



STROUD DISTRICT COUNCIL

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DEVELOPMENT CONTROL COMMITTEE

12 June 2019

6.00 pm – 10.17 pm

Council Chamber, Ebley Mill, Stroud

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Minutes

Membership

| | | | |
|---|---|----------------------------|---|
| Councillor Martin Baxendale (Chair) | P | Councillor John Marjoram | P |
| Councillor Miranda Clifton (Vice-Chair) | P | Councillor Jenny Miles | P |
| Councillor Dorcas Binns | P | Councillor Jessica Tomblin | P |
| Councillor Nigel Cooper | P | Councillor Sue Reed | A |
| Councillor Haydn Jones | P | Councillor Mark Reeves | P |
| Councillor Steve Lydon | P | Councillor Tom Williams | P |

P = Present A = Absent

Officers in Attendance

| | |
|----------------------------------|--------------------------------|
| Head of Development Management | Development Manager |
| Principal Planning Officer | Solicitor |
| Director of Development Services | Interim Head of Legal Services |
| Chief Executive | Democratic Services Officers |

Other Members in Attendance

Councillors Cornell, John Jones, Davies, Studdert-Kennedy, Tucker and Robinson.

External Consultants

WYG (Noise Consultant)
Gloucestershire County Council Highways (HDM)

DC.006 APOLOGIES

An apology for absence was received from Councillor Reed.

DC.007 DECLARATIONS OF INTEREST

Councillor Tom Williams did not declare an interest but felt that he needed to clarify something that had been mentioned to him. He stated that in the past he had appeared on the shareholders register as the supporters trust shareholder representative and did vote as a trust member but this was before Ecotricity took over. He wanted to make it clear that he was no longer on the board nor had any direct interest in the football club.

DEVELOPMENT CONTROL PLANNING SCHEDULE

Representations were received and taken into account by the Committee in respect of the application and also Late Pages were circulated to Committee prior to the meeting.

**DC.008 LAND AT M5 JUNCTION 13 WEST OF STONEHOUSE, EASTINGTON,
GLOUCESTERSHIRE (S.16/0043/OUT)**

The Principal Planning Officer introduced the proposal for a 5,000 capacity football stadium and other ancillary uses, two full sized grass pitches and goal practice area, parking for cars and coaches and highways improvements to the A419, including a signalised site junction and combined cycle/footway. All matters to be reserved save for access. He reminded members that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application should be made in accordance with the development plan unless material considerations indicate otherwise.

In this case the applicants had accepted that the proposed development was contrary to development plan policies, but after carefully balancing this against other material considerations Officers considered that this was a case where other material planning benefits outweighed the conflict with those policies and consequently were recommending approval subject to conditions and a Section 106 Agreement.

Concerns with noise had been raised from local residents, William Morris College and other groups and Officers subsequently met with them to discuss further. The Council had retained the services of a Noise Consultant and the advice received was that conditions were recommended to mitigate any noise impact. The Noise Consultant was present and would be able to answer any technical questions.

A map showing the revised scheme was shown and various aspects of the site highlighted. The ecological implications and enhancements were outlined. The heritage assets were also identified and the impact on the rural setting acknowledged. The highway mitigation and enhancements including bus, cycle and pedestrian were summarised. This scheme was supported by the County Highways, and there was an officer present who would also be able to answer any technical questions. The landscape impact and mitigation outlined with the lighting being integrated into the structure of the building, however, at night there would still be some skyglow.

The Principal Planning Officer provided an update with further public comments being received which reiterate previous concerns; an update on Condition 42: Noise condition clarifying that the internal space within the building was for teaching and living space. All other updates were within Late Pages. Other material was given to Members to read and the Chair allowed Members 5 minutes to read this.

The meeting adjourned at 8.21 pm and reconvened at 8.27 pm when members indicated that they had read all of the additional material provided.

For clarification the Principal Planning Officer confirmed the height of the building would be 19.5 metres.

