

DEVELOPMENT CONTROL COMMITTEE

14 July 2015

6.00 pm – 9.37 pm
Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

Stephen Moore **	P	Paul Hemming	P
John Marjoram *	P	Haydn Jones	P
Liz Ashton	P	Dave Mossman	P
Dorcas Binns	P	Steve Robinson	P
Rowland Blackwell	P	Emma Sims	P
Nigel Cooper	P	Tom Williams	P

** = Chair * = Vice-Chair

A = Absent P = Present

Other Members in attendance

Councillor Rhiannon Wigzell

Councillor Jonathan Edmunds

Officers in attendance

Development Control Manager
Principal Planning Officers
Planning Officer

Legal Services Manager & Monitoring Officer
Democratic Services Officer

DC.013 APOLOGIES

There were no apologies for absence.

DC.014 DECLARATIONS OF INTEREST

None

DC.015 MINUTES

RESOLVED That the Minutes of the Development Control Committee meeting held on 9 June 2015 are accepted as a correct record.

DC.016 PLANNING SCHEDULE

Representations were received and taken into account by the Committee in respect of the following applications:-

1.	S.13/1893/FUL	2.	S.14/2938/FUL	3.	S.15/0303/FUL
4.	S.15/0677/FUL	5.	S.14/2849/FUL	6.	S.14/2151/FUL
7.	S.15/0594/FUL	8.	S.15/1034/NEWTPO		

Late Pages had been circulated to Members prior to the meeting and were available at the meeting in respect of scheduled Items 1, 2, 3, 5 and 7.

DC.017 ITEM 1 - ROOKSMOOR MILLS, BATH ROAD, WOODCHESTER, STROUD – (S.13/1893/FUL)

The Development Control Manager outlined the above application and explained the reasons for the application being brought back to the committee, which was due to a threat of Judicial Review, on allegedly not giving sufficient consideration of the impact on the Priory, the Roman Villa, the Conservation Area, and the views of Historic England. A map showing the heritage assets was displayed. When making a decision, Members were reminded they needed to have special regard to the impact on the setting of listed buildings and conservation area and consider whether the benefit outweighs the harm.

Councillor Rhiannon Wigzell, Ward Member, outlined reasons why the application before Members should be refused.

As this application was discussed at the previous meeting, and members of the public had spoken at that meeting, public speaking did not take place.

In replying to Members' questions the following points were clarified:

- The particular characteristics and heritage of the listed buildings and Conservation Area should be given consideration when developing the site.
- The relationship between the underground archaeology and the development will have impact on the site.
- The Industrial Heritage Conservation Area Statement allows for modern design in a historic setting.
- The impact on the visual and historic setting of the height of the buildings has to be considered.
- Previous approval of planning permission in 2007 has lapsed; this application is different in design.

A motion to ACCEPT the Officer's recommendation was proposed by Councillor John Marjoram and seconded by Councillor Paul Hemming.

Members debated the application and expressed their views.

On being put the vote, there were 9 votes for the motion, 2 votes against and 1 abstention.

RESOLVED To GRANT PERMISSION for application S.13/1893/FUL in accordance with the Officer's recommendation.

DC.018 ITEM 2 - STUART COURT, BUTT STREET, MINCHINHAMPTON, GLOUCESTERSHIRE - (S.14/2938/FUL) - ERECTION OF 7 NO. RETIREMENT HOMES AND ASSOCIATED DEVELOPMENT

The Principal Planning Officer updated the committee and drew Members' attention to the late pages, letters from Alder King, Gloucestershire Association for Disability, Morse Heritage, Councillor Nick Hurst and a revised landscape plan.

Christine Elson spoke on behalf of Gloucestershire Association for Disability and raised concerns of the trustees who were very anxious, as a refusal of the application would result in the loss of a sale of property. She stated that this was a well managed site and the 7 properties would integrate well and would benefit the community.

The officers displayed proposed plans and an aerial photo of the trees to the west of the site.

