



# STROUD DISTRICT COUNCIL

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## DEVELOPMENT CONTROL COMMITTEE

12 October 2021

6.00 - 10.34 pm

Council Chamber - SDC

### Minutes

#### Membership

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

Councillor Chris Brine  
Councillor Helen Fenton  
Councillor Victoria Gray  
Councillor Haydn Jones  
Councillor Martin Brown

\*= Absent

##### **Councillor Trevor Hall (Chair)\***

Councillor Loraine Patrick  
Councillor Mark Ryder  
Councillor Lucas Schoemaker  
Councillor Ashley Smith  
Councillor Jason Bullingham

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#### Officers in Attendance

Majors & Environment Team Manager  
Planner  
Lawyer - One Legal  
Senior Planning Officer  
GCC Highways Officer

Head of Development Management  
Chief Planning Lawyer - One Legal  
Democratic Services & Elections Officer  
Principal Planning Officer (Majors)  
Housing Strategy and CIL Manager

#### Other Member(s) in Attendance

Councillors Craig, Green, Housden and Ross

#### DCC.17      Apologies

Apologies for absence were received from Councillors Hall, Brown and Bullingham.

#### DCC.18      Declarations of Interest

There were none.

#### DCC.19      Minutes

Councillor Patrick requested that the minutes in DCC.016 correctly reflect her question raised regarding barn 1 previously being suitable to house cattle. She requested that the minutes be amended to reflect that she asked to see the plans for the barn before asking

whether the barn was suitable for livestock due to the hatched area marked for cattle shown on the plans.

**RESOLVED That the Minutes of the meeting held on 2 September 2021 were approved with the amendments laid out above.**

**DCC.20      Planning Schedule and Procedure for Public Speaking**

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

1	S.20/2161/FUL	2	S.21/1713/FUL	3	S.21/1381/FUL
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Late Pages relating to Scheduled Item 4.1 had been circulated to Committee prior to the meeting and were also made available during the meeting.

The Chair also proposed to move Item 4.2 The Old Granary, Wanswell, Berkeley to the end of the meeting so it would be taken after item 5.

**DCC.21      The Berryfield Sports Field, Stonehouse (S.20/2161/FUL)**

The Principal Planning Officer introduced the report and showed the committee aerial shots of the site, the outline of the site and the development plans for the site.

He then talked through the characteristics of the site, areas for consideration and explained that the Officer recommendation was to approve the application subject to conditions and a S106 agreement. The Principal Planning Officer also drew the Members attention to the changes outlined in the Late Pages submitted.

He explained in detail the key issues for the Committee to consider which included:

- Provision of 100% affordable housing stock and the weight applied to this benefit.
- Provision of sports pitches and open space.
- Impact of the development on the character of the area.
- Ecological impact on the nature reserve containing the great crested newt population.
- Impact on residential amenity in particular to properties along the Bristol Road.
- General environmental impacts such as flood risk and impact on surface water drainage.
- Highways safety, impact with access onto Bristol Road.

Councillor Housden spoke as a Ward Member for Stonehouse, he asked the committee to reject the application and laid out his reasons which included:

- Application conflicts with Local Plan Policy CP3.
- The Council had already approved 1,350 homes in 2016 which were still currently under development in Great Oldbury, Stonehouse.
- Application contradicts the Stonehouse Neighbourhood Development Plan (SNDP) which was adopted by Stroud District Council (SDC) in February 2018.
- During the development for the SNDP, which was completed in 2017, a call for suitable sites was requested and Wycliffe College were consulted. No suitable sites were put forward by Wycliffe College at that time.
- Contradicts the Local Plan Policy ES13 – the whole or partial loss of open space within settlements.

- The promise of community use of its future facilities was questionable as several local organisations had already been denied use of the current facilities.
- Application falls below standards laid out in Policy H2 of the SNDP for providing off street parking.
- Access to the development would cross over the existing cycle lane.
- SNDP page 47 – Play spaces should be provided or in lieu, financial contributions made. ES15 also states similar requirements.
- SNDP page 55 - 5.3 Protect and enhance green spaces & 5.4 Protect and enhance the heritage and wildlife assets.
- The development does not meet requirements of Local Plan Policies ES6, ES13, SA2 and of National Planning Policy Framework (NPPF) policies 171 and 174.
- SNDP Policy ENV6 regarding views and vistas.
- Highways concerns over the access and increased use of the road.

