

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 05 December 2017 16:38  
**To:** WEB\_Local Plan  
**Cc:** [REDACTED]  
**Subject:** Representations to the Stroud District Local Plan Issues and Options consultation  
**Attachments:** Dudbridge Local Plan Review Reps 5.12.17 FINAL.PDF; Planning Statement 01-09-17.pdf

Dear Sir/Madam,

With reference to the above, please find attached on behalf of our client, Avocet Industrial Estates LLP, the following:

1. Consultation Response Form duly completed; and
2. A copy of the Planning Statement for application S.17/1987/OUT as referred to in the representations.

I would be grateful if you could please acknowledge receipt of this email and keep me updated with the preparation of the Local Plan Review.

Regards,

[REDACTED]  
Principal Planner

**Pegasus Group**

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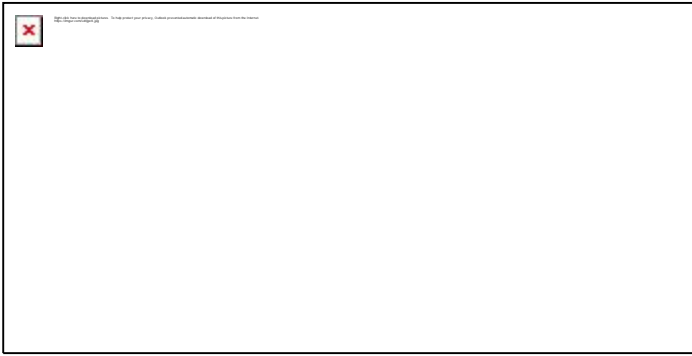
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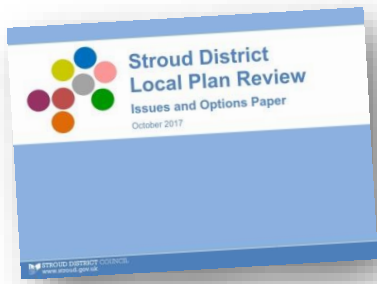


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Stroud District Council is starting the process of reviewing the current Local Plan. This consultation is seeking views about the range of issues that the next Local Plan will need to tackle, and options for addressing them. This includes the identification of potential areas for growth and development. We ask a series of questions throughout the consultation document (each of which is numbered). Please refer to the question number and/or topic in your response, where relevant.

You can download a PDF or an editable electronic copy of this form from our website [www.stroud.gov.uk/localplanreview](http://www.stroud.gov.uk/localplanreview). You will also find the main consultation document on this web page, as well as some supporting material and further reading. **Please note: there is a separate form for you to fill out if your comment relates specifically to a site submission / proposed alternative site (Local Plan Review: Call for Sites).**

The consultation closes on Tuesday 5<sup>th</sup> December 2017. Please email completed electronic responses to [local.plan@stroud.gov.uk](mailto:local.plan@stroud.gov.uk) or post paper copies to **Local Plan Review, The Planning Strategy Team, Stroud District Council, Ebley Mill, Westward Road, Stroud, GL5 4UB**. Should you have any queries, the Planning Strategy Team can be contacted on 01453 754143.

## Consultation response form PART A

### Your details

Thank you for taking part. Please fill out your personal information in PART A. Your contact details will not be made public and won't be used for any purpose other than this consultation. We will not accept anonymous responses. Your comments may be summarised when we report the findings of this consultation.

#### Your name

(title): <input type="text"/>	name: <input type="text"/>
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#### Your company name or organisation (if applicable)

#### Your address (optional)

#### Your email address \*

#### Your phone number (optional)

If you are acting on behalf of a client, please supply the following details:

#### Your client's name

(title): <input type="text"/>	name: <input type="text"/>
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#### Your client's company or organisation (if applicable)

### Keeping you updated:

Would you like to be notified of future progress on the Local Plan review? (\* we will do this via email)

- |      |  |            |                                     |           |                          |
|------|--|------------|-------------------------------------|-----------|--------------------------|
| i)   | When the findings from this consultation are made public | Yes please | <input checked="" type="checkbox"/> | No thanks | <input type="checkbox"/> |
| ii)  | The next formal round of public consultation             | Yes please | <input checked="" type="checkbox"/> | No thanks | <input type="checkbox"/> |
| iii) | No further contact please                                |            | <input type="checkbox"/>            |           |                          |

## Consultation response form PART B:

If you have several different comments to make, you may wish to use a separate PART B sheet for each one (although you do not have to). If you use multiple PART B sheets, please make sure you fill in your name on each of them (you only have to fill out PART A once, as long as it is clearly attached to your PART B sheets when you submit the forms to us).

**Your name**

**Your organisation or company**

**Your client's name/organisation  
(if applicable)**

The consultation is seeking views about whether the big issues identified within this paper are the right things to focus on and what options exist for tackling them. Are there other issues, options or opportunities that have been missed? **Please note: there is a separate form for you to fill out if your comment relates specifically to a site submission / proposed alternative site (download a copy of the sites form at [www.stroud.gov.uk/localplanreview](http://www.stroud.gov.uk/localplanreview)).**

**We ask a series of questions (highlighted in pink boxes) throughout the consultation paper. Each of the questions is numbered. Please can you reference the question number(s) and/or the topic here:**

Question number: 3.6

Please use this box to set out your comments:

*(Attach additional sheets of paper or expand this box if you need to)*

Question 3.6 (Stroud - Land at Dudbridge)

The current adopted Local Plan covering the plan period up to 2031 allocates under Policy SA1 land within the Stroud Valleys at specific locations for mixed use development.

In particular, Policy SA1a concerns Land at Dudbridge and allocates the site for canal-related tourism development, retail and employment uses. The supporting text at paragraph 3.13 (first bullet point) describes how the site is significantly constrained by functional floodplain and any redevelopment should not result in any net loss of flood storage.

It is acknowledged that the site is situated within Flood Zone 3 on the Environment Agency maps and within Flood Zone 3b (functional floodplain) according to the post-canal restoration model. The primary risk to the site is fluvial, from the River Frome and Stroudwater Canal. The site has been considered as part of the Council's own Strategic Flood Risk Assessment and related Sequential Test and was found to be acceptable. Hence, its allocation for employment/retail/canal-related tourism development.

Whilst the site is currently allocated for mixed use development, it does not include residential. Nor does the current Issues and Options consultation propose to allocate the site for residential use.

The Local Plan Review at this stage has yet to determine the amount of future housing that will be required. The current approach to assessing housing need is set out in the National Planning Policy Framework, although it is recognised that this may change as a result of the recent DCLG consultation - "Planning for the Right Homes in



the Right Places", September 2017. By the time that that Stroud Local Plan Review is submitted for examination the Government's new standard methodology for assessing Objectively Assessed Housing Need (OAHN) will have been implemented. Using the proposed methodology, the minimum OAHN for the Gloucestershire Housing Market Area (of which Stroud forms part of along with Tewkesbury, Gloucester, Cheltenham, Cotswold and Forest of Dean) is estimated as 3,255 dwellings per annum and for Stroud at 632 dwellings per annum. The Council should therefore give consideration to the implications of the Government's proposal for a standardised methodology for OAHN. It is important that Stroud's OAHN is not under-estimated.

Therefore, in order to boost significantly the supply of housing, our client proposes that the mix of uses within the allocation for Land at Dudbridge should be extended to include residential of various types and sizes. It is understood that residential development on the site would also need need to mitigate against flood risk and provide sufficient floodplain storage volume so as not to negatively impact on flood risk elsewhere.

The site is within a sustainable location with access to an extensive range of strategic and local services and facilities. Stroud is a Tier 1 settlement in the adopted settlement hierarchy which indicates that such settlements should be the primary focus for growth to provide significant levels of jobs and homes. Accordingly, a residential use on this site is considered acceptable and is deemed to be suitable, achievable and deliverable.

It should also be noted that there is a current planning application for the site under consideration by the Council for a comprehensive mixed use development comprising a new foodstore, up to 130 dwellings, flood alleviation measures and other associated works (application ref: S.17/1987/OUT). Please find attached a copy of the Planning Statement submitted with the application which explains in more detail why residential would be acceptable in this location.

# PLANNING STATEMENT

## PROPOSAL:

**COMPREHENSIVE MIXED USE DEVELOPMENT COMPRISING A NEW FOODSTORE, UP TO 130 DWELLINGS, FLOOD ALLEVIATION MEASURES AND OTHER ASSOCIATED WORKS**

## LAND AT DUDBRIDGE ROAD, STROUD

**ON BEHALF OF AVOCET INDUSTRIAL ESTATES LLP**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

## Pegasus Group

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## APPENDICES:

APPENDIX 1 – THE EXTANT FOODSTORE PLANNING PERMISSION

## 1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Avocet Industrial Estates LLP (the Applicant), in support of a planning application relating to land at Dudbridge Road, Stroud (the application site).
- 1.2 The planning application is a hybrid application which in summary, seeks planning permission for a comprehensive mixed use development comprising a new foodstore and other commercial uses, a residential development of up to 130no. dwellings, flood alleviation measures and other associated works. The residential element of the application is the part that is submitted in outline. Full planning permission is sought for the proposed foodstore, its associated car parking and the access junctions.
- 1.3 The development proposals are described in more detail in Section 3 of this Statement and within the Design and Access Statement that accompanies the application.

### Background to the planning application

- 1.4 The site already benefits from a full planning permission ref. S.14/0677/FUL for a large foodstore, but an operator has yet to be found.
- 1.5 Lidl would like to operate a discount foodstore from the site but the aforementioned planning permission does not match their operational requirements. The submitted planning application is therefore tailored to meet their requirements which are for a smaller, purpose built store.
- 1.6 The balance of the site will be brought forward for residential development, providing the opportunity to deliver housing in a sustainable urban location and bringing brownfield land into a more beneficial use. The proposed housing will also assist in bringing forward a viable and comprehensive scheme for the site which must also include a package of flood alleviation measures to enable the site to be developed without being at risk of flooding or increasing flood risk elsewhere.

### The Purpose and Content of the Planning Statement

- 1.7 This Statement identifies the Planning Policy Framework within which this planning application should normally be considered. It identifies the key planning



issues that will need to be assessed during the application process having regard to the site and its individual circumstances.

1.8 The Planning Statement is structured as follows:

- **Section 2** - Describes the application site and surroundings.
- **Section 3** - Provides a summary of the application proposals.
- **Section 4** - Sets out the recent planning history of the site
- **Section 5** - Sets out the relevant planning policies and guidance
- **Section 6** - Identifies and addresses the main planning issues.
- **Section 7** - Deals with the Planning Balance
- **Section 8** - Provides a summary and the overall conclusions.

#### Other Supporting Reports

1.9 The application is supported by a suite of reports which cover a wide range of issues and these include inter alia:

- Design and Access Statement
- Drainage Strategy
- Ecological Assessments
- Flood Risk Assessment
- Phase 1 Geo-environmental Desk Study & Preliminary Risk Assessment
- Heritage Desk Based Assessment
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Retail Impact Assessment (from previously consented scheme)
- Statement of Community Involvement

- Transport Assessment
- Tree Survey and Arboricultural Impact Assessment

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## **2. SITE DESCRIPTION AND LOCATION**

- 2.1 The application site is located within the Dudbridge area of Stroud approximately 1.4km to the south west of Stroud Town Centre. The area is characterised by a mix of industrial, retail and residential uses.
- 2.2 The site immediately abuts the A419 Dudbridge Road at its western boundary, a main arterial road that links the town to the M5 motorway to the west and Cirencester via Stroud Town centre to east. The northern boundary to the site is defined by the recently refurbished Stroudwater Canal. To the south the boundary is defined by the River Frome.
- 2.3 The site itself is broadly triangular in shape and comprises previously developed land within the defined urban area of Stroud which extends to approximately 3.95ha. At present, there are 2no vehicular points of access that serve the site direct off the A419 Dudbridge Road.
- 2.4 The topography of the site is relatively flat with no major changes in levels save for a gentle slope from east to west. The land is almost entirely covered with large Class B1 and B2 industrial buildings and associated areas of hardstanding. There is a small number of trees within the site but these are concentrated mainly at the site boundaries and in particular at the southern and eastern boundaries.
- 2.5 The site forms part of the Stroud Industrial Heritage Conservation Area (IHCA). The designation covers an area of 6.3sqkm and includes a number of other traditional industrial areas and mill complexes that developed along the River Frome and the Stroudwater Canal (as explained in the Heritage Assessment). There are however no listed buildings within or immediately adjacent to the site itself.
- 2.6 The buildings that currently occupy the site are of varying quality and many stand vacant and derelict. Only two companies still operate from the site employing a total of 52 people. The main employer, Stroud Metal Company has been seeking to relocate from the site for many years to purpose built facilities elsewhere in the District, as their current site is at risk of flooding and it no longer meets modern day operational requirements.
- 2.7 The application site is allocated in the adopted Stroud Local Plan for mixed use redevelopment (Policy SA1). It forms part of the LPA's strategy to regenerate the

Stroud Valleys area, bringing underused urban land back into use, delivering jobs and homes in a sustainable location and to secure visual and environmental improvements for area.

- 2.8 A more detailed description of the site and an assessment of its constraints and opportunities is set out in the accompanying Design and Access Statement.