In replying to Members' questions the following points were clarified:

- A percentage of houses for people with disabilities could be dealt with by a covenant if the application is successful.
- The officer highlighted the aerial photo of the trees on the site which would need to be felled, explaining the loss of setting within the Conservation Area being replaced by building.
- The stone from the demolished building would be reused on the site.

A motion to GRANT PERMISSION contrary to the Officer's recommendation was proposed by Councillor Emma Sims, citing Policies NE8, NE10, 11, 12, HN8, HC1, Paragraphs 56, 57, 55 of the National Planning Policy Framework (NPPF), ES1 and ES8 of the emerging Local Plan which related to sustainability, design, landscape protection, respecting the value of trees and Conservation Area impact. This was seconded by Councillor Nigel Cooper also citing reasons including little impact on heritage assets or highway.

The Principal Planning Officer clarified the conditions for permission:

- Three year limit on approving plans
- Integration of material on site
- Mitigation strategy for bats
- Highway conditions regarding manoeuvring and Construction Method Statement
- Safe method for dismantling existing buildings

On debating this application Members expressed differing views.

On being put to the vote, there were 11 votes for the Motion, 0 vote against and 1 Abstention; it was declared CARRIED.

RESOLVED To GRANT PERMISSION for application S.14/2938/FUL (subject to conditions determined by the Development Control Manager) for the reasons as set out in the Minutes

DC.019 ITEM 3 - HORIZONS, MAIN ROAD, WHITESHILL, STROUD - (S.15/0303/FUL) - PROPOSED ERECTION OF 3 NO. TWO BEDROOM DWELLING HOUSES

The Development Control Manager updated the committee on the above application confirming amended plans had been received and County Highways had no objections.

Councillor Jonathan Edmunds, Ward Member, outlined reasons for objecting to the application.

Rebecca Charlie representing the Parish Council spoke in opposition to the application, quoting Policies G5 of the current Local Plan and CE13 of the emerging Local Plan.

Nadine Gibbs and Lesley Ford representing the residents spoke in opposition quoting policies NE8 and ES7 of the emerging Local Plan.

The Applicant's Agent spoke in support of the application, and allayed concerns about stability of materials and weight of lorries on the main road.

In replying to Members' questions the following points were clarified:

- Traffic impact has to be severe to warrant refusal.
- The Building Control Manager is satisfied that the buildings can be safely constructed.
- A condition could be enforced to dispose of spoil on the site responsibly.

A motion to REFUSE the applications contrary to the Officer's recommendation was proposed by Councillor John Marjoram and seconded by Councillor Dave Mossman citing policies ES7 of the emerging Local Plan and Paragraph 115 of the NPPF, as reasons for refusal with particular concerns being expressed about landscape impact bearing in mind the AONB .

Members debated the application and concerns were expressed about the traffic and landscape impact.

On being put to the vote there were 7 votes for the motion, 3 votes against and 2 abstentions, it was declared CARRIED.

RESOLVED To REFUSE application S.15/0303/FUL for the reasons set out in these Minutes.

The meeting adjourned at 8.01 pm and recommenced at 8.10 pm.

DC.020

ITEM 4 - LAND AT THE STARTING GATE, ELMGROVE ROAD EAST, HARDWICKE, GLOUCESTER – (S.15/0677/FUL) – ERECTION OF 2 DETACHED AND 2 SEMI-DETACHED DWELLING HOUSES

The Principal Planning Officer outlined this application.

Councillor Dave Mossman expressed concerns regarding overdevelopment on this site, traffic movements in and out of the site, particularly emergency vehicles and suggested that this application be deferred.

Before public speaking took place the Legal Services Manager explained that if anyone wanted to speak today, and the application was deferred, they could not speak if the same application was brought back to the committee.

Parish Councillor Mike King representing the Parish Council had been asked to speak and reiterated the comments made by Councillor Mossman.

The applicant's Agent spoke, explaining that further parking spaces would be located to the right side of the property. A fresh application could be submitted to deal with deliveries. He stated that the case officer had referred to a completely different site, when referring to this application.

