional landscaping in lieu of parking
Recommendation	Resolve to Grant Permission
Call in Request	Head of Development Management





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Applicant's Details	GHR Developments Ltd C/o Agent
Agent's Details	Mr J Ayoubkhani Highlight Planning, Office 33, 14 Neptune Court, Vanguard Way, Cardiff CF24 5PJ
Case Officer	John Chaplin
Application Validated	22.03.2023
	CONSULTEES
Comments Received	Wotton Under Edge Town Council Development Coordination (E)
Constraints	Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Berkeley Safeguard Area Consult area Neighbourhood Plan Wotton under Edge Town Council Settlement Boundaries (LP) Single Tree Preservation Order Points Single Tree Preservation Order Points Single Tree Preservation Order Points Village Design Statement
	OFFICER'S REPORT

MAIN ISSUES

- o Principle of development
- o Planning considerations

DESCRIPTION OF SITE

The application site is located on the edge of Wotton adjacent to the allotments, doctors surgery, the fire station and the Blue Coats School.

Work has progressed on the approved car park scheme and associated housing with the new access road provided between the doctors and the fire station.

On the site to the rear of the Fire station training tower is located a mature horse chestnut tree. This is protected by a Tree Preservation Order.

The site is located outside the defined settlement of the town but is within the Cotswold Area of Outstanding Natural Beauty.

PROPOSAL

This proposal seeks to vary the approved scheme S.19/1722/VAR (a variation of the original S.17/2307/FUL). The proposal removed a bay of parking spaces adjacent to the access road and replaces it with fence and landscaping/planting.



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REVISED DETAILS

Revised Landscape plan submitted adding hedge and fence - received 24/05/2023.

REPRESENTATIONS

Statutory Consultees:

Wotton under Edge Town Council: Wotton-under-Edge Town Council wishes to support this application on the understanding that the developer agrees to install additional parking spaces within the main parking area if suitable locations can be found.

GCC Highways: have raised no objection.

Public:

3 Support comments have been received.

Need for as much parking as possible in town to support town centre

Having landscaping instead would soften appearance and reduce overlooking.

Reduces the impact on nearby neighbours.

The planting of additional trees can only be a good thing to combat climate change.

8 Objection comments received.

This is a breach of contract with the residents and tradespeople of Wotton to allow the developer to provide (perhaps cheaper) landscaping rather than the promised car parks.

Erodes the benefits. Can't see the justification.

Spaces were in the original plan.

Concern about loss of spaces nearest to doctor's surgery.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

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 growth and development locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making.

CP5 - Environmental development principles for strategic growth.

CP6 - Infrastructure and developer contributions.

CP7 - Lifetime communities.

CP8 - New housing development.

CP9 - Affordable housing.

CP12 - Town centres and retailing.



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CP13 - Demand management and sustainable travel measures.

CP14 - High quality sustainable development.

CP15 - A quality living and working countryside.

EI12 - Promoting transport choice and accessibility.

ES1 - Sustainable construction and design.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES5 - Air quality.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.

The proposal should also be considered against the guidance laid out in SPG Residential Design Guide (2000), SPG Stroud District Landscape Assessment, SPD Planning Obligations (2017).

Cotswolds AONB Management Plan 2013-2018.

PRINCIPLE OF DEVELOPMENT

The principle element of this development relates to the provision of a town car park. Parking to support the town has been an issue in Wotton for many years and following extensive work, various working groups, Town Council reviews and various Wotton Community Plans this scheme sought to address the shortage of parking to help support town centre activities.

The provision of additional parking within the town would potentially provide some longer stay facilities allowing short stay closer to the town centre, allowing greater 'churn' of visitor/shoppers rather than single use. Coach parking was also another benefit to make it easier for visitor trips to support local businesses in the town with visitor numbers.

The Development Control Committee (DCC) assessed the merits of providing a public car park with the enabling housing back in 2018 and granted permission. This was difficult and challenging with differing opinions about the merits of the scheme and balancing these against the impacts. However, Members at the time considered the public benefits of providing the car park along with the 3 affordable housing units created a positive planning balance and approved the scheme.

Therefore, the principle of development has already been established by the previous original permission.

This variation seeks to remove a section of parking from the approved scheme. This would result in a loss of about 12 car parking spaces from the original scheme that sought to provide 80 car spaces and 2 coach spaces. The scheme has planning permission and with work commenced on site the permission has been implemented. Therefore, the overall principle of whether a car park should have been approved is not open for debate during this application as the applicant can rely on the fallback position of the existing permission.



