

DEVELOPMENT CONTROL COMMITTEE

8 October 2013

6.00 pm – 8.22 pm

Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

Ken Stephens**	P	David Drew	P
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	P	Martin Whiteside	P

** = Chair * = Vice-Chair

A = Absent P = Present

Other Members in attendance

Nigel Studdert-Kennedy

Officers In attendance

Development Control Team Manager	Senior Planning Officers
Policy Implementation Manager	Locum Solicitor
(Planning, Housing and Regeneration)	Democratic Services & Elections Officer

DC.037 APOLOGIES

There were none.

Late Pages had been circulated to all Members and were made available to members of the public prior to the commencement of the meeting.

The Chair explained the public speaking scheme whereby members of the public for or against an application would be allowed to speak for a maximum of 3 minutes per speaking slot, clarifying that if there were more than one person wishing to speak they needed to arrange between themselves to share the time.

The Chair paid tribute on behalf of himself and the Committee to Lynne Barkley, who had recently left the employ of the authority, for her commitment in ensuring for the smooth running of the Committee in an effective manner.

DC.038 **DECLARATIONS OF INTEREST**

There were none.

DC.039 **MINUTES**

RESOLVED That the Minutes of the Development Control Committee meeting held on 10 September 2013 are accepted as a correct record.

DC.040 **PLANNING SCHEDULE**

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

1.	S.13/0331/FUL	2.	S.13/1400/FUL	3.	S.13/1373/HHOLD
4.	S.13/1703/HHOLD				

DC.041 **ITEM 1 – APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF A SINGLE STOREY DWELLING ON LAND ADJACENT TO STANLEY HOUSE, SELWYN CLOSE, RYEFORD, STONEHOUSE, GLOS (S.13/0331/FUL)**

The Development Control Team Manager presented the report for planning permission for the erection of a single storey dwelling on the above site. He confirmed that on page 6 of the Officer's report under relevant planning history the four references from S.96.812 – S.01/1587 related to an adjacent site and should have been removed from the report. He had nothing further to add to the report.

The Chair invited the **Ward Member** for The Stanleys to speak to address the Committee. **Councillor Nigel Studdert-Kennedy**, stated that the site had a long planning history. The trees were of concern and urged Committee to concur with the Officer's advice.

The Chair invited **Councillor Simon Parsley representing Kings Stanley Parish Council** to address the Committee. He stated that the proposed site was originally part of the garden of Stanley House, a listed building and wildlife haven. Some of the trees had already been felled due to age. If the application were to be granted, more trees may be lost. The Parish Council felt that the building was acceptable but the car parking area was sited a long way from the dwelling and in future there may be a temptation by the owner to move vehicles nearer to the dwelling. The house would be dark in winter which may lead to unofficial pruning of the trees. Household pets may also damage the trees and the future ecology of this beautiful green space. In concluding, Councillor Parsley requested Committee to refuse the application.

There were no speakers in opposition to the application.

The Chair invited **Mr Derek Sutton** to speak in **support** of the application. The site had a long planning history including a development proposal in which 1999 had been lost on appeal. Discussions had been ongoing with the Council's Tree Officer and in his last email dated 19 September 2013 listed three issues. The Officer's recommendation was based on the comments of the Tree Officer. He suggested that there were no reasons why the application could not be deferred until next month or the application approved.

In reply to Members' questions the Development Control Team Manager confirmed the following:-

- The Council's Senior Arboriculture Officer provided technical advice on trees.
- The proposal was to build an underground dwelling 900mm from the roots of protected trees in a confined area. The logistics of the site would be challenging.
- The Senior Arboriculture Officer had requested a free standing document be submitted regarding tree protection by the applicant prior to determination but this had not been received. The onus was on the applicant to prove that the trees would be protected.
- There were no details on how the building would be constructed and where the services, including the road, would be sited.
- The Senior Arboriculture Officer needed to assess the likely damage caused to the roots of the trees and it was still open for the applicant to prove that the trees would be protected.
- The health of the two trees and their longevity had been looked at by the Senior Arboriculture Officer when making his recommendation.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor John Marjoram and seconded by Councillor David Drew.

In reply to Members' questions the Development Control Team Manager read out an email from the Council's Senior Arboriculture Officer dated 19 September 2013 addressed to the applicant which clearly set out what up-to-date information he required.

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

RESOLVED To REFUSE application S.13/0331/FUL for the reasons stated within the report and minutes.

DC.042 **ITEM 2 – APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF TWO SEMI-DETACHED TWO BEDROOM DWELLINGS IN LIEU OF THE SINGLE FOUR BEDROOMED DWELING AT CROWN COTTAGE, STONE, BERKELEY, GLOS (S.13/1400/FUL)**

The Senior Planning Officer outlined the application. The site already had the benefit of permission S.13/0171/FUL dated 9 April 2013. The location and the volume of the proposed and permitted schemes were the same, but the proposed development was for two smaller units rather than one unit as previously permitted.

