



# STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

Tel: (01453) 754 351/754 321

www.stroud.gov.uk

Email: democratic.services@stroud.gov.uk

## DEVELOPMENT CONTROL COMMITTEE

Tuesday, 12 September 2023

6.00 - 9.08 pm

Council Chamber

### Minutes

#### Membership

##### **Councillor Martin Baxendale (Chair)**

Councillor Martin Brown  
 \* Councillor Victoria Gray  
 Councillor Haydn Jones  
 Councillor John Jones  
 Councillor Gary Luff  
 \*Absent

##### **Councillor Helen Fenton (Vice-Chair)**

Councillor Jenny Miles  
 Councillor Loraine Patrick  
 Councillor Martin Percy  
 Councillor Mark Ryder  
 Councillor Lucas Schoemaker

#### Officers in Attendance

Head of Development Management  
 Majors & Environment Team Manager  
 Senior Biodiversity Officer

Locum Planning Lawyer  
 Democratic Services and Elections Officer

#### Other Member(s) in Attendance

Councillors Braun, Craig, Green and Tucker.

#### DCC.017 Apologies

An apology for absence was received from Councillor Gray.

#### DCC.018 Declarations of Interest

Councillor Miles stated that she was a Member of the Housing Committee who were the applicants of the second item however this would not affect her decision-making capacity. The Chair confirmed that legal advice had been sought prior to the meeting regarding this matter.

#### DCC.019 Minutes

**RESOLVED** That the Minutes of the meeting held on 25 July were approved as a correct record.

**DCC.020**     **Planning Schedule and Procedure for Public Speaking**

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

1	S.17/0798/OUT	2	S.23/1157/VAR
---	---------------	---	---------------

Late Pages relating to Scheduled Item 4.1 Land at Sharpness Docks, The Docks, Sharpness, Gloucestershire S.17/0798/OUT had been circulated to Committee prior to the meeting and were also made available during the meeting.

**DCC.021**     **Land at Sharpness Docks, The Docks, Sharpness, Gloucestershire S.17/0798/OUT**

The meeting was adjourned for a few minutes to allow the Members of the committee to read through the late pages.

The Majors & Environment Team Manager introduced the application and showed the plans for the site. He explained that it was an outline application for a mixed-use regeneration scheme with tourism and leisure at its heart. The proposal included 3 main elements: a commercial element, a marina area and the residential section. The Majors & Environment Team Manager highlighted the following considerations:

- The residential area was key for enabling the other elements of the site. The indicative plan for the residential area showed space for up to 300 dwellings with additional open space.
- There was an error on page 21 of the reports pack, this was an outline application with full matters reserved.
- The site was allocated as a strategic location within the current local plan.
- The application had undergone independent viability tests which showed that not all of the policy requirements could be met therefore the application did not include any affordable housing or educational contributions.
- The Health and Safety Executive (HSE) had proposed a consultation zone around the docks in order to effectively manage the risks of any hazardous substances.
- The application included ecological mitigation, such as contributions and bat houses, as it was sited along the Severn Estuary. There would also be an ongoing landscape management plan to maintain the open spaces.
- The proposed access was indicative and full details would be available at the reserved matters stage of development if the application was permitted. The application sought to make local infrastructural improvements and would include a travel plan to mitigate the M5 capacity issues.
- The proposed site had multiple heritage assets such as listed buildings, conservation & archaeological areas and other various assets throughout. The impact for these could be mitigated as part of the reserved matters application and a condition had been included to protect the archaeological areas.
- The environmental impact had been considered and a landscape visual impact assessment had been completed that concluded the impact would be mitigated over time. Further mitigations could also be implemented at the reserved matters stage if required.
- There had been 1 additional objection raised, regarding the ecological impact, since the report had been written.

The Majors & Environment Team Manager asked the committee to consider the key issues raised above when weighing up the planning balance. He stated that should the

committee be minded to permit the application they would be seeking delegated authority to Officers to permit the scheme subject to the end of the EIA consultation, the HRA sign off by Natural England and S106 agreement and subject to conditions outlined in the report.