Councillor Ross also spoke as a Ward Member for Stonehouse, she described the first application made by Wycliffe in 1994 and explained it was refused due to the strength of feeling in the community and the overwhelming support for the field and the views. She informed the Committee during the development of the SNDP, Wycliffe's Operations Manager was consulted and provided assurance that there were no plans to release any of the field for development. Less than 10 years later they had submitted the application without any public consultation. She expressed that the application had not taken any of the public's feelings into account in particular the impact on the nearby residents and would not benefit the community. She expressed concerns with the access stating that it was dangerous. She drew the committee's attention to the fact that only 16 of the 52 houses 'may' be available for rental. She asked the committee to reject the application for those reasons.

Town Councillor Gary Powell spoke on behalf of the Stonehouse Town Council. He explained that Park Estate, Ryelands Road, Little Australia, Verney Fields, Boakes Drive Estate, Court View, Arrowsmith Drive, Great Oldbury and half of Bridgend had been built on green land since 1948. He expressed his concerns for the current sports field under threat of development and questioned whether Wycliffe could sell other assets in order to raise funds for their pavilion. He then expressed his wishes to keep the beautiful scenery and uninterrupted views that the Berryfields provide to Stonehouse.

Claire Cleave, a local resident spoke in opposition of the application and expressed her concerns which included:

- The whole of The Berryfields is protected outdoor play space.
- Potential damage to their foundations due to the close proximity of the proposed road and the impact of noise and fumes.
- Would have created a lack of privacy in their home.
- Highways concerns and issues.
- Adverse impact on Nature.
- Fly-tipping.
- Open car park being used inappropriately.
- Risk of graffiti on boundary walls.
- Security risk opening ground floor windows.
- Huge stress caused to residents.

Glyn Davis, a local resident, expressed his concerns over the highways safety issues as a nearby resident and as a previously employed Principal Highways & Road Safety Officer. His concerns included:

- Gloucestershire County Council had not followed conventional methods to assess junction capacity. The data accepted was not a true reflection as it was gathered during the school holidays and avoided peak times.
- The potential danger of the junction with accidents likely to increase in intensity and severity if the application was approved.
- Consultant engineers had not collected basic data for road safety and GCC Highways had not demanded the information from the applicant.
- Cost of housing needs to be balanced against the road safety issues and the effect it would have on the local community.
- Over 280 objections to this application had been submitted.

Craig Macdonald, Head of Development for the Guinness Partnership, spoke in support of the application. He reiterated that the entirety of the homes within this application were affordable homes. He informed the committee that over 500 affordable homes are required per annum within the Stroud District. He expressed the desperate need for new and affordable homes. He stated that the land in question was inaccessible to the public and hadn't been used by the college for some time but with the new development it would improve the recreational offering of the space. He stated that the development was designed to complement the character of the area and to provide sensitivity to current residential dwellings. They had also created a green corridor along the western boundary to provide an informal open space and minimise the impact of the development.

Councillor Brine informed the committee that when the application was first issued he was not a member of the Development Control Committee and that as a resident of Stonehouse, he sent a letter of objection. He explained he had not been involved with the application since and had come to the committee with an open mind to listen to all the information provided to make an informed decision.

Councillor Jones asked questions regarding highways and received answers on the following topics:

- Alternative access through the existing roundabout could not be considered as this was not submitted with the application.
- The applicant had submitted comprehensive traffic surveys and evidence which GCC Highways had considered.

The Highways Officer answered questions regarding the requirement of a ghost lane, the increase in traffic on the existing roads and access. The Highways Officer also advised that they appraise every application and base this on their own evidence and carry out internal checks.

