

DEVELOPMENT CONTROL COMMITTEE

10 March 2015

6.00 pm – 10.30 pm
Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

Ken Stephens **	P	Haydn Jones	P
John Marjoram *	P	Stephen Moore	P
Liz Ashton	P	Dave Mossman	P
Dorcas Binns	P	Steve Robinson	P
Nigel Cooper	P	Roger Sanders	P
Paul Hemming	P	Emma Sims	P

** = Chair * = Vice-Chair

A = Absent P = Present

Other Members in attendance

Councillor Gordon Craig
Councillor Keith Pearson

Councillor Paul Smith

Officers in attendance

Head of Planning
Development Control Team Manager
Principal Planning Officer

Solicitor
Planning Officer
Democratic Services & Elections Officer

DC.098 APOLOGIES

There were none.

DC.099 DECLARATIONS OF INTEREST

Councillor Paul Hemming declared a personal and prejudicial, but non-pecuniary interest in Scheduled Items 1 and 2 because he was the Treasurer of Kingswood Village Cricket Club and also a member of the Village Hall Committee.

DC.100 MINUTES

RESOLVED That the Minutes of the Development Control Committee held on 10 February 2015 are accepted as a correct record.

DC.101 PLANNING SCHEDULE

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

1.	S.14/1927/OUT	2.	S.14/1928/FUL	3.	S.14/1191/FUL
4.	S.14/1192/LBC	5.	S.14/2701/COU	6.	S.15/0081/FUL
7.	S.15/0013/HHOLD				

Late Pages had been delivered to Members prior to the meeting and were available at the meeting in respect of Scheduled Items 1, 2, 3 and 4.

Councillor Paul Hemming left the Council Chamber.

DC.102 ITEM 1 – OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF UP TO 59 DWELLINGS, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS ON LAND AT CHESTNUT PARK, KINGSWOOD, GLOS (S.14/1927/OUT)

The Senior Planning Officer drew Members' attention to Late Pages and three other representations that had been received from Sport England, Ms Chloe Ball-Hopkins and Loxley, Solicitors that had also been circulated to Members prior to the meeting. The Officer also clarified that the site was not an allocated site and amended section 4 of the Officer's report.

Mr David Rockey, Chair of Kingswood Parish Council, stated reasons why the Parish Council considered that Application should be refused.

A local resident spoke on behalf of 'Keep Kingswood a Village' gave their reasons why the Application should be refused.

The Applicant outlined reasons why he considered the Application should be granted.

Officers confirmed that Natural England had been consulted on the outline planning application, the area was cited outside of the settlement boundary, within Flood Zone 1 (lowest risk) and the conditions provided solutions to enable the granting of the permission. No objections had been received from the Council's Water Resources Engineer and Ecological Consultant. Extensive discussions had taken place with the Applicant on the outline scheme which was for up to 59 dwellings. Members were being asked to agree the principal of the construction of up to 59 dwellings. If the outline planning application was granted the detail would be considered in reserved matters.

Members expressed concern about traffic movements affecting pedestrians and the height of the proposed net to stop cricket balls from straying out of their intended areas. They considered that the proposal was far too vague to make a balanced judgement.

Officers confirmed:-

- That this was an unusual Application and all matters were reserved.
- Members needed to make a balanced decision on what was before them.
- The Application before Members did not specify any access; a potential access to the site was the next scheduled item.
- There was no evidence that there would be an impact on the village hall if the outline permission were to be granted.
- In principal the Council's Environmental Health Officer had no objections.
- If a cricket ball did cause damage or injury to property or persons outside the ground the club might be liable of causing nuisance or under the Occupiers Liability Act to people within the cricket ground.
- In the past no planning application had been submitted for residential houses on this site.

A Motion to REFUSE the Officer's recommendation was proposed by Councillor Emma Sims and seconded by Councillor Dave Mossman because there was insufficient information for a balanced decision to be made and also the visual impact on landscaping.

Members debated the outline Application and although agreed there was a need for housing for local people, the Application was too vague for them to make a decision.

On being put to the vote, there were 8 votes for the Motion, 3 votes against and 0 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/1927/OUT, as set out in these Minutes and Appendix A.

DC.103 ITEM 2 – FORMATION OF VEHICULAR ACCESS TO SERVE PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT CHESTNUT PARK, KINGSWOOD, GLOS (S.14/1928/FUL)

The Senior Planning Officer outlined the above Application and drew Members' attention to the Late Pages. The Officer also clarified that the site was not an allocated site and amended section 4 of the Officer's report.

