

## DEVELOPMENT CONTROL COMMITTEE

8 April 2014

6.00 pm – 8.30 pm  
Council Chamber, Ebley Mill, Stroud

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### Minutes

#### Membership:

Ken Stephens**	P	David Drew	A
John Marjoram*	P	Paul Hemming	P
Liz Ashton	P	Haydn Jones	P
Dorcas Binns	P	Graham Littleton	P
Rowland Blackwell	P	Stephen Moore	P
Nigel Cooper	A	Martin Whiteside	P

\*\* = Chair \* = Vice-Chair

A = Absent P = Present

#### Other Members in attendance

Councillor Chris Brine  
Councillor Liz Peters

Councillor Geoff Wheeler

#### Officers in attendance

Head of Planning  
Development Control Team Manager

Locum Solicitor  
Democratic Services & Elections Officer

On behalf of the Committee the Chair paid tribute to Councillor Graham Littleton who had been elected to the Council in 2000 and had successfully Chaired this Committee for 8 years.

#### DC.100 APOLOGIES

Apologies for absence were received from Councillors Nigel Cooper and David Drew.

#### DC.101 DECLARATIONS OF INTEREST

Councillor Ken Stephens declared a personal and non-pecuniary interest in Agenda Item 5 because he knew one of the objectors and would vacate the Council Chamber prior to the item being discussed.

**DC.102      MINUTES**

**RESOLVED** That the Minutes of the Development Control Committee meeting held on 11 March 2014 are accepted as a correct record, with an amendment to page 3, third paragraph where the word ‘ANOB’ should have read ‘AONB’.

**DC.103      PLANNING SCHEDULE**

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

1.	S.14/0085/FUL	2.	S.13/2566/FUL	3.	S.14/0320/LBC
4.	S.14/0506/COU	5.	S.14/0161/HHOLD	6.	S.13/2664/FUL
7.	S.13/1871/FUL				

**DC.104      ITEM 1 – FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING INDUSTRIAL BUILDING. ERECTION OF TWO TWO-BEDROOM FLATS AND ASSOCIATED WORKS. RESUBMISSION OF WITHDRAWN APPLICATION (S.13.2082/FUL) AT THE ELECTRIC GARAGE, PROSPECT PLACE, MAY LANE, DURSLEY, GLOS (S.14/0085/FUL)**

The Development Control Team Manager outlined the Application for the above site. The Late Pages had been circulated to Members prior to the meeting which had raised concerns regarding the Application. A late response objecting to the Application had been received from the Asset Management Service on behalf of the Council who owned land adjacent to the site. A typographical error was highlighted on page 5, Condition 4, the word “should” should have read “shall”.

Councillor Geoff Wheeler, a Ward Member for Dursley supported the objections made by both the Dursley Town Council and the Asset Management Service citing Policy GE7. He stated for the future interests of the Town, which was within a Conservation Area, that this land and Numbers 11 and 11a May Lane should be considered together as one site.

Mr Martin Bragg a resident at Prospect Place spoke on behalf of himself and other residents at Prospect Place against the application. He raised objections on grounds of parking problems, that the site was constrained, the affect on Listed Buildings, privacy issues and also health and safety concerns whilst the building works were being carried out. He felt these were reasons for Committee to refuse the Application.

During Members’ questions, it was confirmed that there were other ‘car free developments’ within Stroud and Dursley which the Council had supported in sustainable areas. The site already generated traffic and parking surpassed that of residential use. It would be difficult to substantiate reasons for refusal when the building already had a use that generated traffic. An additional Condition could require the submission and approval of a Construction Method Statement which could include rationalising working hours to protect amenity.

It was confirmed that no application had been received to redevelop the adjacent land. Members were reminded of the need to make a decision on this particular Application rather than speculate about the neighbouring land.

It was confirmed that the roof lights would be metal framed, similar to 'dairy lights' and in keeping with the Conservation Area. The glazing was also questioned. It was confirmed that an additional Condition could be added to ensure obscure glass was used.

A Motion to REFUSE the Application was proposed by Councillor Dorcas Binns and seconded by Councillor Liz Ashton. The Proposer stated that the building would not be sympathetic to a Conservation Area, would have a detrimental impact and also raised concerns over the materials.

The Development Control Team Manager confirmed that lime render and clay tiles were very characteristic of properties within the location. Lime render was also advised as a suitable material in the Cotswold Design Code. The Officer was sure that the Applicant would agree to install wooden windows, if requested to do so.

