



# STROUD DISTRICT COUNCIL

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## DEVELOPMENT CONTROL COMMITTEE

Tuesday, 7 March 2023

6.00 - 8.02 pm

Council Chamber

### Minutes

#### Membership

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

- \* Councillor Martin Brown
- Councillor Doina Cornell
- \* Councillor Victoria Gray
- Councillor Lindsey Green
- \* Councillor Haydn Jones
- \* Absent

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

- Councillor Jenny Miles
- Councillor Loraine Patrick
- \* Councillor Nigel Prenter
- \* Councillor Mark Ryder
- Councillor Lucas Schoemaker

#### Officers in Attendance

Head of Development Management  
Development Team Manager

Specialist Conservation Officer  
Senior Democratic Services & Elections Officer

#### DCC.101 Apologies

Apologies for absence were received from Councillors Brown, Gray, Jones, Prenter and Ryder.

#### DCC.102 Declarations of Interest

There were none.

#### DCC.103 Minutes

**RESOLVED** That the Minutes of the meeting held on 17 January 2023 were approved as a correct record.

#### DCC.104 Planning Schedule and Procedure for Public Speaking

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

1	S.22/2538/VAR	2	S.22/2480/LBC	3	S.22/2596/HHOLD
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Late Pages relating to Scheduled Items S.22/2538/VAR and S.22/2480/LBC had been circulated to Committee prior to the meeting and were also made available during the meeting.

**DCC.105    Rodborough Court , Walkley Hill, Stroud, Gloucestershire**  
**(S.22/2538/VAR)**

The Development Team Manager introduced the item, it was agreed to discuss both applications S.22/2538/VAR and S.22/2480/LBC together but take separate votes on each item.

The Development Team Manager advised that Rodborough Court was a grade II listed building which sat in an elevated position in a residential area of Rodborough. The site was within the settlement development limits of Stroud. The Development Team Manager gave a brief history of the planning permission granted on the site previously and advised that the applications being considered were for an amendment to the previously approved scheme.

The Development Team Manager confirmed that the amendments under consideration related to the appearance of the extension. As originally approved, the glazed box was to be constructed using channelled glass, these were thin, vertical glass panels. It was now proposed to use larger frames and panes of glass. As this was materially different in appearance to the previous approval, and would be inconsistent with the conditioned plans, planning permission and listed building consent were required. The Development Team Manager highlighted using the plans and images of the site where the changes to the design would be made. It was confirmed that Officers had concluded that the proposed design amendments would not harm the special interest of Rodborough Court or impact on the setting of any other nearby listed building.

Public comments were received and reported in the late pages querying the consultation with Historic England. A consultation with Historic England was generated due to the proximity of the application site to the grade II\* listed church; Historic England responded deferring the matter to the authority's own specialist advisors, the conservation officer had raised no objection to the proposal.

Having assessed the proposal, officers had concluded that the alteration would have no greater impact on amenities of nearby occupiers than the previous approval. While the altered design enabled opening sections, there was sufficient separation from neighbouring properties to protect living conditions. Furthermore, the existing permission did not require the channel glass to be obscured, so a benefit could be achieved by a new condition requiring obscure glazing.

Mr O'Driscoll, a neighbour, spoke on behalf of local residents in opposition of the applications for the following reasons:

- The changes to design would impact their quality of life.
- The changes had a negative impact on the design moving away from a single block form without openings.
- The openings in the glass would cause noise pollution and would impact local residents.
- The proposed glass would increase light pollution.

Mr O'Driscoll asked the committee to require the applicant to produce an independent report showing the impact the changes would have on light and acoustic pollution.

Mr Cabrini-Dale, the applicant, spoke in support of the applications and advised that the site was as an assembly plant where production was carried out by hand.

David Austin, the Agent, spoke in support of the applications and highlighted the flaws with the original design using Channel Glass. He advised that with Channel Glass to reach the desired thermal grade the glass would need to be filled with a cotton wool like filling and the building would need to be artificially heated and cooled. He confirmed that the glass would be supplied by a local firm and would be treated to reduce heat build up and heat escaping. The Agent further advised that light pollution would be minimal with the use of low energy lighting and downlights.

In response to Councillor Fenton the Specialist Conservation Officer advised that when the original application was approved it was not noted that an additional filling would be required for the channel glass.