The Chair invited public speaking.

Ward Members

Councillor John Jones, expressed his view that the application was contrary to both the Council's adopted Local Plan in 2015 and Eastington Neighbourhood Development Plan adopted in 2016. It was also contrary to Policies CP15, CP14 and EP1, ES3, ES7, ES8, EP9 and EP4. He concluded that in his opinion the application contravened the Local Plan and the Eastington Neighbourhood Development Plan and he requested that the application be refused.

Councillor Stephen Davies was unable to be present at the start of the meeting and Councillor John Jones read out a prepared statement outlining Councillor Davies' reasons for refusal. He focused on the concerns from William Morris House regarding the issues of unexpected and sudden noise variations on the autistic residents on match days. There were also concerns regarding the highway. He believed that strength of local feeling against this application was high (survey results 80%).

The Head of Development Management confirmed that in the Late Pages, Condition 4 tied the design down.

Parish Council Representatives

Karen Hayes spoke on behalf of Eastington Parish Council, stating that substantial weight must be given to the departure to the Local Plan and also the Eastington Neighbourhood Development Plan. She questioned the need to bring training facilities onto the stadium site as these could be provided elsewhere as they are now. There would be an increase in car use even with a shuttle bus from Stonehouse. There was a change in land use and harm to the landscape setting through the removal/disturbance of trees and hedgerows. Nailsworth Town Council had also raised their concerns. She urged refusal.

David Paynter represented Whitminster Parish Council who objected on the grounds of the conflict with the Local Plan, landscaping impact, highway issues and noise pollution. Citing policies CP15, CP14 and EI11 as reasons for refusal. There was no guarantee of the sustainability of the club. It was human nature for fans to park in nearby roads to avoid paying car parking charges.

Opposing

David Crofts from the Campaign to Protect Rural England (CPRE) outlined reasons why in the CPRE's opinion, the application should be refused i.e. because it underplays the Council's Local Plan and ignores the Eastington Neighbourhood Development Plan, citing policies CP2 and CP15; and that the Local Plan should be upheld.

Jo-Anne Bradford from Keep Eastington Rural stated that she spoke on behalf of the people of Eastington who opposed the application. This also included their neighbours at William Morris House who needed protecting. There would be an increase in noise, traffic and the destruction of historic meadows. It was also against the Local Plan policy EI11.

Graham Barton, William Morris College questioned the public benefit, and the benefit to Eastington. He confirmed that the college was situated amongst a peaceful community. 70 decibels between 8.00 am – 11.00 pm would not be mitigated by conditions and the community could not live with that noise.

Supporting

Dale Vince, on behalf of the Applicant confirmed that at present the football club had very limited parking space. The club's ambition was to get into the Championship. Six years ago an extensive search began for a suitable new site. The stadium would be the first in the world made of wood and a sustainable development. There would be benefits for the District of Stroud.

Phil Butterworth spoke on behalf of the football club, confirming that an estimated 80-90% of fans were in favour of the project and that there are potential benefits to schools with the Forest Green Rovers Ambassador Scheme.

The Chair thought it would be helpful to discuss the planning considerations on a topic by topic basis.

Principal of Development

The Team Manager showed on a plan the location of the Grade II Listed Buildings in relation to the site. A red line showed the proposed development area, the area had not changed only the application. Events would be managed by conditions on hours, car park management, limited size and frequency. There would be no music concerts.

The Principal Planning Officer clarified that the benefits justified the departure from the Council's Local Plan. This application would not set a precedent and he was happy to defend the Local Plan. He confirmed that the 5,000 seater stadium would provide a suitable atmosphere for the club to grow in the future, but permission would be needed for an increase. There would be ancillary facilities for fans, training pitches and facilities for the club together all on one site.

When the Eastington Neighbourhood Plan was adopted by Council, following a referendum and the Local Plan was agreed a new stadium was not anticipated.

