



# Appeal Decision

Inquiry held on 15-16 July 2008

Site visit made on 17 July 2008

by **Stephanie Chivers** BA(Hons) DipTP  
MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
10 September 2008

## Appeal Ref: APP/C1625/A/08/2065341

### Fromehall Park, Dudbridge Hill, Stroud, GL5 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Sport Partnership Ltd against the decision of Stroud District Council.
- The application Ref S.07/1937/OUT, dated 29 August 2007, was refused by notice dated 22 November 2007.
- The development proposed is outline residential development.

## Decision

1. I allow the appeal, and grant planning permission for outline residential development at Fromehall Park, Dudbridge Hill, Stroud, GL5 3HS in accordance with the terms of the application, Ref S.07/1937/OUT, dated 29 August 2007, and the plans submitted with it as amended by Plan 0610-32/SK07/A, subject to the conditions set out in the Schedule at the end of this document.

## Procedural Matters

2. The application was in outline form, with access for determination now and all other matters reserved for future consideration. A sketch layout of proposed housing was submitted, for indicative purposes only, and I have treated it as such. An amended plan of the proposed access, Plan 0610-32/SK07/A, was submitted after the refusal of planning permission by the Local Planning Authority. It was subject to public consultation and I consider that no interest would be prejudiced by my decision to determine this appeal on the basis of that amended plan. The planning application was made by Sport Partnership Ltd, which is now named Sportoptima Ltd. This does not affect the appeal process.

## S.106 Obligations and Statements of Common Ground

3. Two S.106 obligations were submitted, an Agreement concerning contributions to the County Council towards highway improvements, sustainable travel, education, libraries and an adult learning disability day care centre, and a Unilateral Undertaking securing the provision of an all-weather sports pitch at the site. The County and District Councils confirm that the obligations meet the requirements of policy and relevant Supplementary Planning Guidance, and I see no reason to disagree.

4. Three Statements of Common Ground were submitted, concerning planning matters, highways issues and contributions towards Education and other County Council services. As a result of a praiseworthy degree of negotiation, at the opening of the Inquiry the main parties confirmed that there were no outstanding matters at issue between them, subject to conditions and to the S.106 obligations. There was a considerable amount of representation at the inquiry however from local residents, and from Parish, Town and District Council Members, and my reasoning deals mainly with their concerns.

### **Main issues**

5. The main issues are the effect of the proposed development on the provision of sports facilities in the area, and its effect on highway safety.

### **Reasons**

#### *Provision of sports facilities*

6. The parties agree that Stroud Rugby Football Club's facilities at Fromehall Park are not adequate for modern rugby. There is only one pitch plus a practice area and most of the teams, including the numerous mini and youth teams, have to play on a variety of pitches scattered around the area. This is unsatisfactory in terms of Club cohesion, and the long-term availability of the satellite pitches is uncertain. The clubhouse and stand are dated and provide minimal facilities, particularly for women players. There is no space to expand the playing area on site, even if the Club could finance improvements. I consider that the Club's wish to relocate in order to provide more pitches and higher quality facilities is reasonable and follows the thrust of Planning Policy Guidance 17 *Planning for Open Space, Sport and Recreation* (PPG17) to seek improvements in the quality as well as quantity of recreational space.
7. The appeal for the provision of replacement facilities for Stroud RFC at Eastington has been dismissed (APP/C1625/A/07/2054481). However, the Inspector indicated in his decision that, in the sequential search for potential sites, some were too readily discounted in relation to flood risk, and in regard to size after the football club and indoor arena ceased to be part of the scheme. Furthermore, a future proposal at Eastington or elsewhere might overcome the shortcomings of the development examined at appeal. I consider therefore that the possibility of the implementation of a scheme for a replacement site within the life of this decision is not so unlikely as to make a Grampian-type condition unreasonable. Subject to such a condition, the proposed development would meet the test of criterion 1 of Policy RL1 of the Stroud District Local Plan that alternative outdoor playing space of at least the equivalent quantity, quality and accessibility shall be provided.
8. The conclusions of the Council's 2004 study *Outdoor Playing Space – A Survey of Local Provision and Needs* notes that although there are significant deficiencies in the Stroud area in outdoor recreational provision in comparison with the National Playing Field Association standard, especially in terms of playing pitches, this is not reflected in the comments of parish councils or most sports clubs. The use of a Grampian condition linking this decision to the provision of replacement facilities elsewhere would ensure that no net loss of playing pitches would occur.