The Secunder stated that the proposed Application was too cramped, lacked amenity space and would have a detrimental effect on the rest of the land in the future. She thought this site and the adjacent land should be redeveloped together.

The Proposer agreed with the use of the lime render, but still had concerns with the windows because they were unsympathetic, too industrial looking and the design was not good enough for a Conservation Area.

Some Members disagreed stating that this was an opportunity to enhance the Conservation Area and the Application should be approved. It was pointed out that not everyone had a car and not all properties had amenity space. Some Members felt that metal windows reflected the industrial heritage of the area. It was acknowledged there would be constraints because of the elevation and the footpath running along the site.

On being put to the vote, there were 3 votes for the Motion, 7 votes against and no abstentions; it was declared LOST.

A Motion to ACCEPT the Officer's advice, with the additional Conditions was proposed by Councillor Haydn Jones and seconded by Councillor Graham Littleton.

**RESOLVED To PERMIT Application S.14/0085/FUL, subject to the Conditions stated in the report and in Appendix A to these Minutes.**

**DC.105      ITEM 2 – FULL PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT VALE HOUSE, HIGH STREET, CHALFORD, STROUD (S.13/2566/FUL)**

The Chair confirmed that Items 2 and 3 would be taken together but voted upon separately.

In presenting the above Applications the Development Control Team Manager outlined the comments and concerns within the Late Pages.

Councillor Elizabeth Peters, a Ward Member for Chalford confirmed that the site was within a Conservation Area and AONB and was not in keeping with the surrounding properties. She objected to the large expanse of glass, the impact this would have upon the neighbouring properties and vehicular access onto a single track lane with no footpath which was a concern for public safety. She was also opposed to the removal of part of the existing Cotswold stone wall for access.

Mr Steve Beioley spoke on behalf of Chalford Parish Council who were supportive of the housing development but did not approve of the new access onto Marle Hill because of safety issues when there was a good access already available. Residents did not want the existing Cotswold wall to be disturbed and requested that this 'dreadful' proposal be refused.

Mr Tony Preece lived opposite the site and opposed the scheme stating that not one of the neighbours supported the scheme. The existing entrance was perfectly good but the new access would harm wildlife and the existing Cotswold dry stone wall which was a habitat for reptiles.

Mr Simon Pont a local resident of Marle Hill also spoke against the new access citing the safety of the local children, particularly when the development was being constructed.

Mrs Farrar-Khan, the Applicant confirmed that she was a single parent who also worked from home. Vale House was frequently used for local events, including fundraising. She had worked closely with Officers and a specialist architect to meet the concerns of the Council and neighbours. She believed that the dwelling would enhance the site and have no detrimental affect.

The Development Control Team Manager confirmed that Marle Hill was an unclassified road which would make refusal on highway safety grounds hard to justify. The loss of the section of stone walling was an important consideration.

Concern was raised over the logistics of soil removal from the site. The Development Control Team Manager confirmed that a Condition could be added to the Applications that no soil be removed from the site to minimise highway implications and also be a good sustainable use of materials; it was usual practice to cut and fill. Vale House and other nearby properties were Listed Buildings and the effect the new dwelling would have upon their setting was a matter for consideration.

The Head of Planning confirmed that a Condition could be added to the Application to ensure that the new access would not undermine the stability of the remaining wall. Discussions had taken place with Officers and the Applicant about keeping the existing access but were not well received by the Applicant.

It was confirmed that the glass windows would appear either grey or black when viewed from outside the site; coloured glass would not be appropriate. A Condition for a sample of a cross section elevation of glazed screen could be added to the

permission. Officers did not know whether the energy from the glass would be used within the building. The Yew trees would be protected and a Condition could be added to the permission requiring fences to be erected around the trees whilst building works were being carried out.

The proposed house was a curved building and had been designed to be set into a bank but protruded out significantly. Pictures of the design were displayed on the screen.

A Motion to ACCEPT the Officer's recommendations, as amended by the additional Conditions, was proposed by Councillor Stephen Moore and seconded by Councillor Rowland Blackwell.

Members had differing views on the Applications because the proposed unique house would be located within a hamlet surrounded by Listing Buildings, within a Conservation Area and might have a detrimental impact on the surrounding houses. The building would be viewed from the hill, road and railway. Some Members felt that the existing entrance should remain in situ and the Cotswold stone wall should not be broken up to make an access because it was a characteristic of the Cotswolds. Others felt that the design was attractive and very innovative but there was concern about the entrance.

