



# STROUD DISTRICT COUNCIL

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## DEVELOPMENT CONTROL COMMITTEE

15 November 2022

6:00 – 9:19 pm

Council Chamber

### Minutes

#### Membership

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

Councillor Martin Brown  
Councillor Victoria Gray  
Councillor Lindsey Green  
Councillor Jenny Miles  
Councillor Doina Cornell

\*= Absent

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

Councillor Loraine Patrick  
Councillor Nigel Prenter  
Councillor Mark Ryder  
Councillor Lucas Schoemaker  
Councillor Haydn Jones

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#### Officers in Attendance

Head of Development Management  
Principal Planning Lawyer, One Legal  
Majors & Environment Team Manager  
Development Team Manager  
Senior Planning Officer  
GCC Highways

Principal Planning Officer (Majors)  
Principal Planning Officer  
GCC Highways Officer  
Democratic Services & Elections Officer  
Principal Planning Lawyer

#### DCC.080      Apologies

Apologies for absence were received from Councillors Cornell and Jones.

#### DCC.081      Declarations of Interest

There were none.

#### DCC.082      Minutes

**RESOLVED That the Minutes of the meeting held on 6 September 2022 were approved as a correct record**

#### DCC.083      Planning Schedule and Procedure for Public Speaking

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

1	S.22/1645/REM	2	S.21/1240/FUL	3	S.22/1936/FUL
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**DCC.084**      **Parcel H13 And H14 Land West of Stonehouse, Grove Lane, Westend, Stonehouse S.22/1645/REM**

The Principal Planning Officer (Majors) introduced the application and explained that it was a reserved matters application for 216 houses on parcels H13 and H14 of the outline planning application S.14/0810/OUT. They further explained the key areas for consideration:

- Plans included 65 affordable houses.
- 38 houses would be situated within H14 and the remaining 178 in H13.
- Objections over the location of the flats were raised by the community and the Parish. After the applicant had engaged with the community the location of the flats were moved to a more central location and replaced by 4 landmark dwellings.
- Concerns were raised regarding parking and traffic, Highways had been consulted and were happy with the application provided the conditions were met.

The Principal Planning Officer (Majors) then proceeded to show the committee the plans for the application including the topography of the site.

Mr Combes, spoke as the agent on behalf of the applicant in support of the application. They asked the Committee to approve the application for the following reasons:

- There had been collaborative working between the applicant and the officers and wider community. They engaged with the Parish Council to hold a meeting which took place on the 21 September with members of the community to discuss their concerns.
- They created a revised layout to address concerns from residents and the Parish Council as well as addressing other concerns during the meeting on the 21 September.
- The revised layout was then circulated for wider consultation with the community, the Ward Members and the Parish Council and no further objections were received.
- The Parish Council had since confirmed that they supported the changes to the layout.

In response to Councillors questions the Principal Planning Officer (Majors) gave the following responses:

- The outline stage was the place for conditioning the use of renewables and other requirements such as solar panels. These were beyond the remit of the reserved matters application.
- The materials used would be a mixture of brick and cement which was not uncommon and would use a prefabricated frame.

Councillor Schoemaker raised concerns with the number of self builds within the development and that none of them have come forward to date. They further requested information on self builds and the mechanisms used to occupy the sites. It was agreed that Officers circulate the figures for the self-build outside of the meeting.

In response to Councillor Gray, the Principal Planning Officer (Majors) advised that the mock slate would be made out of fibre cement or an alternative option would be for concrete tiles to also be used on the roofs.

Councillor Miles proposed and Councillor Patrick seconded.

Councillor Patrick commended the applicant's engagement with the community.

Councillor Brown raised concerns with the lack of renewables, energy production and sustainable constructions techniques.

## **RESOLVED To permit the application**

### **DCC.085      Play Area, The Bourne, Brimscombe, Gloucestershire S.21/1240/FUL**

The Senior Planning Officer introduced the application and explained that it was for the erection of 4 dwellings, and then proceeded to show the plans for the site and highlighted the following considerations:

- There was a mature area of land with dense hedge boundaries and a protected walnut tree in the centre.
- Access was via a steep, narrow lane to the A419.
- Site was within the Brimscombe settlement limits.
- Site was outside of the Area of Outstanding Natural Beauty (AONB) and the conservation area.
- There was a Public Right of Way (PROW) running through the site from the East to the North.
- Site was within the catchment of Rodborough Common Special Area of Conservation (SAC).
- The application was called to Committee on the grounds of non-compliance with HC01 and ES7 of the Local Plan.
- The site was privately owned.
- It had previously been used as a play area in the 1970's however the equipment was removed in the 1980's. The site had never been designated as a play area within the Local Plan or any subsequent documents although it has been used by the public.