Councillor Ryder questioned whether they could request a condition to be added to ensure that both parts of the development are delivered. The Principal Planning Officer informed the committee that the condition would not be appropriate considering the six tests for conditions and that he was confident both developments would take place simultaneously.

Councillor Brine asked whether the application had gone far enough to meet the 2030 strategy and whether the Committee could just deal with the recreation element today. The Principal Planning Officer advised the developer had committed to a fabric first approach which would deliver between 4-10% over current building regulations in terms of efficiency and that the development was before the Committee as a whole.

Councillor Patrick asked for confirmation regarding the number of social housing units on the site. It was confirmed that a proportion of houses would be for social rent and the remainder will be for shared ownership, there were 2 options outlined in the draft S106 agreement. The options were that the site would either have 30% affordable housing or 100% affordable housing, the developer had advised that if they go with 100% affordable housing there would be 15 social rent and 37 shared ownership units.

Councillor Smith voiced his concerns over the ecological impact of removing the open space and questioned whether the development would bring an ecological gain. The Principal Planning Officer explained that the creation of the green corridor would provide fruit, swales, planting and allow species to move through the area safely which was the ecological gain.

After a question raised from the Chair, the Principal Planning Officer explained why the Greater Crested Newt (GCN) population was considered as unviable.

Councillor Schoemaker questioned whether they could increase the proportion of social rented houses. The Housing Strategy and CIL Manager explained that they were unable to demand a higher percentage of social housing as it would affect the funding. She explained that the Council's policy was for 30% affordable housing and that was what would be referenced as required in the s106 agreement as set out at page 70 of the Agenda. If the s106 required above this, then Homes England's position would be that they would not provide funding for the 100% proposal. She also reassured the Committee that only around 3% of shared ownership properties were ever purchased.

Councillor Gray questioned how the application protected and enhanced the green spaces currently available as set out in the Local Plan. To which the Principal Planning Officer informed the Committee that they had mitigated the loss of the green space by providing the green corridor/informal open space. The majority of the site was currently not publicly available, nonetheless but there was still the question regarding views and impact on that of the loss of an open field.

Councillor Patrick received answers on the following topics:

- Consideration regarding pollution had been given to the existing residential properties where the Principal Planning Officer had identified an impact on their residential amenity
- The effect of the low level planting on privacy to the existing dwellings.
- The proposed green corridor would not provide habitat for the Great Crested Newts, through the Great Crested Newt Licensing Scheme a financial sum would be provided to benefit populations in the rest of the District.

Councillor Ryder received answers around the oversight of the management company employed and securing the costs surrounding that for the residents. It was confirmed that the management company would be secured under the S106 agreement however there was a condition included in the report that states that the development complies with the

landscape and ecological management plan which would set out the requirements. The Chief Planning Lawyer confirmed that further details could be added to the S106 to include provisions that the management company should be set up before the houses are sold.

Councillor Jones expressed his concerns with highway safety and questioned why the figures weren't checked by the Highways Authority. The Highways Officer confirmed they had checked the data provided to them and for that level of development, that was sufficient enough evidence.

The Chair proposed refusal, Councillor Brine seconded.

The reasons for refusal were outlined as follows by Councillor Brine and the Chair:

- Issues with access and highways
- Loss of views
- Loss of sports facilities
- Garden provision does not meet 20 square metre stated in design statement
- Non-compliance with the SNDP
- Non-compliance with Local Plan policies ES13 and ES6.

Councillor Brine stated that the issues with access had not been addressed and that alternatives had not been considered appropriately. He stated that there were other sites within the District that could accommodate the affordable housing that was needed.

Members discussed the following issues:

- Access of the site
- History of the Berryfield sites
- Build-up of traffic waiting to leave the site
- Privacy of existing residential dwellings
- Lack of public consultation
- Highways concerns
- Biodiversity and harm to wildlife.

Councillor Smith debated whether the Ecological aspect could form part of the reasons for refusal.

After debating the issue and receiving advice from the Head of Development Management, the Chair withdrew his suggestion to use Highways Objections in the refusal proposal, the seconder agreed.