9. The summary of requirements in the Survey includes the provision of an all-weather playing pitch in Rodborough, a request voiced by the Parish Council. The appellants confirm that the proposed development would include an all-weather Multi-Use Games Area (MUGA) with associated car parking. Its size and design, provision and retention, lighting, management and maintenance would be secured under the S.106 Unilateral Undertaking. Paragraph 10.4.6 of the Local Plan refers favourably to development which would allow more intensive usage of existing outdoor play areas, and it is clear that a MUGA would be for use by the general public, and for many more hours of the day and days of the week, all year round, than is the appeal site. Sport England have withdrawn their objection to the loss of the Fromehall Park site subject to the Grampian condition and the Undertaking concerning the provision of a MUGA, and I consider that these measures meet the requirements of paragraphs 13 and 15 of PPG 17.
10. I note local concerns that a MUGA may give rise to noise and disturbance to existing or prospective residents nearby. However I am satisfied that there is no reason in principle why one should not be located in a residential area, and the incorporation of a MUGA in a landscaping and open space design which is well-integrated with the proposed residential development is a consideration for the Reserved Matters stage. I note also that there are fears that the MUGA might be monopolised by groups of one age group to the exclusion of other and younger children. However, this is not a drawback identified by Sport England. I recognise that there would be opportunities for surveillance from the residential area, and that the pitch would be actively managed.
11. The appeal site is protected as outdoor playing space under Policy RL1 because it is open to the public to join the Club and to use it formally to play rugby. Nevertheless, it is not public open space: it is private land and is signed as such at the entrance. I am told that there is a degree of informal use of the site as a kickabout area and meeting place for local children and young people, of which the Club is not always aware or to which it turns a blind eye as long as no damage is caused. However, strictly speaking, this use is unauthorised. I therefore place limited weight on the loss of the site as informal recreational open space, especially in view of the proposed provision of a MUGA.
12. I conclude that the proposed development would meet the test of criterion 3 of Policy RL1 in that there would be enhanced provision in the form of a MUGA, in terms of wider public availability and more intensive use for a variety of activities. It would not therefore harm the provision of sports facilities in the area.

#### *Highway safety*

13. The existing access to the appeal site is onto Dudbridge Hill, roughly 40m west of the busy A46 Golden Cross light-controlled crossroads. The Transportation Assessment (TA) shows that the proposed development, estimated at 120 dwellings, would not generate a significant increase of the current average weekday peak hour flow on Dudbridge Hill. I consider that the TA is robust and that the local road system and the Golden Cross junction would operate within capacity. The installation of a microprocessor-optimised vehicle actuation (MOVA) control system at the Golden Cross junction would improve waiting

- times for both vehicles and pedestrians, and payment towards such capacity improvements at the crossroads is secured by the S.106 Agreement.
14. The existing access has limited visibility to the right for drivers emerging from the site, and is close to another access to the west, called by some Dudbridge Hill Lane, which serves a number of dwellings. Despite the shortcomings of the existing accesses there have been only four, minor, personal injury traffic accidents in the area between January 2001 and April 2008. The majority occurred at the crossroads and none were related to the Fromehall Park access. The proposed site access would be located significantly further from the crossroads than the existing and would replace the two somewhat substandard existing accesses with one, which would provide a full visibility splay of 4.5m x 90m to the west and 4.5m x 62m to the first traffic splitter island at the Golden Cross junction to the east.
  15. I consider that the length of the large mandatory yellow-hatched "Keep Clear" box for the eastbound lanes of Dudbridge Hill by the proposed access would ensure that vehicles queuing for the Golden Cross junction would not compromise safe visibility for drivers turning right into, or out of, the site. At present there are small advisory "Keep Clear" boxes at the existing site access and at the Dudbridge Hill Lane access, which would not provide the same degree of visibility as that proposed. In making this assessment I have taken into account the situation where a westbound vehicle on Dudbridge Hill might be overtaking a bus waiting at the bus stop opposite the site.
  16. A principal desire line for pedestrians leaving the site would be towards the town centre, which would not require walkers to cross a road. In addition, a pedestrian and cycle link to Frome Park Road is secured by condition, which will give an alternative route towards the centre of Stroud. I do not find that the footways in this direction, or westwards towards Sainsburys, are so narrow that they would discourage pedestrian movements or make them hazardous, including for those with baby buggies or wheelchairs. Furthermore, the S.106 Agreement would secure contributions towards enhanced pedestrian and cycle facilities between the site and the town centre, including a Puffin Crossing on Bath Road outside the Post Office. The MOVA light control system at Golden Cross should reduce waiting times for pedestrians. I do not find therefore that the proposed development would unduly increase the temptation of pedestrians from the site to cross Dudbridge Hill to the bus stop opposite.
  17. The S.106 Agreement provides for contributions towards public transport facilities and services in the area, the implementation of School Travel Plan initiatives and access improvements between the site and Rodborough Primary School and Archway School. The Stroud Valleys Pedestrian Cycle Trail which serves the town centre and local employment areas, as well as providing access to nearby countryside, runs in the former railway cutting north of the site. All these matters and others referred to in this decision would serve to encourage the reduction of reliance on the private car. I have no reason to believe that adequate parking provision to meet development plan policy could not be provided on the site, and there is no evidence that the development would give rise to a significant increase in on-street parking on neighbouring roads to the extent that it would prejudice highway safety.

