



# STROUD DISTRICT COUNCIL

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## DEVELOPMENT CONTROL COMMITTEE

Tuesday, 23 January 2024

6.00 - 9.18 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

Development Team Manager

Locum Planning Lawyer

Senior Planning Officer

Planning Officer

Democratic Services & Elections Officer

#### Other Member(s) in Attendance

Councillor Craig

#### DCC.038 Apologies

An apology for absence was received from Councillor John Jones.

#### DCC.039 Declarations of Interest

There were none.

#### DCC.040 Minutes

**RESOLVED** That the Minutes of the meeting held on 14 November were approved as a correct record.

#### DCC.041 Planning Schedule and Procedure for Public Speaking

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

1	S.23/2346/NEWTPO	2	S.23/1327/FUL	3	S.23/1604/FUL
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Late Pages relating to Scheduled Item 4.2 Sunnyside Nurseries, Cam, Dursley, Gloucestershire had been circulated to Committee prior to the meeting and were also made available during the meeting.

**DCC.042    118 Thrupp Lane, Thrupp, Stroud, Gloucestershire S.23/2346/NEWTPO**

The Chair proposed a 5-minute break to ensure that all Councillors had a chance to read the late pages.

The Acting Head of Development Management introduced the report and explained that a temporary Tree Preservation Order (TPO) had been placed on a single mature beech tree. He showed the Committee pictures of the tree and its location and highlighted the following points. The beech tree was between 150 - 200 years old with potential for another 100+ years of life. It had been subject to previous works however, during inspection, no significant defects were found. The tree was situated on a slope making it highly visible across the valley.

Mr Harris, a Parish Councillor, spoke on behalf of Brimscombe and Thrupp Parish Council. He stated that they supported all TPO's within the Parish due to their impact on biodiversity, wildlife protection and visual amenity. He recognised that the landowner had some legitimate concerns for the health of the tree and held a desire to keep it properly maintained, which a TPO would still allow.

Councillor Miles asked if they would allow an application for maintenance to manage the height of the tree, given its previous history. The Acting Head of Development Management confirmed that, subject to an application, works could be carried out on the tree provided that it wouldn't cause any damage.

In response to Councillor Brown's query as to whether there was an application fee for works to a tree subject to a TPO, the Acting Head of Development Management confirmed that application fees were set by central government however there were currently no fees to submit an application for works on a protected tree.

Councillor Brown proposed and Councillor Ryder seconded.

Councillors Ryder, Brown, Patrick and Schoemaker expressed support for the TPO.

After being put to a vote, the Motion was carried with 10 votes for and 1 abstention.

**RESOLVED To Confirm the Tree Preservation Order without modification.**

**DCC.043    Sunnyside Nurseries, Cam, Dursley, Gloucestershire S.23/1327/FUL**

The Senior Planning Officer introduced the report and highlighted the following key considerations:

- The site was a previous employment site located within the open countryside.
- A previous application S.21/1829/OUT allowing the redevelopment of the site for industrial and storage use, retail use and offices remained extant.
- The principal Local Plan policies identified for refusal reasons were CP15, EI4 and EI11.

The Senior Planning Officer gave a brief overview of the proposal including all of the buildings, their sizes and their proposed uses.

Councillor Craig, a Ward Member for the area, spoke in support of the application. He first read aloud a representation made by his fellow Ward Member, Councillor Green:

- The site had been empty for many years and previous planning permission had already been granted.
- Sally Prout was a nationally recognised dance teacher and would be occupying the proposed dance studio if permitted.
- A letter had been received from the Royal Academy of Dance (RAD) in London indicating that the proposed studios would be suitable for high level dancers and could be used to hold exams.
- If approved this would be an asset to the district.
- The location was ideal and to cite it inside a Town would only add to existing traffic and parking constraints.
- The exercise, health, wellbeing and development benefits that students would gain from the site should be promoted, the benefits outweigh any negatives.
- The application was a private investment from the owners.
- The proposal met many of the Councils Local Plan priorities including utilising a brownfield site, promoting exercise, health and wellbeing, improving biodiversity and supporting local businesses.

Councillor Craig continued with his own representations: Gloucestershire County Council (GCC) Highways had confirmed that they were now in support of the application, Slimbridge Parish Council and two Ward Members were also in support of the application. The previous planning application had evidenced that there was support for mixed use development on the site. The only change was the location of the dance studio due to it being away from an area of high population. However, this was not just a dance studio and would serve the whole of the district therefore its central position was ideal.