Councillor Green, a Ward Member for the area, highlighted her concerns for the application which included:

- Sharpness docks was a fully working, industrial docks. The site was already a large employment area providing job opportunities for local residents and managing a wide variety of cargo. It was a strong business which had already seen expansions and diversifications.
- Historic England highlighted the historic nature of the site which could meet the National Planning Policy Frameworks (NPPF) section 12 criteria, to be a designated heritage asset.
- The proposed access via Oldminster road would not be suitable due to narrow pinch points, sharp bends and parked cars creating single carriageways. There were allotments and play areas located along Oldminster road which would be impacted by the additional traffic and the proposed new road would lead to smaller villages being used as a rat run.
- There were no S106 contributions for education, libraries and no affordable housing. This would likely result in primary school children travelling in excess of 10 miles to get to school for no community benefit with a 19.7% profit for the developer.
- The development would result in destruction to the special areas of interest such as the river and its many habitats. Alternative footpaths proposed would not be suitable and some would even require a vehicle to access. This development does not seek to enhance and improve biodiversity.
- The HSE construction zone would rely on a private business changing the way it has worked for many years and would require ongoing management.
- The proposed 300 houses would contribute to capacity issues at the M5 junction.

Councillor Craig spoke as a Ward Member for the area, he explained that he was the chairman of the Bristol Channel Yachting association, and the Chair of the Gloucester harbour trustees neither of which had any direct connections with Canal and River trust or the Sharpness Docks. He asked the Committee to refuse the application for the following reasons:

- Gloucestershire County Council had objected for various reasons including the lack of provisions for school places. There should be a guaranteed budget with the development to cover all social and infrastructure costs to prevent these falling on the taxpayer.
- It was unacceptable that the application had made it this far through the process without any affordable housing provision.
- Sharpness port was one of England's most picturesque ports and already a place which attracted tourists.
- The Severn Estuary was a unique attraction, the mitigation plans for which, were currently outdated.
- Access to the site was unviable and narrow roads already struggled with the current capacity.
- The site location was located downwind of the Sharpness dock, which handled cargo such as cement and ammonium nitrate, smells of which would carry downwind to the residential areas.
- The Sharpness docks had ships coming and going 24 hours a day and all through the night, this would cause concerns regarding noise at antisocial hours.

- There was a risk of harm identified by the HSE due to the hazardous substances that were imported into Sharpness docks and they had advised houses not be built nearby unless steps could be taken by Sharpness Docks to mitigate these risks.

Mr Chandler, the Place Planning Manager from the education planning and infrastructure team at Gloucestershire County Council (GCC) spoke in objection of the application and highlighted the following reasons:

- GCC had raised a formal objection to the application due to insufficient funding to mitigate the impact of the development on the education and library structure.
- The report recommended approval for the application without the necessary funding on the grounds of viability.
- GCC had responded to both public consultations and engaged fully with the Case Officer and was surprised to see the comments on page 43 of the reports pack questioning what the capacity issues were.
- The GCC objection statement contained the background of the request for funding, the local and national planning considerations and the most recent department for education guidance. This can be found at pages 7- 9 on the late pages document.
- GCC does not receive funding from Central Government for education relating to new developments, basic need funding was only allocated to existing communities to meet population growth. However, for the periods of 2023-24 and 2024-25, GCC had been allocated no funds.
- Appendix A of the late pages detailed the capacity for nearby schools and showed that 85 pupils could be accommodated in Wotton under Edge which would require 5 minibuses for transport and the remaining 25 pupils would need to travel even further. This was not in keeping with the Councils priorities for sustainability.

Ms Smith, a local resident, spoke against the application and asked the committee to refuse the application for the following reasons:

- The proposed development, situated on the hillside cliff top, would dominate the canal path in all directions and would stand out visually.
- There was no other housing development with such a close proximity to the River Severn and would therefore be out of character.
- The development was incompatible with the South West Marine Plan Seascape and Landscape Policy which had not been mentioned throughout the report.
- The proposed site was bordered by saltmarsh and mudflats which were priority habitats within the marine protected area.
- The South West Marine Plan and case law on the Habitats Regulations separately affirmed that ecological compensation was not a lawful option for this development.
- The majority of the island area was currently used as open space for dog walking which would be greatly reduced. The alternative walks proposed were unsuitable and therefore would not provide appropriate mitigation.
- The South West Marine Plan protected not only the Severn's natural environment and wildlife but also protected future operations of the docks from development.

Ms Shipp, a local resident, spoke against the application and asked the committee to refuse the application for the following reasons:

- If unmitigated, the development would have a significant localised adverse impact on the Severn Estuary through increased recreational pressure along the Severn Way.
- The Severn way supported multiple rare and declining habitats for important species, it also offered an accessible walk along the banks of the river.
- Often, this resulted in the salt marsh habitats becoming trampled and both wintering and breeding birds being disturbed.

- The proposed development would bring additional residents to the areas which in turn would increase the use of the Severn Way. The alternative footpaths suggested do not offer the same level of accessibility or views and would therefore not likely be used.
- The Habitat Regulations required an appropriate assessment to be carried out prior to approval of any development, which then must be endorsed by Natural England, this was not mentioned in the report.