The Councillors debated and reviewed the reasons for refusal and amended them to be:

- Non-Compliance with Local Plan Policy ES13 – open spaces and character of the area.
- Non-Compliance with Local Plan Policy ES6 – Biodiversity.
- Non-Compliance with SNDP including ENV 6 and the impact on the view from the AONB.
- Non-Compliance with NPPF 171, 174a & 174b.

It was also proposed by the Chair that the final wording for refusal would be delegated to the Head of Development Management in Consultation with the Chair and Vice-Chair.

After being put to a vote, the Motion for refusal was carried with 8 votes in favour and 1 against.

**RESOLVED To REFUSE permission for application S.20/2161/FUL with refusal reasons to be delegated to the Head of Development Management in consultation with the Chair and Vice-Chair.**

**DCC.22      Land at Rear of 1 Clifton Villas, Uplands, Stroud (S.21/1381/FUL)**

The Senior Planning Officer introduced the report and informed the Committee of the main concerns with the application which included:

- Design and layout
- Residential amenities
- Highways.

Andrew Heath, a local resident, spoke in opposition of the application as a nearby resident and raised the following concerns:

- Major impact on their house and use of their garden, the proposed building comes up to the boundary wall and had windows overlooking their property.
- The construction of the building would destroy the roots of an old pear tree.
- The wall was under joint ownership, if the building is built up against it how would this affect the maintenance of that wall.
- The building is oversized for the plot; it could be reduced in size.
- The proposed parking is a hazard.
- Construction vehicle access to the site would be very difficult.

Andrew Davy, the Architect for the application explained the thought behind the location and the design of the building to integrate into the current character of the area. He explained the design was in line with the height of other dwellings along the road and the parking was within the guidelines. He reassured the Committee that the foundations would be designed around the roots of the tree and there was no intention of removing any trees. He explained it was a small construction led by local contractors and built in an urban area as opposed to on green fields. He concluded by explaining that the current climate had created a short fall in housing stock and his client was trying to build a new home for his son, close to family and within his local area.

Councillor Ryder expressed his concerns over the tree protection and asked whether this could be overseen by the planning authority. He also questioned whether condition 8 would determine where construction traffic and building materials would be situated with the lack of available road space in the area. The Senior Planning Officer explained that the development site was not in any conservation area therefore the trees were not currently protected. He also explained that under condition 8, the applicant would need to have submitted and have approved the construction management plan/method statement before commencement of development, including plans as regards construction vehicle parking.

The Head of Development Management confirmed it would be possible for Members to add in a condition to require the method of tree protection to be submitted to ensure the tree was protected if they wished.

Councillor Schoemaker raised concerns over the treatment and colour of the wood cladding. The Senior Planning Officer confirmed under condition 4 any treatment of the cladding would need to be approved by Officers.

The Officer's recommendation to permit, with an additional condition in respect of tree protection methods, was proposed by Councillor Schoemaker and seconded by Councillor Smith.

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

**RESOLVED To PERMIT application S.21/1381/FUL with an additional condition of tree protection methods.**

**DCC.23      Officer Report (To Note)**

The Head of Development Management introduced the report and explained the performance figure report would come to the Committee every 6 months.

Councillor Smith questioned whether they could ask questions regarding the report, outside the meeting. The Head of Development Management confirmed that was acceptable.

Councillor Jones asked whether they would be able to see the figures for appeals success rate. To which the Head of Development Control confirmed that was possible and she would add those figures into the next report brought to the Committee.

**RESOLVED To NOTE the report.**

**DCC.24      The Old Granary, Wanswell, Berkeley (S.21/1713/FUL)**

The Chair reminded members that if they wished to discuss the detail of the exempt information that he would propose going into exempt session and that unless and until this was done the contents of the appendix were not to be discussed in open session.