Members' attention was draw to the Late Pages which contained comments from the Parish Council. They had requested that, if the Officer's recommendation was for the application to be granted, that the application be referred to Committee.

Councillor Haydn Jones read out a prepared statement on behalf of District Councillor Penny Wride who opposed the application.

The Parish Council thought the development was unsympathetic for a rural village, located on a sharp corner, would create even more traffic problems and also would add to their water and drainage problems. Also cited were various planning policies as reasons for refusal.

The Chair invited **Mr Gareth Langdon, (Vice-Chair) of Ham and Stone Parish Council** to speak in **opposition** to the application. He stated that there were long term flooding issues in the area and also problems with the sewers which were being addressed by Severn Trent Water Authority and Wessex Water. There had already been two near misses from cars reversing off the site onto the road and additional vehicular movements would add to the risk of accidents. He requested that the property be kept as one property and not two.

There were no speakers present to speak either for or against the application.

In reply to Members' questions to Officers the following information was given:-

- two parking spaces had been allocated for the 4-bed dwelling;
- the footprints for the original and revised schemes were the same and the estimated run off of water would be the same;
- attention was drawn to draft condition 6 and the two informatives regarding foul and surface water drainage contained within the Officer's report.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Stephen Moore and seconded by Councillor Dorcas Binns.

On being put to the vote, there was a unanimous vote in favour of the Officer's recommendation and it was declared CARRIED.

RESOLVED To PERMIT application S.13/1400/FUL as set out within the report and minutes.

DC.043 **ITEM 3 – HOUSEHOLDER APPLICATION FOR THE ERECTION OF A SINGLE STOREY EXTENSION TO EXISTING KITCHEN AND PROPOSED FIRST FLOOR WINDOW TO BEDROOM. ERECTION OF EXTENSION OVER EXISTING SINGLE STOREY AND PORCH TO THE TOLL HOUSE TO PROVIDE ANNEXED ACCOMMODATION AT PIKE HOUSE, WALKLEY HILL, STROUD, GLOS (S.13/1373/HHOLD)**

The Development Control Team Manager presented the above application and drew attention to the Late Pages. Drawings were displayed showing the elevations before and after development.

The Chair invited **Councillor Stephen Moore, Ward Member for Rodborough** to address Committee. He confirmed that the site visit had enabled Members to form their own opinions. He thought there would be a loss of light to other properties and neighbours had written in expressing similar concerns.

There were no representatives from the Parish Council or persons opposing the application present who wished to speak.

The Chair invited, **Mr John Bridger**, the **applicant** to speak in support of the application to address the Committee. He explained that the reason for the extension was to create a habitable annexe to the toll house to justify investment in the building. He would be providing a sympathetic development whilst retaining key features and effectively utilising space without spoiling the old building. The current flat roof was at the end of its life requiring repair and was not insulated or thermally efficient.

Officers made the following responses to Members' questions:-

- A critical issue was whether the proposed development would make the neighbouring dwellings uninhabitable or not; a balanced judgement had to be made.
- Daylight was a crucial consideration and fundamental to the amenity of neighbouring dwellings.
- The frontage to the property could not be extended and the upper storey extension required permission.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Rowland Blackwell and seconded by Councillor Liz Ashton.

During debate Members commented that windows were often small in cottages making them dark. Some Members noted that the cottages would only benefit from direct sunshine during the afternoons.

On being put to the vote there were 9 votes for the Officer's recommendation, 2 votes against, and 1 abstention; it was declared CARRIED.

RESOLVED To Permit S.13/1373/HHOLD application as set out within the report.

DC.044 **ITEM 4 – HOUSEHOLDER APPLICATION FOR THE ERECTION OF A TWO STOREY SIDE EXTENSION AT THE SIDE AND SINGLE STOREY EXTENSION TO THE REAR AT 18 BOURNE LANE, BRIMSCOMBE, STROUD, GLOS (S.13/1703/HHOLD)**

The Development Control Team Manager explained the planning history for the above application, explaining that the current application was for a narrower, longer extension than previously.

There were no representatives from the Parish Council who wished to speak.

The Chair invited **Mr Lantham** to address Committee on behalf of himself and Asha Vihendran in **opposition** to the application. He confirmed they had no objection to the extension in principle but only to its scale. If granted it would be overbearing and also there would be a loss of light to their kitchen/dinning room. He objected to the application because of Policies HN16 and GE1, that the site was within an Area of Outstanding Natural Beauty and that the application had been refused last year based on these same grounds. He requested that the Committee reach the same conclusion as previously and refuse the application.

The Chair invited, **Mr Lord**, the **Applicant** to speak in support of the application to address the Committee. He expressed his concern that Councillor Whiteside had predetermined the application and felt that he had been unfairly treated.

The Locum Solicitor and Chair confirmed that each application had to be determined upon its own merits and that it was a matter for each Member of the Committee to satisfy themselves that they had not predetermined an application.

