



## PLANNING COMMITTEE

- MEETING** : Tuesday, 6th September 2022
- PRESENT** : Cllrs. Taylor (Chair), Morgan (Vice-Chair), D. Brown, Conder, Dee, Melvin, Sawyer, Toleman, Tracey and Wilson

### Officers in Attendance

Planning Development Manager  
Highways Development Manager, Gloucestershire County Council  
Highways Officer, Gloucestershire County Council  
Senior Planner (X2)  
Noise Consultant, Worcestershire Regulatory Services  
Senior Lawyer, One Legal  
Locum Planning Lawyer, One Legal  
Democratic and Electoral Services Officer

### Also in Attendance

Senior Associate, Charles Russell Speechlys  
Tetra Tech Noise Consultant.

- APOLOGIES** : Cllrs. Bhaimia, J. Brown and Finnegan

### 24. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 25. MINUTES

**RESOLVED that:** - the minutes of the meeting held on Tuesday 2nd August 2022 were approved and signed as a correct record by the Chair.

### 26. LATE MATERIAL

Late Material had been circulated in respect of agenda item 5 (Former Contract Chemicals Site, Bristol Road - 22/00293/FUL) and 6 (121 Elmleaze - 22/00113/FUL).

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**27. FORMER CONTRACT CHEMICALS SITE, BRISTOL ROAD, GLOUCESTER - 22/00293/FUL**

The Senior Planner presented the report detailing an application for the erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping.

He explained that it was back before Committee as there had been an administrative error before the previous Committee meeting, which had led to an interested party not being notified. Therefore, a decision was made to bring the application back before Committee so that all parties could make public representations.

**A Senior Associate for Charles Russell Speechlys representing Avon Metals addressed the Committee in opposition to the application.**

She argued that the application should be rejected on the following grounds:

- The consultation process was unsatisfactory.
- Their Specialist Noise Consultants had identified several fundamental flaws in the Applicant's Noise Assessment Survey.
- Their noise specialists had submitted several representations but were not invited to speak at the August Planning Committee Meeting.
- Their objections were not taken seriously by officers.
- Their letter to the Committee identified several well founded and serious concerns.
- The proposed application site was approximately 135 metres away from Avon Metals. 135 metres was a short distance in noise terms, especially with the type of industrial noise involved and the prevailing south-westerly wind blowing from Avon directly towards the application site.
- There was a history of noise complaints generated from other residential sites built in the locality, which Avon Metals had to incur substantial costs to try and mitigate.
- The granting of the application was likely to generate new noise complaints.
- Avon Metals were deeply concerned about their ability to continue to operate unfettered should the application receive consent.
- The noise assessment conducted by WYG (now Tetrattech) was unsatisfactory and did not comply with the BS4142 method of rating and assessing industrial and commercial sound.
- The Tetrattech noise assessment took place in December 2018 and was considered to be out of date.
- To appropriately mitigate noise there would have to be a fundamental adaptation of the application which had not happened.
- The mechanical ventilation of the proposed builds only offered some benefit when all windows were kept permanently closed. Officers had not encouraged the developer to provide information to future occupiers of the development of the noise mitigation measures that government guidance recommends.
- The area is inappropriate for residential development.

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- The planning officers have failed to properly assess the 'agent of change' principle.
- Officers failed to take account of night-time noise

**The Noise Consultant for Tetrattech addressed the Committee in support of the application.**

He argued that it should be granted for the following reasons:

- The Noise Assessment undertaken was verified and had been conducted to an appropriate standard.
- The 'agent of change' principle was only applicable where there would be a significant impact on the ability of local businesses to operate. This application would not significantly impact the operation of the local business.
- There had been no noise complaints since 2016.
- The opening of windows was a common consideration, and the applicant had ensured that they had adequate ventilation so that proposed residents did not need to open windows if they did not wish to do so.
- Most of the noise generated in the area came from Bristol Road traffic, not Avon Metals.

**Members' Questions**

The Senior Planner responded to members' questions concerning whether there had been consideration given for noise boundary treatments, whether there would be a boundary enclosure installed, the date of which the original noise assessment took place, whether the noise assessment took into account internal and external noise, what the land would be used for if the application did not receive consent, whether the applicant was based in Gloucester, whether the site ran parallel to Bristol Road, the distance of other developments to Avon Metals, the number of residential properties that had been developed in the locality, the number of noise complaints and whether a condition could be imposed which would ensure that Avon Metals did not have to pay for their own mitigation measures if required as follows:

- There were considerations given for noise boundary treatments. There would be fencing and planting, predominantly to benefit the visual amenity for residents. No dedicated acoustic fencing was considered to be required as the levels of noise, reported within the applicant's noise survey, were deemed to be acceptable.
- There would be new boundary enclosures installed between residential development and adjacent industrial estate. This would be secured by planning condition.
- The application had to be resubmitted owing to the cyber incident preventing officers from progressing the original application to a formal decision. The original application was made in 2019 with a decision expected

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to be made in late 2021 (not possible due to the cyber incident). The current application was resubmitted in 2022 to enable it to be progressed to a formal decision. There was no material change to the noise environment today compared to when the Noise Assessment was conducted, and it remained reflective of the local area.