The Senior Planning Officer showed further plans for the site and ran through the proposed design, layout and materials that would be used. They explained that there had been no objections from the Tree Officer or from Gloucester County Council (GCC) Highways subject to relevant conditions and that the site would bring further enhancements to the access road. There would be a new tactile crossing and the current carriage way would be widened to 4.5m with a 1.5m footway on the East side of the road, without removing parking area from Queens Road.

The Head of Development Management explained that there had been a written representation received from the applicant who was unable to attend the meeting, which had been circulated prior to the committee.

Councillor Watson spoke as a Ward Member for Chalford and stated that they were objecting to this application with the full support of the community and the Parish Council. There had been a previous planning application refused on the site already and numerous issues had been brought to their attention which included:

- The application went against the emerging Local Plan and the National Planning Policy Framework (NPPF) with regard to preserving open space and recreation and met none of the exception criteria.
- It contradicted the Stroud District 5-year plan to optimise public spaces for public wellbeing.
- The site did not meet any identified local housing needs for smaller, affordable homes.

- It was in breach of international conventions by removing vital public space for rest, recreation and leisure for local children and vulnerable residents.
- There was no traffic assessment completed after the flats had been refurbished and there were other large developments evolving within the Parish and the infrastructure would not be able to cope.
- There would be no community benefit to this development and there was an overwhelming display of objection from the community with 45 comments made in objection on the portal for a site that only had 33 neighbours, most of whom had been present at the meeting.
- The site, previously owned by Stroud District Council (SDC), was sold with verbal reassurance that the land would be available for the flats amenity and continued public use.
- The residents of the 24 flats on Queens Court utilised the field as their only direct useable safe outdoor space.
- The landlord had not completed the refurbishment of the flats to a safe and sanitary standard with unresolved sewage issues, flat roof problems, dangerous fire escapes and inadequate parking.
- The parish Council had requested to register the space as an Asset of Community Value.

Councillor Watson proceeded to list out a number of misrepresentations and inaccuracies made throughout the application including when the area was a dedicated play area. They highlighted the ecological loss of the site which consisted of:

- Loss of trees and hedges to widen the road and only the central walnut tree on the site was protected.
- Loss of wildlife corridor if the land were to be built on and loss of biodiversity range.
- The site was cleared prior to the ecological assessment taking place.

Councillor Watson then summarised with the following points:

- The site would overlook the flats on Queens Court
- Previous applications were rejected due to the proximity of the AONB and the development boundary.
- The application was in contradiction of HC1, ES6, ES7, ES13 of the Local Plan and paragraph 174 of the NPPF. It also violated United Nations Human Rights Considerations Articles 30 and 31 regarding the rights of recreation for children and those with disabilities.

Mr Harris, a Parish Councillor, spoke on behalf of Brimscombe and Thrupp Parish Council in objection of the application. They stated that the Parish Council was not against development as it was looking to welcome around 300 homes in the coming years however asked Committee to reject the application for the below reasons:

- The application undermined the preservation of green space and removed the amenity from people who used it as a play area.
- The unity of objection within the community was high.
- The site of development was a designated green space within the proposed NDP.

Mr Bignall, a local resident, spoke on behalf of all residents present at the meeting against the application. He asked the Committee to reject the application for the following reasons:

- Many of the reasons that the previous applications had been rejected historically remained and had not been addressed in the current application.

- The planning permission for the play area granted in 1973 was still relevant and contradicted point 2.4 of the application.
- Paragraph 2.7 of the application stated that the play area could be defined as previously developed land which was untrue.
- The application could be refused under paragraphs 98 – 103 of the NPPF.
- The community had demonstrated that the field was not surplus to requirement, there had been no assessment completed and the community did not want it to be developed.
- The current owners had not maintained the site.

