



Gloucester City Council

PLANNING COMMITTEE

**Meeting: Tuesday, 7th November 2023 at 6.00 pm
in North Warehouse, The Docks, Gloucester, GL1 2EP**

ADDENDUM

The following item although provided for on the agenda front sheet was not available at the time of dispatch:

4.	LATE MATERIAL (PAGES 5 - 10) Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day before the meeting. Additional late material will be uploaded as a supplement on the Council's website on the day of the meeting, should further relevant representations be received thereafter.
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Yours sincerely

Jon McGinty
Managing Director

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and

(b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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Late material – Planning Committee 7th November 2023

ITEM 6 : WHITE CITY COMMUNITY HUB, NORTHFIELD ROAD – 22/00833/FUL

Additional representation

A further representation has been received since publishing the report, raising two issues:

“1) The report states that consultation was undertaken with local residents. Whilst this is true for the original application, I do not recall any consultation with this revised planning application. In particular, any consultation on the proposed Multi Use Games Area which, as the report states, was NOT part of the original application.

2) I wish to query the hours of use of the proposed facility, particularly the opening hours. Having looked at the proposed uses of the Centre, I fail to understand why the facility needs to open at 7 am Monday to Saturday, and 8am on a Sunday morning. This facility is likely to increase traffic flow along Northfield Road and with these opening times, some of this increase traffic would be starting before these opening times, potentially creating increased noise pollution very early in the morning - every morning !!!!”

Officer comment:

In terms of the consultation the application was notified to 99 residents with the associated consultation period of 24/3/23 – 14/4/23, by site notice 27/3/23 – 17/4/23, and by press notice 30/3/23 – 20/4/23.

In terms of the hours of use, the times proposed (excepting the later evening allowances) in the application and in the report are the same as per the previous Planning Committee approval. However, since publication of the Officer report I had checked again on the proposed times of use of the building with the applicant. The applicant has now advised that they are changing to proposing the building be open 8am to 9pm each day, including weekends (not 7am to 10pm as previously proposed for Monday to Saturday and referred to in the report).

The applicant has noted that the 8am start is for pre-school provision and the 9pm close allows for evening classes, meetings, etc.

As context the applicant has also noted that the current times of operation at the site are 10am to 4pm during school holidays and then 3pm to 6.30pm during term time. The applicant also wishes to note that the playground is open access which means it is open 24 hours a day and the playground is well used outside of the times that they are there.

Currently the Officer recommendation includes the general times of use for the building being controlled as per the previous planning permission (excluding the later evening allowance). If the Planning Committee were minded to do so then Condition 11 could be amended to reflect the updated 8am – 9pm opening times.

Bat mitigation

The published Officer recommendation was based on securing the outstanding details of the bat mitigation measures, on the advice of the Council’s ecological consultant. The applicant

has now submitted the bat mitigation proposals. Officers are making arrangements for this to be reviewed.

The mitigation proposed is that prior to works commencing one bat box be installed on a tree to provide alternative roosting provision for common pipistrelle bats. It is also proposed that a bat licensed ecologist would undertake a pre-works inspection of the building and oversee roof removal to ensure any bats found are taken to the pre-installed bat box. Two further bat boxes are proposed to the finished building.

The Officer recommendation included a timescale for resolution of this matter, in order not to leave the matter open ended and for the Authority to agree a clear route to determining the application.

Having now received the details and there being a basis on which to seek to resolve the outstanding matter, and given the potential for further discussions being needed on this approaching the Christmas period it is recommended that the period to resolve the matter is extended to the end of January to give more breathing space to resolve any queries while retaining a clear route to determination of the application.

The Officer recommendation has been updated to suit.

Multi Use Games Area

I omitted to mention in the Officer report that the design of the proposed MUGA notes a 3m perimeter with netting over, which should aid avoiding the potential nuisance factor of stray balls coming out of the MUGA.

While there is some screening provided by the existing vegetation at the neighbouring garden boundaries and the development would include further tree planting south of the MUGA and the 2m acoustic fence, I consider it would be beneficial to require implementation of the netting specifically by condition to preserve amenity and have updated the Officer recommendation to suit.

Updated recommendation of the Planning Development Manager

That subject to the receipt of acceptable specifications for the bat mitigation works proposed, planning permission is **GRANTED** subject to the conditions in the published officer report which shall be added to/updated to secure those mitigation works, and the following additional condition.