### 3. DESCRIPTION OF DEVELOPMENT

3.1 The submitted planning application is a hybrid application which seeks planning permission for the following works:-

1. Demolition and clearance of existing buildings and structures
2. Engineering and infrastructure works including flood compensation works, alterations to ground levels and related surface water drainage measures.
3. Erection of a retail foodstore (2,206sqm), parking, circulation and servicing areas
4. Up to 130no. residential units comprising houses and apartments (up to 5 storeys) with associated car parking
5. Alterations and extensions to Redler House to allow for its conversion to residential apartments with a café of up to 120sqm and 335sqm of other commercial uses (Class A1, A2, A3, A4, A5, B1, D1 or D2).
6. Public open space and landscaping including retention and refurbishment of the existing boundary wall to Dudbridge Road
7. Alterations to the existing site accesses along with pedestrian and cycle connections.
8. Other supporting works and infrastructure.

3.2 The Applicant seeks full planning permission for the proposed foodstore and its associated car parking and landscaping. Detailed approval is also sought for both of the site access junctions. Outline permission is sought for the remainder of the site with all matters of detail reserved for subsequent determination at the Reserved Matters stage or through conditions.

3.3 The Applicant will seek to engage in early discussions with Officers regarding the wording of potential conditions to ensure that the development is suitably phased and that it comes forward in a comprehensive and coordinated manner.

#### The Proposed Demolitions

3.4 Various buildings and structures are required to be demolished to allow for the new development to proceed.

3.5 This includes the engineering operations that are required as part of a comprehensive package of flood compensation and alleviation measures. The buildings that are to be demolished are identified on the Proposed Demolition Plan (ref. 1689/PA03).

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Proposed Site Layout

- 3.6 The site would be laid out with the new foodstore building being located in the north western part of the site, facing towards Dudbridge Road. The layout of the foodstore element of the site would be fixed as part of any planning permission that is granted.
- 3.7 The car parking areas would be to the south of the foodstore and behind the existing Redlar House which stands on the frontage to Dudbridge Road. Redlar House is to be retained (in part) and converted into residential and commercial uses. Further details relating to this element of the scheme can be agreed through Reserved Matters or conditions.
- 3.8 The main area of residential development would be concentrated on the eastern part of the site. Residential development is also proposed at the south western corner of the site behind the retained roadside wall. Residential development would also front on to the new green corridor which will act as a flood channel aligned broadly parallel to the River Frome at the southern part of the site.
- 3.9 The final layout of the residential element of the scheme will be the subject of subsequent Reserved Matter applications which will be guided by the Illustrative Master Plan (ref. 1689/PA04).

The Proposed Foodstore

- 3.10 The proposed foodstore will be a single storey structure with a flat roof. It will extend to 2,206sqm and will be served with a car park with 132no. spaces.
- 3.11 The building will be of modern design and construction with floor to ceiling glazing to the public elevations and otherwise finished in metal cladding.
- 3.12 The foodstore will be occupied by the discount food retailer Lidl.

The Proposed Housing

- 3.13 The residential element of the scheme will comprise up to 130no. dwellings. These will consist of a mix of houses and apartments of various types and sizes.
- 3.14 Whilst the design and layout of the housing will be the subject of subsequent Reserved Matters applications the Illustrative Master Plan and the Design and

Access Statement demonstrate how the housing could be designed and laid out to respect the local distinctiveness of this part of Stroud and the IHCA.

#### Access

- 3.15 As explained in more detail in the Transport Assessment, the proposed site access to the foodstore will be via a left in/left out only from Dudbridge Road. This access is in approximately the same location as the existing site access into the Avocet Business Park. The retail access road would be 8m wide.
- 3.16 The access to the residential development would also be via a left in/left out priority junction on Dudbridge Road located just to the south of Redlar House in the same location as the existing access to the Goldcrest Business Park. The residential road would be 6m wide.
- 3.17 The visibility splays at the proposed site access is provided in Appendix 14.2 of the Transport Assessment and they are a minimum 2.4m x 60m to the right, which is adequate for a road subject to a 30mph speed limit where the southbound 85th percentile speeds are under 37mph.
- 3.18 As no right turns are allowed out of the site and Dudbridge Road is a dual carriageway, there is no requirement for a visibility splay to the left.
- 3.19 The proposed accesses will provide footways 2m wide on both sides. There will be additional pedestrian access from the north of the site onto the Stroudwater Canal towpath which provides access to pedestrians arriving from the north of the Gorse Hill area.
- 3.20 There will also be a pedestrian route in from the south western corner of the site and a new pedestrian route along the River Frome.

#### Flood compensation and alleviation works

- 3.21 The application site currently includes land which is located within Flood Zones 1, 2 and 3.
- 3.22 A detailed scheme of flood compensation and flood alleviation works is proposed which will reduce flood risk both within and beyond the site boundaries. Additional flood storage capacity will be created along with alterations to overland flow routes as part of a new swale feature which will create flood channel in the southern part of the site.

- 3.23 The strategy also includes counter measures that will see ground levels raised within other parts of the site to create development platforms that will not be at risk of flooding.
- 3.24 As well as providing for flood alleviation the proposed flood channel will also provide the opportunity for landscape and biodiversity enhancements within the site.



#### 4. PLANNING HISTORY

4.1 The most recent planning history that will be of most relevance to this planning application is set out in the table below:-

**Table 1 – Planning history**

Application ref.	Description of Development	Decision	Date
S.14/0677/FUL	Demolition of existing buildings on site and erection of a new retail foodstore with ancillary cafe, along with associated access arrangements, car parking, servicing, flood mitigation/compensation, drainage works and landscaping.	Approved	27/08/2015

4.2 As already explained the site already benefits from a full planning permission which allowed for the demolition of a number of existing buildings to facilitate the erection of a large retail food store and other associated works. The planning permission was granted on 27<sup>th</sup> August 2015 and remains extant until 27<sup>th</sup> August 2018.

4.3 The consented scheme allows for a foodstore with a gross external area of 5,402sqm and a net sales area of 3,395sqm. The car park would accommodate 326 cars.

4.4 This planning permission is a material consideration that should be afforded significant weight in the determination of this latest planning application. A copy of the extant Planning Permission is provided at Appendix 1.

#### **APPENDIX 1 – THE EXTANT FOODSTORE PLANNING PERMISSION**

4.5 A copy of the previously approved site layout is included in the Design and Access Statement.

## 5. PLANNING POLICY

5.1 This section refers to relevant national planning policy guidance and Development Plan policies that provide the policy framework within which the development proposals should normally be considered.

### **National Planning Policy Guidance (NPPF)**

5.2 The NPPF outlines national guidance and the Government's policies on the many different aspects of planning. Local Authorities are required to take its content into account when preparing their Development Plans. It is also a material consideration when making decisions on planning applications or appeals.

5.3 The Ministerial Foreword explains that the purpose of planning is to help achieve sustainable development. It explains that:-

**“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth.”** (our emphasis)

5.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It reiterates the role of the Development Plan noting at paragraph 2 that:-

**“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”**

### **Achieving Sustainable Development**

5.5 Central to the NPPF is the principle of sustainable development. Paragraph 6 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies in paragraphs 18 to 219 of the NPPF taken as a whole, will constitute the Government's view of what sustainable development in England means in practice for the planning system.

5.6 Paragraph 7 identifies the three dimensions to sustainable development which include economic, social and environmental roles. Paragraph 8 stresses that that these roles are mutually dependent and that economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, the NPPF recognises that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The presumption in favour of sustainable development

5.7 Paragraph 12 confirms that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making. It confirms that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

5.8 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. This should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 states:-

**"14 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.**

.....

**For decision-taking this means<sup>(10)</sup>:**

- **Approving development proposals that accord with the development plan without delay; and**
- **Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:**
  - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or**
  - **specific policies in the Framework indicate development should be restricted."**<sup>(9)</sup> (our emphasis)

5.9 The Applicant recognises that Paragraph 14 should be read in conjunction with footnotes 9 and 10, which read as follows:-

**"Footnote 9 - For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.**

**Footnote 10 - Unless material considerations indicate otherwise."**

### Core Planning Principles

5.10 The twelve Core Planning Principles are set out at paragraph 17 of the NPPF. It is not necessary to rehearse all of these here but it will be noted that these include inter alia:-

- **proactively drive and support sustainable economic development to deliver the homes that the country needs.**
- **take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;**
- **contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;**
- **conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;**
- **actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.**

### Economic Development

5.11 Given the current/former use of the application site for employment, the guidance at paragraphs 18 to 22 will be relevant. Whilst the Government is committed to ensuring that the planning system supports sustainable economic growth and plans for regeneration, it also recognises potential barriers to investment, including a poor environment or any lack of infrastructure etc.

5.12 Paragraph 22 explains that:-

**".....planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."**

5.13 In this case, it will be explained that following an Employment Land Study undertaken by AECOM in February 2013 the Council has allocated the application

site for mixed use development including retail in the adopted Local Plan. This more flexible approach allows other employment generating uses to come forward in conjunction with, or as alternatives to the traditional Class B1, B2 and B8 uses.

- 5.14 As explained in further detail in Section 6 this application has the potential to also unlock the relocation of the existing occupier, Stroud Metals to a more suitable site elsewhere in the District.
- 5.15 It should be noted that the guidance refers to economic development in a wide sense. It is not restricted to traditional Class B1-B8 employment uses. There will be many other commercial uses including retail uses (such as that which is proposed as part of this planning application) which generate jobs, economic growth and complement other traditional employment based sectors. The guidance also talks more generally about planning policies needing to be flexible.

#### Ensuring the vitality of town centres

- 5.16 Guidance in relation to town centres and town centre uses is set out at paragraphs 23 to 27 which will be directly applicable to the application proposals.
- 5.17 It explains that planning policies should be positive and promote competitive town centre environments. There is a need to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
- 5.18 The NPPF recognises that retail and leisure development will take place outside of town centres and Councils are advised to set policies for the consideration of proposals for main town centre uses<sup>1</sup> which cannot be accommodated in or adjacent to town centres.
- 5.19 When dealing with such applications the guidance at paragraph 24 states that:-

**"24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should**

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<sup>1</sup> The Glossary at Annex 2 of the NPPF defines Main Town Centre Uses as follows:- Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). (*our emphasis*)

**require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”**

- 5.20 In this case, it will be explained that the site is allocated for mixed uses in the adopted Local Plan including retail (Policy SA1a). Accordingly, there is no need for a sequential assessment or a retail impact assessment because the retail element would be in accordance with the Development Plan.
- 5.21 Notwithstanding the above the Applicant has resubmitted the previous Retail Impact Assessment which demonstrated that the larger, previously consented scheme still would not have a significant adverse impact on existing centres.
- 5.22 The fact that the site already has planning permission for a larger scale retail development must mean that the impact of the smaller store will be no greater (and in all likelihood significantly less).

#### Promoting sustainable transport

- 5.23 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development. Paragraph 32 notes that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- “• **The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;**
- **Safe and suitable access to the site can be achieved for all people; and**
- **Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”  
(our emphasis)**

- 5.24 Paragraph 37 goes onto state that:

**“Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities”.**

5.25 In this case the application is supported by a Transport Assessment. It confirms that the site is in a sustainable location where there are opportunities for people to walk, cycle and use public transport. It also confirms that the proposed access arrangements are suitable and that the proposals will not have a significant adverse impact on the surrounding road network.

Delivering a wide choice of high quality homes

5.26 Guidance in relation to housing is provided at paragraphs 47 to 55. The Government’s clear and over-arching requirement is to “boost significantly” the supply of housing to meet identified needs and to promote growth.

5.27 Paragraph 47 explains that Local Planning Authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. They should also:-

**“- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”**  
(my emphasis)

5.28 Paragraph 47 refers to a minimum 5 Year supply of “deliverable” sites within the first five years of the Plan period, followed by the identification of two further tranches of “developable” land covering the period 6 – 10 years and 11 – 15 years thereafter.

5.29 Paragraph 49 refers to the situation where a Local Planning Authority is unable to demonstrate a five year supply of housing (with the appropriate buffer), It states that:-

**“49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning**

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**authority cannot demonstrate a five-year supply of deliverable housing sites.”**

5.30 For the purposes of this application, the Applicant does not seek to dispute the fact that the LPA can demonstrate a 5YRHLS, but that is not to say that the LPA should use the 5YRHLS position as a ceiling or cap on housing. Each site should be considered on its merits.

5.31 Paragraph 50 refers to the type of housing that is to be provided and explains to Local Planning Authorities that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities they should provide for a mix of housing in terms of size, type and tenure etc. The application proposals are capable of providing a mix of housing to meet varied requirements.

Requiring good design

5.32 Guidance on design is set out at paragraphs 56 to 66. The rationale behind the design approach for the development is set out in the Design and Access Statement.

Meeting the challenge of climate change, flooding and coastal change

5.33 Paragraph 103 advises local planning authorities when determining planning applications they should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is informed by a site specific flood risk assessment (FRA) following the sequential test and exception test.

5.34 In this case the development proposals are supported by a site-specific FRA. The site has also been considered as part of the Council’s own strategic flood risk assessment and related sequential testing which supports the site allocation in the adopted Local Plan.