The Senior Planning Officer gave the following answers in response to questions asked:

- The hedge along the Eastern side of the road would be removed in order to accommodate the footpath.
- There were no documents provided which showed that the land was sold with any covenants which would prevent development.
- A nearby public space (Charlea Community Gardens) would be available for residents to utilise, a PROW which led up to open country side and local canal walks were also available for residents to use.

In response to Councillor Green, it was confirmed that there was adequate space for the road and footpath to be widened without encroachment onto ocean court land or to the Queens Court parking.

The Senior Planning Officer responded to questions asked as follows:

- The Officers responsibility was to assess the information provided and weigh up the planning balance. In this case it was not felt that a refusal could be sustained.
- The previous application for 4 dwellings made in 2019 was refused due to the following 5 reasons: CP14 (due to poor design and layout), HC1 (out of keeping with the pattern of form of development), Biodiversity refusal due to insufficient information submitted, landscape and tree refusal reasons also. This application had sufficient layout and has received no objections from the Tree Officer or the Biodiversity Officer.
- The management plan formed part of the conditions which would need to be signed of prior to development.
- The design guide gives measurements when considering overlooking, this application exceeded those measurements and therefore it was not felt to be overlooking the flats at queens Court.
- The planning permission given to the site in 1973 did not designate the site as a play area however, it did allow for the erection of the play equipment.

The GCC Highways, Principal Highways Development Management Officer confirmed that the road was unadopted and therefore, bin lorries would not collect the waste directly from the proposed houses. It was confirmed that there would be other options for those residents in terms of waste collections.

Councillor Brown questioned that the site was privately owned therefore the owner could potentially fence it off and deny public use of the land at any time. This was confirmed for the majority of the land excluding the PROW which travelled through the site.

Councillor Fenton Proposed to refuse the applications. Councillor Green seconded.

Councillor Fenton defined the refusal reason for being the loss of open space which was recognised as being of value to the community and asked councillors for any input.

Councillors debated the following refusal reasons: ES13 – protection of existing open space, ES7, CP14 and HC1 of the Local Plan and paragraph 174 of the NPPF. It was agreed to agree the exact refusal reasons in consultation with the Chair and Vice-Chair of Committee if the vote was carried.

Councillor Ryder debated the potential refusal given that the land was privately owned and that the Officer's recommendation was to approve. They also commented on the voice of the community and that this site was very different to the recent comparative application, The Berryfields.

Councillor Brown shared similar concerns with the strength of the refusal reasons however supported the refusal for ecological reasons.

Councillor Schoemaker debated the wellbeing of the local residents due to the loss of the open space if the applications were to be approved.

Councillor Gray commented that there were a large number of material reasons for the application to be refused.

Councillor Miles raised concerns with the refusal reasons and stated they would abstain from the vote.

Councillor Patrick debated that the job of the Councillors was to listen to the community and weigh up the decision and they felt that refusal was the correct decision.

After being put to a vote the Motion to refuse the application was carried with 8 votes for, 0 votes against and 2 abstentions.

**RESOLVED To refuse the application and to delegate to the Head of Development Management in consultation with the Chair and Vice-Chair to agree the wording of the refusal reasons.**

**DCC.086      Land At Rear Of 1, Cutler Road, Stroud, Gloucestershire**  
**S.22/1936/FUL**

The Principal Planning Officer introduced the application for the erection of a single bungalow and highlighted the following key considerations:

- The site was within the Stroud Uplands settlement limits and located on a dense housing estate predominately characterised by 2 storey properties.
- The proposed bungalow was approximately 7m forward from the building line.
- The site characteristics consisted of houses fronting the highway with long linear gardens to the rear. The application would breach Local Plan Policy HC1 due to not following the pattern of development.
- The site was very constrained and the proposed footprint was very large for the site.
- The proposal had minimal useable garden space of approximately 4m<sup>2</sup> contrasted Local Plan Policy HC1.

- The new two storey dwelling next to the site was within the proximity to be overlooking the amenity space which was again in contradiction to the Local Plan Policy HC1.