Mr Lord apologised for this misunderstanding, which was accepted by the Chair. He outlined the application which, in his opinion, was environmentally friendly by using less timber, had a different roof to the previous scheme and was of sympathetic design for neighbours. Future maintenance was not a planning issue and stated No.19 Bourne Lane had already built up to their boundary. The Parish Council opposed the application and he questioned their reasons. In concluding, Mr Lord stated that the houses had sloping gardens, the extension would have little impact on neighbours and he considered that the application complied with Policies GE1 and NPPF.

The Chair confirmed that it was the Parish Council who had requested that the application be determined at Committee and not Councillor Whiteside.

The Locum Solicitor reminded Members of the provisions of the Localism Act 2011 in respect of pre-determination of applications.

The Chair stated he expected Committee to conduct itself in a professional manner by reading the Officer's report and listening to every material consideration to reach a decision. He expected each decision to be made upon its own merits. What individual Members did or did not do was their personal responsibility; all Members were aware of the rules on probity in planning and he expected Committee Members to adhere to these.

Officers made the following responses to Members' questions:-

- Reference was made to the previous Appeal Inspector's comments on page 32 of his decision.
- The Officer's recommendation to permit the application had been based upon the Inspector's decision.
- The extension was longer but narrower than the previous scheme and the roof lines were very similar.

The Chair confirmed that two applications had previously been submitted and 1 had subsequently been won on appeal. The new application was similar to the original application.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Haydn Jones and seconded by Councillor Nigel Cooper.

Prior to debate Councillor Whiteside refuted the allegation that he had given any opinion on the application prior to the meeting. The Parish Council, who he had expected to be present, had requested that the application be determined by the Committee and not him. He felt that the Applicant had been misinformed.

During debate some Members felt that each property in the road appeared to be building further back and that this proposal was a step too far. Neighbours would adversely be affected and that the previous Inspector's decision had been disappointing.

However, on being put to the vote there were 10 votes for the Officer's recommendation, 2 votes against, and 0 abstentions; it was declared CARRIED.

RESOLVED To PERMIT S.13/1703/HHOLD application as set out within the report.

DC.045 ITEM 5 – LAND AT NORTHFIELD, DURSLEY ROAD, CAMBRIDGE, GLOS (S.13/0123/FUL)

The Senior Planning Officer outlined the above report and requested Members to determine the wording of the Section 106 Legal Agreement to ensure that Slimbridge Parish residents take priority when allocating social housing units and to update the Article 31 reasons for approval. The applications had been considered at Committee meetings held in January and February 2013, respectively.

The Chair invited a representative from **Slimbridge Parish Council** to address Committee. He confirmed that the Parish Council had only received notification of the Officer's report on 19 September 2013 and had been required to make a recommendation by 23 September 2013. The Parish Council were not due to meet until 21 October 2013. However, a meeting had been hastily arranged, without the Chair and Vice-Chair being present and questioned why a decision had to be made so quickly. There were already problems with raw sewerage flooding into approximately 40 homes which still had to be addressed with Severn Trent. Those

present at the meeting resolved that, in terms of the allocation of affordable housing, Options 2 a) and b) to the Officer's report were acceptable but there would be no need for Option 2 c).

There were no persons present in support or in opposition to the application.

Confirmation was given that the planning application had been considered in February 2013 and had been supported subject to the signing of a Section 106 Agreement. If a decision were taken by Committee to defer making a decision, the implications could be that the development opportunity could be lost.

The Policy Implementation Manager (Planning, Housing and Regeneration) stated that the developer needed to complete the project by March 2015 and there were concerns that a delay could jeopardise the delivery of the project. Nomination rights for the properties would be subject to the criteria contained within the Section 106 Agreement and the Council's Allocation Policy.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor John Marjoram and seconded by Councillor Martin Whiteside.

During debate, whilst some Members were in favour of providing affordable housing, they were concerned at the timescales for consultation with the parishes. They felt that Council must in future give parishes enough time to meet and respond to consultations.

It was emphasised that whilst the Committee were entitled to defer the item, the consequences of deferring a decision would mean that there was a likelihood of the project not going ahead. Some Members stated that they were being put into a difficult position.

It was confirmed that planning conditions would be attached to the permission pertaining to surface water flooding and sewage in accordance with the Committee's previous resolution.

It was confirmed that the allocation procedure would be fully set out in the Section 106 Agreement.

On being put to the vote there were 6 votes for the Officer's recommendation, 6 votes against, and 0 abstentions. In exercising his casting vote in favour of the Officer's recommendation the Motion was CARRIED.

- RESOLVED**
- 1. To accept the revised Article 31 statement, and**
 - 2. To agree that the following criteria for nominations be used in the Section 106 agreement:-**
 - a) Residents of Slimbridge Parish, currently ordinarily resident within or has a local connection with the surrounding area, then.**
 - b) Qualifying residents, currently ordinarily resident within or have a local connection within the Severn Voice Group of Parishes, then.**

- c) **Qualifying residents, currently ordinarily resident within or who have a local connection within the District of Stroud.**

The meeting closed at 8.22 pm.

Chair