The Applicant had sought pre-application advice and had made modifications to her Application. Members had visited the site and some felt that, whilst there would be issues whilst the house was under construction, the unique design would blend in very well over time. It was pointed out that when the current Listed Buildings were newly constructed they were probably not welcomed, but views change over time. Being sympathetic to the other Listed Buildings and Conservation Area did not mean that the building had to be the same.

On being put to the vote, there were 8 votes for the Motion, 2 votes against and no abstentions; it was declared CARRIED.

**RESOLVED To grant permission for Application S.13/2566/FUL, subject to the Conditions stated in the report and in Appendix A to these Minutes.**

**DC.106      ITEM 3 – APPLICATION FOR LISTED BUILDING CONSENT AT VALE HOUSE, HIGH STREET, CHALFORD, STROUD FOR THE CONSTRUCTION OF A NEW VEHICULAR ACCESS ONTO MARLE HILL (S.14/0320/LBC)**

A Motion to ACCEPT the Officer's recommendations, as amended by the additional Condition for the stability of the Cotswold stone wall once the access had been formed, was proposed by Councillor Stephen Moore and seconded by Councillor Rowland Blackwell.

On being put to the vote, there were 8 votes for the Motion, 2 votes against and no abstentions; it was declared CARRIED.

**RESOLVED To grant permission for Application S.14/0320/LBC, subject to the Conditions stated in the report and in Appendix A to these Minutes.**

**DC.107      ITEM 4 – APPLICATION FOR A CHANGE OF USE FROM A BANK TO A SANDWICH BAR/CAFE AT 20 HIGH STREET, STONEHOUSE, GLOS (S.14/0506/COU)**

The Development Control Team Manager presented the above Application and outlined the amendments to Conditions as outlined in the Late Pages.

Councillor Chris Brine, a Ward Member for Stonehouse raised concerns that if approved the change of use would have a detrimental effect on the other similar businesses within the Town, citing Policies SH9 and E17 as reasons for refusal. The mix needed to be right and a new retail outlet would be welcomed. He requested Members to think hard and refuse this application.

There was no representative from Stonehouse Town Council present but from Councillor Brine's recollection the Town Council were not against the Application but would have preferred a retail outlet. Officers tried to locate the Town Council's response to the Application but without success.

Debbie James had a cafe business opposite the site and spoke against the application. Stating that there was already a lot of competition for selling food from other outlets within the Town, there would not be enough business to go around which would result in possible business closures in the future.

Mr Andrew Case, the Agent spoke in support of the Applicant. Before proceeding the Chair asked Mr Case whether he was happy to proceed without seeing the Town Council's response. He confirmed that he was. On behalf of the Applicant he stated that it was permitted development to change the use of the building from an A2 to an A3 for a temporary period of 2 years. However, in the future, his Client may wish to be able to use the upstairs, which required permission for change of use. His Client was aware of the competition within the Town but would be filling a gap currently in the market.

The Chair asked the Committee whether they wished to defer the item to allow Officers to locate the response from Stonehouse Town Council. Members asked Councillor Brine to speak again. Councillor Brine confirmed that he had not seen the Minutes from the Town Council's meeting but from discussions he thought that the Town Council would have preferred the business to be retail.

The Head of Planning confirmed that permitted development rights had been amended recently and that the Applicant could use the premises as an A1 sandwich shop for up to two years.

A Motion to REFUSE the Application was proposed by Councillor Dorcas Binns because the development would affect the vitality and viability of the Town of Stonehouse. The Motion was seconded by Councillor Haydn Jones.

The Proposer stated that the Ward Councillor, Town Council and a lot of objectors did not want any more cafes in Stonehouse. Existing businesses did not want any more competition and the Town would have preferred a retail use of the premises. The Secunder supported the views of both the Proposer and Councillor Brine.

It was confirmed by Officers that Policy SH9 of the Local Plan and Paragraph 23 of the NPPF could be used for a refusal reason because the Application affected primary shopping.

On being put to the vote, there were 5 votes for the Motion, 5 votes against and 0 abstentions; the Chair used his casting vote and it was declared LOST.

A Motion to ACCEPT the Officer's recommendation, with the amended Conditions, was proposed by Councillor John Marjoram and seconded by Councillor Stephen Moore.

Some Members felt that the Applicant should be given a chance to establish a business.

On being put to the vote, there were 5 votes for the Motion, 5 votes against and 0 abstentions; the Chair used his casting vote and it was declared CARRIED.

