

8.3.2016

RE: S.16/0043/OUT Land at M5 Junction 12, West of Stonehouse.

Summary: This proposal is outside of, but does have the potential to have a negative impact on the nationally protected Cotswolds AONB.

Reasons: Comments made by the Cotswolds AONB Conservation Board were submitted at the pre-application stage and the application has considered the potential to harm the setting of the AONB from this development.

The High Court decision (Stoud District Council v Secretary of State for Communities and Local Government (Gladman Development Ltd) February 2015) helps confirm the application of Paragraph 115 of the NPPF. Mr Justice Ouseley stated in this case that Paragraph 115 of the NPPF “*certainly covers the impact on the scenic beauty of the land actually within the AONB. It seems to me that it would be unduly restrictive to say that it could not cover the impact of land viewed in conjunction with the AONB from the AONB. But to go so far as to say that it must also cover land from which the AONB can be seen and great weight must be given to the conservation of beauty in the AONB by reference to that impact reads too much into paragraph 115.*” Further to this the use of Paragraph 116 of the NPPF is quite specific in relation to development “in” AONBs.

In this case the Board considers the development does have the potential to impact on the scenic beauty of the land within the AONB and indeed in the context of views from the AONB towards other parts of the AONB and Paragraph 115 of the NPPF is therefore relevant. The Board’s Adopted Position Statement on Setting (which is in the process of being updated) has been attached to provide additional guidance.

The site can be seen from a number of different and well used publically accessible viewpoints from within the AONB. The development will extend the existing developed character of the Stonehouse settlement and related industrial areas into the green gap that remains up to the M5 and this change in the landscape of this part of the Vale will be visible from within the AONB. The Board therefore considers there will be an element of negative change to the landscape that forms part of the setting of the AONB through the urbanising impact of development of what is countryside outside any settlement boundary. Careful use of landscaping, external building colours and materials and control over external lighting can to an extent help mitigate harm, but overall this will be a new developed area that will be visible from high ground within the AONB. The character and qualities of the existing landscape will clearly be changed through this development, though it is recognised this development is not in a gap extending a settlement closer towards the AONB.

It is also noted that details of the stadium are not under consideration at this stage and that possibly should the stadium ever be increased to a 10,000 seater capacity it is assumed this may have future implications in terms of an even taller/larger stadium structure. It is therefore difficult for the Board to comment in detail on what may be the most significant and potentially harmful component of this development at this time.

Therefore, the Board recommends to the Council that in coming to a decision on this application the Council do include consideration of negative harm to the setting of the Cotswolds AONB. This needs to be put into the planning balance together with consideration as to whether this development is plan led; the need for the development and any benefits; if need is established, alternative location consideration (including whether alternatives are in or even closer to the edge of the AONB and therefore potentially more harmful); and whether harm can be sufficiently mitigated and addressed through planning conditions.