Highways

The Principal Planning Officer confirmed that on match days traffic could turn both ways. There would be traffic lights in operation. The Highways Consultant from GCC Highways answered questions confirming that the M5 came into use in 1962. There would be 1,700 parking spaces. He was satisfied that there would be controlled use as part of the Car Park Management Strategy alongside the Travel Plan. There would be a car parking charge to encourage fans to avoid using a car and use other modes of transport. Improvements were proposed on the roundabout to the M5 junction, a plan was displayed on the screen.

Landscape and Visual Impact

Grove Farm was 46m from the stadium and Mole Cottage was 90m away. No details regarding materials for planting or surfaces were available. There would be sustainable drainage across the site, with some tarmac and/or bonded surface for the roads. Condition 5 requires details on hard and soft landscaping. There would be 2 slow release drainage ponds to adjacent land.

Upon request from Councillor Williams, the Head of Development Management confirmed she was happy for all reserved matters to come back to Committee, similar to the Land West of Stonehouse.

Councillor Lydon requested clarification that the proposal was to establish the principle of a football stadium. The Principal Planning Officer confirmed that this was an outline application with indicative detail which would be controlled by conditions.

Ecology

Confirmation was given that there was an agreed Method Statement and there would be ongoing maintenance to manage the site.

Trees

No questions were asked.

Design

This outline application sought permission for a 5,000 seater stadium. There would be flexibility to increase to 10,000 without rebuilding the stadium. The applicant did not feel that design matters should be included in a Section 106 Agreement because conditions could be imposed upon the outline application as safeguards. The Building Control Manager had looked at the feasibility of the design and the timber would be treated to be fire retardant. The stadium could be evacuated within 6 minutes. Cooking areas there would have 30 minutes fire containment.

At 8.20 pm the meeting adjourned and reconvened at 8.32 pm.

Noise

The Council's Noise Consultant answered Members' questions regarding noise levels, confirming the noise from a crowd cheering inside the stadium would be less than 40 decibels. A helicopter overhead would be 75/80 decibels. Comparisons in various sounds were discussed. Noise behaved differently when travelling in or around different shapes, whether windows were open or closed. Design does affect how noise is projected. Consideration of the worst case for noise from vehicles, car parking and car doors would be covered in the Noise Management Plan. The different seasons, eg rain and wind would also affect sound.

Councillor Tomblin referred to the Late Pages and Condition 43.

Lighting

No questions were asked.

Heritage

The location of the nearby Listed Buildings and Conservation Area were identified.

Residential Amenity

Councillor Binns asked what facilities were available for local residents. The Principal Planning Officer referred to condition 48 which required submission and approval of a Community Engagement Strategy; he had only had discussions at this outline stage but the application was for a new stadium which would be the hub for the club's fitness facilities. At this stage there was no commitment on Community Engagement, because this was an outline application.

The Principal Planning Officer confirmed that a similar requirement for an Employment and Skills Plan would be imposed by Condition 47.

The Head of Development Management confirmed that under the Scheme of Delegation certain items could be decided by the Committee or in consultation with the Committee Chair and herself. In her view some of the conditions were of a technical nature, others could come back to Committee. Conditions 47 and 48 were good examples of the latter.

Air Quality, Contaminated Land or Drainage

No questions were asked.

Agricultural Land

The Principal Planning Officer confirmed that the land was Grade 3, with elements near the river being Grade 3b. He confirmed Grades 1, 2 and 3a were the best and most versatile.

Public Sector Equality Duty and Obligations

No questions were asked.

General Questions

In reply to a Member's question the Principal Planning Officer confirmed that there was no requirement for a sequential test as there were no alternative sites. The applicant had searched the area for a suitable location in Oldends Lane, Aston Down and Javelin Park but these sites were not suitable. The proposed site off junction 13 of the M5 was the most suitable.