Mr David Rockey, the Chair of Kingswood Parish Council raised concerns and requested that the Application was refused or deferred.

Ms Chloe Moore-Hopkins and a spokesperson for 'Keep Kingswood a Village' also raised their concerns, especially when people would be attempting to cross the road.

The Applicant confirmed that a safety audit had been carried out and the Highway Authority had been consulted.

Officers confirmed that the land was in the ownership of the developer and the key to reducing the speed of traffic would be the surfacing used on this shared space. If Members were satisfied that the development would not be granted in future the proposed vehicular access would serve no purpose. A plan showing the site was displayed for Members.

A Motion to REFUSE PERMISSION contrary to the Officer's recommendation was proposed by Councillor Dorcas Binns and seconded by Councillor Nigel Cooper because of highway safety and the loss of landscaping.

Members debated the Application.

On being put to the vote, there were 8 votes for the Motion, 3 votes against and 0 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/1928/FUL, as set out in these minutes and Appendix A.

At 8.00 pm the meeting adjourned and reconvened at 8.10 pm.

Councillor Paul Hemming returned to the Council Chamber.

DC.104 ITEM 3 – RESIDENTIAL DEVELOPMENT COMPRISING OF 16 DWELLINGS AND OTHER WORKS TO NUPEND FARM, BOSCOMBE LANE, HORSLEY, STROUD, GLOS (S.14/1191/FUL)

The Chair confirmed that Scheduled Items 3 and 4 would be taken together with separate decisions made on each Application. Public speaking would be extended to 5 minutes per slot, instead of the usual 3 minutes.

The Development Control Team Manager drew Members' attention to the Late Pages and the subsequent responses including a letter from the agent.

Mr Alan Cordwell, Chair of Horsley Parish Council spoke on behalf of the Parish Council who had unanimously approved the scheme, after considerable negotiation subject to the signing of a Section 106 Agreement and legal agreements. He also referred to proposed covenants offered by the developer to the Parish Council guaranteeing the retention of the development as proposed.

Mr Paul Fong from Hunter Page Planning outlined the Application and confirmed the Application it was CIL compliant and contributions would be made to the village infrastructure.

In reply to Members' questions the Officer clarified the difference between affordable housing and market affordable housing and read out an extract from the Planning Practice Guide dated November 2014. The guidance had been updated 11 days ago. Further legal advice from Counsel would be sought on the interpretation of the guidance.

A discussion ensued and the Solicitor confirmed that he had not had an opportunity to see the proposed covenants referred to by the Parish Council and was not therefore in a position to comment on their nature or effectiveness. He suggested that the Application could be delegated to Officers to clarify and negotiate.

The Officer confirmed that the site was not classified as a brown field site but the presence of the agricultural buildings and hardstandings needed to be considered in terms of impact. The site was outside the settlement boundary. Members were

advised to consider whether the proposed development was sustainable and to assess its landscape impact .

The Chair suggested that the Application be deferred until Officers had received Counsel's advice.

The Officer confirmed that the opinion of Counsel should be sought on how the site related to the National Planning Policy Guidance (NPPG). Various questions needed to be answered regarding the legality of the covenants, the measures proposed and the mortgageability of the properties.

The Solicitor clarified that until the Section 106 and other agreements had been negotiated a final decision could not be made and suggested the Application was deferred.

Following discussions the Head of Planning suggested that following receipt of Counsel's advice, if negotiations produced unresolved issues the Application would be brought before Committee at their June meeting.

A Motion NOT TO REFUSE the Application and to delegate determination of the Application to Officers subject to negotiation and completion of a suitable Section 106 Agreement to deal with relevant matters including affordable housing provision. To facilitate negotiation of such an agreement Counsel's advice be obtained on the interpretation of recent ministerial advice regarding the application of "vacant buildings credit". In the event that agreement could not be reached on the terms of a section 106 Agreement the Application would be brought back to Committee for a decision. The Motion was proposed by Councillor Dave Mossman and seconded by Councillor Steve Robinson.

During debate Members were supportive of the Application.

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

RESOLVED NOT TO REFUSE Application S.14/1191/FUL, as set out in these Minutes.

