

## DEVELOPMENT CONTROL COMMITTEE

10 December 2013

6.00 pm – 8.00 pm

Council Chamber, Ebley Mill, Stroud

# 3

### Minutes

#### Membership:

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

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

A = Absent P = Present

#### Other Members in attendance

John Jones  
Brian Tipper

Penny Wride

#### Officers In attendance

Head of Planning  
Development Control Team Manager  
Senior Planning Officer

Head of Legal Services & Monitoring Officer  
Locum Solicitor  
Democratic Services & Elections Officer

#### DC.061 APOLOGIES

Apologies for absence were received from Councillors John Marjoram and Stephen Moore. The Chair confirmed he would write on behalf of the Committee to convey their best wishes for a speedy recovery to Councillor Moore.

The Chair referred to the Council's public speaking scheme, as set out on page 2 of the Planning Schedule. Speakers would be given a slot which could be shared between speakers totalling 3 minutes to emphasise comments and evidence already within the planning system.

**DC.062      DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Application No/ Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Action taken in respect of disclosure</b>
Graham Littleton	S.13/2191/FUL Schedule Item 2	Councillor knew the Applicant, but did not have a personal or pecuniary interest	Remained in the Chamber and took part in the discussion and voting

**DC.063      MINUTES**

**RESOLVED** That the Minutes of the Development Control Committee meeting held on 12 November 2013 are accepted as a correct record.

**DC.064      PLANNING SCHEDULE**

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

1.	S.12/0323/OUT	2.	S.13/2191/FUL	3.	S.13/2030/FUL
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The Chair announced a change in the order of business to the published Agenda stating that Item 3 would be the first item.

**DC.065      ITEM 3 – FULL PLANNING PERMISSION AT 20 TILSDOWN, CAM, DURSLEY, GLOS (S.13/2030/FUL)**

The Development Control Manager requested Committee to defer the Application whilst further clarification was sought from the County Highway's Department, on Condition 10 because of the inconsistencies of the distances to the visibility splays.

A Motion to DEFER the Application was proposed by Councillor Rowland Blackwell and seconded by Councillor Dorcas Binns.

On being put to the vote the Motion was CARRIED unanimously.

**RESOLVED** To DEFER Application S.13/2030/FUL for determination at a future meeting for the reasons stated within the Minutes.

**DC.066      ITEM 1 – OUTLINE PLANNING PERMISSION AT COALEY JUNCTION, DURSLEY ROAD, DURSLEY, GLOS (S.12/0323/OUT)**

The Senior Planning Officer outlined the Application for the erection of 39 residential dwellings and associated infrastructure works on the above site. An error was highlighted at the beginning of paragraph 8.4. to the Officer's report which should have read "There uses are not particularly ....". An Email had been circulated to Committee on 5 December 2013, in response to correspondence from Severn Trent, where the Officer suggested that Condition 9 was replaced with two standard

Conditions that had recently been used on other planning applications in close proximity of this site. Two Conditions relating to noise had been duplicated within the Officer's report, Conditions 18 and 24; the removal of Condition 18 was recommended because Condition 24 was more thorough. It was confirmed that Condition 14 to the Officer's report should have included the words "during the construction phase of the development only".

Mr Paul Burrell, the Agent, spoke in support of the Application outlining seven additional points which he wished Committee to consider.

The Officer replied to Members' questions on the Application.

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

On being put to the vote, the Motion was CARRIED unanimously.

**RESOLVED To grant permission, with the amendments stated within the Minutes.**

**DC.067      ITEM 2 – FULL PLANNING PERMISSION AT ABCLIFT FARM, OVERTON LANE, ARLINGHAM, GLOUCESTER (S.13/2191/FUL)**

The Senior Planning Officer outlined the Application for the erection of two timber lodges for use as holiday accommodation on the above site.

Councillor John Jones, one of the Ward Members spoke in favour of the Application because it was ideally situated for walkers, would provide extra amenity to the area and other holiday let properties had been granted permission nearby.

Mr David Pearce the Applicants' Agent, spoke in favour of the Application stating that the NPPF supported the diversification of farm businesses and there had been no objections raised to the Application.

Mrs Martin, the Applicant confirmed that she had been farming for more than 20 years and also sold eggs locally at the farmers market. The two lodges would be situated in a discrete location by the river. There was local support and if the Application was granted it would also provide income to other local businesses and requested the Committee to support the Application.

It was established that the local bus service was poor and visitors would arrive at the site by car. Once on site visitors could walk or cycle to other local amenities. Officers were concerned that more information was required to justify the proposal in principle. A business plan and report about the proposal's contribution to agricultural diversification was essential before Members' made a decision.

A Motion to grant permission, was proposed by Councillor Haydn Jones and seconded by Councillor Martin Whiteside. The proposer cited Paragraphs 8 and 9 of the NPPF as reasons for granting permission to the Application.

Whilst debating the Application Officers stated the difficulty in balancing sustainability and the benefits from tourism. Members were reminded that if they supported the Application they would set a new policy contrary to that in the emerging draft Stroud District Local Plan. Officers suggested that measures and safeguards could be placed on the Application, if Members were minded to grant the Application, or it could be deferred for more information to be submitted, such as a business case and justification of why the scheme was essential for the farm.

