



PLANNING COMMITTEE

MEETING : Tuesday, 2nd August 2016

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Cook, Finnegan and Coole

Officers in Attendance

Jon Sutcliffe, Development Control Manager

Nick Jonathan, Solicitor, One Legal

Ed Baker, Principal Planning Officer, Housing Delivery

Caroline Townley, Principal Planning Officer

Jamie Mattock, Highways Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr. Fearn

36. DECLARATIONS OF INTEREST

Councillor Dee declared that he had pre-determined agenda item 4 as he had previously expressed his opposition to the development of this site. He indicated that he wished to speak as Ward Member for Tuffley but would leave the meeting during the Committee's deliberations and the decision.

Councillor Toleman declared a disclosable prejudicial interest in agenda item 6 as he was a trustee of Llanthony Secunda Priory Trust.

37. MINUTES

The non-exempt and exempt minutes of the meeting on 5 July 2016 were confirmed and signed by the Chair as a correct record.

38. LAND SOUTH OF GRANGE ROAD - 16/00165/OUT

The Principal Planning Officer presented his report which detailed an outline application for the erection of up to 250 homes including demolition of existing agricultural buildings, the provision of new access, landscaping and open space

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(access to be determined now, all other matters reserved) on land south of Grange Road.

He drew Members' attention to the late material which contained an update on the issues identified at paragraph 8.1 of the report, additional responses from Severn Trent Water and the Environmental Health Officer and a revised recommendation from the Development Control Manager.

Councillor Dee as a Ward Member for Grange Ward addressed the Committee.

Councillor Dee stated that he had declared an interest in this application as he had made known his opposition to development of this site on many previous occasions and had pre-determined the application. He would therefore leave the Chamber and take no part in the Committee deliberation and the decision on this application.

He stated that a lot of information would be presented by Tuffley Matters.

He expressed concerns on the impact on the congestion on Stroud Road which he believed impacted on every road junction this side of St Paul's and the impact of the development at Hunts Grove was yet to be felt.

He had been told that the £1 million for St Barnabas roundabout was for improvements to pedestrian and cyclist safety and the costs for dealing with motor traffic would be in the region of £20-30 million. There was no space for road improvements to be implemented.

He expressed concerns regarding the provision of schools and surgeries and the lack of plan to fund and provide those facilities to the south of the City.

He advised Members to listen carefully to Tuffley Matters and then withdrew from the meeting.

Sarah Sharpe of Tuffley Matters addressed the Committee in opposition to the application.

Ms Sharpe advised the Committee that she was representing Tuffley Matters a local residents group that had submitted an on-line petition containing 987 names opposed to the application.

In February 2016 they had been told that the site was not relevant to the Joint Core Strategy as it was under 500 homes but the JCS Inspector's Interim Report referred to land south of Grange Road and land at Brookthorpe/Whaddon as potential land to be considered for development.

She noted that the JCS housing requirement projection now exceeded both the Office of National statistics and the Census housing projections. Tuffley Matters had contacted the JCS Programme Officer in order to put their case to the Inspector.

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They had been informed that the interim report had been provided to the JCS Authorities without prejudice to the Inspector's Final Report to enable the JCS Authorities to consider their options in moving forward.

The Programme Officer had stated that his understanding of the Authorities response was that they would not be bringing land south of Grange Road or land at Brookthorpe/Whaddon into the JCS through a modification.

In light of this, Ms Sharpe questioned why the City Council was prepared to allow development on land south of Grange Road when it was premature to the adoption of the City's Local Plan.

Tuffley Matters agreed with the City Council's Strategic Assessment of Land Availability 2012 which stated:-

- Tuffley Farm is remote to the City services
- Fair to poor access to public transport, services and facilities
- Greenfield site not well located to strategic arterial highway network in City
- St Barnabas roundabout identified as a very congested junction in the JCS highway capacity

She noted that the County Council did not have a fully funded viable improvement plan for St Barnabas roundabout.