Councillor Mossman proposed a motion to DEFER the application for negotiation by Officers on highway matters considering paragraphs 32 and 35 of the NPPF which this was seconded by Dorcas Binns.

On being put to the vote it was:

RESOLVED That application S.15/0677/FUL be DEFERRED for officers to negotiate revisions with the applicant, which would be brought back to the committee at a future date.

DC.021

ITEM 5 - THE STARTING GATE, ELMGROVE ROAD EAST, HARDWICKE, GLOUCESTER – (S.14/2849/FUL) – CHANGE OF USE OF SOUTHERN PART OF GROUND FLOOR FROM A4 to A5

The Principal Planning Officer outlined this application.

The applicant's Agent explained that this was a takeaway, not a fish and chip shop and there were also other inaccuracies in the Officer's report.

Councillor Dave Mossman proposed a motion to DEFER the application, quoting paragraphs 32 and 35 of the NPPF, expressing concern about the safety of pedestrians and motorists due to conflicting movements and impaired parking. This was seconded by Councillor John Marjoram.

RESOLVED That the application S.14/2849/FUL be DEFERRED for officers to negotiate revisions with the applicant, which would be brought back to the committee at a future date.

DC.022

ITEM 6 - LAND ADJACENT TO WOODCHESTER GARAGE, BATH ROAD, WOODCHESTER, STROUD – (S.14/2151/FUL) – CHANGE OF USE FROM FORMER PETROL STATION TO HAND CAR WASH

The Principal Planning Officer outlined the application.

Councillor Rhiannon Wigzell, Ward Member objected to the application on highway safety and quoted policies GE5 of the Local Plan and ES3 of the emerging Local Plan for her objections. There had been a fatal accident in the past quite close to this site.

A representative of the Parish Council also objected to this application on highway safety. The site was not in an area designated for employment. Policies GE5 and ES3 of the emerging Local Plan were quoted for reasons of objection.

Mr. Ian Peacock a local resident spoke in objection to this application, on behalf of himself and his neighbours. Concern was expressed on the volume and speed of traffic using the A46, and the hazards for pedestrians and vehicles.

Mr. James Griffin spoke in support of the application, saying that this would bring a small site back into use, the Highways and Environmental Health Officers did not object and there would be no harm to the surrounding area.

In replying to Members' questions the following points were clarified:

- The land is currently vacant, no use has been established for the land, any application is considered on its merits.
- The land is not included in the Local Plan as a key employment site.
- Three properties would have access to their houses from the site. There is no highway issue with this.
- A drainage strategy was submitted with the application.
- There would be no external lighting on the site, as the site would not be used after dark.

A motion to REFUSE permission contrary to the Officer's recommendation was proposed by Councillor Dorcas Binns and seconded by Councillor Emma Sims because of highway safety, quoting Policies GE5, BE5 of Local Plan and ES3 of the emerging Local Plan.

Members debated the application, concern for employees working at the site was expressed.

On being put to the vote there were 10 votes for the motion, 1 vote against and 1 abstention. It was declared CARRIED.

RESOLVED To REFUSE permission for application S.14/2151/FUL, as set out in these Minutes.

DC.023 **ITEM 7 - 42 KINGSHILL ROAD, DURSLEY, GLOUCESTERSHIRE – (S.15/0594/FUL) – ERECTION OF NEW DWELLING WITHIN RESIDENTIAL CURTILAGE AND ASSOCIATED WORKS**

The Principal Planning Officer outlined the application.

Councillor Geoff Wheeler, Ward Member objected to the application, quoting Paragraph 53 of the NPPF and Policy E13 of the emerging Local Plan.

Mr. A Peatman, the applicant responded to objections raised by Dursley Town Council, explaining that part of his vegetable garden would be retained. The application is for a single storey bungalow, which would have very little impact on the neighbours.

In replying to Members' questions the following points were clarified:

- Sufficient space for car parking could be discussed with the applicant.
- Building in the back garden of no. 38 had taken place previously.
- The height of the building would mean that it would not overlook any other surrounding buildings.

