



PLANNING COMMITTEE

MEETING : Tuesday, 4th March 2014

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), McLellan, Hilton, Smith, Noakes, Ravenhill, Hanman, Bhaimia, Dee, Mozol, Toleman and Chatterton

Officers in Attendance

Gavin Jones, Development Control Manager

James Felton, Solicitor

Joann Meneaud, Principal Planning Officer

Adam Smith, Principal Planning Officer, Major Developments

Caroline Townley, Principal Planning Officer

Bob Ristic, Senior Planning Officer

Claire Haslam, Neighbourhood Planning Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr Hobbs

238. DECLARATIONS OF INTEREST

Councillor Taylor declared a disclosable pecuniary interest in Agenda item 4, Crypt School, by virtue of his employment and position as a school governor.

Councillor Toleman declared a prejudicial personal interest in Agenda item 8, Hempsted Community Forum as a member of the Forum.

239. MINUTES

The minutes of the meeting held on 4 February 2014 were confirmed and signed by the Chair as a correct record.

240. DESIGNATION OF NEIGHBOURHOOD FORUM - 13/01182/NPF -HEMPSTED COMMUNITY FORUM

Councillor Toleman, having declared a prejudicial personal interest, left the meeting during the consideration of this application.

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The Neighbourhood Planning Officer presented the report which detailed an application for the designation of Hempsted Community Forum as a Neighbourhood Forum to represent Hempsted Neighbourhood Planning Area.

She noted that application had been deferred at the January meeting as the Committee had a number of concerns pertaining to the proposed constitution of the Forum. A revised constitution had been received and she was satisfied that this now complied with the requirements of the regulations.

Mr Steve Loughlin, Chair of Hempsted Community Forum, addressed the Committee in support of the application.

Mr Loughlin stated that the forum was the community response to development pressures on Hempsted. He noted the potential of the Barn Owl Centre and the possibility of a new independently funded youth and sports centre.

He acknowledged that the development of a Neighbourhood Plan was an open process that would be assessed by a Planning Inspector. The role of the steering group was to deliver the process as the community would develop the plan.

He acknowledged that the previous proposed constitution had shortcomings so a revised constitution had been submitted. Revised communication channels had been listed.

The former Hempsted Residents Association committee members had resigned and the Hempsted Community Forum intended to act as the steering group to deliver the process. The challenge now would be to find eleven people prepared to commit to the steering group.

Terry Stevenson, a Hempsted resident since 1996, addressed the committee in opposition to the application.

Mr Stevenson believed that the Hempsted Community Forum was still not a democratically formed group. He referred to the Neighbourhood Planning Officers recommendations at Page 91 of the report and was not aware that any had been implemented. There had been no public meeting, the new constitution had been posted on the website unannounced.

He noted that approval of the application would mean that Hempsted Community Forum could represent all Hempsted residents and he requested the Committee not to approve the application until the Forum could demonstrate that it was fully representative.

The Chair believed that the revised constitution addressed the Committee's previous concerns. He noted that the neighbourhood Plan would be voted on by residents and scrutinised by an Inspector.

Councillor Lewis was advised that the Council could revoke the designation if the Forum did not do what it said it would do. The pre-submission draft of a neighbourhood plan required a robust consultation statement.

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Councillor Lewis believed that teething problems would be inevitable. He called on the Forum to do their utmost to keep going as it was a good thing for Hempsted.

The Committee were advised that the Annual General Meeting would be held in January 2015 to provide a period of stability.

The Neighbourhood Planning Officer reminded Members that the main issue had been the constitution and issues such as the ejection of members. She believed these issues had been satisfactorily overcome. If any resident was concerned they had the option of joining the forum and taking part.

RESOLVED that Hempsted Community Forum be designated as the Neighbourhood Forum to represent Hempsted Neighbourhood Planning Area.

241. APPLICATION FOR DETERMINATION - 14/00029/FUL - THE CRYPT SCHOOL, PODSMEAD ROAD

The Chair, having declared a disclosable pecuniary interest, left the meeting during the consideration of this application.

The meeting was chaired by Councillor Lewis, the Vice Chair, for this application.

The Principal Planning Officer presented the report which detailed an application for the demolition of two existing Elliot buildings and the construction of a new two storey teaching block at The Crypt School, Podsmead Road.

Councillor Chatterton believed that permanent, fit for purpose classrooms made a massive difference to the quality of education provided by a school.

