



Appeal Decision

Site visit made on 30 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2020

Appeal Ref: APP/C1625/W/20/3247033

Land North East of Draycott, Cam GL11 5NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bathurst Ltd against Stroud District Council.
 - The application Ref S.19/0758/REM, dated 5 April 2019, sought approval of details pursuant to condition No 1 of a planning permission Ref S.15/2804/OUT granted on 21 December 2017.
 - The development proposed is a mixed use development comprising of up to 450 dwellings, 10.7 hectares of employment land for Use Classes B1, B2 and B8 with associated parking and servicing; open space and landscaping including riverside park; flood storage ponds and infrastructure; creation of new vehicular accesses to Draycott (A4135) and Box Road and supporting infrastructure and utilities.
 - The details for which approval is sought are: Construction of principal means of access comprising new signalised junction from Draycott (A4135), bridge over the River Cam and spine road to serve the approved employment and housing phases E2, H3, H4 and H5 of the Millfields development.
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Decision

1. The appeal is allowed and reserved matters approval is granted for the construction of principal means of access comprising new signalised junction from Draycott (A4135), bridge over the River Cam and spine road to serve the approved employment and housing phases E2, H3, H4 and H5 of the Millfields development at Land North East of Draycott, Cam, GL11 5NA, in accordance with the terms of application S.19/0758/REM dated 5 April 2019 and the plans submitted with it, subject to the following condition:
 1. The development hereby permitted shall be carried out in all respects in strict accordance with the drawings and documents listed below: Drawing No. B719/04 REV A Site Location Plan; Drawing No. B719/01 REV E Layout Plan of Junction and Access Road sheet 1 of 2; Drawing No. B719/02 REV F Layout Plan of Junction and Access Road sheet 2 of 2; Drawing No. B719/03 REV B Longitudinal Section of Spine Road; Drawing No. B392/11 REV D Proposed Bridge Details; and Drainage Statement dated 4 April 2019.

Application for costs

2. An application for costs was made by Bathurst Ltd against Stroud District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission for a mixed use development comprising of up to 450 dwellings, 10.7 hectares of employment land for Use Classes B1, B2 and B8 with associated parking and servicing; open space and landscaping including riverside park; flood storage ponds and infrastructure; creation of new vehicular accesses to Draycott (A4135) and Box Road and supporting infrastructure and utilities has been granted. All matters were reserved for subsequent approval. This proposal seeks approval for the principal means of access.
4. The appeal has been lodged on the grounds of the none determination of the appeal application. Following the submission of the appeal, the Council have confirmed that the highway concerns they had, have now been sufficiently resolved by the information submitted with the appeal and are therefore not in a position to oppose the appeal. I am also satisfied that the additional highway information does now adequately deal with the matters.

Main Issues

5. In light of the extent of common ground between the main parties, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

6. Notwithstanding the Council's position on the proposed development, concern has been expressed by other interested parties in respect to several other considerations. These included the effect of the proposal upon highway safety, ecology, flooding and air quality.
7. In terms of highway matters it was suggested that the use of traffic lights to control traffic is not an appropriate solution for this location. In broader terms concerns are raised that the development would harm highway safety, cause more congestion in the locality, lead to 'rat running' in an attempt to avoid congestion and result in noise and pollution issues for surrounding local residents.
8. A number of these matters were largely identified and considered within the outline application. Furthermore, they were also before the Council when it prepared its evidence for this appeal. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I note that Council officers did not raise any issue in relation to the effect of the proposal upon the living conditions of neighbouring residents. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters.
9. Concerns have been expressed that the proposal would have an adverse impact upon biodiversity in the area. I note the comments of the Council's Biodiversity Team, who raised no objection to the appeal application, on the grounds that matters were principally addressed via a condition requiring the submission of a Construction Environmental Management Plan (CEMP) which was attached to the outline application. On this basis, and in the absence of any substantiated evidence to the contrary, I found no reason to consider that the appeal proposal would have an adverse effect upon biodiversity.

10. In terms of flooding and flood risk, I note that the Environment Agency were consulted on the appeal planning application and it has not objected to the scheme subject to certain provisions. On this basis, in the absence of any substantiated evidence to the contrary, I have found no good reason to believe that development would have any significant effect on flooding and flood risk in the area.
11. The proposal would bring a number of benefits as set out in the evidence. I have also found no reason to disagree with the Council's conclusion that the scheme accords with the development plan. On this basis, having regard to paragraph 11c of the National Planning Policy Framework (the Framework), the proposal should be approved without delay and amounts to a sustainable form of development.

Conditions

12. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A condition requiring the implementation of the scheme in accordance with the approved plans is necessary.
13. Having reviewed suggested Condition 2, I find that the proposed wording duplicates a number of the existing conditions attached to the outline planning permission. For this reason, I find that such a condition is unnecessary and, as such, fails to accord with advice in relation to conditions.
14. With regards to suggested Condition 3, which relates to the compensatory flood storage works, I note that the details of these works and the proposed storage areas are identified on the scheme drawings. On this basis, it would be unnecessary to require further information to be submitted.

Conclusion

15. I conclude, for the reasons outlined above, and having considered all matters, that the appeal should be allowed.

Adrian Hunter

INSPECTOR