Conserving and enhancing the natural environment

5.35 Paragraph 109 explains that the planning system should contribute to and enhance the natural and local environment. These issues are addressed in the technical supporting documents that deal with trees, landscape impact, ecology and noise considerations.



5.36 It is also important to highlight the importance of re-using previously developed land to conserve the natural environment. Paragraph 111 states, inter alia:-

**“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”** (our emphasis)

Conserving and enhancing the historic environment

5.37 As the application site is located within a Conservation Area (a designated heritage asset) regard should be had to the guidance at paragraphs 126 to 141. Paragraph 128 states that:-

**“128 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”**

5.38 Paragraph 131 identifies the key issues that need to be considered. It states that:-

**“131 In determining planning applications, local planning authorities should take account of:**

- **the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- **the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- **the desirability of new development making a positive contribution to local character and distinctiveness.”**

5.39 When considering the impact of a proposed development on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. The more important the asset, the greater the weight should be (paragraph 132)

5.40 A Desk Based Heritage Assessment has been submitted as part of the application. It concludes that the proposals would cause some harm to the character and appearance of the IHCA but the harm would be “less than substantial.” In those circumstances the proposals will need to be considered in the context of paragraph 134 of the NPPF which reads as follows:-:-

**“134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”**

5.41 As explained in Sections 7, it can be demonstrated that the application proposals would deliver a range of public benefits. The Applicant considers that those benefits would outweigh the identified harm.

5.42 The guidance at paragraph 137 explains that Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. In this case, there would be increased public access to this part of the IHCA, resulting from communal use of the site and the permissive footpath. This would provide the opportunity for a greater number of people to experience and appreciate the area’s positive historic features, as well as its canal and riversides;

5.43 Paragraph 138 goes on to explain that not all state that:-

**“Not all elements of a ..... or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or ..... should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or ..... as a whole.”**

#### Decision Taking

5.44 Local planning authorities are advised that they should approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 186).

5.45 Local planning authorities should look for solutions rather than problems, and decision-takers at every level should:-

**“..... seek to approve applications for sustainable development where possible.”**

5.46 Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

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## **The Development Plan**

- 5.47 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.48 The Statutory Development Plan covering the application site comprises of the following:-
- Stroud District Local Plan (November 2015)
- 5.49 The Stroud District Local Plan (SDLP) was adopted in November 2015 and it is intended to cover the plan period up to 2031.
- 5.50 The Policies Map shows that the application site is located within the Stroud Urban Area and that it is surrounded by existing built development. The site is allocated for mixed use development through Policy SA1a. The Local Plan refers to potential uses including canal related tourism development, retail and employment uses although notes that the exact mix of uses will depend on a number of considerations. The Policies Map also has a notation relating to Regenerating Existing Employment Sites (Policy EI2).
- 5.51 There are no ecology or landscape designations that affect the site. The Policies Map does however confirm that the entire site is located within the Stroud Industrial Heritage Conservation Area (IHCA).

## **Development Strategy**

- 5.52 Section 1 of the SDLP sets out the key issues for Stroud District. These include amongst other things, meeting needs for new homes and jobs across the District. It recognises that some of the District's current employment areas along the valley bottoms are constrained and unsuited to modern industry and there is a need to adapt to and mitigate for climate change, whilst respecting what is important about the historic and natural environment (pages 9 to 14)
- 5.53 Section 2 of the SDLP sets out the Development Strategy of the plan. Paragraph 2.33 explains that the development strategy proposes housing allocations at the main settlements within and adjoining the District including Stroud.
- 5.54 Paragraph 2.34 goes on to explain that a settlement hierarchy (Core Policy CP3) directs other housing development to those settlements that already have a

range of employment opportunities and levels of services, to reduce the need to travel elsewhere. Paragraph 2.35 goes on to outline the advantages of this concentrated distribution of housing, with notable reference to homes being provided where they can be served more effectively and efficiently by a range of facilities and where they can be better related to existing job opportunities.

- 5.55 It also refers to making best use of previously developed land as would be the case with the application proposals. Reference is made to the opportunities for self-containment and reducing the strain on the countryside and environmental assets.
- 5.56 The SDLP recognises that there is a potential oversupply of employment land to meet requirements but highlights the need to provide choice (para 2.41). There are concerns about out commuting and that there is a need to diversify to provide for higher skill based jobs (para 2.42 to 2.44). It is recognised that Stroud has a higher percentage of factory and warehouse stock than the rest of the County and the South West average.
- 5.57 The development strategy advocates the use of residential uses as part of mixed use schemes to improve viability, paragraph 2.52 states:-

**“There are a number of sites throughout the District, but particularly in the Stroud Valleys, that are in existing employment use but that are somewhat run down and under-used. These require further investment to realise a greater employment potential. Better use should be made of such existing sites. The strategy supports the release of parts of these sites for higher value uses to provide funding for intensified employment provision on the rest of the site. The aim for these mixed use redevelopment sites is to retain existing employment numbers and supplement these on-site with at least one job for each unit of housing provided.”** (our emphasis)

- 5.58 Paragraph 2.53 explains that in order to achieve a more diverse employment base, there is a need to consider “employment” in a more rounded sense than the traditional B1-B8 uses. It goes on to refer to other employment generating uses including retail.
- 5.59 Retail development is dealt with at page 27 and the need to protect existing town centres. Paragraph 2.61 outlines the sequential approach to site selection.

### Strategic policies

- 5.60 Core **Policy CP1** sets out the presumption in favour of sustainable development as per the guidance in the NPPF. **Policy CP2** deals with strategic growth and development locations and confirms the need to accommodate at least 11,400 dwellings and 58ha of employment land in the period between 2006 and 2031.
- 5.61 It requires housing development to take place within settlement development limits, B class employment development will take place within designated employment areas and retail development will take place in accordance with the Retail Hierarchy.

### Settlement Hierarchy

- 5.62 **Core Policy CP3** outlines the hierarchy for growth and development across the District's settlements. Paragraph 2.73 explains that the settlement hierarchy ranks settlements according to their size and their range of services and facilities.
- 5.63 Paragraph 2.74 highlights that:-

**"2.74 One of the primary aims of establishing a settlement hierarchy is to promote sustainable communities by bringing housing, jobs and services closer together in an attempt to maintain and promote the viability of local facilities and reduce the need to travel to services and facilities elsewhere. A settlement hierarchy policy can help to achieve this by concentrating housing growth in those settlements that already have a range of services (as long as there is capacity for growth), and restricting it in those that do not."** (our emphasis)

- 5.64 Given that the application site is located within Stroud it is important to note that **Policy CP3** identifies Stroud as a Tier 1 settlement (Accessible Local Service Centre). The policy makes it clear that it is one of the main towns and will be a primary focus for growth. The most relevant part of the policy reads as follows:-

#### **"Core Policy CP3 – Settlement Hierarchy**

**Proposals for new development should be located in accordance with the District's settlement hierarchy. This will ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. The use of previously developed land and buildings will be encouraged.**

***Accessible Local Service Centres - First Tier***

***Cam and Dursley, Stonehouse, Stroud***

**These are the District's main towns. They are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way.**

....." (our emphasis)

Stroud Valleys Strategic Growth Area

5.65 As well as being within the Stroud Urban Area the application site is also located within the Stroud Valleys Strategic Growth Area, to which Policy SA1 applies. The policy allocates land at Dudbridge (the application site) for mixed use development. The Policy reads as follows:-

**"Land within the Stroud Valleys at the following specific locations (as identified on the policies map) is allocated for mixed use development, subject to viability and site specific circumstances, including at least 450 dwellings:**

**SA1a Land at Dudbridge Canal related tourism development, retail and employment uses**

**SA1b Cheapside 30 dwellings, town centre and canal uses**

**SA1c Ham Mill 100 dwellings and employment uses**

**SA1d Brimscombe Mill 40 dwellings and employment uses**

**SA1e Brimscombe Port 150 dwellings, canal related tourism development and employment uses**

**SA1f Wimberley Mills 100 dwellings and employment B1-B8 uses**

**SA1g Dockyard Works 30 dwellings and employment B1-B8 uses**

**Development briefs, to be approved by the District Council, will detail the way in which the land uses and infrastructure will be developed in an integrated and co-ordinated manner.**

**These will address the following:**

**1. The provision of 30% affordable dwellings, unless viability testing indicates otherwise**

**2. Contributions to education and community uses to meet the needs of the development**

**3. Accessible natural greenspace, public outdoor playing space and/or appropriately landscaped canal public realm space**

**4. Landscaping incorporating existing hedgerows and trees**

**5. The acceptable management and disposal of surface water, including sustainable drainage systems (SuDS)**

**6. Adequate and timely infrastructure to tackle wastewater generated by the development, in accordance with the infrastructure Delivery Plan and with the agreement of the relevant water companies**

**7. Be supported by an acceptable Flood Risk Assessment, which also addresses the Flood Risk Sequential Test document recommendations that accompanied this Local Plan**

**8. Improvements to, and restoration of, the river corridor for biodiversity and flood risk enhancements**

**9. Cycle and pedestrian routes along the canal and river corridors, linking up with the existing network**

**10. Improvements to or restoration of the related canal and towpaths**

**11. Contributions towards bus services to improve bus frequencies and quality, and to connect the development with Stroud and adjoining settlements as part of a wider managed, safe and accessible transport network**

**Phasing arrangements will be put in place to ensure that employment land is developed and completed in parallel with housing land completions.” (our emphasis)**

5.66 The guiding principles will be creation of new homes, prioritising previously developed land, boosting job numbers and conserving and enhancing the valleys’ unique industrial heritage (paragraph 3.8).

5.67 The supporting text at paragraph 3.11 explains that land within the valley bottom between Stroud, Thrupp and Brimscombe enjoys a rich heritage of industry within a high quality landscape setting. However, a number of historic mills and adjoining employment sites lie partly vacant and the river and canal remain a relatively under used recreational resource.

5.68 The SDLP recognises that the allocation of specific sites within the Stroud Valleys for a mix of uses provides an opportunity to regenerate the built fabric of these sites, to intensify and diversify the employment offer, to deliver sustainable locations for living and to support canal conservation and recreation and tourism objectives. With regard to the precise mix of uses that will be supported it should be noted that that the SDLP states that:-

**“3.11 ..... The exact mix of uses will have regard to the key priorities for each site, site conditions, detailed feasibility and viability evidence.”**

5.69 Paragraph 3.12 highlights that the sites identified in Policy SA1 all lie within the Industrial Heritage Conservation Area (IHCA) and specific policy and design guidance is contained within the Industrial Heritage Conservation Area Management Proposals SPD.

5.70 The SDLP sets out the key priorities for each site at paragraph 3.13. With regards to Land at Dudbridge it states:-

**“- Land at Dudbridge has potential, in addition to employment provision, for canal related tourism and retail development provided it is compatible with the retail hierarchy. The site is significantly constrained by functional floodplain and any redevelopment should not result in any net loss of flood storage. Safe and emergency access considerations are paramount and will need to be fully resolved. A new access to the site will be achieved from Dudbridge Road. There is potential to enhance significantly this gateway location into the town and the setting of the canal.”**

5.71 It will be explained later in this Planning Statement that the application proposals provide for an appropriate mixed use scheme which is compatible with the objectives for this site.

#### Housing Policies

5.72 **Policy CP8** refers to new housing development and requires amongst other things that new housing development is well designed to address local housing needs, incorporating a range of different types, tenures and sizes of housing, to create mixed communities.

5.73 The policy also requires the density to be appropriate to the surroundings of the site, have a layout that supports accessibility by bus, bicycle and foot to shopping and employment opportunities, key services and community facilities etc. Major residential development proposals will be expected to enhance biodiversity on site and, where appropriate, through a network of multifunctional green spaces, which support the natural and ecological processes.

5.74 Affordable housing is dealt with under **Policy CP9** and this seeks to secure at least 30% of the net additional units to be proposed as affordable housing



dwellings. This will however be subject to viability and government guidance relating to vacant buildings credit as explained later in this statement.

- 5.75 **Policy HC1** encourages housing development within defined settlements. The title of the policy refers to small sites but the policy itself does not preclude larger housing developments. The policy simply requires proposals to be of a scale that is compatible with the part of the settlement in which it would be located.

#### Retail Policies

- 5.76 **Policy CP12** requires Town centre uses will be located according to the Retail Hierarchy with Stroud being identified as the Principal Town Centre. Retail and other uses will be directed sequentially to within designated town centre or local centre boundaries, then to edge-of-centre locations and, only if suitable sites are not available, to out-of-centre locations, provided they are of a scale and nature that is appropriate to the size and function of the centre and would not lead to unsustainable trip generation from outside their catchments.
- 5.77 **Policy EI9** sets floorspace thresholds for Impact Assessments. The relevant threshold for Stroud is 1,000sqm.

#### Employment Policies

- 5.78 The key employment sites in the district are identified under **Policy EI1**. The policy states inter alia that:-

##### **"Delivery Policy EI1**

##### **Key Employment Sites**

**The key employment sites listed below will be retained for B Class Uses. Redevelopment for alternative uses or changes of use from employment use will not be permitted on these sites."**

- 5.79 It is important to note that the application site is not identified as one of the Key Employment Sites.
- 5.80 The SDLP recognises that on certain sites there is scope for regeneration and investment through mixed-use redevelopment, with the aim of providing jobs on site in improved premises. In some cases, a more intensive mixed-use development could provide greater benefit to the local community than if the site was retained solely in employment use (paragraph 5.32).