Junction 12 of the M5 was not suitable because of the capacity of the junction and roundabout, remodeling would be very challenging. Junction 13 has the capacity for improvements to take place. The GCC Highways Consultant confirmed a proposal for warehousing had failed because of junction 12 capacity issues. Junction 13 is better for the needs of the stadium.

Councillor Lydon proposed a Motion to accept the Officers' advice and grant the permission sought, this was seconded by Councillor Marjoram. He thanked the Officers for their answers to questions for this outline application. Councillor Marjoram congratulated the Principal Planning Officer for his very detailed report.

The Solicitor asked whether the proposer and seconder wanted to encompass the amendments to the conditions recommended by the Principal Planning Officer in Late Pages and the suggestion by Members that non-technical matters reserved for further approval be brought back to the Committee for determination. The proposer and seconder agreed.

Debate

Councillor Haydn Jones stated that this was an outstanding design but was contrary to the Local Plan and the benefits would have to outweigh the presumption of refusal. He asked what benefits were there to the local community. There would be significant noise nuisance and the impact to Grove Farm, Westend. Certain important matters (eg

design and community facilities) were not to be included in a Section 106 Agreement. The applicant had demonstrated his commitment to carbon neutral by 2030.

Councillor Williams mentioned the cost of moving, i.e. the demolition of the existing stadium and the 3-5 years it will take to finish the new stadium. He was disappointed in the lack of facilities for locals.

Councillor Cooper said the club was successful and ambitious; the design was wonderful and had listened to the objections and concerns. The club had outgrown its present site and needed to move. He was not convinced that he had heard sufficient information to move away from the Council's Local Plan and Eastington Neighbourhood Design Statement.

Councillor Binns agreed with both Councillors Jones and Cooper. There had been no report on the effect on local jobs and businesses moving out of Nailsworth. The community in Eastington would get noise, lack of green fields, a huge amount of congestion and a parking charge resulting in visitors parking around the stadium. In her view it would be the wrong place for the stadium and was against the Council's Local Plan.

Councillor Miles had listened to all of the different view points and the impact on local residents. There would be significant employment and environmental gains.

At the conclusion of debate the Solicitor asked if there were any amendments to the proposal. None were proposed.

On being put to the vote there were 5 votes for the Motion and 6 votes against. The Motion to accept the Officers' advice was LOST.

Councillor Haydn Jones proposed a Motion to refuse the outline planning application. The proposal was seconded by Councillor Binns

The Head of Development Management requested that the proposer and seconder identify their proposed reasons for refusal which could then be put to the Committee for consideration.

Councillor Jones asked the Chair to allow a short period of time for formulation of the reasons for refusal.

Councillor Jones outlined the following reasons for refusal:-

That the proposed development is contrary to National Planning Policy, the Council's Local Plan and Eastington Neighbourhood Development Plan in the following respects:

National Planning Policy Framework paragraph 12

Local Plan Policies:

CP14 paragraphs 5, 7 and 8

CP15

CP12 - the impact on Nailsworth town centre

ES3 paragraph 1

ES7

ES10 - the Listed Buildings at Grove Lane

EI11

Relevant policies from the Eastington Neighbourhood Development Plan

Other material considerations are of insufficient weight to justify a departure from those planning policies.

Those reasons were seconded by Councillor Binns. No amendments to the proposal were put forward and Members did not consider that any further debate was necessary there having been a full examination of the material planning considerations

The Head of Development Management asked Councillor Jones whether he wished to delegate authority to her, in consultation with the Chair and Vice-Chair of Committee the wording for refusal. Councillor Jones agreed. This was seconded by Councillor Binns.

On being put to the vote there were 7 votes for the Motion and 4 votes against. The Motion to refuse the outline planning application was CARRIED.

RESOLVED To refuse outline planning permission for the reasons proposed and seconded by Councillors Jones and Councillor Binns (set out above) and to delegate authority to the Head of Development Management to draft an appropriate notice of refusal to reflect those in consultation with the Chair and Vice Chair before issuing the decision.

The meeting closed at 10.17 pm.

Chair