Mr Rees, the applicant, asked the Committee to support the application for the following reasons:

- The site had extant planning permission and had been derelict since 2018.
- The proposed application was submitted to support their growing e-commerce business, selling sustainably produced home products.
- Their business plan was environmentally conscious, they had previously used renewable energy sources which they would be looking to do again. The proposal included an attenuation pond and a biodiversity area.
- A small portion of the site was proposed for Sally Prouts (the applicant) dance studio for which over 70 letters of support had been received. Sally would continue to teach her existing classes across the district.
- The high performing dance studio would put Stroud District Council on the map for performing arts.
- The dance studio would not be commercially viable without the support of the e-commerce business and the approval of this application.

Mr Hinett, the agent, spoke in favour of the application. He stated that with the support from GCC Highways there was 2 remaining issues one regarding the Greater Crested Newts (GCN). This would require further surveys which could be easily provided prior to any work commencing. And the principal concern related to the dance studio not being located within a town centre. They had undertaken a transport assessment which found that the proposal would result in fewer car journeys than the previous use of the site as a garden centre. There were no other suitable locations within the Towns of the district which could provide the modern facilities required for the studio. Students from the

southwest currently travelled to London to undertake exams, the proposal would prevent the need for this therefore reducing commutes to London. The proposal aligned with the local plan policies to recognise that leisure facilities contributed to the economy and generated employment opportunities.

In response to Councillor Gray the Senior Planning Officer defined the term open countryside to be a site outside of the settlement development limits.

Councillor Luff asked whether the café's use could be conditioned to those already visiting the site. The Senior Planning Officer explained that it was unlikely for that condition to meet the required tests.

In response to Councillor Schoemaker, it was confirmed that the planning application would not need to be withdrawn in order to assess the impact on the GCN due to recent information. They would need to supply additional information which would be sought before any planning permission was granted therefore if the committee were minded to approve, it would be with delegated authority to officers.

In response to Councillor Luff, the Acting Head of Development Management confirmed that the site was not well accessed by sustainable transport methods and would therefore likely be dependent on vehicle travel for access and usage.

Councillor Jones questioned whether the garden centre permission was granted or obtained through use to which the Senior Planning Officer explained was unknown.

Councillor Fenton questioned the frequency of classes and whether an estimation could be calculated for the number of journeys required. The Officers explained that it would be extremely difficult to calculate however there were 4 separate dance studios proposed which meant they would assume that up to 4 classes could be ongoing at any one time.

In response to Councillor Schoemaker, the Acting Head of Development highlighted the national guidance on the application of personal permissions and explained it would not be appropriate in this circumstance.

Councillor Pearcy highlighted the proximity to the Cam and Dursley train station and the cycle routes along the A38 and questioned whether there were any improvements that could be made to increase the safety of the cycle routes. The Highway Development Management Principal Development Coordinator explained that the development was required to mitigate its impact on the highway, requesting improved cycling infrastructure would not meet the test of a planning condition.

Councillor Jones proposed the Officers recommendation to refuse the application and Councillor Brown seconded.

Councillor Brown debated the need for the dance studio in the district weighed against its reliance on vehicle transport and stated that it was the right thing but in the wrong place.

Councillor Gray debated that if it was not approved, further travel to attend dance classes would be required. The towns and villages in the district did not have sufficient infrastructure to accommodate this application. The site was adjacent to development opportunities highlighted in the draft Local Plan and it would be an asset to the community for leisure and tourism.

Councillor Miles highlighted that it was a brownfield site which would promote healthy lifestyle opportunities for young people within the district.

Councillor Patrick debated the large use of vehicle transport within the district due to its rural nature and queried whether the site would offer electric vehicle charging.

Councillor Ryder weighed up the balance by highlighting the positives against the negatives. He raised concerns with the transport issue and the need to promote sustainable transport however due to the uniqueness of this type of application attracted customers from across the district therefore if it was situated within a town, vehicle travel would likely still be the method of access. Location along the A38 was ideal for vehicle access and therefore he was minded to support the application.

Councillor Luff debated the need for the café on site and raised concerns that it would attract a large number of vehicles, he understood the need and benefits of the dance studio and the extant permission for the officer and distribution usage.

Councillor Fenton echoed the benefits of using a brownfield site and highlighted the advantages of the location alongside the A38. She weighed this against the fact that young people would not be able to independently travel to the site however the district was made up of towns and villages and the proposal had a very central location which could be a benefit.