DC.105 ITEM 4 – ALTERATIONS AND RENOVATION WORKS TO STONE BARN AT NUPEND FARM, BOSCOMBE LANE, HORSLEY, STROUD, GLOS (S.14/1192/LBC)

A Motion to ACCEPT the Officer's recommendation, was proposed by Councillor John Marjoram and seconded by Councillor Dave Mossman.

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

RESOLVED To GRANT Application S.14/1192/LBC, as set out in these Minutes.

DC.106 ITEM 5 – CHANGE OF USE FROM AGRICULTURAL LAND TO STORAGE YARD AT TCS SUPPLIES NEW STORE, BERKELEY HEATH, BERKELEY, GLOS (S.14/2701/COU)

The Principal Planning Officer confirmed that following the recent site visit there had been no Late Pages or amendment to the above Application.

Councillor Gordon Craig, a Ward Member for Berkeley also spoke on behalf of Hamfallow Parish Council supporting the Application and confirmed TCS was a good employer.

Mr Tom King outlined reasons why he was opposed to the Application.

Mr James Cullimore, the Applicant's son outlined reasons why Committee should support the Application.

In reply to Members' questions the Officer confirmed:-

- Use would be restricted to storage only by a condition.
- The Application was for a specific piece of land and if in the future the Applicant wished to increase the area used, this would be the subject of a separate Application.
- The Application was for a change of use and not for the construction of a building.
- A 2.4 m high green plastic fence and trees would be erected around the site and a full landscaping scheme could be requested.

A Motion to Grant the Application, subject to additional conditions relating to landscaping around the site was proposed by Councillor Liz Ashton and seconded by Councillor Roger Sanders.

Members were supportive of this local employer who kept a tidy site and also considered that if granted this Application would reduce traffic movements. Officers would be delegated to liaise with the owner regarding a condition on the storage height.

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

RESOLVED To GRANT Application S.14/2701/COU, as set out in these Minutes and Appendix A.

At 9.35 pm the meeting adjourned and reconvened at 9.40 pm.

DC.107 ITEM 6 – REMOVAL OF PROPOSED MOUNDING TO SOUTHBOUND PFS ROOF CANOPY ON LAND ADJACENT TO ONGERS FARM, UPTON LANE, BROOKTHORPE, GLOS (S.15/0081/FUL)

The Principal Planning Officer referred to the recent site visit and the Application to remove the bund from the grass roof to the petrol station.

Councillor Keith Pearson, Ward Member objected to the Application citing many reasons for refusing the Application, including both the north and south bound canopies should be consistent.

Mr Gordon Simpson, Vice-Chair of Brookthorpe with Whaddon Parish Council also outlined reasons why the Application should be refused.

Mr Paul Gaze a local resident also outlined several refusal reasons.

Ms Sarah Dunning the Chief Executive from Westland Limited outlined the reasons why the Application should be granted.

In reply to questions the Officer circulated a sample showing the colour of the fascia. A plan showing the agreed contouring and the proposal was displayed. From Robinswood the grassed roof looked like a continuation of the grassed field.

A Motion to ACCEPT the Officer's recommendation, was proposed by Councillor Roger Sanders and seconded by Councillor Stephen Moore.

The proposal was debated.

On being put to the vote, there were 10 votes for the Motion, 2 votes against and 0 abstentions; it was declared CARRIED. Councillor John Marjoram requested his vote against the Application was recorded within the Minutes.

RESOLVED To GRANT Application S.15/0081/FUL, as set out in these Minutes.

DC.108 ITEM 7 – ERECTION OF EXTENSIONS AT WOTTON LODGE, VENNS ACRE, WOTTON-UNDER-EDGE, GLOS (S.15/0013/HHOL)

The Development Control Team Manager had nothing to add to the Officer's report.

Councillor Paul Smith spoke as both a Ward Member and on behalf of Wotton-under-Edge Town Council in support of the Application and requested that Committee add a condition that restricted the property from being divided into two properties or sublet in the future.

Mr Philip Joynson, the Applicant outlined reasons why the Application should be approved.

Officers confirmed that planning permission would be required to subdivide the building but in principle this would be supported by the Council's policies.

A Motion to GRANT the Application, with an additional Condition regarding materials and an Informative, was proposed by Councillor John Marjoram and seconded by Councillor Paul Hemming.

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

RESOLVED To GRANT Application S.15/0081/HHOL, as set out in these Minutes and Appendix A.

The meeting finished at 10.30 pm.