She then outlined a number of objections to the application including:-

- Tuffley Primary School is already at maximum 30 pupil class size so why are the County Council selling all of the land adjacent to the school?
- The local Doctors Surgery is small and at full capacity.
- No local dentist available
- Potential increase of 500 adults and 375 children
- No local supermarket
- No local bus service on Grange Road due to restrictions of railway bridge
- Over nine minutes' walk to the bus stop for elderly, residents carrying shopping or with a buggy.
- Will encourage car use
- Potentially 500 extra vehicles issues of parking and traffic movements
- Design aiming for quantity rather than quality
- Police concerns on lack of security
- Three story dwellings intrusive

She advised Members that rainwater ran off the high ground when the land was frozen and a recurrence of the 2007 conditions would result in flooding.

She noted that the Leckhampton site, Cheltenham, which shared the same views and had many similarities to this site, had been rejected. She believed that development would harm a major entrance route to the City and she called on Members to reject the application.

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Nick Matthews, Planning Director, Savills, Bristol, addressed the Committee in support of the application.

Mr Matthews believed that the proposed development was sustainable and was accompanied by a full suite of technical information. The development would deliver housing including both affordable and general market properties.

The proposal included public open space in excess of requirements and a Neighbourhood Equipped Area of Play.

He noted that other planning obligations would include the provision of affordable housing; contributions to off-site public open space; management of SUDS, drainage, public open space and common parts of the site; education contributions and highways contributions.

The proposal to provide two attenuation basins would improve drainage in certain situations.

The development would bring benefits to the Council in increased Council Tax revenue and New Homes Bonus.

In conclusion, he stated that the applicants had sought to address objections by introducing changes. He believed the proposal to be sustainable and hoped that Members would approve the application.

The Chair requested clarification of the proposed improvements to St Barnabas roundabout.

The Highway Officer explained that £1 million had been allocated by the Local Enterprise Partnership to install a turbo roundabout at St Barnabas. She advised that Highways were aware of the issues at St Barnabas roundabout which was operating close to capacity and committed development would exceed capacity. This application was expected to add 12 vehicles to the queue at peak times.

The improvements to the roundabout would improve pedestrian and cyclist safety and she noted the need to promote modal shift to more sustainable forms of transport.

She noted that there would be a significant impact and a contribution was sought to implement significant improvements. However, the Highway Authority could not support refusal of the application on highway grounds.

In answer to Members' questions, the Highway Officer advised that the LEP funding was allocated for 2020/21 but she was unable to provide a definite guarantee.

She explained that mitigation measures would normally start to be investigated when junctions reached 85 per cent capacity. St Barnabas was already in excess of 90 percent without the additional impacts of Kingsway and Hunts Grove developments.

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She explained that the Cole Avenue/Epney Road crossing would not require mitigation for the morning peak and would still have spare capacity for the evening peak.

A Member noted that traffic at St Peters was horrendous at times particularly when the motorway was closed and she expressed concern about the impact of increased traffic through the Grange Road railway bridge.

The Highway Officer advised that computer assessments had indicated that the Grange Road railway bridge was currently operating at 50-60 per cent capacity.

She confirmed that Section 106 contributions were always index-linked.

Another Member questioned why the site boundary extended over Grange Road on the displayed plans. He was advised that this was because the road was proposed to be widened using land within the highway.

The Highway Officer advised a Member that the Travel Plan Co-ordinator was paid for by the developer to deliver the Travel Plan.

In answer to a Member's question she explained that the figure of 12 additional vehicles to the queue at St Barnabas roundabout had been calculated from the base traffic survey data with additions for growth and committed development up to 2021 using an industry standard software model. The development of 250 homes was expected to generate 140 vehicle trips per hour at peak times which was split 40:60 to result in an additional 49 vehicles using St Barnabas roundabout.

The Highway Officer provided advice on the definition of "severe", this being the threshold by which impacts of traffic on the road network were considered as set out in the NPPF.