If acceptable specifications for the bat mitigation have not been received by 31st January 2024, authority is delegated to the Planning Development Manager to refuse planning permission due to the application failing to demonstrate that protected species will be preserved (precise wording for refusal to be completed under the delegated authority).

New condition 37

The Multi Use Games Area hereby approved shall not be brought into use until the netting surround and cover has been fully installed.

Reason

To safeguard the amenities of the area.

Item 7 - 2 Oxford Street (23/00037/FUL & 23/00038/LBC)

Clarification of the Courtyard:

A rear courtyard is proposed within the application through the partial demolition of the existing single storey rear extension. The proposed courtyard measurements would be 4.8 metres deep and 3.4m wide resulting in an open space of 16.32sqm. The courtyard would be secured via a 1.8m solid timber fence, with access to the side alleyway way which leads to Oxford Street.

Additional HPST comments:

Additional comments from the Housing Projects and Strategy Team were received on 01/11/2023 and requested the inclusion of the following condition for the recommended approval of the proposed change of use application (23/00037/FUL):

Draft Condition

The occupancy of the property will be restricted to persons with a local connection to Gloucester with a requirement for general needs housing. When vacancies arise and no person(s) one with a local connection to Gloucester City is available to copy the property, after reasonable endeavours have been taken to find such a person, then spaces will be offered to persons with a local connection to the county of Gloucestershire. A person has a local connection with the district of a housing authority if they have a connection with it because:

- (a) they are, or were in the past, normally resident there, and that residence was of their own choice; or,*
- (b) they are employed there; or,*
- (c) they have family associations living there; or,*
- (d) of any special circumstances (as agreed in writing with eth Council)*

Reason:

In accordance with Policy SD11: Housing Mix and Standards of the adopted Joint Core Strategy 2011-2031, development should address the needs of the local area.

To apply a condition upon a planning applications recommendation for approval the condition must according to paragraph 55 of the National Planning Policy Framework satisfy all of the following tests:

1. Necessary.
2. Relevant to planning.
3. Relevant to the development permitted.
4. Enforceable
5. Precise and
6. Reasonable in all other respects.

In review, the proposed condition from HPST is not found to satisfy all the above tests based on the current considerations. The proposed condition is not necessary to make this application acceptable. The application is found to meet all requirements of the principal HMO policy, Policy A2 of the City Plan. The proposal is for an open market

development and at the scale of development is not considered to substantially harm the mix and balance of the community. An open market HMO is not considered specialist accommodation and so it is not considered reasonable to restrict tenants to those with a local connection to Gloucester.

Additional Plans:

Since the publication of the application committee report additional, revised plans have been received. Amendments have been made to the proposed block plan and proposed ground floor plan (A769P-389-03 G) to remove the proposed bin and bicycle storage from the dwellings basement and instead propose both to be located within the rear courtyard (New plan A769P-389-03 O). This amendment is an acceptable amendment as it is deemed to address concerns of the storage of household waste and recycling inside the dwelling and would ensure the cycle storage is more easily accessed.

With the revised plan Condition 2 of both application 23/00037/FUL & 23/00038/LBC of the published committee report requires updating to state the following:

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers:

- Proposed Block Plan and Floor Plan – A769P-389-03 Rev O
- Proposed Elevations – A769P-389-04 Rev D
- Proposed Window Sections – A769P-389-05
- Proposed Door Sections - A769P-389-07

except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Additional proposed conditions:

Through the revised plan and location of bin and cycle storage now proposed in the rear courtyard the following conditions need to be added to the recommended list of conditions for application 23/00037/FUL to ensure the proposed bin and cycle storage would be policy compliant.

Condition 5

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles have been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for

sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework.

Condition 6

No dwelling/building shall be occupied until refuse bin storage facilities have been provided in accordance with details that have first been approved in writing by the Local Planning Authority. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason

To ensure adequate refuse storage facilities are incorporated in the development, to ensure high quality design and in accordance with Policy A1 of the Gloucester City Plan.

OFFICER RECOMMENDATION

The recommendation for application 23/00037/FUL remains the same as stated within the committee report that planning permission is granted subject to proposed conditions within the report with the inclusion of the amendment to condition 2 and the additional condition 5 and condition 6 stated above.

The recommendation for application 23/00038/LBC remains the same as stated within the committee report that planning permission is granted subject to proposed conditions within the report with the inclusion of the amendment to condition 2 above.