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This application seeks to vary what has approval and therefore does require an assessment of the merits and harms to come to a planning balance. Are the merits of the reduced scheme still sufficient to provide a positive planning balance?

The affected spaces were originally added in this location to reduce pressure on the horse chestnut tree within the site and avoid parking within the root protection zone and under the branches whilst still providing the maximum amount of parking. The Town Council have supported this variation but suggested that the developer installs spaces elsewhere in the main car park. This is noted and further discussions have taken place to see if it is possible to reduce the space around the tree but even with alternative methods like no dig and geotextiles the LPA's specialist advice has been that it is not possible.

As work has progressed concerns have also been raised by the adjacent neighbours about overlooking from the scheme. The section of parking proposed to be removed would extend out further than the pavement and would provide a greater opportunity for views towards the nearby neighbours. The removal of these spaces therefore does enable this element to be reduced. The additional hedge planting and fence line would also provide a boundary and discourage people from entering this area.

The removal of these few spaces and the required supporting structures will be replaced by the sloping bank and meadow grassed area with a hedge and fence line along the pavement edge. Whilst it does reduce the number of spaces it does provide a softer edge to this part of the development. It is therefore considered that this would be an improvement in visual terms compared to the potential parked cars on this edge of the site.

The Town Council have raised concerns about the stability of the bank. Whilst this remains the responsibility of the developer and landowners, the agent has submitted a Slope stability design check for the geogrid system used on the slope to provide stability and structure to the soil and grass landscaping. The removal of these parking bays also removes the maintenance risk of the bank and retaining section from the car park which the Town Council is currently progressing to take on.

CONCLUSION AND PLANNING BALANCE

Whilst the reduction in parking capacity is a shame the variation does allow for other improvements to the scheme to reduce the impacts that this section of the development may have.

The removal of the parking bay and required retaining structure and replacing it with landscaping provides a soft edge and when compared to a row of park cars, provides a visual improvement to this section of the site when viewed from the wider area, above the allotments and also from the nearby residential properties.

The provision of three affordable houses is still part of the scheme. These dwellings have been constructed and the developer is at an advanced stage of negotiations with a registered provider to take them on. This benefit to the scheme is unaffected by this proposed variation and therefore remains a benefit within the planning balance.



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The reduction in the number of parking spaces does reduce the overall benefit of the scheme. However, the improvement of this section of the scheme helps mitigate the impact of the proposal particularly on nearby residents and views towards this element.

Whilst the development is visible it is considered that the proposal will provide a significant community benefit in helping to support the town centre which outweighs the limited mitigated local harm to the wider landscape character and this part of the AONB.

The scheme still provides a town car park, including coach parking within the main area of the car park to meet the overall objective and still provides a significant public benefit to the local community. The scheme still provides a mix of housing including affordable houses on site.

Therefore, given the current stage of the development it is considered that the specific circumstances of the proposal and the merits to the town can still be afforded significant weight as material considerations to justify a positive planning balance which outweigh the landscape impact.

RECOMMENDATION

Therefore, it is recommended that committee **resolve to grant** Planning Permission subject to the planning conditions as set out in this report and the applicant first voluntarily entering into appropriate legal agreements.

OBLIGATIONS

The existing requirements with the S106 the provision of the affordable housing and the management and trigger for the provision of car park and open spaces can still be controlled via a updated legal agreement/deed of variation and the 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 carried out in all respects in strict accordance with the approved plans listed below:

Site Location Plan of 10/10/2017 (S.17/2307/FUL)

Revised Site Plan of 12/08/2019 (S.19/1722/VAR)
Plan number = 7734/1 F

Proposed Elevation drawings of 10/10/2017 (S.17/2307/FUL)
Plan number = House type A 7734/10
Plan number = House type B 7734/3
Plan number = House type C 7734/4
Plan number = House type C1 7734/5
Plan number = House type D 7734/6

Proposed Section drawings of 10/10/2017 (S.17/2307/FUL)
Plan number = 7734/9

Proposed Elevation drawings of 22/06/2018 (S.17/2307/FUL)
Plan number = 7734/11

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

2. The materials to be used in the development shall be in accordance with the details approved by application S.19/1664/DISCON and retained in perpetuity unless otherwise approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure the satisfactory appearance of the development, in accordance with Policies CP14 and HC1 of the adopted Stroud District Local Plan, November 2015.