5.81 The application site is one of those sites that has been identified and will be considered against Policy EI2 which reads as follows:-

**“Delivery Policy EI2**

**Regenerating existing employment sites**

**Regeneration of existing employment land listed below will be permitted for mixed-use development, including employment generating uses, provided that there are demonstrable environmental and/or conservation benefits. Site rationalisation should provide at least the same employment opportunities for the local community as existed when the employment space was previously used, subject to viability and site specific circumstances.**

.....

**ER5 Cainscross - Dudbridge Industrial Estate**

.....”

5.82 Paragraph 5.33 explains that **Policy EI2** aims to regenerate sites that are identified in the Employment Land Study, which would otherwise remain underused or might potentially be lost entirely to alternative uses. The policy underpins the aim of providing sustainable development within the District that will aid the provision of both homes and jobs within the area. It could also aid regeneration and/or bring about environmental and conservation benefits.

5.83 Environmental benefits are said to include amongst other things, the removal of obstructions to flood flow routes.

5.84 Paragraph 5.34 states that

**“Mixed-use redevelopment will be expected to provide important community and/or regeneration benefits. The development should aim to provide at least the same employment opportunities as existed when the employment space was previously used, subject to viability and site specific circumstances.”**

Flood Risk

5.85 Given the flood risk issues affecting the site, Policy ES4 will be of particular relevance. Flood Risk issues are dealt with in the submitted Flood Risk Assessment (FRA).

Heritage

5.86 Given that the site is located within the Stroud Industrial Heritage Conservation Area (IHCA) Delivery Policy ES10 will be relevant and this states:-

## **"Delivery Policy ES10**

### **Valuing our historic environment and assets**

**Stroud District's historic environment will be preserved, protected or enhanced, in accordance with the principles set out below:**

**1. Any proposals involving a historic asset shall require a description of the heritage asset significance including any contribution made by its setting, and an assessment of the potential impact of the proposal on that significance, using appropriate expertise. This can be a desk based assessment and a field evaluation prior to determination where necessary and should include the Gloucestershire Historic Environment Record.**

**2. Proposals and initiatives will be supported which conserve and, where appropriate, enhance the heritage significance and setting of the Districts heritage assets, especially those elements which contribute to the distinct identity of the District. These include:**

**A. the 68 sites of national archaeological importance (which are designated as Ancient Monuments), any undesignated archaeology of national significance, and the many buildings that are Listed as having special architectural or historic interest**

**B. the stone, bronze, iron age and roman settlements and remains; the medieval settlements including Berkeley Castle; historic houses; historic parks; gardens and villages**

**C. the townscapes of the larger towns such as Stroud where the industrial heritage influenced its historic grain, including its street layouts and plot sizes**

**D. the District's historic market towns and villages, many with designated conservation areas, such as Berkeley, Wotton Under Edge, Minchinhampton, Painswick and Dursley.**

**3. Proposals will be supported which protect and, where appropriate, enhance the heritage significance and setting of locally identified heritage assets, such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.**

**4. Proposals will be supported which protect and, where appropriate, enhance key views and vistas, especially of the spires and towers of historic churches and mills.**

**5. Any harm or loss would require clear and convincing justification to the relevant decision-maker as to why the heritage interest should be overridden.**

**A full programme of work shall be submitted with the application, together with proposals to mitigate any**

**adverse impact of the proposed development, and where appropriate, be implemented through measures secured by planning condition(s) or through a legal agreement.**

5.87 Heritage policies and guidance are addressed in the submitted Heritage Assessment.

### **Other Policy Documents**

#### Supplementary Planning Documents

5.88 This form of guidance is prepared under the post 2004 planning system. It must supplement a part of the Development Plan. SPDs can be a material consideration but they cannot be afforded the same weight as Development Plan policies.

5.89 The following documents have been adopted by the Council as SPDs and will be of relevance to this application:-

- Industrial Heritage Conservation Area Management Proposals
- Waste Minimisation in development projects

#### Supplementary Planning Guidance

5.90 This form of guidance was prepared under the pre 2004 planning system. It is existing non-statutory guidance which supplemented the now superseded Stroud District Local Plan (SDLP) 2005.

5.91 SPG's may be taken into account as material considerations in determining planning applications. The weight of the SPG in decision taking increases if it has been prepared in consultation with the public and has been the subject of a Council Resolution. SPGs that cover relevant topic areas include:-

- Landscape Assessment

#### Supplementary Planning Advice

5.92 These documents support the planning policies adopted by the Council but have not been subject to the same level of process as either SPGs or SPDs.

5.93 SPAs sit outside the Local Development Framework. They can be referred to for guidance and may be used in decision making but the weight given to them will

be more limited than other supplementary documents. Relevant Advice notes will include:-

- IHCA Design Guide

## 6. ASSESSMENT OF THE MAIN ISSUES

- 6.1 This section of the Planning Statement addresses the main planning issues that are likely to arise during consideration of the planning application.
- 6.2 Having reviewed the merits of the development proposals in the context of the planning policy framework for the area, the Applicant considers the main issues in this case to be as follows:-

**Issue 1 The principle of retail development.**

**Issue 2 The principle of residential development**

**Issue 3 Loss of employment and new job creation**

**Issue 4 Impact on the Stroud Industrial Heritage Conservation Area**

**Issue 5 Landscape and visual impact**

**Issue 6 Access, Traffic and Transportation**

**Issue 7 Flood Risk and Drainage**

**Issue 8 Ecology**

**Issue 9 Other Technical matters**

- 6.3 These issues are addressed separately below.

### **Issue 1 - The principle of retail development**

- 6.4 The application proposals include a new discount foodstore with associated car parking. Insofar as the principle of retail development is concerned, the Applicant considers that the proposals can be justified on the following basis.

#### The Development Plan

- 6.5 The starting point must be the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 6.6 In this case, the application site is allocated for mixed use development through Policy SA1a of the adopted SDLP. The policy clearly identifies retail development as an appropriate use alongside other uses. The policy does not set any limits on the scale of retail development that will be permitted or provide any other criteria that a retail proposal on this site must meet.
- 6.7 As explained in Section 5, the Government is committed to securing economic growth in order to create jobs and prosperity (NPPF paragraph 18). The application proposals seek to provide new jobs for the area and secure investment through the redevelopment of a previously developed site in a sustainable location which is partially derelict and which could clearly be used more effectively.
- 6.8 The application site is located within the urban area of Stroud, the highest order settlement in the District and a location where the full range of development needs should be met, including retail.
- 6.9 The adopted SDLP recognises the need to support alternative employment generating uses including retail uses. This would assist with the planned regeneration of the Stroud Valleys rather than simply safeguarding the land for traditional B Class employment uses which are unlikely to come forward.
- 6.10 In view of the above, it can be demonstrated that the principle of retail development on this site is in accordance the Development Plan and should therefore be supported.

#### The Extant Planning Permission

- 6.11 Regardless of the Development Plan position, the principle of retail development on this site has already been firmly established through the grant of planning permission for a foodstore in August 2015 (LPA ref. S.14/0677/FUL).
- 6.12 That permission relates to a much larger foodstore than that which is now proposed. The now proposed foodstore would be 60% smaller. The planning permission for the larger store however remains extant and could be implemented at any time. This is a material consideration that should be afforded significant weight.

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Retail Impact and Sequential Assessments

- 6.13 The NPPF at paragraphs 24 and 26 requires a sequential test and a retail impact assessment to be undertaken for town centre uses that are not in an existing centre and which are not in accordance with an up to date Development Plan.
- 6.14 As already explained, the application proposals accord with an up to date Development Plan and therefore there is no need to undertake these assessments. Even if the proposals did not accord with the Development Plan, the assessments would require consideration of sites already committed for retail development and this would direct developers towards the application site.
- 6.15 Notwithstanding the above the Applicant would highlight that the previous application on this site for a foodstore was supported by a sequential assessment and an impact assessment and was found to be acceptable. Those assessments have been submitted again as supporting information.
- 6.16 The important point to note is that the extant planning permission is for a much larger foodstore and therefore any impacts arising from the smaller store that is now proposed cannot be any greater than those which have already been considered acceptable.
- 6.17 The previous Retail Impact Assessment confirmed that:-
- There is scope for one additional supermarket in Stroud, without causing significant adverse impacts on Stroud town centre or any other existing centre including Stonehouse.
  - Trade diversion will be focused on the existing supermarkets in Stroud. The Sainsbury and Tesco supermarkets appeared to be over trading. There is capacity for trade diversion without threat to their continued existence.
  - The town centre does not have a strong offer in convenience goods. Given that it is not reliant on supermarket shopping it will not be significantly affected by another out-of-centre supermarket.
  - The proposed foodstore at Dudbridge Road offers benefits to consumers in terms of additional choice and competition.
  - Proximity to Sainsbury's superstore will facilitate joint trips to both stores, allowing shoppers to choose across a wider range of goods without making separate journeys.
  - The site can also relieve traffic and car parking problems experienced at the Sainsburys site resulting from current over trading.



- 6.18 It is also relevant to note that Officers intend to report two applications to the Development Control Committee later this month (land at Bath Road, Stroud and Daniels Industrial Estate) which include discount foodstores (refs. S.17/0557/FUL and S.16/2152/OUT respectively). Both are recommended for approval on the understanding that the impacts would be acceptable even if the already committed foodstore at Dudbridge Road is built out.
- 6.19 With a smaller store on the application site, as now proposed, logically, the overall impacts would be less than what Officers have deemed to be acceptable. This again lends support to the principle of retail on this site.
- 6.20 To summarise on the principle of the proposed retail use:-
1. The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth.
  2. The proposals will create new and additional jobs for the area and secure new investment in Stroud; the main settlement in the District.
  3. The site is allocated for mixed use including retail uses and the proposed retail use therefore accords with the adopted Local Plan (Policy SA1a).
  4. Notwithstanding the above, the principle of retail development on this site is already firmly established through the extant planning permission for a large 5,402sqm food store (S.14/0677/FUL).
  5. The food store that is now proposed is 60% smaller than the already consented food store and any impacts on the town centre or other centres would be significantly less than what has already been deemed acceptable.

## **Issue 2 – The Principle of Residential Development**

- 6.21 The application proposals also include the provision of up to 130 dwellings as part of the wider comprehensive mixed use redevelopment.

### Strategic Housing Considerations

- 6.22 It is widely accepted that there is a national housing crisis and that the NPPF seeks to significantly boost the supply of housing. The Government is well aware of the squalor, deprivation, social exclusion and restriction in life chances which apply to people who are unable to access the housing market. There are also consequential impacts on the economy which arise from long distance commuting and a failure to match population with employment opportunities.

- 6.23 Whilst the LPA might well argue that it can demonstrate a 5YRHLS, even if that is the case it is merely a snap shot in time and the position could well change for the worse in the near future and return to a position of deficit as was the case in the recent past. In any event, any demonstration of a 5YRHLS should not act as a cap or a limit to further housing development. Each site should be considered against policy and on its individual merits and should be approved where it is found to be sustainable.
- 6.24 The application site comprises previously developed land which is located within the urban area of Stroud. National guidance and the adopted SDLP seek to promote the redevelopment of brownfield sites particularly where they are in sustainable locations. In this case Stroud sits at the top of the settlement hierarchy (Policy CP1) as a First Tier settlement and therefore represents one of the most sustainable locations in strategic terms, (if not the most sustainable).
- 6.25 The Local Plan recognises the advantages of a concentrated distribution of housing at paragraph 2.35 and it can be demonstrated that the application proposals would achieve all of the following :-
- Development being served more effectively and efficiently by a range of community facilities with good access to jobs, key services and infrastructure
  - New housing being well related to existing job opportunities
  - Making better use of main public transport services
  - Making best use of available previously developed
  - Making better use of existing infrastructure
  - Minimising the need to travel
  - Greater opportunities for self-containment and building of cohesive communities, leading to social sustainability
  - Reducing the strain on wider countryside and environmental assets
- 6.26 The final bullet merits further commentary. In recent years, this LPA has tried to oppose numerous applications for residential development on greenfield sites outside settlement boundaries, often at lower order settlements. There will no doubt be pressure for the release of greenfield land in the future as the housing land supply position changes, or through a review of the Local Plan.

- 6.27 If however, opportunities for redevelopment of brownfield sites come available in highly sustainable locations such as the application site, then this will reduce the need for future greenfield releases in those less sustainable locations.

#### Housing within Settlements

- 6.28 Policy CP2 requires new housing to be within defined settlements, as does Policy HC1, which is supportive of such proposals where they are of a scale which is compatible with that part of the settlement.
- 6.29 In this case, the site lies well within the settlement boundary of Stroud and there can be no dispute that a scheme of up to 130 dwellings would be appropriate in terms of scale within the urban area of Stroud; the principal settlement within the district.