Councillors commended the design of the application and debated the transport issues at length.

Councillor Jones echoed the comments made by other Councillors regarding the design however he reminded the committee that the application contradicted the current Local Plan Policies CP15, EI4 and EI11 and for those reason he would be voting to refuse permission.

Councillor Schoemaker raised concerns regarding the future of the site.

Councillor Patrick stated that there was an exception to EI11 where sites intended to meet specific rural needs that could not be appropriately met at settlements within the hierarchy.

After being put to a vote the Motion to refuse the application was lost with 4 votes for, 6 votes against and 1 abstention.

Councillor Ryder proposed to permit the application with delegated authority to Officers in order to resolve any issues regarding the GCN and any conditions for the following reasons, which he consulted committee members to assist with wording:

- The application complied with Local Plan Policy EI11 paragraph 1 due to meeting specific rural needs which could be identified as its central location.
- The central location within the district should be given more weight, the unique cultural facility would draw from across the district as opposed to any singular settlement hierarchy.
- The proposal complied with CP15 paragraph 2 regarding its public enjoyment, employment, sport, leisure and tourism.

Councillor Patrick stated that the proposal complied with Policy EI11 paragraphs 1,2 & 7.

The Acting Head of Development Management confirmed that they would be requesting the biodiversity Officers approval for the information requested regarding the GCN and would consult with the Chair and Vice-Chair regarding the outcome.

Councillor Ryder agreed. He also asked whether the application would come back to committee if the information was not sufficient. The Acting Head of Development explained that it was unlikely however they could request for it as part of the motion. He further explained that the committee could add a time constraint to the motion.

Councillor Ryder proposed to include a 6-month time constraint to his motion.

Councillor Gray seconded the motion.

Councillor Luff debated the alignment of the proposal with the Local Plan Policies and felt that a dance studio was not a rural use and would therefore vote against approval.

Councillor Jones echoed councillor Luffs comments.

Councillor Ryder debated that Members of the Committee had the responsibility to weigh up the positives and the negatives and felt that, on balance, the benefits exceeded any harm.

Councillor Luff disagreed with the proposal's compliance with CP15 and stated it could be located elsewhere.

Councillor Fenton debated that the policies were generic and open to interpretation which was the role of the committee members.

Councillor Brown echoed Councillors Jones and Luff's comments.

After being put to a vote, the Motion was carried with 6 votes for, 4 votes against and 1 abstention.

**RESOLVED To grant planning permission, subject to conditions agreed with the Chair and Vice-Chair, having first resolved outstanding ecological issues within a period of 6 months.**

**DCC.044     11 Hunger Hill, Dursley, Gloucestershire S.23/1604/FUL**

The Planning Officer introduced the application and explained that the proposal was for a double storey dwelling. He showed the committee the plans for the development and its proximity to neighbouring dwellings.

Mr Ruben, a Town Councillor, spoke on behalf of Dursley Town Council against the application. He stated that the application was not compliant with the Dursley Neighbourhood Plan (NDP) policies D1 & H1. The proposal further contradicted Local Plan (LP) policies HC1, CP5, CP14, ES1, ES7, ES10 and ES12. There were a considerable number of objections received by residents for the following reasons: scale, intrusion and dominating effect. The building was very tall and would have an impact on the setting as it could be viewed from many neighbouring properties. The houses along the east end of hunger hill were traditional cottages. The rear elevation full height windows were not in keeping with the neighbouring architecture and therefore its design would be detrimental to the area in contrast with LP policy CP14. The residential amenity would be impacted with

overlooking windows, impact on the light availability and loss of vista. The highways comments had not taken into account the width of the lane and the increase to traffic caused by the new vehicles to the site and construction traffic, there was no where for vehicles to unload or to turn around when accessing the site.

Mr Meredith, a local resident, asked the committee to reject the application for the following reasons:

- There were 27 objections to the proposal.
- The site was located on a very narrow and steep hill which would cause safety concerns. Application along hunger hill had been rejected in the past due to the narrow road.
- The report acknowledged that the development would limit light to neighbouring properties however the correct assessments had not been undertaken.
- Neighbouring cottages were dependant on natural light from the north facing windows due to being built into the hill.
- Construction would likely have an adverse effect on neighbouring cottages, many of which were built in the 1900's without proper foundations. There was a high risk that construction could cause structural damage to the immediate neighbours.