Councillor Cornell asked for further information regarding the sliding doors and how this would look. The Development Team Manager confirmed that there would not be any additional external accessways and that the clear glazing would allow further views that the channel glass but most of the elevations would be overlooking the application site itself.

Councillor Schoemaker asked whether the Committee could consider adding additional conditions to the times in which the sliding doors could be opened. The Development Team Manager reminded the Committee of the test conditions are required to meet and advised that this would be unlikely to meet those requirements.

In response to questions from Councillor Patrick Loraine the Development Team Manager confirmed the following:

- The Juliet balcony would not be an external structure as you would be unable to step onto it.
- The obscure glass was not proposed for the whole of the rear of the building but where there was clear glass views that would likely be obstructed by the rest of the building.
- Windows highlighted in red on the plans shown to the Committee would slide open to allow ventilation.

In responses to questions regarding light pollution from Councillor Fenton the Development Team Manager advised that the original application did not impose any conditions regarding light pollution and the glazing was not required to be obscure. It was also confirmed that the site was within the settlement boundary where some light pollution would be expected.

Councillor Schoemaker proposed the Officers advice to approve the application S.22/2538/VAR and Councillor Fenton seconded.

Councillor Schoemaker suggested that the Committee were constrained by the original approved application and had been reluctantly convinced that current planning legislation would not allow them to issue any additional conditions.

Councillor Fenton highlighted the merits of the design including its increased energy efficiency.

Councillor Cornell stated that it was hard to come to a decision and that she had appreciated the comments from local residents but expressed the importance of good ventilation in a work environment.

Councillor Patrick drew on her recollection from the site visit and was satisfied that some of the glazing would be obscured although expressed a wish for further ventilation and obscured glass.

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

**RESOLVED To Permit the application.**

**DCC.106    Rodborough Court , Walkley Hill, Stroud, Gloucestershire  
(S.22/2480/LBC)**

The application was considered jointly with Item 4.1.

Councillor Baxendale proposed the Officers advice to approve the application S.22/2480/LBC and Councillor Schoemaker seconded.

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

**RESOLVED To grant consent to the application.**

**DCC.107    32 Wharfdale Way, Hardwicke, Gloucester, Gloucestershire  
(S.22/2596/HHOLD)**

The Development Team Manager introduced the application which sought permission for the erection of a double garage at an end of terraced property in Hardwicke. He confirmed that the site was within the defined settlement limits of Hardwicke and that it benefitted from off-street parking within a shared parking courtyard which had been extended by the inclusion of a further gravelled drive. The proposed garage would replace one of the original parking spaces and extend over the gravelled drive resulting in 2 parking spaces within the building and a further 2 parking spaces to the front.

The Development Team Manager drew the Committees attention towards the plans for the development and advised that policies HC8 and ES3 had been considered. He advised Members that concerns had been raised on the impact of the garage on the outlook from nearby properties and highlighted the separation distances in place between the proposed garage and its nearest buildings. The shortest distance would be to the east where the wall of the garage would be approximately 12 metres from the property at Number 34, this exceeded the guidance provided in the Residential Design Guide (SPD).

Cllr John Perkin a representative from Hardwicke Parish Council spoke in opposition of the application. He advised that properties on the Wharfdale development with garages had only been provided single garages with an additional parking space and that this would therefore be the only double garage within the development. He stated that the garage would have a detrimental effect on the parking space allocated to number 34 as the garage would need to be built close to the white line making it more difficult for the users of the adjacent space to get into and out of their vehicle. Cllr Perkin also referred the committee to restrictive covenants which were in place on the development which were not a planning matter. Cllr Perkins suggested that a single garage would be more appropriate as it would lessen any impact on the adjacent parking space, would increase the distances

from the garage to the nearest property and would also be in the spirit of the development. He drew the Committees attention to the objections received from Number 34 which the Parish Council supported.

The Development Team Manager confirmed the following:

- Covenants were a civil matter and would not prevent planning permission from being granted.
- The Committee did not have the powers to amend the design but would have to determine whether to grant permission to the application in front of them.
- The highways section of the report advised that the original planning permission imposed a condition that parking was to be provided and Officers believed that the development would still meet the minimum parking requirements as laid out in the local plan.

In response to Councillor Fenton the Development Team Manager advised that planning permission did not rely on land ownership however the case officer had been advised that the applicant did own the parking space being discussed.