The Proposer stated that if the policy was strictly adhered to across the Severn Vale, there would be no Applications granted for holiday accommodation because of remoteness. The Application was sustainable because of its location being ideal for both walking and cycling.

The Chair asked Members if they needed more information to them to enable them to make an informed decision.

Members were in favour of the Application and of the opinion that farmers were encouraged to diversify. Visitors would arrive by car and enjoy the remoteness and beauty of the area. The parish had a good network of footpaths and was close to the Severn Way.

The Locum Solicitor stated that if Members were in favour of the Application there needed to be conditions and a Section 106 Agreement.

Officers suggested Conditions be added to the Application. A business case was required because Officers had to be sure that the proposal was financially viable, sustainable and on a secure footing and would contribute to diversification. Financial information would of course be confidential.

At 7.10 pm the meeting was adjourned and reconvened at 7.23 pm.

The Proposer and Seconder to the Motion both agreed to additional Conditions being attached to the Application, including a reasonable Business Plan being submitted by the Applicant and a Section 106 Agreement.

On being put to the vote, there were 9 votes for the Motion and 1 absention; it was declared CARRIED.

**RESOLVED To PERMIT Application S.13/2191/FUL, with Conditions as stated in the Minutes.**

**DC.068      ITEM 4 – SHILTON LEAZE, MOORSLADE LANE, FALFIELD**

The Senior Enforcement Officer informed Members of a breach of planning control concerning the failure to comply with an Enforcement Notice, drawing attention to paragraph 3.2. of his report.

Councillor Penny Wride, Ward Member, urged the Committee to take action on this site, despite the Inspector's enforcement order being ignored and the site becoming

an untidy dumping ground. The owners of the site should have to sell the land to pay for its clearance. The Committee was urged to take action.

David Wride, read out a prepared statement on behalf of Councillor David Clark from Ham and Stone Parish Council outlining the history and current situation. On the site was a mobile home, various sheds, a metal shipping type container and other items creating an eyesore. This was no longer an agricultural enterprise and he requested regulations be enforced.

A Motion was proposed by Councillor Nigel Cooper and seconded by Councillor Haydn Jones to exclude the public and suspend the live broadcast whilst discussion ensued. This Motion was unanimously agreed by Committee.

**RESOLVED That, pursuant to the provisions of Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the matter detailed at Schedule Item 4 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act.**

A Motion was proposed by Councillor Rowland Blackwell and seconded by Councillor Nigel Cooper to take enforcement action, including an injunction.

After debate and on being put to the vote, the Motion was CARRIED unanimously.

**RESOLVED To take Enforcement Action, including an injunction.**

The meeting closed at 8.00 pm.

Chair

**AMENDMENTS FOR DEVELOPMENT CONTROL COMMITTEE**  
**10 December 2013**

In addition to the amendments stated on the Late Pages

ITEM No: 1	<b>Application: S.12/0323/OUT</b>
<b>Address:</b> Coaley Junction, Dursley Road, Dursley, Gloucestershire	

**Amendments to Article 31, paragraph 8.4:**

These uses are **not** particularly environmentally friendly and being located in close proximity to existing housing can give rise to amenity concerns. As such their replacement by residential development would enable demonstrable environmental benefits to be achieved in accordance with local plan policy EM4. This gain would outweigh the loss of the low level employment offered by the authorised use of the site and would further support the sustainable re-use of a brownfield site.

**Alteration to condition 9:**

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be implemented in full prior to the commencement of the development and shall be adhered to throughout the construction period or relevant phase. The Statement 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works. There shall be no burning of any waste or other materials on the site during the construction period, except in an incinerator, in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority prior to the commencement of development;
- viii. a routing strategy for all construction traffic serving each phase including the designated means of access to the development via the local road network together with associated highway signage.
- viii. a scheme detailing the protective fencing to be erected around the listed Goods Shed; the type of fencing, how it will be maintained and when it will be removed.**

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Council Local Plan Policy GE1.

**Remove condition 9.**

**Extra conditions:**

New condition 9:

No works shall take place on site until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first unit on site and shall be maintained as such thereafter.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

New condition 10:

No works shall take place on site until detailed water attenuation plans to manage surface water drainage on the site have been submitted to and approved in writing by the Local Planning Authority. The surface water attenuation system shall be implemented in strict accordance with the approved details prior to the occupation of the first unit on the site and maintained as such thereafter.

Reason:

To ensure that the development is provided with a satisfactory means of on site drainage and water attenuation as well as to reduce the risk of creating or exacerbating a flooding problem.

**Subsequent conditions renumbered accordingly.**

**Amendment to Conditions 15:**

There shall be no burning of waste or other materials on the site (during the construction phase of the development only) except in an incinerator, the details of which shall have been previously approved in writing to the Local Planning Authority before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason:

In accordance with Stroud District Local Plan Policy GE1 and the NPPF to ensure any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused.