**RESOLVED To PERMIT Application S.14/0506/COU, as set out in these Minutes, subject to the Conditions stated within the report and in Appendix A to these Minutes.**

Councillor Ken Stephens left the Council Chamber and the Vice-Chair, Councillor John Marjoram took the Chair for the remainder of business.

**DC.108      ITEM 5 – HOUSEHOLD APPLICATION AT 1 RODLEA VILLAS, ASH ROAD, LIGHTPILL, STROUD FOR A TWO STOREY REAR EXTENSION AND SINGLE STOREY LEAN-TO EXTENSION TO SIDE (S.14/0161/HHOLD)**

Prior to the meeting two photographs and a sketch plan showing the rear garden and extension "framework" were circulated to Members. The Development Control Team Manager introduced the above report. In the Late Pages, it was confirmed that Severn Trent had no objections subject to a Condition in surface and foul water disposal being added to the permission. Members had visited the site.

Councillor Stephen Moore, a Ward Member for Rodborough confirmed that the Parish Council had not expressed a view. However, neighbours had been distressed about the extension which would take up most of the garden and cited Policy HN16 as a reason for refusal. Some of the other properties had been extended and it was up to Committee to make a judgement.

Mr Michael Long, the adjoining neighbour, spoke against the Application. The property was one of five small Edwardian semi-detached properties. Some properties had single storey extensions but the Application, if permitted, would be overbearing and have a detrimental effect on neighbours because the footprint would be extended

by a third. If permitted this would set a precedent and he requested Committee to refuse the application.

Louise Radcliffe spoke in favour of the application, stating that a family of five lived in the property and had a lack of space. She concluded that the size of the extension was proportionate with the building and there was a sympathetic use of fabric and reuse of existing materials.

Members sympathised with the Applicant's predicament and were shown a plan outlining the site.

A Motion to ACCEPT the Officer's recommendation, as amended, was proposed by Councillor Graham Littleton and seconded by Councillor Haydn Jones.

Some Members felt that the two-storey extension was unacceptable because it would be too big and overbearing on the adjacent properties. The Secunder referred Members to Bath where there was a variety of rear extensions to formal buildings.

On being put to the vote, there were 4 votes for the Motion, 5 votes against and 0 abstentions; it was declared LOST.

A Motion to REFUSE the Application was proposed by Councillor Stephen Moore and seconded by Councillor Liz Ashton, citing Policies HN16 and GE1 because the development would be cramped causing overdevelopment of the site, not in keeping with the scale of the property and would have an overbearing impact on neighbours.

On being put to the vote, there were 5 votes for the Motion, 4 votes against and 0 abstentions; it was declared CARRIED.

**RESOLVED To REFUSE Application S.14/0161/HHOLD as set out in these Minutes, subject to the Conditions stated within the report and in Appendix A to these Minutes.**

The meeting closed at 8.30 pm.

Chair

**8 April 2014**  
**Development Control Committee Changes**

**Item 1- The Electric Garage, Prospect Place, May Lane, Dursley S.14/0085/FUL**

Amend condition 4. Replace should with shall on the second last sentence:

No development shall take place until all joinery details to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Windows on the eastern elevation shall open inwards. Development shall then only be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and the safety of pedestrians using the footpath and to comply with Policies GE5 and ES3 of the adopted Stroud District Local Plan, November 2005.

From late pages additional Informative:

The works shall cease and contact made with a suitably qualified Ecologist in the event that a bat or bats are discovered using the building during demolition/construction works.

From late pages additional Condition:

Any asbestos containing material shall be suitably dismantled, removed and disposed to a licensed facility.

Reason: In the interest of safety, as the building (especially the roof panels) appears to be asbestos cement sheet.

Additional conditions arising from DCC meeting:

The windows on the western elevation shall be constructed of obscure glazing and fixed shut, and maintained as such thereafter.

Reason: In the interest of privacy, in accordance with Policy GE1 of the Stroud District Local Plan.

Change condition 3 to add windows:

No development shall take place until samples of the roofing, walling, and window materials to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved in writing 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 and to comply with Policies HN14 and BE5 of the adopted Stroud District Local Plan, November 2005.

Additional condition:

The development hereby approved shall not be commenced until a full Construction Method Statement (incorporating a full Constraints Plan) has been submitted to and

agreed in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- iv) means of constructing the proposed dwelling

Reason: In the interests of amenity in accordance with Policy GE1 of Stroud District Local plan.

## **Item 2 - Vale House, High Street, Chalford S.13/2566/FUL**

Additional conditions: No soil shall be removed from the site.