A Member believed that this site was the least sustainable site to consider. He noted that the application noted a five minute walk to the bus stop and Tuffley Matters had stated that the walk was nine minutes. He noted that the doctors and dental surgeries were already operating at capacity and these matters had not been addressed in the application.

The Principal Planning Officer stated that sustainability had been comprehensively covered in his report. The site was within the recognised walking and cycling distances referred to in the Government's *Manual for Streets*. He drew Members' attention to Paragraph 14 of the National Planning Policy Framework detailed at paragraph 3.8 of his report.

The Chair noted that the NPPF provided fundamental policy guidance and the site had been included in the Strategic Assessment of Land Availability. He had reservations regarding the highways aspects of the application but as the Highway Authority were unwilling to say that the application would have a severe impact it would be difficult to refuse the application on highway grounds.

A Member noted that the area was prone to flooding which had occurred in 2007, 2014 and March 2016.

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Another Member believed that the application should be refused as he considered it to be premature to the JCS and the local plan. It would have a huge effect in many ways including the issues of highway sustainability. The increase in queueing at St Barnabas roundabout would be damaging both economically and environmentally as there were already issues with vehicle pollution in the City.

The Development Control Manager stated that he could not recall a refusal on grounds of prematurity being upheld at appeal. He stated that the application should be determined on policy currently in place.

He noted that the Council was unable to demonstrate a five year supply of housing land so lack of need was not an argument in which he would have any confidence at an appeal.

He reiterated that the professional advice of the highway engineer did not indicate that the impact would be severe and he noted that Government had set the bar high at severe to enable continuing development and growth. He could not recommend that the Committee supported refusal.

The Solicitor agreed with the Development Control Manager's statement in its entirety and stated that there was no technical evidence to support refusal on highways grounds.

A Member expressed concerns on the highways impact and believed that brownfield sites should be developed before greenfield sites. He believed that it was time to consider widening roads. He noted that the schools and surgery had no capacity and there was no bus service along Grange Road due to the railway bridge and he indicated that he would support refusal.

The Chair believed that the Council would lose any appeal and also the opportunity to impose conditions. There was no five year supply of land and the site could be developed within five years under the new Development Plan so he believed that a Planning Inspector would grant consent to the application.

The Solicitor advised Members that robust reasons for refusal were required to avoid the danger of an award of costs against the Council.

A Member supported the views of the Chair and noted that an Inspector could grant more than the 250 homes in this application.

A Member stated that, despite of Officers' advice, there was sufficient doubt within the definition of sustainability to give reasons for refusal.

Councillor Morgan moved refusal on grounds of sustainability and the motion was seconded by Councillor Hanman.

The Development Control Manager reminded the Committee of the requirement in the Council's Constitution that should the Committee be minded to over-ride an Officer's recommendation they were required to provide clear reasons, which must be relevant material planning considerations, before any decision is taken.

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Councillor Morgan referred to paragraphs 14 and 49 of the National Planning Policy Framework as reasons.

On being put to the vote, the motion was defeated.

The Chair moved the recommendation in the late material and the motion was seconded.

RESOLVED that subject to resolution of the issue listed below around the amount of affordable housing to be provided and conclusion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations listed in paragraph 8.2, planning permission is granted with appropriate conditions.

The Development Control Manager be authorised to prepare the required conditions and detailed wording of the legal agreement. The conditions shall include the requirement for a surface water drainage scheme to be submitted as part of the application/s for approval of the reserved matters.

- **The applicant providing 40% affordable housing or satisfactorily demonstrating why a lesser amount of affordable housing is justified through a viability appraisal.**

39. MILESTONE SCHOOL, LONGFORD LANE. - 16/0032/FUL

The Development Control Manager presented the report which detailed an application for a new two storey extension to provide disabled children therapies including reconfiguration of the playground and parking areas at Milestone School, Longford Lane.

He drew Members' attention to the late material which contained responses from the Lead Local Flood Authority and Severn Trent Water together with an amended Officer's recommendation.

He advised that no representations had been received from members of the public.

The Vice-Chair welcomed the application and commended the school for bringing the application forward.