18. Overall on this issue I conclude that the proposed development would not harm highway safety, and would thus comply with Policy GE5 of the Local Plan.

### **Conditions**

19. Conditions were suggested by a number of parties. I have imposed conditions concerning the provision of a cycle link, a Travel Plan, renewable energy and waste minimisation measures and Sustainable Drainage Systems in the interests of sustainability. Those concerning a Transportation Management Plan for Construction Traffic (TMPC), the closing of the existing accesses and details of the provision and construction of the access and estate roads are imposed in the interests of highway safety. The TMPC is included also to protect the living conditions of neighbours. The condition about fire hydrants is added for public safety, and that concerning affordable housing in the interests of the aims of policy to provide an appropriate housing mix on the site to meet local needs. The Grampian condition links development on the site to the provision of replacement facilities elsewhere. The suggested wording is amended for greater precision and to reflect more closely the provisions of Local Plan Policy RL1.
20. Other suggested conditions or alternative versions of wording have not been included because their aims would be fulfilled by the conditions imposed, or because they would not meet the tests of Circular 11/95 in terms of necessity or reasonableness. The suggested landscape management plan condition would be part of the landscape reserved matter in Condition1.

### **Other Matters**

21. The appeal site has been an open area for a considerable time, over which neighbouring dwellings have a pleasant view. However, there is no right to a view in planning law. The site is at a significantly lower ground level than a large number of the surrounding dwellings, and a view of rooftops is characteristic of many houses in the deeply-incised Stroud valleys. A detailed scheme for the site would be subject to Local Plan policies to protect the privacy and other residential amenities of existing and proposed dwellings, and to provide an appropriate landscaped setting for the development. I recognise that groups for young and old which currently meet at the clubhouse would have to find a new venue, but the site is relatively close to the town centre and alternative opportunities. I find that neither these nor any other matters put before me would outweigh the considerations that have led me to my decision.

### **Conclusion**

22. For the above reasons, and having considered all matters raised, I conclude that this appeal should be allowed.

*Stephanie Chivers*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details to be provided in accordance with condition 1 shall include details of pedestrian and cycle links from the development to Frome Park Road.
- 5) No works shall commence on the site in connection with the development hereby permitted until details of the arrangements for the provision of affordable housing, amounting to 30% of the total number of dwellings to be constructed on the site, have been submitted to and agreed in writing by the local planning authority. These details shall include:
  - (a) the numbers, type and location on the site of the affordable housing provision to be made;
  - (b) the timing of the construction of the affordable housing;
  - (c) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
  - (d) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be provided in accordance with the approved arrangements.
- 6) The development hereby permitted shall not be commenced until details of a relocation site and facilities, which are at least equivalent to the existing facilities at Fromehall Park in terms of quantity, quality and accessibility, have been submitted to and approved in writing by the local planning authority. The approved details shall include a timetable for the provision of the new site and facilities. The new site and facilities shall be provided in accordance with the approved details.
- 7) Prior to the occupation of any dwelling a Travel Plan shall be submitted to and approved in writing by the local planning authority. Those measures and monitoring mechanisms identified in the approved Travel Plan shall be implemented in accordance with the timetable contained therein.

- 8) No less than 10% of the total annual energy requirement of the proposed development shall be provided by renewable energy sources located within the site. The details of these arrangements shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works in connection with the development hereby permitted. These arrangements shall be retained in accordance with the approved details for as long as the development remains on site.
- 9) No work shall commence on the site until measures for minimising waste generated by the development hereby permitted have been submitted to and approved in writing by the local planning authority. These measures shall be retained in their approved form for as long as the development remains on site.
- 10) No work shall commence on the site until details of a drainage system incorporating Sustainable Drainage Systems have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the system shall be maintained for the lifetime of the development. The scheme shall be implemented in accordance with the approved details before any dwelling is occupied.
- 11) No work shall commence on the site until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details.
- 12) No work shall commence on the site until a Transportation Management Plan for Construction Traffic ("the Plan") shall have been submitted to and approved in writing by the local planning authority. The approved Plan shall include details of delivery times, wheel cleaning facilities and vehicle parking for site operatives and construction traffic and shall be implemented before development commences on site and shall be retained for the duration of the construction period.
- 13) No other works shall commence on site until the first 20m of the access road from the existing highway has been laid out in accordance with the submitted plans and constructed to at least basecourse level.
- 14) No dwelling shall be occupied until the access road between that dwelling and the existing highway, including footways and turning heads (where applicable) has been laid out in accordance with the submitted plans and constructed to at least basecourse level.
- 15) The existing vehicular accesses to the site shall be stopped up, their use permanently abandoned and the footway crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such works shall be completed within one month of the proposed vehicular access hereby permitted being first brought into use.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr P Cairnes	of Counsel, instructed by the Head of Legal Services, SDC
He called	
Mr D Corker DipTP	Principal Appeals and Enforcement Officer, SDC
Mr J Longmuir	Planning Officer, SDC
Mr M Evans	Solicitor, SDC
Mr N Troughton	Highways Officer, Gloucestershire County Council, Shire Hall, Gloucester GL1 2EQ