Reason: In the interest of sustainability and highway safety in accordance with Policies GE1 and GE5 of the Stroud District Local Plan 2005.

Prior to the commencement of any works, a one metre long sample panel of the proposed natural stone, to its proposed height, shall be constructed on site and shall be approved in writing by the Local Planning Authority. The panel shall be constructed and protected from the weather at least 14 days prior to inspection by the Local Planning Authority and the approved panel shall be maintained in situ for the duration of the works. The walling shall then be carried out to match the approved panel.

Reason: To respect the character of the Conservation Area in accordance with Policy BE5 of the Stroud District 2005 Local Plan, Policies CP14 and ES12 of the Stroud District Local Plan Submission Draft December 2013 and the NPPF paragraphs 129 and 131.

Prior to the commencement of development 1:10 scale plans, elevations and cross sections of the proposed glazing shall be submitted to the Local Planning Authority for approval. The glazing shall be implemented in accordance with the approved details.

Reason: To respect the character of the Conservation Area in accordance with Policy BE5 of the Stroud District 2005 Local Plan, Policies CP14 and ES12 of the Stroud District Local Plan Submission Draft December 2013 and the NPPF paragraphs 129 and 131.

Prior to the construction of any glazed walling a sample of the proposed glazing shall be submitted to the Local Planning Authority for approval. The glazed walling shall be constructed in accordance with the approved sample.

Reason: To respect the character of the Conservation Area in accordance with Policy 2013 and the NPPF paragraphs 129 and 131.

Prior to the commencement of the construction to the new access, details of the methodology for stabilising the adjacent walling shall be submitted to the Local Planning Authority. The works shall be undertaken with the approved details. Any damage to the wall beyond the access shall be repaired as like for like reinstatement prior to the occupation of the dwelling.

Reason: To respect the character of the Conservation Area and the setting of listed buildings in accordance with the NPPF paragraphs 129 and 131.

No works of any description shall be commenced on site until all existing trees have been securely protected in accordance with Section 8 of BS 5837 2012 "Trees in relation to design, demolition and construction - Recommendations". Within the protected area the ground levels shall remain as existing, no materials, spoil or equipment shall be placed or stored thereon and no excavations shall take place. Such protection shall be maintained throughout the course of the development.

Reason: To ensure the health and safety of the trees on the site and to ensure continuity of the visual amenity that they provide in accordance with Policy NE11 of the adopted Stroud District Local Plan, November 2005 and emerging Local Plan Policy ES8.

### **Item 3 - Vale House Chalford S.14/0320/LBC**

Additional condition:

Prior to the commencement of the construction to the new access, details of the methodology for stabilising the adjacent walling shall be submitted to the Local Planning Authority. The works shall be undertaken with the approved details. Any damage to the wall beyond the access shall be repaired as like for like reinstatement prior to the occupation of the dwelling.

Reason: To respect the curtilage listed wall and the character of the Conservation Area and the setting of listed buildings in accordance with the NPPF paragraphs 129 and 131.

### **Item 4 - 20 High Street, Stonehouse S.14/0506/FUL**

From late pages: Condition 2 reworded to:

The premises shall not be open for the trade or business hereby permitted other than between the hours of 07:30 to 19:00 Monday to Saturday, and 09:00 to 16:00 on Sundays, Bank or Public holidays.

Reason: In the interests of the amenities of the occupiers of nearby residential property, to comply with Policy GE1 of the adopted Stroud District Local Plan.

From late pages condition 3 deleted and replaced with:

The A3 use hereby permitted shall be restricted only to the sale of sandwiches (including toasted sandwiches and paninis), cakes, salads and hot and cold drinks as detailed in the agents email submitted on 04 April 2014.

Reason: The making of hot food on the premises would require the installation and operation of a suitable scheme for treating fumes and odours, details of which have still to be provided, in order to protect the amenity of the locality, especially for people living and working nearby in accordance with Stroud District Council's Local Plan Policies GE1 and GE2.

**Item 5 - 1 Rodlea Villas, Ash Road, Lightpill S.14/0161/HHOLD**

Overturn recommendation, refusal as follows:

The proposed extension would protrude significantly beyond the building line. It would create a cramped form of development, which would be overbearing on the immediate neighbours to the north and south. The basic amenity of both properties would be fundamentally harmed. The proposal is therefore contrary to Policies GE1 and HN16 of the adopted Stroud District Local Plan, November 2005, and Policy HC8 of the Submission Draft Local Plan December 2013, and the NPPF paragraph 9.