#### Site Specific Policy Considerations

- 6.30 As explained in section 5 the site is allocated for mixed use development under Policy SA1. The policy must be read in the context of the overall strategy of the SDLP for the Stroud Valleys which is to regenerate previously developed areas, provide opportunities for employment diversification and delivering sustainable locations for people to live (para 3.11).
- 6.31 Policy SA1 provides an indication of the uses that will be acceptable on the individual Stroud Valley sites. The Appellant recognises that there is no explicit reference to residential uses in the policy for the application site but would highlight that the list of uses is not definitive. It is important to note that paragraph 3.11 indicates that the exact mix of uses is yet to be determined. It states:-

**“The exact mix of uses will have regard to the key priorities for each site, site conditions, detailed feasibility and viability evidence.”**

- 6.32 It is also notable that Policy SA1 when allocating the identified sites for mixed use development includes the following words:-

**“..... including at least 450 dwellings”** (our emphasis)

- 6.33 Those sites which have been identified in the policy as having potential for housing have dwelling numbers specified and these add up to 450 units. The fact that the policy refers to “at least 450 units” implies that there is an expectation that the sites will deliver more than that which is specified in the policy. There is

nothing in Policy SA1 that precludes housing being provided on the application site.

- 6.34 One important site specific consideration will be the fact that until recently it would have been assumed that large parts of the application site were at risk of flooding because it includes land which acts as functional floodplain. It could not therefore be relied upon as being suitable for housing. The site conditions are however capable of being addressed and a mitigation strategy has been agreed in principle with the Environment Agency which takes the site out of the flood plain. This unlocks the constraint to residential development.
- 6.35 The residential element is also necessary to fund the flood alleviation works which in turn make it possible to deliver the other economic and environmental benefits of the development. The residential element is therefore fundamental to the feasibility and viability of the scheme (key considerations which will determine the exact mix of uses for the purposes of Policy SA1 and para 3.11).

#### Affordable Housing

- 6.36 The application proposals do not include affordable housing because this would undermine the viability of the scheme given the extent of the infrastructure/enabling works that are required.
- 6.37 The Government also recognises that sites such as this can deliver wider benefits which need to be prioritised. For that reason, it introduced the Vacant Buildings Credit (VBC) which is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. VBC is described by the NPPG as follows:-

#### **“What is the vacant building credit?**

**National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.**

**Paragraph: 021 Reference ID: 23b-021-20160519”**

- 6.38 The guidance goes on to state that:-

**“The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.**

**Paragraph: 022 Reference ID: 23b-022-20160519”**

- 6.39 It is not possible at this stage to determine the exact net change in floorspace as the residential element of the application is only submitted in outline. Such matters can be confirmed following the approval of Reserved Matter applications.
- 6.40 Overall, it can be demonstrated that the residential element of the development proposals would be consistent with national planning guidance and would also be in general accordance with the policies of the adopted SDLP.
- 6.41 In summary:-
1. It is widely accepted that there is a national housing crisis and that the NPPF seeks to significantly boost the supply of housing.
  2. Even if the LPA can demonstrate a 5YRHLS this should not act as a cap or a limit to housing. Each site should be considered against policy and on its individual merits and should be approved where it is found to be sustainable.
  3. The proposals would involve provision of housing on previously developed land which is located within the urban area of Stroud (the most sustainable First Tier Settlement) and would be consistent with the concentrated distribution of housing strategy of the SDLP
  4. Residential development as part of a mixed use development would be consistent with the regeneration strategy of the SDLP for the Stroud Valleys providing opportunities for employment diversification and delivering sustainable locations for people to live (para 3.11).
  5. Redevelopment of brownfield land for housing in urban areas reduces pressure for housing on greenfield releases in less sustainable locations.
  6. Policy SA1 does not preclude residential uses on this site. The list of uses is not definitive and the exact mix of uses will have regard to key priorities for each site, site conditions, detailed feasibility and viability evidence.
  7. Until recently it would have been assumed that large parts of the application site were unsuitable because they were at risk of flooding because it includes land which acts as functional floodplain. That constraint can now be overcome.
  8. The residential element is fundamental to the feasibility and viability of the wider scheme.

9. No affordable housing is proposed in this case for viability reasons and because the proposals qualify for Vacant Buildings Credit. The Government recognises that such sites will deliver other benefits by bringing vacant and underused land back into use.

### **Issue 3 - Loss of employment and new job creation**

6.42 In order to deliver a comprehensive redevelopment that will deliver the regeneration objectives of the SDLP and a package of flood alleviation measures to overcome the flood risk that currently blights the site, it will be necessary to demolish the existing industrial premises. Loss of existing employment will therefore be a material consideration for this planning application.

6.43 It is however important to note in the first instance that the site is not identified as one of the District's Key Employment Sites (Policy EI1). Instead, the application site is one of a number of sites identified for mixed use redevelopment which should include employment generating uses (Policy EI2).

6.44 This allocation follows on from an Employment land review which was undertaken by AECOM during the preparation of the now adopted SDLD. The review amongst other things, assessed employment allocations in the previous Local Plan including the application site. AECOM assessed the application site (Local Plan site ref. EK7) and made the following observations:-

**"Low quality mill complex, including several derelict/demolished properties (B1(a, c)/B2/B8).**

.....

**Most property in the north and east of the area has now been demolished, while property in the south and west appears poorly occupied. Dudbridge Industrial Area therefore represents a significant redevelopment opportunity in Stroud Town.**

6.45 AECOM went on to make the following recommendation:-

**"Area is available as a redevelopment/ Remodeling opportunity close to Stroud Town, capable of providing space for both employment and non-employment uses"**  
(our emphasis)

6.46 It can be seen that the adopted SDLP took on board the recommendations of the AECOM report and that the site is now proposed to be allocated for mixed use redevelopment. The SDLP also recognises the need to diversify the types of employment opportunities that are available and that new jobs may come in a variety of forms and not always from traditional "B" Class uses.

6.47 When considering the impact of the proposals on local employment opportunities it will be necessary to consider the overall impacts. There are two key issues to consider:-

- What will happen to the jobs currently on site?
- How many jobs will the foodstore and other commercial uses generate?

#### Existing jobs

6.48 At the time of writing, the application site is occupied by only two companies; Stroud Metals Ltd and Klenzeen. Stroud Metals is a manufacturing based company that specialises in deep draw and progression pressing and employs 49 people on site. Klenzeen specialise in hygiene, catering and domestic wipes. It is understood that the company now only has 3 people on site.

6.49 The remaining buildings on site are either vacant or derelict. The site therefore currently supports only 52 jobs.

6.50 However, it is very important to note that the Applicants have a strategy in place to safeguard the existing jobs. Stroud Metals have plans to relocate to purpose built facilities elsewhere in the District. Relocation would allow the company to overcome the difficulties presented by the Dudbridge Road site and would allow it to inter alia:-

- Improve productivity as the current site has an inefficient layout and is incompatible with modern manufacturing methods.
- Develop existing staff and allow the company to expand its current skilled workforce.
- Retain existing customers and attract new customers by providing more innovative technologies and techniques. This is inhibited by the current site where the restrictions limit the potential for investment in new plant and technologies.
- Avoid potential conflicts with neighbouring uses as the Dudbridge Rd site is becoming increasingly surrounded by residential development.
- Relocate from premises which have been blighted by flooding in the past and would be very difficult to insure even if new occupiers could be found.

6.51 Stroud Metals has already secured planning permission for new premises (ref. S.14/0353/FUL) on a vacant and underused brownfield site at Oldends Industrial Estate, Stonehouse. The permission remains extant.

6.52 Stroud Metals has also been successful in securing an interest free loan of £3.5m from the Gloucestershire Local Enterprise Partnership (GLEP) with the support of Stroud District Council to help facilitate the relocation of the company. This loan is a clear indication of the desire to retain the company in the area.

6.53 Understandably, the adopted Local Plan seeks to retain existing jobs in the district for the purposes of self-containment. It also recognises the importance of traditional manufacturing companies like the Stroud Metal Company. At paragraph 5.28 it is stated that:-

**“The population of Stroud is relatively self contained, with two thirds of the resident population also working in the District. However, the District is a net exporter of labour, mainly to Gloucester, Cheltenham, Tewkesbury and Bristol. Despite the national picture of a structural decline in manufacturing, this sector continues to be very important to Stroud’s economy. It generates over 22% of all the jobs, more than double the regional and national averages.”**

6.54 If Stroud Metals are able to take up and implement the aforementioned planning permission it could help to achieve the following wider objectives:-

- Secure and retain existing jobs within the District
- Support a local company that has operated in the area since 1926 providing it with new opportunities to expand.
- Support the local economy and the important manufacturing base of Stroud.
- Reinforce the role of Stonehouse as a key employment location.
- Unlock the redevelopment and regeneration of the existing site at Dudbridge Road, an important regeneration site for the adopted SDLP.

6.55 Whilst the relocation of Stroud Metals is something which is clearly to be supported it is important to note that the relocation of the company is integrally linked to mixed use development proposals for Dudbridge Road. Whilst the GLEP loan will greatly assist, the relocation of the company is still dependent upon the proceeds of the sale of their share of the Dudbridge Road site. Without this the company is unable to relocate

#### Creation of new jobs

6.56 The new foodstore and other commercial uses will deliver new jobs on site.



6.57 One must also factor in the jobs that would be retained within the district through the relocation of Stroud Metals. If planning permission is not granted, then the long term future of Stroud Metals in the District cannot be assumed. These are jobs that could be lost from the District if nothing is done. It is therefore reasonable and appropriate to include these jobs in any assessment.

6.58 Table 1 below provides a breakdown of the jobs that will be created and retained.

**Table 1 – Net Employment Change**

<b>Existing Jobs</b>	<b>-52</b>
Stroud Metals	-49
Klenzeen	-3
<b>Potential New Jobs</b>	<b>136</b>
Stroud Metals at Stonehouse	64
New Foodstore on site	40
Other Commercial uses on site	32
<b>Net Change</b>	<b>+84</b>

6.59 It can be demonstrated that there will be a net increase in jobs on site increasing from 52 jobs at present to up to 72 jobs if approved. This would accord with the Policy requirement to at least match the number of jobs currently on the site (Policy EI2). The overall impact would in fact be greater because as there would be circa 64 jobs created at Stonehouse through the relocation of Stroud Metals. The total number of jobs created/retained would be circa 136 compared with 52 at the present time.

6.60 Taken together the proposals would have a positive impact in employment terms which would be consistent with national guidance and local policies which now take a more flexible approach to encouraging growth and creating jobs and prosperity.

6.61 In the event that the LPA is minded to grant planning permission for the mixed use redevelopment at Dudbridge Road, then the Applicant would be willing to enter into a section 106 agreement to secure the timely relocation of Stroud Metals.

6.62 To summarise:-

1. The redevelopment of the site will necessitate the demolition of existing employment premises.
2. However, the application site is not identified as a Key Employment Site in the SDLP. The existing premises are low quality and are blighted by flood risk.
3. The Council's Employment Land Review (2013) described the site as low quality and poorly occupied. It is identified as a significant redevelopment opportunity for both employment and non-employment uses.
4. The application site has subsequently been allocated in the adopted Local Plan for mixed use redevelopment (Policies SA1a and EI2).
5. Planning permission is already in place for the relocation of Stroud Metals. It would see the company move to purpose built facilities in the district, retaining existing jobs and offering scope for expansion.
6. The new foodstore and other commercial uses will create up to 72 new jobs on site and the proposals will facilitate the relocation of Stroud Metals and the retention of 64 jobs (a total of 136 jobs being created/retained compared with 52 at the present time).
7. The proposals will assist with economic and employment diversification whilst also retaining and supporting the traditional manufacturing jobs that continue to be important to Stroud.
8. A section 106 agreement can be used to secure the relocation of Stroud Metals as an integral part of the Dudbridge Rd redevelopment proposals.

#### **Issue 4 – Impact on the Stroud Industrial Heritage Conservation Area**

6.63 Given that the application site falls within the Industrial Heritage Conservation Area (IHCA), the development proposals have the potential to impact upon the character and appearance of this designated heritage asset and other non designated heritage assets.

6.64 The Heritage Assessment prepared by Cotswold Archaeology describes the significance of the IHCA and the heritage assets within it. It then focuses on the Dudbridge hub character area which includes the application site. The main conclusions of the Heritage Statement can be summarised as follows:-

1. Substantive 19th / 20th century development within the site is likely to have truncated any earlier archaeology deposits. The value of remains associated with more recent development would be low. Any harm to their significance should be weighed in the planning balance, as per NPPF paragraph 135.

2. The site is located within the Stroud Industrial Heritage Conservation Area (IHCA). While no heritage assets are recorded by the Historic Environment Record within the site, remnants of the late-19th / early-20th -century Dudbridge Mill complex survive. These do retain a small level of heritage significance, and might also be considered to contribute to the industrial character of the area.
  3. However the key historic elements of the Dudbridge Hub Character Area are the Listed industrial buildings and mills. These elements make a key contribution to the Conservation Area's character and significance. These key positive contributing elements will not be harmed by the proposed development, and will be preserved.
  4. Cumulatively, demolition of remnant, non-designated Buildings L, B, C, E3, E4 and E5 would be anticipated to result in a small adverse effect specifically upon the significance of the Dudbridge Hub character type, within the Conservation Area.
  5. Such harm would require that the provisions of Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act (1990), and paragraph 134 of the NPPF be taken into consideration by the decision-taker, alongside the relevant Local Plan policies.
  6. In undertaking these duties, consideration would also be required to be given to the potential heritage benefits of the proposals which are identified in the Heritage Assessment.
  7. There are also other public benefits outlined later in this Planning Statement which would need to be balanced against any residual harm in the context of NPPF paragraph 134.
  8. Finally it should not be forgotten that the site has been allocated for redevelopment within the emerging local plan (Policy SA1a) and that demolitions will be required to deliver the flood alleviation works which are required to bring this land back into a viable use.
- 6.65 It can therefore be seen that the proposals would at worst result in less than substantial harm to the Conservation Area. Whilst case law tells us that this should still be an important consideration, there are a number of public benefits that would outweigh any such harm to the IHCA and these are set out later in this statement.