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

242. APPLICATION FOR DETERMINATION - 13/01123/FUL - 2-4 WELLINGTON STREET

The Senior Planning Officer presented the report that detailed an application for the development of ten flats, associated access and amenities at 2-4, Wellington Street. He referred to the late material which contained further representations and an amended condition 4.

Ian Bradley, an employee of Stephens Electrics, addressed the Committee in opposition to the application.

Mr Bradley stated that Stephens Electrics were not opposed to the flats in principle or to the proposed height of the development. The company was concerned that future occupiers of the flats may complain due to noise emanating from the company's workshop in the adjoining premises. He called for a maintenance gap to be incorporated as the plans indicated that the development would be built abutting the company's building.

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The Senior Planning officer confirmed that the submitted plans indicated a minimal gap between the buildings. He advised Members that there was no planning requirement to provide a gap and such issues were covered by the Party Wall Act and would be a civil matter. He also confirmed that the Environmental Health Officer was satisfied that there would be no adverse noise affect and he drew Members' attention to the proposed Condition 6 in the report.

Councillor Lewis believed that noise would not be a problem but he questioned how the Stephens Electrics wall could be rendered or repointed.

Councillor Hilton noted that the previously approved scheme had a suitable gap between the buildings. He suggested that the scheme be refused on the grounds that it was overdevelopment of the site as it would prevent maintenance.

The Senior Planning Officer confirmed that a party wall agreement would have to be reached before the development proceeded.

Councillor McLellan requested that an informal letter be sent to the applicants advising them of Members' concerns. The Senior Planning Officer advised the Committee that the applicants were aware of the issues and he drew Members' attention to the proposed Note 3 attached to his recommendation.

Councillor Dee believed that a gap accessible by a person would be preferable as he was concerned about the accumulation of rubbish and potential for vermin in the proposed gap.

RESOLVED that permission be granted subject to the satisfactory completion of a Section 106 agreement and the conditions detailed in the report with Condition 4 replaced by the following:-

Condition 4

The development shall not commence (other than that required to be carried out as part of an approved scheme of remediation) until parts 1 to 3 of this condition have been complied with, unless otherwise agreed in writing by the Local Planning Authority. No part of the development shall be occupied until parts 4 and 5 of this condition have been complied with, unless otherwise agreed in writing by the Local Planning Authority.

1 – Desk Study Assessment

A desk study should be undertaken, considering the history of the site and surrounding areas, and the proposed use, to allow the development of a conceptual model identifying potential risks to human health and the environment. The desk study should recommend whether further site investigation is required, detailing investigation proposals if necessary. A Desk Study Report should be submitted to, and approved in writing by the Local Planning Authority.

2 – Site Investigation and Risk Assessment

A site investigation should be undertaken, if recommended following the Desk Study Assessment, including all relevant soil, ground gas, groundwater and other environmental sampling. This should be carried out by competent persons. The

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findings of this investigation should be used to undertake a risk assessment for all identified health or environmental risks affecting the site. A Site Investigation and Risk Assessment Report should be submitted to, and approved in writing by the Local Planning Authority.

3 – Remediation Design

The findings of the site investigation and risk assessment should be used in order to design a suitable remediation strategy for the proposed development. The remediation scheme should include all works necessary to allow the site to be developed in a manner that is safe and suitable for use, and should include details of the remediation objectives and criteria, timetable of works and quality management procedures. Verification proposals, including validation testing where appropriate should also be included. Once written approval of the Remediation Strategy has been given by the Local Planning Authority, this scheme should then be appropriately implemented. A Remediation Strategy should be submitted to, and approved in writing by the Local Planning Authority.

4 – Reporting of Unexpected Contamination

In the event contamination is found during the approved development that was not previously identified or anticipated within the Risk Assessment Report and Remediation Strategy, the Local Planning Authority must be notified immediately, and development in the vicinity of the newly identified contamination suspended until it has been appropriately characterised, risk assessed and further remediation requirements established, all to be reported in writing, and approved in writing by, the Local Planning Authority.

5 – Verification Reporting

Following the completion of the remediation works set-out in the Remediation Strategy, the agreed verification work, including any validation testing should be undertaken, and the findings incorporated into a Verification Report, to be submitted to, and approved in writing by the Local Planning Authority. The ultimate aim of this Verification Report being to document the site as having been suitably remediated and confirmed suitable for its intended use.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

243. APPLICATION FOR DETERMINATION - 13/01277/FUL - 340-350 BRISTOL ROAD

The Senior Planning Officer presented the report which detailed an application for change of use to B8 (Storage and distribution) for the siting of self-storage units (97 units) and associated works at 340 - 350, Bristol Road.