Mr Smith, spoke on behalf of the applicant, and highlighted the following points to the Committee:

- The site was allocated in the current Stroud District Council Local Plan.
- Regeneration of the site was a key driver when forming the plans.
- The proposal would bring many benefits such as, new housing, leisure activities, public open space, employment and retail opportunities.
- All technical issues had been addressed including ecology, HSE, highways, heritage and drainage.
- The application presented provided more than just housing, it provided a robust framework to enable the delivery of the allocation within the Local Plan and its regeneration objectives.
- This application was separate from the new proposed settlement in Sharpness which was facing challenges with the emerging Local Plan.
- A viability assessment had been undertaken and independently verified by the district valuer which confirmed the financial challenges to regenerate the brownfield site. This meant there was limited funding for S106 contributions.
- Acknowledging viability as part of the determination process was well established within planning process throughout England and specific guidance existed which recommended the use of review mechanisms. This would allow for the viability to be re-assessed as the development progressed.

Councillors were given the opportunity to ask technical questions of the Officers, the following answers were given in response:

- Affordable housing was not included within the application due to the viability of the scheme.
- A light industrial marina involved less intrusive processes such as fixing and mending boats.
- The application site was a brownfield site and looked to regenerate the surrounding areas where buildings had been previously removed.
- There were 68 objections to the application in total.
- The advice from HSE regarding the consultation zone would need to be settled as part of the reserved matters stage however the development was still viable if the docks refused to make any changes, it could result in a different layout or fewer houses than the indicative designs set out.
- The access proposed was only indicative and full details would need to be sought for the reserved matters stage should the application be permitted.
- Both bridges to the island site would be retained however there would likely be a weight limit attributed to one.
- Condition 25 and 26 had been put in place to protect any potential archaeological remains, site designs may need to be revised in order work around any assets however any significant changes to the application would need to return to the Committee.
- It was common for brownfield sites to face viability challenges due to the extra cost implications.

- The viability of the scheme would continue to be assessed throughout the development and further S106 contributions will be requested if viable.

Councillor Ryder and Councillor Haydn Jones queried the status of the South West Marine Plan and whether they were a statutory consultee for the application. Officers began to investigate this request and reported back to Councillors later in the meeting.

The following answers were given in response to Councillor Haydn Jones:

- The GCC Highways authority had considered the application and raised no objection to the scheme, therefore Officers were satisfied that there were no highways safety concerns at this stage.
- The objection raised by the Wildfowl and Wetlands trust related to an out-of-date mitigation strategy. Whilst a new mitigation strategy was currently pending, the application would still be required to contribute to the latest strategy which would still benefit local schemes.
- The Severn Estuary recreation and mitigation strategy is detailed on page 33 of the reports pack and sought to mitigate the increased recreational disturbance along the Severn Estuary through alternative footpaths, contributions, signage and sharing of information.

Councillor John Jones raised concerns with the proposed access being in close proximity to a children's play area and requested whether a 20mph speed limit could be imposed. The Majors & Environment Team Manager stated that it was outside of the Committees remit.

The Head of Development Management responded to a question raised earlier in the meeting regarding the South West Marine Plan. She advised that the Officer recommendation was now to defer consideration and determination of application S.17/0798/OUT land at sharpness dock to a future meeting to enable the assessment of the need to consider the Southwest Marine Plan.

Councillors continued to ask questions of the Officers and received the following responses:

- The viability of the scheme would continue to be assessed throughout the development stages however this could result in changes in either direction if costs were to increase or if further funding was made available.
- The application had been reviewed periodically throughout the process and although it was originally submitted in 2017, all of the data from the statutory consultees was up to date and had been revised within the last 12 months.
- Condition 23 covered any issues with contaminated land within the development site. These had already been worked into the viability figures and a detailed plan would need to be submitted during the next phase of the application process.

Councillor Haydn Jones requested for a high-level review of the application to be completed before returning to Committee, the Officers agreed.

Councillor Haydn Jones Proposed the revised officer recommendation to defer the application and Councillor Ryder Seconded.

After being put to a vote, the Motion was carried unanimously.

**RESOLVED To defer the consideration and determination of application S.17/0798/OUT land at Sharpness Dock to a future meeting to assess the need to consider the South West Marine Plan.**

**DCC.022 Land North Of, Bradley Street, Wotton-Under-Edge, Gloucestershire S.23/1157/VAR**

The Majors & Environment Team Manager introduced the application and explained that it was a variation to an existing planning permission due to building control regulations, the changes were outlined as follows:

- Chimneys had been removed and gable details had been altered in order to allow for the provision of solar panels.
- The layout of the scheme had been amended and the position of dwelling and parking spaces altered.
- A retaining wall feature had been added to the garden.