A motion to ACCEPT the Officer's recommendation of permission was proposed by Councillor Dave Mossman and seconded by Councillor Haydn Jones.

During debate Members raised concerns about the loss of the garden and the vegetable garden which the owner had tended for several years. The application was well within the settlement boundary and would not have a significant impact on the landscape.

On being put to the vote, there were 10 votes for the Motion and 2 votes against. It was declared CARRIED.

RESOLVED To GRANT PERMISSION for application S.15/0594/FUL for the reasons set out in the Officer's Report.

DC.024 **ITEM 8 - LIMETREES, RANDALLS GREEN, CHALFORD HILL, STROUD, GLOS - (S.15/1034/NEWTPO)**

The Principal Planning Officer outlined this application.

Councillor Liz Peters, Ward Member, spoke in support of the proposal to fell the silver birch trees, outlining her concerns regarding the proximity of the trees to the house and the roots undermining the property.

Liz Bailey spoke on behalf of her parents in support of felling the trees and explained that her parents were members of the Gloucestershire Orchard Trust and wanted to fell the silver birch trees to realign the drive and plant an orchard. The silver birch trees are not covered by a Tree Preservation Order (TPO). She urged Members not to confirm this TPO.

In response to Members questions the following points were clarified:

- If the order was not confirmed the Council could not require the owners to plant fruit trees, that would be at their own discretion.
- Advice when planting trees is usually to plant them 5 metres from the building.

A Motion to REJECT the Tree Preservation Order contrary to Officer's recommendation was proposed by Councillor Roland Blackwell and seconded by Nigel Cooper.

Members debated the application.

On being put to the vote, there were 11 votes for the Motion, 0 votes against and 1 abstention.

RESOLVED NOT TO CONFIRM the Tree Preservation Order S.15/1034/NEWTPO.

The meeting closed at 9.37 pm.

Chair

AMENDMENTS FOR DEVELOPMENT CONTROL COMMITTEE
14 JULY 2015

In addition to the amendments stated on the Late Pages.

ITEM No: 01	Application: S.13/1893/FUL
Address: Rooksmoor Mills, bath Road, Woodchester	

Officer recommendation **ACCEPTED**.

ITEM No: 02	Application: S.14/2938/FUL
Address: Stuart Court, Butt Street, Minchinhampton	

Officer recommendation **OVERTURNED**.

Permission, subject to conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Proposed floor plan of 24/12/2014
Plan number = 662 P02

Site Location Plan of 24/12/2014
Plan number = 662 P05

Landscape masterplan of 13/07/2015
Plan number = 662 P06 Version number = A

Proposed floor plan of 24/12/2014
Plan number = 662P01

Proposed Elevations of 24/12/2014
Plan number = 662 P03

Proposed Elevations of 24/12/2014
Plan number = 662 P04

Ecology report of 24/12/2014

Bat Survey of 06/07/2015

Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. Prior to the occupation of the proposed dwelling(s) the car parking (and manoeuvring facilities) shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

Reason:

To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety in accordance with Paragraph 35 of the NPPF.

4. No construction works shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities; Ensure all vehicles leaving the site have clean wheels
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction

Reason:

To reduce the potential impact on the public highway.

5. No construction works shall take place until samples of the materials to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area.

6. Any natural stone reclaimed through the demolition of the building known as the Coach House and Kitchen Garden Wall shall be re-used in the boundary walls to be constructed on the site.

Reason:

In the interests of the visual amenities of the area.

7. No development (including any demolition works) shall take place until details of the proposed compensation works required to ensure that the loss of trees and habitat loss does not result in a significant impact on bats. The details to be provided shall include the provision of an accurate tree survey plan with the trees to be removed clearly indicated. The details shall be submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in strict accordance with the approved details.

Reason:

A pre-commencement condition is deemed necessary as the works required are to ensure no adverse impact on bats (a protected species). In accordance with Policy NE4 of the adopted Local Plan.

8. No development (including any demolition works) shall take place until details of a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in strict accordance with the approved details.