### **Issue 5 – Landscape and Visual Impact**

- 6.66 The application is supported by a Landscape and Visual Impact Assessment (LVIA). The purpose of the assessment is to determine the degree to which the landscape of the site and its surroundings can accommodate the proposed development. The LVIA is structured to address the separate but interrelated matters of landscape elements and features, landscape character and visual amenity.

6.67 The conclusions of the LVIA can be summarised as follows:-

1. Topography within the Application Site would remain largely as existing leading to a neutral effect.
2. With the proposals in place existing trees on the site would be retained along the eastern boundary but it would be necessary to remove a small number of poor quality trees within the site and along the edge of the River Frome.
3. However, new shrubs and trees would be planted within the site including a new broad swathe of grassland that would be established adjacent to the River Frome to form the flood channel.
4. Consequently, there would be a net increase in the green infrastructure within the site and the proposals would have a major beneficial effect on the vegetation of the site.
5. Opening-up of the site to create pedestrian and cycle permeability would result in a major beneficial effect with respect to this landscape element and resource.
6. With the proposed development in place there would be change in character on the site from industrial to commercial and residential. However, it would not introduce any new elements into the character area that do not already occur within it. None of the key characteristics of the Secluded Valley landscape character area would be adversely affected.
7. Consequently, the proposal would, through sensitive planning and design and response to traditional building types, have a minor to moderate beneficial effect on the landscape character of the Secluded Valleys landscape type and Dudbridge Hub character area.
8. The visual assessment demonstrates that the proposal would be well contained by the screening and filtering effects of existing buildings and existing and proposed vegetation and any visual effects would be limited.
9. In all views one type of built development (industrial) would be replaced by another (commercial and residential) and consequently the medium to long term visual effect would, at most, be moderate but not significant.

6.68 Overall, the LVIA demonstrates that the proposed development could be successfully constructed on the Dudbridge Road site leading to beneficial effects upon landscape elements and character without causing significant harm to the visual amenity of the area.

### **Issue 6 - Access, Traffic and Transportation**

6.69 The application site is already in employment use and whilst many of the buildings are vacant the existing lawful use of the site has the potential to generate traffic and impact on the local road network. It will therefore be

necessary to consider what the net impact would be if it were to be redeveloped to provide the proposed mixed use development.

- 6.70 The site already has existing accesses but these are proposed to be improved as part of the redevelopment proposals.
- 6.71 The application is supported by a Transport Assessment (TA) which has been prepared by ADL Traffic & Highways Engineering Ltd. The TA concludes that:-

1. The proposed foodstore will be accessed via Dudbridge Road by way of a left in/left out priority junction in the location of the existing access to Avocet Business Park. It will be 8m wide with 2m footways on both sides.
2. The access to the residential development would be via a left in/left out priority junction off Dudbridge Road located just to the south of Redlar House in the same location as the existing access to the Goldcrest Business Park. The residential road will be 6m wide with 2m footways.
3. The visibility splays at the proposed site access will be a minimum 2.4m x 60m to the right, which is adequate for a road subject to a 30mph speed limit where the 85th percentile speeds are 37mph. There is no requirement for a visibility splay to the left.
4. There will be additional pedestrian access from the north of the site onto the Stroud Water Canal towpath. There will also be a pedestrian route in from the southwestern corner of the site and a new pedestrian route along the River Frome.
5. The site is well located close to existing walking, cycling and public transport facilities to enable journeys to the store to be made by means alternative to the use of the private car.
6. With the proposed scheme, the maximum increase in traffic is about 2.7% on the A419 south of Dudbridge Hill Roundabout on a Saturday. This is less than the 4.7% increase predicted with the permitted development scheme.
7. The analysis shows that, with the exception of Dudbridge Road, the maximum increase in traffic in the morning peak hour is less than 1% and in the evening peak hour it is in the order of 1% to 2%. The increase in traffic is less than a +/- typical 5% daily variation in traffic and is hence not considered to have a significant (or severe) impact.
8. The junction capacity assessment demonstrates that the proposed site access junctions and Dudbridge Hill Roundabout will operate within capacity with the proposed development in place in 2022.
9. The Cainscross roundabout has been assessed. The difference between the permitted and the proposed development scenarios is not significantly different for the weekday AM and PM peak hours. Saturday peak queues are slightly higher, but no worse than the AM peak period.

6.72 Overall the TA demonstrates that the proposed development will have no material impact on traffic conditions on the local road network when compared to the permitted foodstore development and office/industrial uses on the site.

### **Issue 7 - Flood Risk and Drainage**

6.73 A Flood Risk Assessment has been prepared and submitted as part of the application (along with an outline Drainage strategy). This work revisits and builds on the work that had been undertaken by CH2MHILL for the previously approved foodstore.

6.74 The main findings of the FRA can be summarised as follows:-

1. The application site is currently situated within Flood Zone 3 on the Environment Agency maps.
2. The primary risk to the site is fluvial, from the River Frome and Stroudwater Canal.
3. The FRA identifies a mitigation scheme involving the raising of ground levels across the site and creation of a new overland flood flow corridor is proposed.
4. The EA have been consulted and have reviewed the latest modelling work undertaken to inform the FRA. Their response is also provided as an appendix to the FRA and outlines their overall approval of the work completed to date, subject to the provision of further information within the FRA report.
5. The provision of a new corridor to provide flood storage eliminates the flood risk from the site for the 100 year + 35% climate change event.
6. It also reduces the flood risk for the land to the West of Dudbridge Road.
7. The proposed flood channel creates a linear green area, which will enhance biodiversity and amenity value through this urban site, whilst providing floodplain storage and conveyance during periods of prolonged wet weather and various flood scenarios.
8. It is considered that on implementation of the proposed strategy, the Development will remain safe from flood risk and betterment will be provided to the Dudbridge Road area.
9. Adequate flood storage can be accommodated within the site. Overall betterment and reduction in flood risk to higher vulnerability use areas will be achieved.

6.75 In view of the foregoing, Flood Risk does not represent an insurmountable issue for the redevelopment of the site. The proposals would in fact reduce flood risk to

the site and deliver betterment off-site which can only be delivered through a viable redevelopment of the site.

### **Issue 8 – Ecology**

- 6.76 An Ecological Appraisal was undertaken by Ecology Solutions in 2014. It confirmed that there are no statutory or non statutory sites of nature conservation interest within or adjacent to the Application Site that would be adversely affected by the proposals.
- 6.77 The habitats within the Application Site were generally not considered to be of particular ecological importance, although the trees and hedgerows have some limited value.
- 6.78 The Ecological Assessment concludes that subject to implementation of the mitigation and recommendations provided, there is no current evidence to suggest that there are any overriding ecological constraints in relation to the proposed development at the Application Site.
- 6.79 An update assessment has been undertaken by Penny Anderson Associates Ltd, the results of which are summarised below.

#### Habitats

- 6.80 The habitats within and adjacent to the site were found to be broadly as described during the previous surveys (Ecology Solutions Ltd 2014). However, the extent of vegetated areas had increased, particularly at the north and west of the site and around building B3.

#### Protected Species

##### *Birds*

- 6.81 The vegetation within the site provided suitable nesting habitat for a range of common bird Species. The buildings also provided some limited opportunities for nesting.

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*Bats*

- 6.82 The site had some suitable foraging and commuting habitat for bats, primarily in the vegetated areas along the site boundaries. The buildings offered some limited suitability for roosting.
- 6.83 Updated Bat surveys were undertaken and are submitted as part of the planning application. This concludes that with suitable mitigation measures in place here would be no detrimental effect on the favourable conservation status of local bat populations.

*Badger*

- 6.84 The outlier sett previously identified along the western boundary of the site was found to be disused, the entrance partially collapsed and obscured by fallen leaves and twigs.
- 6.85 No other badger setts were discovered. However, there was evidence of recent badger activity within the site, with well-worn pathways past the sett and a small latrine with some relatively fresh dung.

*Water Vole*

- 6.86 The banks of the River Frome were considered suitable for burrowing, comprising low earth cliffs, although where the bare earth of the banks was visible there was no evidence of burrowing and overall, the habitats along both the river and the canal were considered to be sub-optimal for water vole.

*Otter*

- 6.87 Both the river and the canal provide some suitable habitat for otter, with moderately sized fish providing a potential source of food, although there were no suitable locations for holts. The urban location further reduces the suitability of this stretch of the watercourses due to disturbance, as noted in the previous evaluation of the site (Ecology Solutions 2014).

*Other Protected and/or Notable Species*

- 6.88 The site had suitable habitat to support foraging hedgehog



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Recommendations

6.89 The update report lists a number of recommendations based on its findings but consistent with the previous work undertaken by Ecology Solutions, there are no insurmountable issues that were identified which cannot be addressed through the detailed design of the scheme or through suitably worded planning conditions.

**Issue 9 - Other technical matters**

Contamination

6.90 The planning application is also supported by other technical reports dealing with matters such as noise, ground conditions, drainage and trees. The reports confirm that there are no insurmountable technical issues that cannot be avoided, mitigated or otherwise addressed through conditions.

## 7. THE PLANNING BALANCE

7.1 This section of the Planning Statement explains how the decision maker should approach the determination of this application, before going on to identify the issues that need to be weighed in the planning balance.

### The Decision Making Framework

7.2 Section 38(6) of the Planning and Compulsory Purchase 2004 Act requires that planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.3 In this case, it is considered that the development proposals are in general accordance with the Development Plan and accordingly they should be approved without delay, as per the guidance set out in paragraph 14 of the NPPF.

### The benefits associated with the application proposals

7.4 The application proposals if approved would secure important benefits that would respond to all three dimensions of sustainable development (social, economic and environmental).

#### The social benefits

7.5 The Applicant considers that significant weight should be afforded to the provision of **new homes**. Appeal Inspectors have consistently attached significant weight to this in other appeal decisions recognising the inadequate levels of house building in recent years, which is affecting the availability and affordability of housing across the country.

7.6 As noted above, the NPPF includes the national policy imperative that requires LPAs to boost significantly the supply of housing (NPPF paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership (NPPF paragraph 50). The application proposals are consistent with these objectives.

7.7 The proposals would also involve **housing on previously developed land** which is strongly encouraged by the Government to regenerate such areas and to reduce pressure on the need to release greenfield land. It is also important to note that it will bring land within the IHCA back into a viable use. This should be seen in the context that the proposals will deliver mixed use development which

assists in **promoting self containment and reinforcing communities in urban areas**, where people can reach facilities on foot, bicycle and public transport. This should be afforded significant weight.

#### Economic Benefits

- 7.8 The proposed development will deliver long term economic benefits by creating **new permanent employment opportunities**. This should be afforded significant weight.
- 7.9 The foodstore and the other proposed commercial uses will create new jobs. More significantly the proposals will facilitate the relocation of Stroud Metals to purpose built facilities elsewhere in the district. As already explained this will ensure that existing jobs are retained and that the company will be in a position to grow and create additional jobs in due course.
- 7.10 Moderate/significant weight should be afforded to **expenditure on construction and investment** in an area which is desperately in need of regeneration.
- 7.11 The construction industry is reliant upon a constant stream of new sites to keep people employed and to maintain delivery rates. The LPA's strategic housing requirement will require an increase in construction activity and this will need to be sustained throughout the plan period, indicating that **new construction jobs** will be created locally. Moderate weight should be attached to the newly created construction jobs.
- 7.12 Following the recent recession, the Government placed a major emphasis on the construction industry to "kick start" the economy. There has been a clear push on planning for growth through national policy initiatives including the NPPF, which was intended to stimulate growth in the economy.
- 7.13 It is widely recognised that housebuilding has knock-on effects for other sectors which leads to increased demand for building materials and equipment at the construction phase as well as domestic furniture and carpets etc following completion. This generates/sustains employment in other sectors. The construction industry also stimulates lending in financial markets, another important sector in the UK economy.
- 7.14 Moderate weight should be attached to the provision of **homes for economically active people** noting that this is a location where new residents

can help to sustain local shops and services including public transport, by bringing additional expenditure to the area on a day to day basis. It also provides a labour force for Stroud which will be important given the aims to diversify the economic base and improve self containment.

#### Environmental benefits

- 7.15 A fundamental component of the scheme is the comprehensive package of flood alleviation works which will **reduce flood risk both on site and off site**. Flooding is a major constraint to regeneration in the area and this scheme is able to address that issue whilst also providing betterment for neighbouring properties which will be a major benefit that should be afforded significant weight.
- 7.16 The scheme would deliver **public open space/green infrastructure** which will be accessible to new and existing residents including the new green corridor. This should be afforded moderate weight.
- 7.17 The proposals could also deliver access improvements for pedestrians and cyclists which can be afforded limited weight.
- 7.18 In addition, the appeal proposals would also assist in securing other **enhancements to biodiversity**. These benefits should be afforded limited/moderate weight.
- 7.19 Overall, it can be seen that the proposals will deliver a range of benefits which taken together, weigh heavily in its favour.