The Majors & Environment Team Manager highlighted the key considerations of the site:

- With the addition of the retaining wall, concerns had been raised regarding the local hedgehog populations. In response to these comments, additional wildlife corridors and gaps in the fencing had been created to mitigate the impact on hedgehogs.
- The garden area had been levelled to allow for increased accessibility, however this had created the additional retaining wall, to reduce the impact of this on neighbouring properties the ground level had been reduced.

He concluded by informing the committee that the revised plan numbers would be included in the application and the conditions would be updated to reflect the changes in ecology and additional conditions for the boundary treatment and retaining wall.

Councillor Tucker spoke as a Ward Member for the area. He informed the Committee that he had not been made aware of the latest ecological additions to the site which were reflected in his concerns as below:

- Vehicles exiting the site would need to reverse out onto a busy road, which had not been helped by the new revised layout.
- The original plans showed a lack of consideration for local wildlife including hedgehogs which were known to forage around the site.
- The addition of the retaining wall created issues for ground animals traveling through the site and would cause them to travel in either direction towards busy streets.
- Although they were not a protected species, hedgehogs were listed as a declining species and steps should be taken to mitigate any impact.
- The retaining wall on the border of the site would be topped with a 1.8m high fence which would significantly affect the view and light in the neighbouring property.

Councillor Braun spoke as a Ward Member for the area and expressed her support for the New Council Homes to be built. She provided a brief overview of the history of the site and explained that, if approved, the development would provide 8 affordable homes for up to 35 people. She echoed that the changes were a result of building regulations compliance and expressed her gratitude for the additional ecological amendments asking the Committee to approve the application.

Miss Robbins, Trainee Project Manager, spoke on behalf of the applicant Stroud District Council (SDC). She asked the committee to support the application for the following reasons:

- The Town Council, Ward Members and adjacent residents for the area had been consulted on all proposed changes and feedback received.

- The need for affordable housing within the district remained high, and SDC were committed to providing high quality, energy efficient affordable housing.
- Planning permission for the site had been granted in 2019 for 8 affordable dwellings, at that time 2 of the existing properties were still occupied and therefore the ground investigation had not yet been completed.
- Once the initial ground investigation had been completed the designs were reviewed against updated new homes specifications which resulted in the changes proposed.
- The updated application would now meet part M42 of the building regulations for accessible and adaptable dwellings which included level access to the home and gardens.
- Creating the level access resulted in the additional retaining walls and in response to feedback, the height of the highest tier had been reduced in order to minimise the impact on neighbouring properties.
- The number of parking spaces remained unchanged and the visitor space was still included.
- The ecological impact had been carefully considered and an Ecologist had been commissioned to prepare a mitigation enhancement strategy.
- Access points had been included for hedgehogs to move throughout the site and hedgehog houses would also be provided. Provisions would be made for swifts and bats in line with the Ecologists recommendations.

Councillor Ryder questioned whether the sighting of the heat pumps was an item for the Committee to consider, the Majors & Environment Team Manager confirmed it would come under permitted development.

In response to Councillor Schoemaker it was confirmed that the proposed wildlife corridor would be under the applicants control to maintain.

In response to Councillors, the Majors & Environment Team Manager confirmed that the retaining wall on the western boundary would be approximately 3.6m at its highest point. That section had been reduced in length and stepped down with the garden in order to minimise the impact on the neighbouring properties. There was approximately a 3m gap between the retaining wall and the nearest neighbouring property.

Councillor Schoemaker proposed the Officer advice to permit the application and Councillor Brown seconded.

Councillor Haydn Jones expressed support for the application and for the additional hedgehog mitigation.

The Majors & Environment Team Manager summarised the conditions which needed to be updated as part of the resolution which included:

- Approved Plan Condition required an update.
- Condition 4 – Updated to reflect the latest submission and request for a species list with a sign off requirement.
- Condition 7 – updated the drawing numbers for the parking.
- Condition 13 – Updated to require full details of the boundary treatment to be submitted.

After being put to a vote, the Motion was carried unanimously.

**RESOLVED To permit the application subject to the amendments to conditions as listed above.**



**DCC.023**    **Budget Monitoring Report Q1 2023/24**

There were no questions or comments.

The meeting closed at 9.08 pm

Chair