**Remove condition 18.**

ITEM No: 02	<b>Application: S.13/2191/FUL</b>
<b>Address:</b> Abclift Farm, Overton Lane, Arlingham, Gloucestershire	

**Amended Article 31:**

**REASONS FOR DECISION - ARTICLE 31**

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:

**PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES**

In considering this application, the provisions of the National Planning Policy Framework (NPPF) have been considered as well as Policies GE1, GE5, TR1, EM8, EM9 and EM10 of the adopted Stroud District Local Plan, November 2005.

**PRINCIPLE AND IMPACT ON THE AREA**

Policy EM8 allows new buildings for farm-based enterprises where the location in the countryside is appropriate, the development is appropriate in scale to the locality and where the development would improve local employment opportunities.

Policy EM9 supports development that expands tourist facilities provided that visitor attractions relate appropriately to the area, are of a suitable scale, nature and design that is compatible with the local environment, have no significant element of retail or residential use and no adverse impact upon the vitality and viability of nearby settlements. The supporting text for EM9 (para 4.12.3) states "The Council will encourage development of facilities that improve Stroud District as a tourist destination and that help to achieve the aims of protecting and enhancing the environment within the central concept of sustainable development".

Policy EM10 permits small scale sites for holiday caravans and camping in the countryside provided they have good access to principal road network and local services, can be acceptably assimilated into the local environment and provide suitable landscaping around the site boundary.

Paragraph 28 of the National Planning Policy Framework supports economic growth in rural areas including sustainable rural tourism.

The site benefits from direct access to the Severn Way which provides footpath links to other villages and facilities.

The site and wider context is of level land that would not deter cyclists and many attractions (including Slimbridge Wildfowl and Wetland Centre) are located within an acceptable cycling distance.

The site and its landscape setting are exceptional and as such it leads to desirability for accommodation in such areas. The provision of two timber clad buildings in this location would not appear as unduly prominent and out of keeping; the wider landscape is dotted with small scale agricultural buildings and the cabins will appear as reminiscent of these. As such it is not considered that there would be any adverse landscape impact.

Additional justification has been required in addition to that set out in the Design and Access statement in order to satisfactorily prove the viability of the scheme. The usefulness of the proposal in terms of farm diversification will be also be set out.

A S106 Legal Agreement ensures that no separate unit of accommodation is created on the site and the removal of the units in the event that the use is no longer viable.

The application is therefore considered to comply with Policies EM8 and EM9 of the adopted Stroud District Local Plan and paragraph 28 of the NPPF.

#### **RESIDENTIAL AMENITY**

Policy GE1 seeks to ensure there is no unacceptable impact on the living conditions of neighbouring residents due to general disturbance, loss of light, loss of privacy or overbearing effect.

Due to the location of the cabins with regard to unrelated dwellings there would be no unacceptable impact on the living conditions of neighbouring residents.

#### **HIGHWAY SAFETY**

Policy GE5 prevents development that would be detrimental to highway safety or any user of the highway or public right of way. Policy TR1 details the criteria that must be met in respect of minimising the need to travel such as locating complimentary uses close together, focussing development in urban areas, principal settlements and in locations highly accessible by public transport, also the need for traffic calming, highway improvements and adequate parking as appropriate.

The vehicular traffic likely to be generated by the proposed development would not be so significant that it is considered likely to result in an unacceptable impact upon the safety of the local highway network.

The site has access to limited local amenities in terms of public houses and shops and a wider access to shops and services that are accessible by public transport.

The application is not considered to create any adverse harm of the safety of highway users, compliant with Policy GE5 of the adopted Local Plan.

As noted above, local facilities and tourist attractions can be accessed on foot, by cycle or by public transport, compliant with the requirements of Policy TR1 of the adopted Local Plan.

### **REVIEW OF CONSULTATION RESPONSES**

The Parish Council support the application.

### **CONCLUSION**

The proposal is considered to comply with the provisions of policies EM8 and EM9 of the adopted Local Plan and the core planning principles set out in the NPPF.

### **SI 2274 STATEMENT**

The case officer was in contact with the applicant to discuss the principle of development and to detail the requirements of the written justification and proven viability of the scheme.

### **HUMAN RIGHTS**

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

### **Proposed conditions:**

#### **Condition 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.

#### **Condition 2:**

No development shall take place until samples of the roof tiles and waney edge Larch cladding (including any stain or treatment) 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.

**Condition 3:**

The log cabins hereby permitted (drawing LDC 1659 001A dated January 2013) shall only be used as holiday let accommodation incidental to Abclift Farm and shall not be converted to, or used as, separate independent living accommodation.

Reason:

To enable the Local Planning Authority to retain control over the use of the premises, in accordance with Policy HN10 of the adopted Stroud District Local Plan, November 2005.

**Condition 4:**

The occupation of the holiday units (2 log cabins) hereby permitted shall not exceed 28 consecutive days in any calendar year, with no return by any of the occupiers during any period within 28 days of the first period of occupation ending.

Reason:

To prevent the creation of a permanent residential property in the open countryside which would be contrary to Policy HN10 of the adopted Stroud District Local Plan, November 2005.

ITEM No: 03	<b>Application: S.13/2030/FUL</b>
<b>Address:</b> 20 Tilsdown, Cam, Dursley	

**Application deferred.**