3. The development hereby permitted shall be undertaken in strict compliance with the revised scheme of soft landscaping Drg No. 18097.101 Rev E revised marked up version received on 24/05/2023.

Reason: In the interests of the visual amenities of the area in accordance with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015.

4. The approved landscaping scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the



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development whichever is the sooner. All planting shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless otherwise approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015.

5. No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) provided have first been submitted to and approved by the Local Planning Authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation and have regard for the ecological implementations.

Reason: In the interests of the amenities of local residents and the surrounding area and to minimise light pollution and adverse ecological effects in accordance with Policies CP14, ES3 and ES4 of the adopted Stroud District Local Plan, November 2015.

6. The Construction Method Statement approved by application S.19/1664/DISCON shall be adhered to throughout the construction period.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, and reduce the potential impact on the public highway in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

7. The streets shall be maintained in accordance with the management and maintenance details approved by application S.19/1664/DISCON until such time as the road has been adopted by the local highway authority.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the National Planning Policy Framework and Policies CP13 and CP14 of the adopted Stroud District Local Plan, November 2015.



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8. The cycle storage facilities approved by application S.22/1158/DISCON shall be provided prior to first occupation of the dwelling to which each facility serves and shall be maintained thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the National Planning Policy Framework and Policies CP13, ES3 and EI12 of the adopted Stroud District Local Plan, November 2015.

9. The publicly accessible cycle parking located within the car park with a minimum of 2 cycle stands shall be provided in accordance with the details approved by application S.19/1664/DISCON or an alternative scheme that has been submitted to and approved by the Local Planning Authority, upon first opening of the car park for public use.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Paragraph 35 of the National Planning Policy Framework and Policies CP13, CP14, ES3 and EI12 of the adopted Stroud District Local Plan, November 2015.

10. The dwellings hereby permitted shall not be occupied until the vehicular parking including any garages, turning facilities and the public car park have been provided in accordance with the submitted Revised Site Plan drg no. 7734/1 D received on 31 May 2018, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the Paragraph 35 of the National Planning Policy Framework and Policies CP13, ES3 and EI12 of the adopted Stroud District Local Plan, November 2015.

11. Prior to works commencing on the public car park, details of electric vehicle charging points and maintenance schedule shall be submitted to and approved by the Local Planning Authority. The approved electric charging points shall then be provided in accordance with the approved plan and made available upon the opening of the car park for public use and maintained available thereafter.



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Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Paragraph 35 of the National Planning Policy Framework and Policy CP14 of the adopted Stroud District Local Plan, November 2015.

12. The preferred pedestrian route signage shall be provided in accordance with the signage scheme approved by application S.22/1364/DISCON prior to the occupation of the 7th residential dwelling or the opening of the car park to public use, whichever is sooner.

Reason: To ensure priority is given to pedestrian and cycle movements in accordance with section 4 of the National Planning Policy Framework and Policies CP13, CP14, ES3 and E112 of the adopted Stroud District Local Plan, November 2015.

13. Prior to the opening of the car park to public use, a scheme for the hours of opening shall first be submitted to and approved by the Local Planning Authority. This shall include the hours of opening and details of the control mechanism. The car park shall then be operated in accordance with the approved details thereafter unless an alternative scheme has been approved by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living nearby in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

14. The development hereby approved shall adhere to and be carried out in strict accordance with the approved Ecological Appraisal, by AD Ecology, dated June 2016 and the Reptile Survey, by AD Ecology, dated July 2017.

Reason: To ensure the protection of biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and NERC Act 2006.

15. The ecological mitigation and enhancements contained with the ecological design strategy (EDS) approved by application S.19/1664/DISCON shall be implemented and maintained in accordance with approved details.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy



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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.

16. The scheme for the surface water drainage (SUDS) shall be carried out in accordance with the drainage plan SYMN/ICS/01/XX/DR/C/040/Rev T3 (which includes exceedance flows) and SYMN/ICS/01/XX/DR/C/045/Rev P2 before the development is first occupied and retained for the duration of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and minimise the risk of pollution in accordance with Policies CP14, ES3 and ES4 of the adopted Stroud District Local Plan, November 2015.

Informatives:

1. Article 35 Statement In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework in this regard.
2. This application is subject to a legal agreement and the applicant's attention is drawn to the requirements and obligations contained there in and the need to ensure compliance as the development progresses.