The Planning Officer introduced the report, and showed the Committee two videos of the front and back of the site. He then went on to show the designs for the previous barns on the site compared to what had been built, the land owned by the applicant and the plans for the surrounding garden areas. Design concerns had been raised with regards the rear windows which were sporadically placed and can be seen from a nearby footpath. He informed the Committee that the site was in the open countryside and that the building was larger than the original barn and therefore the development contradicted Local Plan Policy CP15. The Planning Officer informed the Committee that the applicant had highlighted the children's welfare with regards to the Human Rights Act and Article 3 of the UN Convention on the rights of the child. He informed the committee that these rights should be a primary consideration although they should be balanced against the Local Plan aims and policies.

The Head of Development Management explained that the barn had been erected and had been occupied however the Committee was only being asked to consider the planning merits of the proposal as it stands. The Committee were not to consider enforcement action or any actions following this. It was confirmed that any enforcement



action would be decided upon at a later date should the outcome warrant it and would come back to Committee to be addressed.

Councillor Craig spoke as a Ward Member in support of the application. He informed the Committee that he had attended the site and it had been well built and created a positive influence on the area. He explained that he had sat in on a meeting of the Hamfallow Parish Council who expressed similar opinions regarding the dwelling. Councillor Craig expressed an awareness of the compliance issues surrounding the build and stated there were lessons to be learned from it.

Councillor Green spoke as a Ward Member in support of the application. She agreed it was a well-built property with no privacy issues and it was well hidden from the road. She commended the property on its beauty and standard of build and expressed large concerns over the impact on the family should this application be refused.

Steph Warren, the applicant, spoke in support of the application. She explained they had purchased the barn with the planning approval already in place. She informed the Committee that they had hired a chartered surveyor to measure the site and create the drawings. The new build had the original steels from the previous barn however mistakenly, the inner steels were not built to. She informed the committee that there was no restrictive head height shown anywhere on the drawings and to lower that by 1 metre would render the second storey uninhabitable. She explained the changes they had made to the windows believing this was available for them to change. She informed the Committee that they had permission for a dwelling at the location and the design they had built received support from the Parish Council, immediate neighbours and members of the local community. She explained that theoretically they could strip the building back and re-create it to the original plans however this wouldn't be achievable for them as they had put everything into the initial build and would be financially devastating to their family.

John Rooney, the applicant's agent, spoke in support of the application. He informed the committee that the dwelling was supported by Policy 1 of the NPPF which supports sustainable development. The build of this property used the materials from the previous barn which meant it was a sustainable development. He also informed the committee that an ecologist had supported that there was a biodiversity net gain from this application and confirmed there were already 8 houses in the surrounding area. He asked the Committee to approve the application in accordance with Policy 1 of the NPPF.

Councillor Patrick questioned if the property had been built and retrospective planning permission sought, would the Officer recommendation still have been to refuse. The Head of Development Management stated that permitted development had to meet certain criteria and this development had gone beyond the existing structure which is why it was treated as a new build.

Councillor Ryder questioned whether there was ongoing contact from 2019 during the build of the dwelling to which the Planning Officer confirmed there had been no contact and there were no requirements to check on the build during development.

Councillor Ryder further questioned the issue with the habitable rooms upstairs and whether this could have been seen from the plans which was answered by the Planning Officer who stated that plans submitted on approval did state "do not scale", but the plans had scale to page size on them so could be correctly scaled.

Councillor Jones Proposed, Councillor Ryder Seconded the Officers recommendation for refusal.

Members debated the issue at length which included the following concerns:

- The message approving this application would send out.
- The process is in place for a reason and should be followed.
- The impact of refusal on the family.
- The area surrounding the build (open countryside).
- The Local Plan Policies it contradicts.

The Head of Development Management assisted the Committee with their concerns of pre-determination should the application be refused and then come back to Committee, in particular as regards enforcement.

The Chief Planning Lawyer also confirmed to the Committee that the circumstances of the case could be considered as material considerations as well as consideration as regards the imposition of conditions on the development, which could affect their decision and that the decision was not necessarily clear cut.

The Members continued to generally debate the issue of the impact this application held on the family and spoke of how the application contradicted the Local Plan.

After being put to a vote, the Motion carried with 5 votes in support and 3 votes against.

**RESOLVED To REFUSE permission for application S.21/1713/FUL.**

The meeting closed at 10.34 pm

Chair