- The applicant's noise survey considered internal and external noise with measurements taken at a number of points in and around the site.
- If members decided that the land was inappropriate for residential development, it was not up to members and/or planning officers to state what the land could be used for. That would be for the landowner to decide and any refusal would be able to be appealed if the applicant chose to do so.
- He was unsure whether the applicant was based in Gloucester. However, this was not a planning consideration.
- The application site does not run parallel to Bristol Road. It was approximately 130-140 metres away from Avon Metals at the southern point and approximately 200 metres at the northernmost points. There were other residential properties (the Anchorage) that were closer to the Avon Metals than the application site.
- There had been no noise complaints since 2016 following Avon Metals replacement of equipment and installation of noise mitigation measures.
- He was unsure about how many numbers of dwellings were produced in the Anchorage site. It was estimated that the larger Matthew Homes development (granted permission in 2014) site had permission for around 400 dwellings.
- There was an enterprise vehicle rental/storage site between Avon Metals and the proposed development site.
- A condition stipulating that Avon Metals would not have to pay for any future noise mitigation measures would be unreasonable on planning grounds. It is not considered by planning officers that unreasonable restrictions on the operations able to be undertaken by Avon Metals would occur as a result of the approval of the planning permission. It is significant that after Avon Metals replaced equipment and implemented noise mitigation in 2016, that noise complaints ceased.

The Noise Consultant responded to members' questions regarding the opening of windows, night-time noise and the timing of the Noise Assessment as follows.

- Residents would have adequate mechanical ventilation in the buildings. However, residents of the proposed builds could open their windows if they wanted to.
- At night-time, residents would likely be inside so they would be better protected from outside noise.
- Road traffic had been relatively consistent in the past few years. The Noise Assessment Survey was conducted before the COVID-19 pandemic and thus was conducted at a time where there would be similar levels of traffic to the current day.

The Planning Development Manager responded to members' questions concerning noise mitigation and the windows of the proposed build as follows:

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- The noise mitigation measures would incorporate both acoustic glazing and mechanical ventilation that would operate best when windows were closed. The environment in the houses meant that they would not need to open their windows owing to the ventilation system regulating the internal environment. Opening the windows would upset the ability of the mechanical ventilation system to regulate the internal environment if they did. However, they could open their windows if they wanted to.

**Members' Debate**

The Vice-Chair stated that he struggled to understand why Avon Metals objected to the application. He said that had there been a number of noise complaints recently from local properties then he would understand there being apprehensions. He said that Avon Metals had been responsible in investing to reduce noise on the site in 2016. He said that it was not an ideal site. However, he noted that it was a brownfield site that would provide housing to local people and that it was preferable to building on greenfield sites. He said that he would support the officer's recommendation.

Councillor Conder stated that she had visited the site. She said that she had talked to a local resident who said that they had got used to the noise. She said that she could hear bangs and clanging from the site, not the road traffic on Bristol Road. She said that she was concerned about the concept of building houses where residents would not have their windows open owing to the noise.

The Chair stated that he agreed with the points raised by the Vice-Chair. He said that he believed the mitigations that would be put in place were acceptable and that Gloucester needed the units for residents and that he would support the officer's recommendation.

Councillor Tracey raised concerns about the noise in the area and windows of the proposed build.

Councillor Melvin stated that from her point of view, the manufactures on Bristol Road did a lot for the local economy and that she wanted to support British manufacturing. She said that she did not think that the Council should allow unsuitable housing to be built for the sake of it. She said that she did not think economic growth would be assisted by negatively affecting local British manufactures.

Councillor Sawyer noted that noise complaints ceased in 2016 after Avon had to do a lot of work to mitigate noise. She said that she had concerns that with new residents moving into the proposed buildings that this could happen again.

Councillor D. Brown stated that he was in a similar mind to the Vice-Chair. He said that he had read through the late material thoroughly and that on balance, he had not been swayed to vote against the officer recommendation. He noted that his one continuing disappointment with the application was a lack of social housing.

The Chair moved and the Vice-Chair seconded the officer's recommendation.

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**RESOLVED that:** - Planning permission is granted subject to the conditions outlined in the report.

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**28. 121 ELMLEAZE, GLOUCESTER, GL2 0LD - 22/00113/FUL**

The Senior Planner presented the report detailing an application for a proposed 4 bedroom detached dwelling with associated access and parking.

The Chair moved, and the Vice-Chair seconded the officer's recommendation as amended in the late material.

**RESOLVED that:** - the application is granted subject to the conditions outlined in the report as amended in the late material.

**29. MATSON RUGBY FOOTBALL CLUB, REDWELL ROAD, GLOUCESTER - 22/00652/FUL**

The Planning Development Manger presented the report detailing an application for the erection of 6 floodlights on an existing sports field.

The Planning Development Manager responded to members' questions concerning whether the timing restriction of 11pm was a standard one and whether light would shine directly into neighbouring buildings as follows:

- There was no set planning standard for the timing where floodlights were turned off. It is usually based on the amount of movement. If 11pm was deemed too late, this could always be reduced.
- The bedrooms of neighbouring properties should not be made brighter. The floodlights were targeted.
- The lights would have a control mechanism but would probably not be automated.

**Members' Debate**

Councillor Tracey stated that she was happy to support the application but noted that the local football club had an issue with the floodlights being titled so that it affected neighbouring properties.

The Chair moved, and the Vice-Chair seconded the officer's recommendation.

**RESOLVED that:** - planning permission is granted subject to the conditions outlined in the report.

**30. DELEGATED DECISIONS**

The schedule of applications determined under delegated powers during the month of July 2022 was noted.

**RESOLVED that:** - the schedule be noted.

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Councillor D.Brown asked what the best way to track an application was as the Cyber Incident had affected the Planning Portal. The Planning Development Manager responded that the best course of action was to email the case officer directly.

**31. DATE OF NEXT MEETING**

Tuesday 4th October 2022.

**Time of commencement: 6.00 pm**

**Time of conclusion: 7.15 pm**

**Chair**