### FOR THE APPELLANT:

Mr C Young	of Counsel, instructed by Mr P Fong
He called	
Mr P Fong BA(Hons) MRTPI	Managing Director, Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham GL50 1DZ
Mr D Tighe	Director, Pinnacle Transportation Ltd, 21 Berkeley Square, Clifton, Bristol BS8 1HP
CEng BSc MICE DipTEng	
Mr N Evers DipLA(Glos) MLI	Director, Cooper Partnership Ltd, 127 Hampton Road, Redland, Bristol BS6 6JE
Mr D Crampton	Chairman, Stroud Rugby Football Club, Fromehall Park, Dudbridge Hill, Stroud GL5 3HS

### INTERESTED PERSONS:

Elected Members speaking on their own behalf and for residents:

Cllr Christine Headley	Ward Cllr for Rodborough
Cllr Nigel Cooper	Ward Cllr for Rodborough
Cllr Karen McKeown	Chair, Rodborough Parish Council
Cllr Chas Townley BA(Hons) MCIH	Stroud Town Council (all c/o SDC, Ebley Mill, Stroud, GL5 4UB)

Residents:

Mr R Tiley	8 Castlemead Road, Rodborough, Stroud GL5 3SF
Mr P Blomberg	151 Bath Road, Stroud, Glos GL5 3LL (Cllr but speaking as a resident)
Ms P Sparrow	Parkside, Frome Park Road, Stroud, Glos GL5 3LF
Mr C Frith	Ivy Cottage, Westend, Eastington, Stonehouse, Glos GL10 3SL

Representations for Save Fromehall Park Action Group:

Tony Chapman	Director, ADL Transportation Ltd, ADL House, Oaklands Business Park, Armstrong Way, Yate, Bristol BS37 5NA
CEng BSc MICE MIHT CWIEM	
David Hesp	129 Bath Road, Stroud, Glos GL5 3LL
Caroline Brookes	St Ives, Frome Park Road, Stroud, Glos GL5 3LF
Susan Hesp	129 Bath Road, Stroud, Glos GL5 3LL

Debbie Kedge  
Delia Parnham-Cope

Wilcuma, Frome Park Road, Stroud, Glos GL5 3LF  
(for Penny Mitchell) c/o 127 Bath Road, Stroud,  
Glos GL5 3LL

## DOCUMENTS

### Submitted by LPA:

- 1 Council's letter of notification and list of persons notified
- 2 Representations in response
- 3 Further representations in response to consultation of June/July
- 4 Summary of Mr Cairnes' Opening
- 5 Extracts from Stroud District Local Plan
- 6 Conditions and additional conditions suggested by GCC Highways

### Submitted by Appellants:

- 7 Statement of Common Ground on Highways Issues
- 8 Stroud District Schools Recreation Survey, by Hunter Page Planning
- 9 Rebuttal Proof from David Tighe concerning Tony Chapman's evidence
- 10 Extract from documents submitted as part of 2008 application at appeal site – TRICS data
- 11 Drafts of S.106 unilateral undertaking (11a) and agreement (11b)
- 12 Final drafts of S.106 unilateral undertaking (12a) and agreement (12b)
- 13 Mr Young's closing submissions

### Submitted by residents:

- 14 List of objectors from Save Fromehall Park Action Group wishing to speak at the Inquiry
- 15 Tony Chapman's Statement
- 16 David Hesp's Statement
- 17 Kevin Roseblade's Statement
- 18 Debbie Kedge's Statement
- 19 Cllr Christine Headley's Summary Statement
- 20 Cllr Chas Townley's Statement
- 21 Folder of papers from SFP Action Group including Statements by members and extracts from documents including Sport England Guidance Note concerning MUGAs and multi-signature open letter to Daily Telegraph on children's play.
- 22 *Play Matters - A Play Strategy for the Cotswolds 2007-2011*  
Cotswold District Council
- 23 Bus timetables Stroud to Eastington
- 24 Suggested conditions from Rodborough Parish Council and Stroud Town Council

### Documents submitted after the appeal

- 25 Completed S.106 Agreement
- 26 Completed S.106 Unilateral Undertaking
- 27 Decision on appeal concerning site at Eastington (APP/C1625/A/07/2054481).