



Stroud District Council

Town and Country Planning Act, 1990 (As amended)

Refusal of
Outline Planning
Permission

Under the above Act the District Council as Local Planning Authority HEREBY REFUSES TO PERMIT the development described below:

Agent:

Miss Georgina Tibbs
Barton Willmore
101 Victoria Street
Bristol
BS1 6PU

Applicant:

Lioncourt Homes Ltd
C/O Agent

Planning Ref:S.14/2240/OUT

Application Date: 29/09/2014

Dated: 09/01/2015

Description of Land

Rodborough Field, Arundel Drive, Rodborough, Stroud

Description of Development

Application for outline planning permission with all matters reserved except 'construction of bridge' for the erection of up to 100 dwellings, public open space and associated infrastructure. (Resubmission of application S.13/1183/OUT)
Rodborough Parish Council 384953 204790

The reasons for the Council's decision to refuse permission are:

1. The proposal would adversely affect the recently confirmed and expanded Rodborough Fields and Wood Gloucestershire Key Wildlife Site. The proposed mitigation strategy does not adequately compensate for the predicted effects. As the KWS is of county nature conservation value, the proposal does not outweigh the damage to its structure ecological functions. The proposal is therefore contrary to adopted Local Plan Policy NE3 and Emerging Local Plan Policy ES6.
2. The proposal would destroy 2.75ha of lowland meadow, a UK Biodiversity Action Plan habitat, also known as a habitat of principal importance for the purpose of conserving biodiversity and a priority habitat. The proposed mitigation does not adequately compensate for the predicted effects. The proposal is therefore contrary to adopted Local Plan Policy NE6 and Emerging Local Plan Policy ES6 and the provisions of the Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act.
3. The proposal would have a permanent adverse effect on the ability of the Rodborough Strategic Nature Area (Number 140) to function as part of Gloucestershire's network of priority habitats. It is therefore contrary to Emerging Local Plan Policy ES6 and paragraphs 117 and 118 of the National Planning Policy Framework.
4. The proposal would adversely affect Frome Banks Gloucestershire Key Wildlife Site. The proposed mitigation strategy does not adequately compensate for the predicted effects. As Frome Banks is of county nature conservation interest, the proposal does not outweigh the damage to its structure and ecological functions. The proposal is therefore contrary to adopted Local Plan Policy NE3 and Emerging Local Plan Policy ES6.
5. The proposal would have a permanent adverse effect on the capacity of Frome Banks KWS and Rodborough Fields and Wood KWS to support European and other protected and priority species including bats, otters, king-fishers and dippers. It is therefore contrary to adopted Local Plan Policy NE4, Emerging Local Plan Policy ES6 and the NERC Act.
6. The proposal would have a permanent adverse effect on the ability of Frome Banks KWS to function as a wildlife corridor and as part of an ecological network. It would obstruct the passage of species through the environment and increase the risk of isolating populations of European and other protected species. It is therefore contrary to approved Local Plan Policy NE5 and Emerging Local Plan Policy ES6.

IMPORTANT NOTES –SEE OVERLEAF

Philip Skill

Head of Planning

Duly Authorised in that behalf

7. The proposal would have a permanent adverse effect on the nature conservation interest of the River Frome. It is therefore contrary to approved Local Plan Policy NE7 and Emerging Local Plan Policy ES6.
8. As the proposed additional housing is within 3km of Rodborough Common Special Area of Conservation, it is likely to exacerbate the existing adverse effects caused by recreation and associated traffic. No robust mechanism has been offered to avoid this significant effect. It is therefore contrary to adopted Local Plan Policy NE1 and Emerging Local Plan Policy ES6. There are alternative housing sites and there are no reasons of over-riding public interest. Further, as advised in paragraph 119 of the NPPF, the presumption in favour of development does not apply in these circumstances.

NOTES

1. If the applicant is aggrieved by the decision of the District Council as Local Planning Authority to refuse permission for the proposed development 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 of receipt of this notice. Please note that if an enforcement notice has been issued, or is issued within the next six months, your window for appeal is greatly restricted and you should seek professional advice. (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, Westward Road, 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. 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 refused 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 refused 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. If any further information is required in connection with this decision, it may be obtained from the Head of Development Services, Council Offices, Ebley Mill, Westward Road, Ebley, Stroud, GL5 4UB. Please quote the reference number of this refusal in any correspondence.