

16/0488/OUT – Land at Cob Lane/Old Stone Trough Lane

Additional neighbour comments have been received, covering similar issues to those already submitted (access; highway and pedestrian safety).

Further comments from Statutory Consultees have also been received;

Lead Local Flood Authority – withdraw their objection. Site is in Flood Zone 1. Watercourse which dissects the site is susceptible to surface water flooding – the necessary easements for maintenance will need to be considered at Reserved Matters stage. Advise that the applicant check with LCC Highways that the position of the proposed storage tanks are acceptable.

LCC Highways – no objections in principle. Make the following observations;

- TRICS report provided slightly low for predicted daily traffic – would likely be around 102 movements per day
- Based on this higher output, development would still not have a severe impact on the highway network
- Development would have a negligible impact on highway capacity
- LCC five year database shows no accidents in vicinity of site access
- Agree that sight lines of 2.4 x 22m (Old Stone Trough Lane) and 2.4 x 20m (Cob Lane) are acceptable
- Support the provision of a pedestrian footway
- Of the opinion that the proposed accesses are to prescribed design standards

Comments from the Agent have also been received regarding the following issues;

- Applicant agrees to provision of housing and education contributions
- Question higher TRICS figure calculated by LCC, however agree with overall conclusion that the development is acceptable in highway safety terms
- Objectors have claimed that traffic survey purposely undertaken during school holidays. This is not the case as can be verified by the dates on LCC's website

In light of a recent appeal decision elsewhere in the Borough, education contributions must be formalised by way of a legal agreement prior to making a decision therefore should permission be granted, a Section 106 agreement will first be required to secure the relevant funds.

Heritage Assets

Comments have been received from the Council's Conservation Officer. These are that the assessment is inadequate and only superficially assesses the significance of the heritage assets. It has not adequately considered the impact of the development on the significance of the designated heritage asset and the extent of any harm caused. A revised heritage statement would be required to address the following:

- the visual impact of the scheme on the character and currently open setting of Yellow Hall when the important front elevation is viewed from Old Stone Trough Lane
- the impact on the currently open views of the rear of Yellow Hall seen from Cob lane
- the impact on the historic and currently semi-rural character of Old Stone Trough lane where it is lined by the two listed buildings to either side.
- how and if any potential harm identified could be mitigated by such elements as built form and scale, materials and landscape screening.

Paragraph 129 of the Framework advises that the impact a development has on the significance of a heritage asset must be assessed in development proposals. Great weight needs to be given to the asset's conservation.

Paragraph 134 of the Framework relates to situations where there would be less than significant harm to a heritage asset. Where this occurs then planning permission should only be granted where the public benefits outweigh the harm. In looking at this the balancing exercise requires that significant weight should be given to protecting the heritage asset(s).

In the absence of an adequate heritage assessment approving the application would be so done without being able to assess the impact on them. In accordance with paragraphs 129 and 134 the application should be refused on the basis of the lack of an adequate heritage assessment.

In Forest of Dean District Council v Secretary for Communities and Local Government and Gladman Developments (2016) the Court determined that policy 134 is a policy of restraint. If a development does not pass that then there is no requirement to undertake a balancing exercise based on the other material planning issues. Refusal should be based on the heritage impact alone. That approach was affirmed in the decision on the two Windermere Avenue Appeals received on 28th September 2016. There when there was an unacceptable heritage impact the Inspector did not go into the other material planning issues.

In this case if Members are of the view that the application should be refused on heritage grounds then it should be refused regardless of the other planning issues. However Members should consider those other issues and if there are other grounds for refusal to recommend refusal based on those as well as the heritage issues.

The recommendation below is that there is only one issue that the application should be refused on. All other material issues are acceptable.

It is therefore now recommended that the application be **refused** for the following reason:

The applicant has failed to properly assess the impact on the significance of the two designated heritage assets. As such the development would be contrary to policy ENV1 of the adopted Core Strategy and paragraphs 129 and 134 of the National Planning Policy Framework.