Mr Iwaskiw, the agent, asked the committee to approve the application for the following reasons:

- The aim was to create a sustainable, affordable dwelling which was sympathetic to its surroundings and met the needs of modern living.
- The site was not within a conservation area, AONB or near a listed building and was within the Dursley settlement boundary.
- The proposal would remove the existing garage to provide the space to build the new dwelling.
- The proposed dwelling would be constructed using natural stone to match its surroundings.
- The proposal complied with all the relevant planning policies.
- Pre-application was sought through SDC and they had worked with the Officers to address any concerns such as parking.
- Hunger Hill was only accessible via vehicle from one side.
- The height, scale and form of the building was in keeping with the street scene.
- There were issues regarding overlooking which had been resolved as stated in the report, the dwelling in Harrolds Close were in excess of 40m away from the proposed dwelling.
- The proposal would contribute a small amount towards the need for affordable housing.

In response to questions from Members, the Officers provided the following answers:

- The highway was not within the ownership of the applicant and therefore they were not able to condition any highway improvements.
- The Dursley NDP should be given sufficient weight as a supplement to the local plan.
- Condition number related to parking and could be amended if Members were minded. It was unlikely that a condition to allow for electric bike storage would meet the condition tests.

In response to Councillor Jones, the Planning Officer explained that the distance between the proposed dwelling and its existing neighbouring dwellings was considered to be acceptable with no detrimental effect on natural light. Due to the large distance between the properties, no technical assessment had been undertaken.

Councillor Jones further questioned whether they had access to the Dursley NDP. The Acting Head of Development Management showed policies D1 and H1 on the screen for Members to read.

Councillor Jones questioned the location of the sensitive areas within the Dursley NDP that had been identified as unsuitable for further development. The Acting Head of Development Management provided a map from the Dursley NDP which showed the site was within the settlement boundary and explained that it would align with the SDC Local Plan to allow for development.

Councillor Patrick raised concerns regarding the natural light received by the neighbouring properties due to being built into the hill. The Planning Officer explained that due to the distance between the neighbouring properties and the proposed dwelling, it was unlikely to have an adverse effect on the natural light which would constitute a material consideration.

In response to a further question from Councillor Patrick, the Acting Head of Development Management explained the process of a NDP and in order to be found sound and therefore approved, it must not be in contradiction to the Local Plan.

Councillor Schoemaker question why the Dursley Town Council representative had stated the proposal was in conflict with the Dursley NDP policies D1 & H1 when Officers had said it was compliant. The Acting Head of Development Management explained that policy interpretation and weight to policies was subjective which was why Councillors were tasked with identifying how much weight should be attributed to the positives and the negatives of each planning application in order to find a planning balance to either approve or reject an application. This report set out the view of the Officers planning balance and the weight attributed to each component however Councillors were required to complete their own analysis.

Councillor Luff Proposed the Officer recommendation to permit the application subject to an amendment to condition 4 to secure the parking for the host dwellings prior to commencement of any building works.

In response to Councillor Fenton, the Planning Officer confirmed that, if approved, the amendment of condition 4 would require evidence of the parking spaces to be provided before works could begin.

Councillor Fenton Seconded

Councillor Schoemaker debated the need for a deferral until the technical light assessments could be completed.

Councillor Gray highlighted that there were already ongoing construction works along Hunger Hill as witnessed at the site visit.

Councillor Brown stated that it was a sustainable site, close to the town centre and should be promoting this type of development.

Councillor Patrick stated that the ongoing development was at an easier to reach location access to the site would be difficult.

Councillor Luff echoed Councillor Browns comments.

After being put to a vote, the Motion was carried with 9 votes for and 2 votes against.

**RESOLVED To grant planning permission subject to conditions (the wording of which is delegated to Officers) to secure that parking is provided to the existing dwelling prior to the commencement of building works and construction traffic is managed.**

**DCC.045 Development Control Committee Revenue Estimates - Revised 2023/24 and Original 2024/25**

A report was circulated as part of the document pack, there were no questions.

Councillor Luff proposed and Councillor Fenton seconded.

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

**RECOMMENDED That:**  
**TO STRATEGY a) The revised Development Control Committee revenue budget**  
**AND for 2023/24 and original 2024/25 revenue budget are**  
**RESOURCES approved.**  
**COMMITTEE b) The Fees and Charges list as shown at Appendix A is**  
**approved.**

The meeting closed at 9.18 pm

Chair