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He advised Members that the premises had formerly been used as an elver station. He drew the Committee's attention to the late material which contained revised wording for Condition 1, an additional standard 3 year time condition and the views of the City Urban Design Officer.

Councillor McLellan expressed concerns regarding the future appearance of the site if not properly maintained. The Senior Planning Officer advised that Condition 1 could be amended to ensure future maintenance.

Councillor Dee welcomed the application which was located in an area that the Council was trying to improve. He was advised that this could be included in the reason.

Councillor Hilton noted the importance of the appearance of the canal side of the development as increasing numbers of visitors arrived in the City by boat.

The Senior Planning Officer advised that the canal was in a cutting at this location and was screened by trees during the summer.

The Chair suggested that the application be delegated to Officers to grant consent after checking whether the trees were within the site, the boundary treatment and appropriate amendments to conditions.

RESOLVED that the Development Control Manager be authorised to grant consent subject to satisfactory treatment of the canal-side boundary, confirmation of the location of the canal-side trees and appropriate conditions.

244. APPLICATION FOR DETERMINATION - 13/01311/FUL - ST JAMES CITY FARM, ALBANY STREET

The Development Control Manager presented the report which detailed an application for the erection of a new all weather 40m x 20m riding arena /manège on the St James City Farm site adjacent to St James Park. Complete with new exterior fencing and drainage. Currently used as an animal grazing and exercising paddock for a variety of large animals. He referred to the late material which contained further information from the Highway Authority and an additional proposed condition.

Imran Atcha and Tony Ward addressed the Committee in support of the application.

Mr Atcha, the applicant, confirmed that there was no intention to take over a large part of the park or to reduce the farm. He explained that the proposal had been developed with eminent equestrian experts and was intended to be a stepping stone to community involvement including volunteering, employment experience and developing skills and confidence. It was intended for boys and girls and people from all backgrounds and to produce something really positive for the City.

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Mr Ward believed that the proposal would have a great impact on the Barton and Tredworth community. He had heard nothing but a positive reaction from local groups as the proposal had the potential to bring much into Tredworth as a multi-cultural activity within a multi cultural area. He noted that the Barton and Tredworth Area Partnership were supportive of the proposal.

Kay Powell addressed the Committee in opposition to the application.

Ms Powell noted that the plans indicated the arena would occupy 812m² while she believed that the area to be enclosed would be in excess of 850m². She noted that the tarmac surfaced path would be closed off and believed that the security claims were spurious.

She disputed references to the small numbers of people currently using what was former public open space. She noted that the facility would not be free to use and observed that the area which had been suggested for a multi use games area was currently used for informal football pitches.

She stated that there had been no consultation or evidence of consultation. The current use was mis-described. She believed that the proposals were not a reasonable use of public open space given there was an identified shortage of public open space in the ward.

Councillor Bhaimia welcomed the application which he believed would be good for Barton and Tredworth and would enhance the image of the City. He noted that there would be links to Hartpury College and the arena would provide opportunities for experiences that would not otherwise be available in the ward.

Councillor Hansdot, as a ward member, addressed the Committee. He believed that the proposal was a wonderful idea for the City and for the wider community, especially disabled people. He called upon the Committee to grant consent.

Councillor Lewis noted that the horses could be fed rather than grazed. He noted the benefits to children would be wider than just for the residents of Barton and Tredworth as he considered that people would come just to see the horses.

Councillor Smith advised that the site had always been an area where children had played. She believed that the proposals presented a wonderful opportunity for children to interact with horses. She noted that the footpath would be diverted and a large area of public open space would remain.

The Chair noted that the area would still be open to the public for other purposes which he considered to be a material consideration.

Councillor Chatterton echoed that view and believed that the value as a local amenity for people who would not traditionally ride outweighed the loss of public open space.

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

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Condition

The use hereby permitted shall be restricted to a horse riding area only with a maximum of 48 visiting riders per week as stated in the Transport Statement submitted in support of the application.

Reason

The application details only provided justification for the above level of use, which is compliant with paragraph 32 of the NPPF and for no other purpose or increased level of use.

245. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of December 2013.

RESOLVED that the schedule be noted.

246. DATE OF NEXT MEETING

Time of commencement: 18:00 hours

Time of conclusion: 19:42 hours

Chair