RESOLVED that planning permission be granted subject to the conditions in the report and the following:-

Condition

No development (with the exception of site preparation and excavation) shall be commenced until a Detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible, along with a timetable for implementation and completion. The Strategy shall be carried out in accordance with the approved details.

Reason

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To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition

No development (with the exception of site preparation and excavation) shall take place until an exceedance flow routing plan for flows above the 1 in 100 years event with allowance for climate change has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason

To ensure the health and safety of owners/occupiers of the site and to minimise the risk of damage to property. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for the health and safety of owners/occupiers and visitors to the site.

Condition

No part of the development hereby permitted shall be occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition

Prior to commencement of development (with the exception of site preparation and excavation), evidence of water company consent shall be submitted to and approved in writing to the Local Planning Authority sufficient to accommodate the maximum permitted discharge rate. If the proposed rate of discharge is not accepted by the water company, an alternative drainage strategy shall be submitted to and approved by the LPA prior to commencement of the development.

Reason

To prevent the increased risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Note

The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

Note

Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

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Note

Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

40. LAND ADJACENT TO 2 HEMMINGSDALE ROAD - 14/00848/FUL

Councillor Toleman had declared an interest in this application as a trustee of Llanthony Secunda Priory Trust and withdrew to the public gallery during consideration of this item.

The Principal Planning Officer presented her report which detailed an application for the erection of a commercial unit to serve a mixture of Use Class B1 (business) and B8 (storage and distribution) uses (amended plans) on land adjacent to 2, Hemmingsdale Road.

She referred to the late material which contained a further representation from Llanthony Secunda Priory Trust maintaining their objection to the application and a representation from a local resident expressing concerns regarding parking.

She displayed material samples and demonstrated how the brick samples had been matched to brickwork on the priory wall.

A Member believed that the revised plans and materials were a great improvement on the plans presented to the previous meeting and he believed that Officers had done well to secure the improvements.

RESOLVED that the Development Control Manager be authorised to grant consent subject to the conditions in the report and the satisfactory completion of a Unilateral Undertaking to secure a financial contribution of £3,000 for flood alleviation works as detailed in the report.

41. SMH FLEET SOLUTIONS, NAAS LANE - 16/00100/FUL

The Principal Planning Officer presented her report which detailed an application for a proposed new workshop building and new surfacing for parking/storing of motor vehicles SMH Fleet Solutions, Naas Lane.

She drew Members' attention to the location plan attached to the report which was incorrect and displayed a correct version. The presentation to the Committee included photographs submitted by a local resident showing the access arrangements to his property and the parking of car transporters on adjacent roads.

She reported that the Tree Officer was now satisfied and the environmental health officer had no objection subject to the imposition of conditions.

The Vice-Chair welcomed the application for the increased employment but expressed concerns regarding the parking of car transporters. The Principal Planning Officer advised that the application would free up space for car transporters to access the existing site.

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A Member questioned the disparity between hours of operation and hours for deliveries. The Vice-Chair believed that was to enable car transporters to gain access to the site after operating hours and park overnight to await unloading the next day.

RESOLVED that planning permission be granted subject to the conditions in the report.

42. PLANNING ENFORCEMENT PROGRESS REPORT

Members considered the report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement Team between January and June 2016 together with an update on formal action being taken against more serious planning breaches.

He displayed a number of photographs illustrating recent work including:-

- Unauthorised fence Severn Road
- Provender Mill demolition
- Extension in excess of Permitted Development rights
- Home not built in accordance with submitted plans
- Car park lighting
- Lidl unauthorised hours
- Unsuitable frosted glass.
- Epney Road car repairs (not commercial activity)
- Untidy land at Elmbridge Road
- Complaint alleging extension – covered way

RESOLVED that the report be noted.

43. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of June 2016.

RESOLVED that the schedule be noted.

44. DATE OF NEXT MEETING

Tuesday, 6 September 2016 at 6.00 p.m.

Time of commencement: 6.00 pm
Time of conclusion: 9.00 pm

Chair

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