#### The adverse effects to be weighed in the balance

- 7.20 The proposals would involve works within the IHCA which would cause **“less than substantial harm” to the significance of the IHCA**. However, these works are necessary to address the flood risk that blights the site and to ultimately facilitate the regeneration of the area.
- 7.21 Without these works the scheme would not be feasible or viable. Whilst it is accepted that great weight should be given to the asset’s conservation one must consider the actual level of harm and then balance this with the public benefits as per the guidance at paragraph 134 of the NPPF and SDLP Policy ES10(5). The Applicant considers that moderate weight should be afforded to the limited harm

that would be caused to the significance of the IHCA in the overall Planning Balance.

- 7.22 The proposals would result in a **loss of employment** from the site but this should not be afforded any weight in circumstances where the proposals facilitate the relocation of Stroud Metals to purpose built facilities within the District and where the new employment created on site would offset those losses in any event

#### Other considerations

- 7.23 There are no other grounds to resist development at the application site which cannot be mitigated or dealt with controlled through planning conditions and/or obligations.

#### Overall Conclusion

- 7.24 The development proposals are in general accordance with the Development Plan and should therefore be approved without delay.

- 7.25 Even if the LPA was to disagree, and was to conclude that there would be a conflict with the Development Plan, the Applicant considers that the benefits of the development still represent material considerations that are capable of outweighing any such conflict in the context of s.38(6) of the 2004 Act.

- 7.26 To summarise on the Overall Planning Balance:-

1. The proposals would deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below. These include:-

- Provision of new homes – Significant
- Regeneration on previously developed land within the urban area of Stroud and within the IHCA - Significant
- Creation of new permanent jobs on site and relocation of Stroud Metals to Stonehouse – Significant
- Expenditure on construction and investment in the area – Moderate/Significant
- Creation of construction jobs – Moderate
- Providing homes for economically active people – Moderate
- Reduction in flood risk both on-site and off-site – Significant

- 
- New public open space/Green Infrastructure- Moderate
  - Increased public access to this part of the IHCA - Limited
  - Enhancements to biodiversity - Limited/Moderate
2. Potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
- Less than substantial harm to the IHCA - Moderate
3. All other identified impacts can be mitigated or addressed through Planning conditions and or obligations.
4. In terms of decision making:-
- The proposals are in general accordance with the Development Plan and should be approved without delay as per s.38(6) of the 2004 Act and the guidance in NPPF paragraph 14.
  - Even if the LPA disagrees and concludes that the proposals conflict with the Development Plan, there are material considerations which would still justify the grant of planning permission in the context of s.38(6) of the 2004 Act.

## 8. SUMMARY AND CONCLUSIONS

8.1 This Planning Statement has been prepared in support of hybrid planning application for a comprehensive mixed use development comprising a new foodstore, up to 130 dwellings, flood alleviation measures and other associated works.

8.2 It outlines the planning policy framework within which the application should be determined. It then goes on to identify the main planning issues as follows:-

**Issue 1 The principle of retail development.**

**Issue 2 The principle of residential development**

**Issue 3 Loss of employment and new job creation**

**Issue 4 Impact on the Stroud Industrial Heritage Conservation Area**

**Issue 5 Landscape and visual impact**

**Issue 6 Access, Traffic and Transportation**

**Issue 7 Flood Risk and Drainage**

**Issue 8 Ecology**

**Issue 9 Other Technical matters**

8.3 The framework for decision making is outlined in Section 7 along with an assessment of the Planning Balance. Overall, the main conclusions can be summarised as follows:-

### **Issue 1 - The principle of retail development.**

1. The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth.
2. The proposals will create new and additional jobs for the area and secure new investment in Stroud; the main settlement in the District.
3. The site is allocated for mixed use including retail uses and the proposed retail use therefore accords with the adopted Local Plan (Policy SA1a).

4. Notwithstanding the above, the principle of retail development on this site is already firmly established through the extant planning permission for a large 5,402sqm food store (S.14/0677/FUL).
5. The food store that is now proposed is 60% smaller than the already consented food store and any impacts on the town centre or other centres would be significantly less than what has already been deemed acceptable.

### **Issue 2 - The principle of residential development**

6. It is widely accepted that there is a national housing crisis and that the NPPF seeks to significantly boost the supply of housing.
7. Even if the LPA can demonstrate a 5YRHLS this should not act as a cap or a limit to housing. Each site should be considered against policy and on its individual merits and should be approved where it is found to be sustainable.
8. The proposals would involve provision of housing on previously developed land which is located within the urban area of Stroud (the most sustainable First Tier Settlement) and would be consistent with the concentrated distribution of housing strategy of the SDLP
9. Residential development as part of a mixed use development would be consistent with the regeneration strategy of the SDLP for the Stroud Valleys providing opportunities for employment diversification and delivering sustainable locations for people to live (para 3.11).
10. Redevelopment of brownfield land for housing in urban areas reduces pressure for housing on greenfield releases in less sustainable locations.
11. Policy SA1 does not preclude residential uses on this site. The list of uses is not definitive and the exact mix of uses will have regard to key priorities for each site, site conditions, detailed feasibility and viability evidence.
12. Until recently it would have been assumed that large parts of the application site were unsuitable because they were at risk of flooding because it includes land which acts as functional floodplain. That constraint can now be overcome.
13. The residential element is fundamental to the feasibility and viability of the wider scheme.
14. No affordable housing is proposed in this case for viability reasons and because the proposals qualify for Vacant Buildings Credit. The Government recognises that such sites will deliver other benefits by bringing vacant and underused land back into use.

### **Issue 3 - Loss of employment and new job creation**

15. The redevelopment of the site will necessitate the demolition of existing employment premises.



16. However, the application site is not identified as a Key Employment Site in the SDLP. The existing premises are low quality and are blighted by flood risk.
17. The Council's Employment Land Review (2013) described the site as low quality and poorly occupied. It is identified as a significant redevelopment opportunity for both employment and non-employment uses.
18. The application site has subsequently been allocated in the adopted Local Plan for mixed use redevelopment (Policies SA1a and EI2).
19. Planning permission is already in place for the relocation of Stroud Metals. It would see the company move to purpose built facilities in the district, retaining existing jobs and offering scope for expansion.
20. The new foodstore and other commercial uses will create up to 72 new jobs on site and the proposals will facilitate the relocation of Stroud Metals and the retention of 64 jobs (a total of 136 jobs being created/retained compared with 52 at the present time).
21. The proposals will assist with economic and employment diversification whilst also retaining and supporting the traditional manufacturing jobs that continue to be important to Stroud.
22. A section 106 agreement can be used to secure the relocation of Stroud Metals as an integral part of the Dudbridge Rd redevelopment proposals.

#### **Issue 4 - Impact on the Stroud Industrial Heritage Conservation Area**

23. Substantive 19th / 20th century development within the site is likely to have truncated any earlier archaeology deposits. The value of remains associated with more recent development would be low. Any harm to their significance should be weighed in the planning balance, as per NPPF paragraph 135.
24. The site is located within the Stroud Industrial Heritage Conservation Area (IHCA). While no heritage assets are recorded by the Historic Environment Record within the site, remnants of the late-19th / early-20th -century Dudbridge Mill complex survive. These do retain a small level of heritage significance, and might also be considered to contribute to the industrial character of the area.
25. However the key historic elements of the Dudbridge Hub Character Area are the Listed industrial buildings and mills. These elements make a key contribution to the Conservation Area's character and significance. These key positive contributing elements will not be harmed by the proposed development, and will be preserved.
26. Cumulatively, demolition of remnant, non-designated Buildings L, B, C, E3, E4 and E5 would be anticipated to result in a small adverse effect specifically upon the significance of the Dudbridge Hub character type, within the Conservation Area.

27. Such harm would require that the provisions of Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act (1990), and paragraph 134 of the NPPF be taken into consideration by the decision-taker, alongside the relevant Local Plan policies.
28. In undertaking these duties, consideration would also be required to be given to the potential heritage benefits of the proposals which are identified in the Heritage Assessment.
29. There are also other public benefits outlined later in this Planning Statement which would need to be balanced against any residual harm in the context of NPPF paragraph 134.
30. Finally it should not be forgotten that the site has been allocated for redevelopment within the emerging local plan (Policy SA1a) and that demolitions will be required to deliver the flood alleviation works which are required to bring this land back into a viable use.

### **Issue 5 - Landscape and visual impact**

31. Topography within the Application Site would remain largely as existing leading to a neutral effect.
32. With the proposals in place existing trees on the site would be retained along the eastern boundary but it would be necessary to remove a small number of poor quality trees within the site and along the edge of the River Frome.
33. However, new shrubs and trees would be planted within the site including a new broad swathe of grassland that would be established adjacent to the River Frome to form the flood channel.
34. Consequently, there would be a net increase in the green infrastructure within the site and the proposals would have a major beneficial effect on the vegetation of the site.
35. Opening-up of the site to create pedestrian and cycle permeability would result in a major beneficial effect with respect to this landscape element and resource.
36. With the proposed development in place there would be change in character on the site from industrial to commercial and residential. However, it would not introduce any new elements into the character area that do not already occur within it. None of the key characteristics of the Secluded Valley landscape character area would be adversely affected.
37. Consequently, the proposal would, through sensitive planning and design and response to traditional building types, have a minor to moderate beneficial effect on the landscape character of the Secluded Valleys landscape type and Dudbridge Hub character area.
38. The visual assessment demonstrates that the proposal would be well contained by the screening and filtering effects of existing buildings and existing and proposed vegetation and any visual effects would be limited.

39. In all views one type of built development (industrial) would be replaced by another (commercial and residential) and consequently the medium to long term visual effect would, at most, be moderate but not significant.

### **Issue 6 - Access, Traffic and Transportation**

40. The proposed foodstore will be accessed via Dudbridge Road by way of a left in/left out priority junction in the location of the existing access to Avocet Business Park. It will be 8m wide with 2m footways on both sides.
41. The access to the residential development would be via a left in/left out priority junction off Dudbridge Road located just to the south of Redlar House in the same location as the existing access to the Goldcrest Business Park. The residential road will be 6m wide with 2m footways.
42. The visibility splays at the proposed site access will be a minimum 2.4m x 60m to the right, which is adequate for a road subject to a 30mph speed limit where the 85th percentile speeds are 37mph. There is no requirement for a visibility splay to the left.
43. There will be additional pedestrian access from the north of the site onto the Stroud Water Canal towpath. There will also be a pedestrian route in from the southwestern corner of the site and a new pedestrian route along the River Frome.
44. The site is well located close to existing walking, cycling and public transport facilities to enable journeys to the store to be made by means alternative to the use of the private car.
45. With the proposed scheme, the maximum increase in traffic is about 2.7% on the A419 south of Dudbridge Hill Roundabout on a Saturday. This is less than the 4.7% increase predicted with the permitted development scheme.
46. The analysis shows that, with the exception of Dudbridge Road, the maximum increase in traffic in the morning peak hour is less than 1% and in the evening peak hour it is in the order of 1% to 2%. The increase in traffic is less than a +/- typical 5% daily variation in traffic and is hence not considered to have a significant (or severe) impact.
47. The junction capacity assessment demonstrates that the proposed site access junctions and Dudbridge Hill Roundabout will operate within capacity with the proposed development in place in 2022.
48. The Cainscross roundabout has been assessed. The difference between the permitted and the proposed development scenarios is not significantly different for the weekday AM and PM peak hours. Saturday peak queues are slightly higher, but no worse than the AM peak period.

### **Issue 7 - Flood Risk and Drainage**

49. The application site is currently situated within Flood Zone 3 on the Environment Agency maps.

50. The primary risk to the site is fluvial, from the River Frome and Stroudwater Canal.
51. The FRA identifies a mitigation scheme involving the raising of ground levels across the site and creation of a new overland flood flow corridor is proposed.
52. The EA have been consulted and have reviewed the latest modelling work undertaken to inform the FRA. Their response is also provided as an appendix to the FRA and outlines their overall approval of the work completed to date, subject to the provision of further information within the FRA report.
53. The provision of a new corridor to provide flood storage eliminates the flood risk from the site for the 100 year + 35% climate change event.
54. It also reduces the flood risk for the land to the West of Dudbridge Road.
55. The proposed flood channel creates a linear green area, which will enhance biodiversity and amenity value through this urban site, whilst providing floodplain storage and conveyance during periods of prolonged wet weather and various flood scenarios.
56. It is considered that on implementation of the proposed strategy, the Development will remain safe from flood risk and betterment will be provided to the Dudbridge Road area.
57. Adequate flood storage can be accommodated within the site. Overall betterment and reduction in flood risk to higher vulnerability use areas will be achieved.

### **Issue 8 - Ecology**

58. The update report lists a number of recommendations based on its findings but consistent with the previous work undertaken by Ecology Solutions, there are no insurmountable issues that were identified which cannot be addressed through the detailed design of the scheme or through suitably worded planning conditions.