Councillor Cornell asked for confirmation of the number of parking spaces. The Development Team Manager confirmed that 2 spaces would remain outside of the proposed garage and there would be space for an additional 2 vehicles inside the garage. There would therefore be no loss of parking spaces.

The Development Team Manager responded to Councillor Cornell to confirm that the character of the neighbouring parking space would change but there was nothing to suggest that it would become unusable.

Councillor Miles questioned whether they would require planning permission to convert the garage into living accommodation. The Development Team Manager advised that planning permission wouldn't be required unless they added conditions to restrict the use of the garage. He also advised that as the garage was detached from the main building by a walkway it may be less likely to be used as living accommodation.

Councillor Patrick Proposed the Officers advice which was seconded by the Chair.

Councillor Green indicated her reservations were due to the distance from the garage to the property at number 34.

Councillor Patrick advised that during the site visit she stood in front of the window at Number 34 to see what the impact would be, she highlighted that there was a large tree obstructing the view which would lessen any impact of the garage wall. Councillor Fenton also confirmed that she had looked at the impact for Number 34 during the site visit, she advised that the tree could be removed and that the garage would affect the open aspect of the area not just for Number 34 but for other neighbouring properties. Councillor Miles also expressed concerns regarding the impact on the property at Number 34.

Councillor Miles asked whether conditions may be able to apply to restrict different uses of the garage. The Head of Development Management advised that they needed to think about why they would want the condition to be applied and whether there was adequate justification to add any conditions to restrict use when the number of parking spaces provided outside the garage met the required standards in the Stroud District.

Councillor Schoemaker stated that Number 34 would currently be looking at cars or vans which would provide a similar impact as the proposed garage and therefore there was not an adequate reason to reject the application.

Councillor Cornell offered support for the application and advised that a garage would be an asset for the property and that due to other garages on the development it wouldn't be out of character.

The Chair, Councillor Baxendale, raised concerns regarding the overbearing impact on neighbouring properties due to the creation of an enclosed space and advised that he would not be supporting Officers advice. He clarified that he had originally proposed Officers advice so that the Committee could enter debate and that the conversations during the debate had altered his view on whether to vote in favour or against Officers advice.

On being put to the vote, the motion was not carried with 3 votes against, 2 in favour and 2 abstentions.

The Chair, Councillor Baxendale made a further proposal to refuse the application, this was seconded by Councillor Green.

The Chair and members of the Committee discussed possible reasons for refusal and put forward the proposal of overbearing impact. The Development Team Manager reminded the Committee that the SPD suggests a minimum distance of 10 metres between a window and a wall which this application had exceeded.

The Chair advised that the standards were for general situations and advised that this situation was slightly different with the enclosed nature of the proposed development. Councillor Fenton stated that there was an overbearing impact because of the configuration of the site and that the amenity of parking spaces were already available for the property without the overbearing impact of a garage in the same location.

Councillor Patrick stated that the Committee should abide by the standards in place.

The Principal Planning Lawyer advised that the Committee would need to develop their reasons for refusal. He suggested that the Committee had discussed the overbearing impact, that the double garage would be out of character in the particular location and would have a detrimental impact on neighbouring residents.

Councillor Patrick suggested that the proposed double garage would not be out of keeping as it would be built in the same mode as other buildings.

Councillor Baxendale considered whether policy ES13 could be used as a refusal reason.

Councillor Green confirmed that the SPD was guidance and therefore the limits within it were not rules set in stone.

Councillor Cornell suggested that it could be considered out of character as this had been mentioned by some members of the Committee and the Parish Council as there were not many double garages on the development site.

The Principal Planning Lawyer offered advice to the Committee suggesting that they may wish to carry out a further site visit so that everyone could be clear as to the extent the garage would impact the area and neighbouring properties.

Councillor Green proposed an amendment to defer the decision pending a further site visit. Councillor Schoemaker seconded the amendment.

The Chair encouraged Members to attend the next site visit if the amendment was agreed.

On being put to the vote the amendment was agreed with 5 votes in favour and 2 against.

**RESOLVED To defer the application for decision at the next meeting following an additional site visit.**

The Committee took a short break, the meeting resumed at 8.02pm. Councillor Schoemaker left the meeting.

**DCC.108     DCC Budget Monitoring Report 2022/23 Q3**

There were no questions.

On being put to the vote, the motion was carried unanimously.

**RESOLVED To note the outturn forecast for the General Fund Revenue budget for this Committee.**

The meeting closed at 8.02 pm

Chair