



## **Development Control (West) Committee**

Thursday, 21st February, 2013

### **Present**

Councillors: John Ashe, Michael Bell (for Roger Hutchinson), Keith Cranney, Howard Gawler, Dave Hockey, Pat Hockey, Brian Hopkinson, Justin Howells, Trevor Jones, Katherine Morris, Eve Orpen and Sarah Pomfret

Sarah Tucker	Principal Planning Officer
Peter Slane	Highways Officer
Paul Johnson	Democratic Services Officer
John Vaughan	Solicitor

### **Apologies for Absence**

Apologies for absence were received from:  
Councillors: Clare Fardell and Roger Hutchinson

Councillor Maggie Tyrrell advised that Councillor Fardell had given her apologies to the meeting on the grounds that she had previously fettered her discretion on the application due to be considered and as a consequence would not have been able to take part in the debate and vote.

### **176 WELCOME AND INTRODUCTIONS (Agenda Item 1)**

Councillor Dave Hockey welcomed everyone to the meeting.

### **177 EVACUATION PROCEDURE (Agenda Item 3)**

The Chair drew attention to the emergency evacuation procedure.

### **178 DECLARATIONS OF INTEREST UNDER THE LOCALISM ACT 2011 (Agenda Item 4)**

It was noted that all Members had been lobbied on item 8.

### **179 ANY OTHER ITEMS WHICH THE CHAIR DECIDES ARE URGENT (Agenda Item 5)**

There were no urgent items.

## 180 ITEMS FROM MEMBERS (Agenda Item 6)

There were no items from Members.

## 181 ITEMS FROM THE PUBLIC (Agenda Item 7)

Representations received from members of the public are recorded under each respective item.

## 182 PT12/2395/O - LAND AT MORTON WAY, THORNBURY (Agenda Item 8)

**Charles Eardley-Wilmot, Concern for Thornbury** spoke in support of the proposal and made the following points:

- Who are the 'Lead Members'?
- Who will be responsible for the maintenance of the formal pitches?
- The outcome of the Core Strategy EiP Inspector is still awaited
- Thornbury is not the most sustainable location for additional housing in South Gloucestershire
- Historically, Morton Way was never intended to be a barrier to development
- The Thornbury Plan made provision for footpath links across Morton Way
- The approach taken by the Case Officer in considering this application is not consistent with the approach taken to Morton Way in the Core Strategy
- During the Core Strategy EiP officers indicated that they would utilise brownfield site for housing development

**Dave Redgewell, South West Transport Network**, spoke against the application and made the following points:

- The lack of employment opportunities in Thornbury will mean that there will be an increase in out ward commuting leading to further peak hour congestion on the A38
- Inadequate public transport provision to support the development
- Existing bus services are heavily subsidised
- The North Fringe is a more sustainable location for housing development
- The Thornbury rail line should be safeguarded

**Chris Clifford, spoke on behalf of Thornbury Town Council** and made the following points:

- Morton Way represents a natural boundary
- Any development outside Morton Way opens up the town to unrestricted development to the north and east which will ruin its character

**Gerry Pitman, local resident** spoke against the application and made the following points:

- The situation regarding the status of the planning application and the Core Strategy EiP is confusing
- The requirement to provide 852 extra houses in South Gloucestershire was questioned
- The Council should object to housing development on this land
- Morton Way represents a natural boundary
- Any development outside Morton Way opens up the town to unrestricted development to the north and east which will ruin its character
- The proposal is sited some distance from the existing town centre
- There will be an increase in out ward commuting leading to further peak hour congestion on the A38 and Crossways Lane
- Thornbury residents are opposed to this development

**Edward Pemberton, local resident** spoke against the application and made the following points:

- The application is made for reason other than the best interests of Thornbury
- Any development outside Morton Way opens up the town to unrestricted development to the north and east which will ruin its character
- The requirement to provide 852 extra houses in South Gloucestershire was questioned

**Chris Hancock, local resident** spoke against the application and made the following points:

- The situation regarding the status of the planning application and the Core Strategy EiP is confusing
- Morton Way represents a natural boundary
- Brownfield sites should be developed

**Mike Bennewitz, local resident** spoke against the application and made the following points:

- Loss of local amenity
- The drainage plans are inadequate
- There will be an increase in out ward commuting leading to further peak hour congestion on the A38
- Disruption will occur during construction

The Principal Planning Officer updated Members on the following issues:

- Since the agenda papers were published, 20 additional submissions have been received and raised objections to the application. The issues raised are addressed in the officer report
- The Council's Housing Enabling Officer has now agreed the affordable housing mix and location

In response to issues raised, the Principal Planning Officer clarified that Bloor Homes submitted a planning application for 300 dwellings on this site around the time of the original Core Strategy hearings (application reference PT12/2395/O). The somewhat confusing situation has arisen because the applicants have chosen to appeal the application before the matter of the further housing supply has been resolved through the Core Strategy process. The site may come forward as an allocation if the Core Strategy Inspector decides that this site is appropriate to fill the shortfall in housing supply. The Planning Inspector for the Core Strategy is re-opening the EiP on 7<sup>th</sup> March to look at this site and other sites, to fulfil what he considers to be a deficiency in South Gloucestershire Council's housing supply figures. The Planning Inspectorate has said the appeal is valid and it is due to be heard at a public inquiry beginning 23rd April. As such, the Council has to provide the Planning Inspectorate with its Statement of Case by the 26<sup>th</sup> February hence the need for the application to be considered at today's meeting.

In response to issues raised, the Highway Officer considered that the proposal, as submitted, was unacceptable in highway terms as it would result an over-reliance of outward commuting of cars because of the limited provision of public transport and poor route access to the town centre and other general amenities. However, there is the opportunity to address the limitations in the accessibility and traffic impact. The transport objection could be overcome by a package of measures, including improvements to walking and cycling routes, public transport improvements and measures to deal with the increased traffic impact through junction works. This would form the basis of a suitable S106 planning obligations and/or conditions.

The Highways Officer confirmed that the proposed development would not jeopardise the future use/route of the Thornbury rail line.

Councillor Dave Hockey advised that the Lead Members of the Development Control (West) Committee were, Councillor Dave Hockey (Lib Dem), Councillor Brian Hopkinson (Conservative) and Councillor Eve Orpen (Labour).

**Councillor Maggie Tyrrell spoke as one of the Local Ward Councillors for Thornbury South and Alveston and made the following points:**

- Any development outside Morton Way opens up the town to unrestricted development to the north and east which will ruin its character
- The proposal is sited some distance from the existing town centre
- There will be an increase in out ward commuting leading to further peak hour congestion on the A38 and Crossways Lane
- A majority of Thornbury residents are opposed to this development
- The application site is some distance from the town centre and its community facilities
- Ecological concerns
- The officer recommendation supports a refusal

- Significant objection has been raised to the development through the Core Strategy process

In response to issues raised, the Principal Planning Officer made the following points:

- The Section 106 obligation would cover the whole site
- Details regarding the provision of equipped and unequipped play would be dealt with via a condition to ensure that they conformed to Policy LC8 and CS24
- The Landscape Officer considers that generally the layout provides a generous level of landscape and public open space provision with green space concentrated within a 'Country Park' area through the centre of the site
- The majority of the existing trees and hedgerows are to be retained within layout, and most situated within areas of public open space, which will ensure the longevity of these trees and preserve the habitat of the bats living within the site
- Based on the proposed number of dwellings a contribution towards a new community facility or GP surgery within the site could not be justified. A contribution towards enhancing existing community facilities could be secured via a Section 106 obligation
- Concerns raised by the Urban Design Officer regarding layout and design could be dealt with through a number of conditions including the requirement to submit sample materials and the creation of informal 'living streets' to be agreed

Councillor Dave Hockey expressed concern with regard to the lack of detailed information being brought forward with this application. He spoke against the recommendation set out in paragraph 7.2 of the officer report, which requested that delegated authority be given to the Director of Environment and Communities in consultation with Lead Members to inform the Inspector conducting the S78 Appeal that the Council intends to withdraw its objection to this application. He subsequently proposed that, regardless of whether or not the Core Strategy EiP Inspector supports the allocation of Morton Way to address housing need, that an additional meeting of the Development Control (West) Sites Inspection Sub Committee and Development Control (West) Committee be arranged to enable further consideration of the application with regard to the S78 Appeal.

Councillor Pat Hockey supported the proposal, which she considered would also afford Thornbury Town Council further opportunity to comment on the detail of the application as well as on the principle of development.