### **Issue 9 - Other Technical matters**

59. The planning application is also supported by other technical reports dealing with matters such as noise, ground conditions, drainage and trees. The reports confirm that there are no insurmountable technical issues that cannot be avoided, mitigated or otherwise addressed through conditions.

### **The Planning Balance**

60. The proposals would deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below. These include:-
  - Provision of new homes – Significant

- Regeneration on previously developed land within the urban area of Stroud and within the IHCA - Significant
- Creation of new permanent jobs on site and relocation of Stroud Metals to Stonehouse - Significant
- Expenditure on construction and investment in the area - Moderate/Significant
- Creation of construction jobs - Moderate
- Providing homes for economically active people - Moderate
- Reduction in flood risk both on-site and off-site - Significant
- New public open space/Green Infrastructure- Moderate
- Increased public access to this part of the IHCA - Limited
- Enhancements to biodiversity - Limited/Moderate

61. Potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:

- Less than substantial harm to the IHCA - Moderate

62. All other identified impacts can be mitigated or addressed through Planning conditions and or obligations.

63. In terms of decision making:-

- The proposals are in general accordance with the Development Plan and should be approved without delay as per s.38(6) of the 2004 Act and the guidance in NPPF paragraph 14.
- Even if the LPA disagrees and concludes that the proposals conflict with the Development Plan, there are material considerations which would still justify the grant of planning permission in the context of s.38(6) of the 2004 Act.

8.4 Having regard to the foregoing, it is considered that planning permission can and should be granted.

## **APPENDIX 1**

### **THE EXTANT FOODSTORE PLANNING PERMISSION**



# Stroud District Council

Town and Country Planning Act, 1990 (As amended)

Planning  
Permission

Under the above Act the District Council as Local Planning Authority HEREBY GRANTS Planning Permission for the development described below in accordance with the submitted application and accompanying plan(s) but subject to the conditions stated:

**Agent:**

Pegasus Group  
Pegasus House  
Querns Business Centre  
Whitworth Road  
Cirencester  
Gloucestershire  
GL7 1RT

**Applicant:**

Avocet Industrial Estates LLP  
C/O Agent  
Pegasus Group  
Pegasus House  
Querns Business Centre  
Whitworth Road  
Cirencester  
Gloucestershire  
GL7 1RT

Planning Ref:S.14/0677/FUL  
Application Date: 18/03/2014  
Dated: 27/08/2015

**Description of Land**

Dudbridge (Avocet) Industrial Estate, Dudbridge Road, Stroud, Gloucestershire

**Description of Development**

Demolition of existing buildings on site and erection of a new retail foodstore with ancillary cafe, along with associated access arrangements, car parking, servicing, flood mitigation/compensation, drainage works and landscaping. (Revised Plans received 10th, 23rd June and 28th 2014)  
Cainscross Parish Council 383590 204751

**Conditions attached to permission and reasons therefor:**

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. No development comprising the erection of the buildings hereby permitted shall take place until samples of all materials (includes walling, roofing and joinery details) to be used in the construction of the external surfaces of the buildings have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved samples.

Reason:

In order to ensure a sympathetic form of development within the conservation area in accordance with Local Plan Policy BE5.

3. No development shall take place until a scheme of soft landscaping for the site has been submitted to and approved by the Local Planning Authority. The scheme shall include details of all existing trees and hedgerows which are to be retained on the site together with measures for their protection in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' during the course of the development. The retained trees

**IMPORTANT NOTES –SEE OVERLEAF**

Proper Officer of the Council  
Duly Authorised in that behalf

and hedgerows shall then be protected throughout the course of the construction phase in accordance with the approved scheme.

Reason:

In order to ensure a sympathetic form of development within the conservation area in accordance with Local Plan Policy BE5.

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 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 order to ensure a sympathetic form of development within the conservation in accordance with Local Plan Policy BE5.

5. No development shall take place until a scheme of hard landscaping has been submitted to and approved by the Local Planning Authority. The submitted scheme shall include full details of all external finishes, colour and texture. The development shall then be carried out in accordance with the approved schem

Reason:

In order to ensure a sympathetic form of development within the conservation area in accordance with Local Plan Policy BE5.

6. No development shall take place until further details of all boundary and internal site walls and fencing have been submitted to and approved by the Local Planning Authority. The submitted scheme shall include full design, construction and external finish of all means of enclosure including all retaining walls. The development shall then be carried out in strict accordance with the approved scheme.

Reason:

In order to ensure a sympathetic form of development within the conservation area in accordance with Local Plan Policy BE5

7. Notwithstanding the approved plans, no development shall take place until further plans of proposed works to the northern (canal-side) boundary have been submitted to and approved by the Local Planning Authority. The submitted plans shall include full details (design, construction, external finish) of the following:

- i. Cross sections showing gradients and land level alterations;
- ii. Hard and soft landscaping;
- iii. Boundary treatment;
- iv. Pedestrian links to the adjacent canal towpath;
- v. Historical display boards or display machinery or street furniture, including any signage, to be provided;

The approved scheme shall then be implemented in full prior to the beneficial occupation of the development and shall be maintained as such thereafter.

Reason:

In order to ensure that a sympathetic form of development that enhances this important boundary within the designated Stroud Industrial Heritage Conservation Area in accordance with Local Plan Policy BE5

8. No other works of any description shall take place until a demolition statement (including a timetable of works) for the removal of the existing buildings has been submitted to and approved by the Local Planning Authority. The statement shall include full details of a protection scheme for the safeguarding and preservation of the retained buildings indicated on drawing 13554/PA04 Rev. D, during the carrying out of all aspects of the construction phase. In addition the statement shall also include full details (design, construction and materials) of the reinstatement of the eastern elevation of Building B. The buildings shall then be retained and repaired in accordance with the approved scheme and timetable.

Reason:



In order to preserve the contribution made by the buildings to the conservation area in accordance with Local Plan Policy BE5.

9. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation previously submitted to and approved by the Local Planning Authority.

Reason:

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

10. No development shall take place until a scheme of external lighting has been submitted to and approved by the Local Planning Authority. The submitted scheme shall include full details as to the location, design, hours of illumination and lux of all external lighting including security lighting. No other external lighting of any description shall be erected on the site unless in accordance with the approved lighting scheme.

Reason:

In order to safeguard the amenities of the occupiers of the surrounding properties and to ensure a sympathetic form of development in accordance with Local Plan Policies GE1 and BE5.

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority. The submitted plans shall be supported by evidence of ground conditions and modelling of the scheme to demonstrate that they are feasible and capable of implementation. The approved scheme shall then be implemented in full prior to the beneficial occupation of any commercial building hereby permitted and shall be maintained as such thereafter.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with paragraph 103 of the NPPF.

12. Prior to the first beneficial occupation of the development hereby permitted, a Flood Warning and Evacuation Plan (FEP) for the whole site including all external car park and service areas shall be submitted to and approved by the Local Planning Authority. The FEP shall include full details of:

a flood warning system which utilises local river gauges and external forecast information;  
specified trigger points for the evacuation and closure of the site;  
the procedure for the evacuation of persons and property (including vehicles);  
on site access to and display of the FEP.  
identification and site signage of safe refuges points for all personnel (staff and customers) in times of flood;  
the training of staff and;  
a review timetable and mechanism of the FEP.

The new buildings shall then be occupied in strict accordance with the FEP.

Reason:

To minimise the flood related danger to people in the flood risk area.

13. No works of any description shall take place until a scheme and programme for the provision and implementation of a detailed level for level, volume for volume compensatory flood storage scheme for both the construction and occupation phases of the development hereby permitted has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason:

To alleviate the increased risk of flooding.

15. There must be no new buildings, structures (including non-water permeable gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of the River Frome, along the boundary of the site.

Reason:

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows

16. The floor level of the supermarket building should be set no lower than 35.8m AOD, (which is 600mm above the modelled 1 in 100 year flood level including an allowance for climate change).

Reason

To protect the development from flooding.

17. There shall be no alteration to the bank height adjacent to the River Frome as a result of the development other in accordance with the approved flood mitigation measures and surface water drainage strategy

Reason:

To ensure that there is no alteration to the local flood regime and inundation of the car parking area.

18. No development, other than works required in compliance with this condition, shall take place until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the expressly approved by the Local Planning Authority:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites - Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

To comply with the provisions of paragraph 121 of the NPPF and to ensure the site is free from the effects of any contamination from previous uses of the site and does not pose a threat to human health or ground or surface water.

19. No development shall take place, including any works of demolition, until a Construction Method Statement for all phases of the development has been submitted to, and approved by the Local Planning Authority. The approved Statement shall be adhered to throughout the phases and construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities, which shall be used by every lorry and van prior to leaving the site on every occasion;
- vi. specify the intended hours of construction operations;

- vii. measures to control the emission of dust and dirt during construction and demolition works;
- viii. provide details of the site access during the construction period.

Reason:

To reduce the potential impact on the public highway in accordance with Policy GE5 of the Local Plan and the NPPF.

- 20. Notwithstanding the approved plans, no works shall commence on site until details of the site access incorporating a pedestrian crossing facility therein have been submitted to and approved by the Local Planning Authority. The approved access facilities and crossing point shall then be provided prior to beneficial occupation of the building hereby permitted and shall be retained thereafter unless and until adopted as highway maintainable at public expense.

Reason:

To ensure there is a safe and suitable access to serve the site, in accordance with Policies GE5 and TR1 of the Local Plan and Paragraph 32 of The NPPF.

- 21. Prior to the beneficial occupation of the buildings hereby permitted all parking and manoeuvring facilities shall be laid out and made available for use in accordance with the approved plans. This provision shall then be maintained as such thereafter.

Reason:-

To ensure that adequate vehicular, disabled and cycle parking is provided, in accordance with Policies GE5 and TR1 of the Local Plan and paragraph 35 of the NPPF.

- 22. The pedestrian links to the northern canal-side of the site indicated on drawing 13554/PA04 Rev.D shall be provided upto the boundaries of the site prior to beneficial occupation of the development hereby permitted and shall be retained available for use for the duration of development.

Reason:

To ensure that adequate pedestrian links are provided, in accordance with Policy TR1 of the Local Plan and paragraph 35 of The NPPF.

- 23. The approved Travel Plan (February 2014) shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter.

Reason:

To encourage the use of non-car modes, in accordance Policy TR1 of the Local Plan and Paragraphs 32 and 35 of the NPPF.

- 24. No development shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location previously approved by the Local Planning Authority. No beneficial occupation of the commercial building hereby permitted shall occur until the hydrants have been provided in accordance with the approved plans and shall be maintained as such thereafter.

Reason:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 25. The development hereby permitted shall be carried out in strict accordance with the following drawings:

Proposed Demolition Plan	13554/PA03 Rev.A
Proposed Site Plan	13554/PA04 Rev.D
Proposed Floor Plans	13554/PA05 Rev.B
Proposed Roof Plan and Section	13554/PA06 Rev.B
Proposed Elevations	13554/PA07 Rev.B
Proposed Site Sections	13554/PA08 Rev.B
Site Access General Arrangement	486110-001 Rev.B
Swept Path Artic & Pantech	486110-007 Rev.C
Swept Path FTA Drawbar	486110-008.Rev.C

Reason:

For the avoidance of doubt and in the interests of good planning.

27. Prior to the construction of any walls or hardstandings, details shall be submitted to the Local Planning for approval of the reuse on site of the demolished materials and arisings. The demolished materials and arisings shall be reused within the new development in accordance the approved details .

Reason:

To maximise the reuse of materials where practical, in the interest of sustainability.

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
2. The site is bound by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
3. The site is bound by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
4. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 8 metres of the River Frome.

## **NOTES**

1. If the applicant is aggrieved by the decision of the District Council as Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990, within six months (or 28 days if an enforcement notice is in place) of receipt of this notice. (Appeals must be made on a Planning Appeal form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN. If requesting forms from the Planning Inspectorate, please state the appeal form you require. When lodging an appeal a copy must also be sent to the Head of Development Services, Council Offices, Ebley Mill, Ebley Wharf, Ebley, Stroud, GL5 4UB.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Council as Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

2. If the permission to develop land is granted subject to conditions, whether by the District Council as Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the District Council to purchase his interest in the land in accordance with the provisions of Sections 137-144 of the Town and Country Planning Act, 1990.
3. In certain circumstances, a claim may be made against the District Council as Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.
4. This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority. Building Regulations consent for the development may be necessary and you should approach the Building Control Department at the District Council for information.
5. If the work authorised by this permission involves the alteration to an access or the crossing of the highway verge or kerb, you are requested to consult the County Divisional Surveyor before commencing such work. The address of the Divisional Surveyor may be obtained from the County Surveyor, Shire Hall, Gloucester, GL1 2TH.
6. If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.
7. Attention is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to this permission constitutes a contravention of the provisions of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken. Development begun after three years from the date of this permission is unauthorised development in respect of which enforcement action may also be taken.
8. Any further information concerning this decision can be obtained from the Head of Development Services, Council Offices, Ebley Mill, Ebley Wharf, Ebley, Stroud, GL5 4UB. Please quote the Reference Number on this permission in any correspondence.

*Please note: only the applicant possesses the right of appeal.*