Chair

**Amendments for Development Control Committee
10 March 2015**

Item 1 – Land at Chestnut Park, Kingswood (S.14/1927/OUT)

Refuse Permission contrary to Officers Recommendation.

The application has failed to demonstrate that the site is capable of maintaining favourable conservation status of the ecological habitat for Great Crested Newts, nor demonstrate that the development given its close proximity to the Village Hall and Cricket Club would not prejudice the ongoing community uses. Furthermore, the application has also failed to demonstrate that the landscape and visual qualities of the site would not be significantly harmed by the development including the necessary mitigation measures, contrary to Paragraphs 70, 74, 117 and 188 of the National Planning Policy Framework, Policies NE8 and NE10 of the adopted Stroud District Local Plan, November 2005 and Policies EI11, ES6 and ES7 of the Submission Draft Local Plan, December 2013.

Item 2 – Land at Chestnut Park, Kingswood (S.14/1928/FUL)

Refuse Permission contrary to Officer's recommendation.

1. The proposed development would result in a severe and demonstrable impact on the safety of a range of highway users, contrary to Paragraph 32 of the National Planning Policy Framework, Policy GE5 of the adopted Stroud District Local Plan, November 2005 and Policy ES3 of the Submission Draft Local Plan, December 2013.
2. The creation of the road surface would result in the removal of existing landscaping to the detriment of the character and appearance of the street scene, contrary to Paragraphs 57 and 64 of the National Planning Policy Framework and Policy ES12 of the Submission Draft Local Plan, December 2013.

Item 3 – Nupend Farm, Boscombe Lane, Horsley (S.14/1191/FUL)

A Motion NOT TO REFUSE the Application and to delegate determination of the application to officers subject to negotiation and completion of a suitable Section 106 agreement to deal with relevant matters including affordable housing provision. To facilitate negotiation of such an agreement Counsel's advice be obtained on the interpretation of recent ministerial advice regarding the application of "vacant buildings credit". In the event that agreement could not be reached on the terms of a section 106 agreement the Application would be brought back to Committee for a decision.

Item 5 – TCS County Supplies New Store, Berkeley Heath, Berkeley (S.14/2701/COU)

Grant Permission contrary to officer recommendations. Proposed conditions include:-

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.

The development hereby permitted shall not be commenced until details of a scheme of hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area.

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.

The storage area hereby permitted shall only be used for the storage of materials as specified in accordance with condition 5 of this permission and only in conjunction with the main use of the site, TCS Country Supplies.

Reason:

To enable the Local Planning Authority to retain control over the use of land.

Prior to the commencement of development on site, a schedule of goods to be stored on the site shall be submitted to and approved in writing by the Local Planning Authority. Site storage shall then be limited to the details approved and maintained as such thereafter.

Reason:

To protect the visual amenity of the site and to minimise any impact on the surrounding landscape.

No materials shall be stacked to a height exceeding 4 metres above ground level anywhere within the open areas of the application site.

Reason:

To protect the visual amenity of the site and to minimise any impact on the surrounding landscape.

Prior to the commencement of the development hereby permitted, details and plans showing the finished ground level of the storage area hereby permitted, including cross sections through the site showing the access ramp and referenced to a fixed datum point outside the site, shall be submitted to and approved in writing by the

Local Planning Authority. The development hereby permitted shall then only be carried out in accordance with those approved details.

Reason:

In order to protect the visual impact of storage on the site from the surrounding landscape.

Item 7 - Wotton Lodge, Venns Acre, Wotton under Edge (S.15/0013/HHOLD)

Grant Permission contrary to officers recommendation. New conditions and informative:

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.

The proposed render and roofing materials shall match the existing.

Reason: To ensure a satisfactory appearance in accordance with Policy HC8 of the Submission Draft Local Plan December 2013.

Informative:

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:-

Policy GE1 prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or overbearing effect.

Policy GE5 maintains highway safety including rights of way and paragraph 32 of the NPPF allows for development up to a severe impact.

Policies HN16 and HC8 require consideration of plot size, height, scale, form and parking. This tallies with paragraph 64 of the NPPF.

Policies NE8 and ES7 require consideration of the AONB, which is also reflected in the NPPF Paragraph 115.

The proposal is felt to be well contained within the plot, without causing overbearing, overshadowing or privacy problems. The design is felt to be in keeping to the character of the settlement and the surrounding landscape. Parking and turning would not be prejudiced by the proposal.