The Principal Planning Officer expressed some reservations regarding the proposal and made the following points:

- Member's attention was drawn to the tight timescales associated with the Core Strategy EiP and the need to submit the Local Planning Authorities proof of evidence in relation to the public inquiry beginning 23rd April

- The site may come forward as an allocation if the Core Strategy Inspector decides that this site is appropriate to fill the shortfall in housing supply. If this is the case refusal reasons 1 and 2 (Policy H3) will fall away
- Refusal reasons 3 to 9 could be overcome as part of a Section 106 obligation
- The proposal to delegate authority as set out in paragraph 7.2 would avoid any unnecessary delay in the planning process
- The Planning Inspector could award full costs against the Local Planning Authority if they believe the Planning Authority has acted unreasonably

In response, Councillor Dave Hockey acknowledged the constraints that officers were under but highlighted the significance of the application and the need for the Committee to be seen by the public as to be giving the application their full consideration. Further, Councillor Hockey noted that Standing Orders made provision for an urgent meeting to be convened with less than 5 clear days notice.

In response to issues raised, the Highways Officer confirmed that the proposed level of car parking complied with the Council's parking standards.

In response to issues raised regarding the safety of parking courtyards, the Principal Planning Officer confirmed that the parking courtyards were considered to be an acceptable design feature and that a condition would be recommended to the Planning Inspector to ensure their natural surveillance.

In response to issues raised regarding the detail of the masterplan, the Highways Officer advised that he would report back informally to Members with regard to the proposed walking and cycle routes and how they joined up with the existing network of public rights of way.

In response to issues raised, the Principal Planning Officer advised that a programme of trial trenching to test the results of the geophysics should be undertaken to inform an appropriate scheme of mitigation, and submitted to support any reserved matters applications in the event of an approval. As such, a condition suggesting the above will be recommended to the Inspector.

In response to issues raised, the Highways Officer advised that refusal reason 4 be amended to read *traffic growth*.....

In response to issues raised and with reference to paragraph 5.12 of the officer report, the Principal Planning Officer advised that the Urban Design Officer had not recommended that planning permission be refused and that officers were satisfied that the concerns raised regarding the Design and Access Statement could be dealt with by condition.

Councillor Pat Hockey proposed the following additional refusal reason:

The proposed scheme does not adequately respond to local distinctiveness and the Design and Access Statement does not contain clear principles to ensure that future reserved matters applications would be informed by, respect and enhance the character and distinctiveness of the locality. As such the proposals would result in harm to the visual amenity of the area and are contrary to Policy D1 of the adopted Local Plan and Policy CS1 of the emerging Core Strategy.

Councillor Dave Hockey moved

1. That had the Council been in a position to determine the application, planning permission would have been refused for the reasons set out in the report.
2. That refusal reason 4 be amended to read *traffic* growth.....
3. That the following additional refusal reason be given

The proposed scheme does not adequately respond to local distinctiveness and the Design and Access Statement does not contain clear principles to ensure that future reserved matters applications would be informed by, respect and enhance the character and distinctiveness of the locality. As such the proposals would result in harm to the visual amenity of the area and are contrary to Policy D1 of the adopted Local Plan and Policy CS1 of the emerging Core Strategy.

4. That regardless of whether or not the Core Strategy EiP Inspector supports the allocation of Morton Way to address housing need, an additional meeting of the Development Control (West) Sites Inspection Sub Committee and Development Control (West) Committee be arranged to enable further consideration of the application with regard to the S78 Appeal.

On being put to a vote, the motion, which was seconded by Councillor Pat Hockey was unanimously CARRIED and

#### **RESOLVED**

1. That had the Council been in a position to determine the application, planning permission would have been refused for the reasons set out in the report.
2. That refusal reason 4 be amended to read *traffic* growth.....
3. That the following additional refusal reason be given

The proposed scheme does not adequately respond to local distinctiveness and the Design and Access Statement does not contain clear principles to ensure that future reserved matters applications would be informed by, respect and enhance the character and distinctiveness of

the locality. As such the proposals would result in harm to the visual amenity of the area and are contrary to Policy D1 of the adopted Local Plan and Policy CS1 of the emerging Core Strategy.

4. That regardless of whether or not the Core Strategy EiP Inspector supports the allocation of Morton Way to address housing need, an additional meeting of the Development Control (West) Sites Inspection Sub Committee and Development Control (West) Committee be arranged to enable further consideration of the application with regard to the S78 Appeal.

Note: Having left the room during consideration of this item, Councillor Justin Howells and Councillor John Ashe did not vote.

Meeting closed 5.50pm

I confirm that the minutes are a correct record of the meeting.

Chair