Councillor Baker spoke as a Ward Member for Stroud Uplands and asked the Committee to approve the application for the following reasons:

- The development would improve the outlook for residents in the area.
- The site was partitioned of and sold by SDC with potential for development and there was community support for the land to be developed.
- There was a shortage of accommodation suitable for disabled people which this application would be perfect for due to the minimal amenity area.
- There were a cluster of bungalows nearby which meant that the bungalow would not be out of place.
- The building line was jagged at present and they did not feel that it would be incompatible with the wider site.
- The proposed development would have minimal impact on nearby homes as it was a single storey bungalow.

Councillor Patrick raised concerns with access and egress of the property to which the GCC Highways, Principal Highways Development Management Officer explained that was only a requirement on classified roads which this site was not on.

The Principal Planning Officer advised that there were four refusal reasons in total which could be found on page 65 of the reports pack.

The Head of Development Management advised the Committee to look at the application on its planning merits and not consider the state of the site. They further advised the Committee that if the application was approved, they would be looking to collect the payment for the Special Area of Conservation and a delegated approval would be advised should the Committee be minded to approve the application.

The Principal Planning Officer gave the following response to Councillors:

- There were no further letters of support or objection received.
- The Ward Councillor was in support of the application.
- Had the pre-application been submitted the applicant would have been advised that a residential dwelling would not be appropriate on the site. However, each application was dealt with on its own merits.
- The physical appearance of the bungalow was considered as a good design however it was felt that it did not fit the space and would be overlooked.

Councillor Schoemaker proposed to permit the application subject to delegated approval in consultation with the Chair and Vice-Chair. Councillor Fenton seconded.

Councillor Schoemaker debated the need for this type of development and the use of the proposed bungalow for a potentially vulnerable resident.

Councillor Ryder raised concerns with the plot being sold as having development potential. They also shared the desire to support the application for potential future use for a disabled or vulnerable resident.

Councillor Patrick shared support for this application due to the need for single person accommodation in the district.

Councillors Miles, Gray, Prenter and Green gave their support for approval due to the need for these types of properties and the overall community support despite the size of the plot.

Councillor Ryder stated that it was not common for bungalows to be built anymore.

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

**RESOLVED To give delegated authority to the Head of Development Management in consultation with the Chair and Vice-Chair to permit the application with the condition to secure the SAC payments.**

#### **DCC.087      Planning and Enforcement KPI Statistics**

There were no comments on the report.

#### **DCC.088      Planning Enforcement**

The Development Team Manager introduced the report and explained that National Guidance had encouraged local planning authorities to publish a Local Enforcement Plan to proactively manage planning enforcement within the district. They had reviewed the current Planning Enforcement Policy and Procedure and established that it was out of date and would be replaced with a Planning Enforcement Operational Protocol. The Development Team Manager highlighted the relevant key points which included:

- It would enable more regular and more meaningful communication with complainants and developers.
- It provided detail on how officers would administer, evaluate, and progress planning enforcement complaints.
- It had been through a rigorous 6-week public consultation period (June – July 2022) which included the development advisory Panel (D-MAP), Town and Parish Councils, District Councillors and then finally discussed again at D-MAP in October.
- An outline of proposed processes could be found at appendix A on page 92 of the reports pack.

The Development Team Manager concluded and stated that the new Protocol would provide a framework to those who investigated planning for both decision making and communication.

The Development Team Manager gave the following answers in response to questions asked:

- The first step for the planning team would be to implement the Operational Protocol which outlined what the team was aiming to achieve. The second step would be to implement the new IT system and the final step to utilise the new protocol and the IT system to identify whether there was a need for greater resource within the team.
- Any complaints received from January 2023 would follow the new Operational Protocol and the team would continue to work through the backlog of complaints alongside the new protocol. They had assigned a dedicated person to handle some of the backlog and would be review this once completed.
- The Fit For the Future (FFF) Team were looking to integrate older cases onto the new system. They were also looking to implement a long touch date which meant the older cases would be dealt with first in order to work through them all.



Councillor Patrick proposed and Councillor Ryder seconded.

Councillors Green and Gray commended the report for being in plain English and easy to understand.

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

**RESOLVED** a) To approve the Planning Enforcement Operational Protocol, for implementation from 01 January 2023  
b) To receive an annual update on the implementation of the plan  
c) That the plan will be reviewed in 12 months

The meeting closed at 9.19 pm

Chair