Reason:

A pre-commencement condition is deemed necessary as the works required are to ensure no adverse impact on bats (a protected species). In accordance with Policy NE4 of the adopted Local Plan.

- 9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area.

- 10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed mitigation strategy to avoid recreational impact from the development on Rodborough Common SAC. Development shall be carried out in accordance with the approved strategy. Please see informative.

Reason:

Habitat Regulations Assessment (HRA) - Under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites (Together SPAs and SACs make up the network of Natura 2000 sites). The effect of the Regulations is to require Local Planning Authorities to ensure that no likely significant adverse effect arises from any proposed development scheme or Local Plan. The effect of this legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. If local authorities think harm or "likely significant effect" could occur they are legally obliged to not approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place. The various Habitat Regulation Assessment iterations concluded that proposed residential growth in the Local Plan within the catchment could have a likely significant effect, in the absence of appropriate mitigation. Over the last year SDC has collaboratively worked with Natural England (NE), the National Trust (NT), the Rodborough Commoners and Stroud Valleys Project (SVP) to devise an agreed interim impact avoidance strategy for housing within an identified 3km catchment.

Informative:

SDC's Interim strategy for avoidance of adverse impacts on Rodborough Common SAC is available on the website (link) https://www.stroud.gov.uk/cmislive_public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/68/Committee/6/Default.aspx. If applicants elect to provide bespoke mitigation, SDC will require evidence to demonstrate that it has been implemented, as approved, eg. a letter of confirmation from a suitably qualified project ecologist at the end of the construction period and updates at agreed intervals in the event of a long-term mitigation commitment.

ITEM No: 03	Application: S.15/0303/FUL
Address: Horizons, Main Road, Whiteshill	

Officer recommendation **OVERTURNED.**

Refusal reason:

The site is in a very prominent position within the Cotswolds AONB. It is part of a steep hillside which follows the escarpment edge. The development would result in cars, substantial gabion retaining walls, buildings and domestic paraphernalia, which would spoil the continuity and the sweep of this undeveloped hillside. The proposal is therefore contrary to paragraph 115 of the NPPF, Policies HN8 and NE8 of the 2005 Stroud District Local Plan and Policies ES7 and HC1 of the Submission Draft Local Plan, which all place priority on the conservation of the AONB landscape.

ITEM No: 04	Application: S.15/0677/FUL
Address: Land at the Starting Gate, Elmgrove Road East, Hardwicke	
Application DEFERRED .	

ITEM No: 05	Application: S.14/2849/FUL
Address: Land at the Starting Gate, Elmgrove Road East, Hardwicke	
Application DEFERRED .	

ITEM No: 06	Application: S.14/2151/FUL
Address: Land Adjacent to Woodchester Garage, bath Road, Woodchester	
Officer recommendation OVERTURNED .	

Reasons for refusal:

1. In spite of the access arrangements proposed by the applicant, access to and from the proposed car wash onto the A46 would result in an unacceptable increase in danger to users of the highway. The proposed development is therefore contrary to Policy GE5 of the adopted Stroud District Local Plan (2005); Policies CP11 and ES3 of the emerging Stroud District Local Plan (submission draft); and paragraph 35 and the spirit of paragraph 32 of the NPPF.
2. The site lies within the Industrial Heritage Conservation Area. The proposed development would neither conserve nor enhance the character and appearance of the Conservation Area, contrary to Policy BE5 of the adopted Stroud District Local Plan, Policy ES10 of the emerging Stroud District Local Plan (submission draft) and chapter 12 of the NPPF, particularly paragraph 134. Furthermore the additional traffic and parking associated with the car wash would be contrary to paragraph 6.5 of the Woodchester Design Statement.

ITEM No: 07	Application: S.15/0594/FUL
Address: 42 Kingshill Road, Dursley	
Officer recommendation ACCEPTED .	

ITEM No: 08	Application: S.15/1034/NEWTPO
Address: Limetrees, Randalls Green, Chalford Hill	
Order NOT CONFIRMED .	