



PLANNING COMMITTEE

MEETING : Tuesday, 5th September 2023

PRESENT : Cllrs. Taylor (Chair), Morgan (Vice-Chair), D. Brown, J. Brown, Campbell, Conder, Dee, Gravells MBE, Sawyer, Toleman and Tracey

Officers in Attendance

Principal Planning Officer (x2)

Planning Officer

Highways Officer, Gloucestershire County Council

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. Bhaimia

21. DECLARATIONS OF INTEREST

Councillor Gravells declared a non-prejudicial interest in Agenda Item 6 (18 Denmark Road - 22/01196/FUL) owing to being the Chair of the Health Overview and Scrutiny Committee for Gloucestershire County Council. Councillor Conder declared a prejudicial interest on the same item and withdrew from the discussion and voting on the item.

22. MINUTES

The minutes of the meeting held on Tuesday 1st August 2023 were confirmed and signed by the Chair as a correct record.

23. LATE MATERIAL

Late Material had been circulated in relation to agenda item 7, (9 Park Road – 23/00321/OUT). Additional Late Material had been circulated in relation to agenda

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item 6, (18 Denmark Road - 22/01196/FUL), and 9 (2 Oxford Street - 23/00037/FUL & 23/00038/LBC)

24. 9 DENMARK ROAD, GLOUCESTER - 22/01255/FUL

The Principal Planning Officer presented the application, detailing an application for a change of use from a care home (Use Class C2) to 5 no. 4-bedroom residential units (Use Class C3), including associated alterations to the building and changes to access and parking.

Councillor Hilton addressed the Committee regarding concerns he had with the application in its current format.

- He supported the application for a change of use as Kingsholm and Wotton had numerous care facilities.
- He agreed with the Conservation Officer about the matter of retaining UPVC windows. He was glad that the applicant had amended their plans in accordance with this.
- He supported the car parking at the front of the building but was concerned about the revised plans for car parking at the back of the building. This was because it took away green space that could have improved biodiversity.
- He believed it was wrong to change the parking provisions because of the Civic Trust and Conservation Officer's determination that there should not be car parking at the front of the building, noting that other dwellings on Denmark Road had parking at the front.
- He hoped that the application would receive determination but hoped that the applicant put in a fresh application in the future to amend the car parking situation.

The applicant addressed the Committee in favour of the application.

He stated that the application should be granted on the following grounds:

- The Officer had provided a comprehensive presentation that members could support.
- There had been a long, administrative process to get the application to a point where it could be supported by members and was thorough.
- The Parking provision was in line with the Conservation Officer's plans
- The last project the applicant was involved in was the Post House development near Barnwood Roundabout. This partially evidenced the quality of the designs the applicant was involved in.

The Principal Planning Officer responded to Members' questions concerning whether Grass Crete permeable paving could be installed in the parking area, concerns raised about parking at the back rather than the front of the site, whether any social housing was proposed, whether there would be accessible dwellings, and who would be responsible for maintaining the gardens as follows:

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- Regarding installing Grass Crete in the parking area, a similar proposal was considered at the front of the site which didn't resolve conservation concerns. It would be possible to add a condition to any permission to secure further details of paving materials.
- One property would be built to M4(2) standard. This was an accessible and adaptable dwelling.
- The application was for family dwellings, not social housing.
- The issue surrounding parking at the front, instead of the back could not be dealt with via conditions.
- The owners of the properties would be responsible for maintaining their gardens.

The Highways Officer responded to Members' questions concerning whether Grass Crete permeable paving could be installed in the parking area as follows:

- If parking at the rear of the property was accepted, Grass Crete could be installed, as a potential condition. This could have an environmentally positive impact.
- A smaller hardstanding area would be possible than shown on the plans.

Members' Debate

The Chair noted that he agreed with concerns raised by Councillor Hilton. However, he stated that the application in front of them would add to the amount of Housing Stock in the City, which Gloucester required. He stated that he wished to see a condition worked in, regarding potentially installing Grass Crete permeable paving. He noted that the gardens were not particularly large but that he was satisfied that residents would have outdoor amenity space.

Councillor Sawyer noted that she agreed with Councillor Hilton's objections regarding parking at the rear of the property and she questioned whether it was worth considering deferring the application.

The Vice-Chair noted that he was surprised that anyone wished to see parking at the front of the property. He said that Denmark Road was a busy road and that it was far safer for vehicles to back onto Alexandra Road. He stated that he would support the officer recommendation.

The Chair moved, and the Vice-Chair seconded the Officer's recommendation to delegate authority to the Planning Development Manager to determine the application, with an additional condition to be added in relation to conditioning design and materials of the parking area to the rear.

RESOLVED – that determination of the application was delegated to the Planning Development Manager to grant permission subject to the conditions outlined the

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officer report with an additional condition to be included in relation to conditioning design and materials of the parking area to the rear.

25. 2GETHER NHS FOUNDATION TRUST, 18 DENMARK ROAD, GLOUCESTER - 22/01196/FUL

Councillor Conder declared a prejudicial interest in the item and withdrew from the discussion and voting on the item.

The Principal Planning Officer presented the report detailing an application for a proposed change of use of site from a health clinic/office to 25no. apartments involving conversion of the existing main building - No. 18 Denmark Road - and the provision of a new three-storey detached building to the rear, including associated landscaping, access and parking, following demolition of an existing single storey outbuilding (revised proposal following previously approved applications (22/00565/FUL and 20/00300/FUL).

A local resident addressed the Committee in opposition to the application.

She stated that the application should be rejected or amended on the following grounds:

- She lived around the corner from the site. She had opposed the application since 2020. Her concerns had not been addressed in this period.
- Her garden would be significantly overlooked by the proposed three-storey building, this would lead to a loss of privacy.
- She was pleased that the site would be used for residential purposes. However, there would be three large windows facing into her garden. This would mean that she could not sit in her own garden and would lose privacy.
- She did not object to the principle of residential development. However, the complete loss of privacy that the windows overlooking her garden would cause would lead to her moving property.
- Construction had already got underway and she was aware that she could not prevent this. However, she wanted her concerns to be heard.
- The original light report from the previous application in 2020 (20/00300/FUL) was inaccurate. When she raised this, her concerns were ignored.
- She had asked for there to be a review of the window situation, which was also ignored.

The Principal Planning Officer responded to Members' questions regarding concerns raised about overlooking, clarification about the placement of buildings, whether construction had got underway, what changes the Committee could make to the application, what the fallback position of the applicant was in the event that application did not receive consent, concerns surrounding the design of the building and Civic Trust's comments relating to this, and further detail regarding the S106 agreement and what would happen after residents from Clapham Court were re-located as follows:

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- A 3-Storey building would be moved closer to the nearby villa.
- Regarding overlooking, there were windows that faced eastwards. However, these windows would have obscured glazing.
- She was not aware if the proposed obscured glazing was proposed in the 2020 application.
- Work had commenced on site. However, the Committee could only determine the application in front of them.
- The buildings were entirely flat roofed.
- The agent has also agreed to enter into a S106 agreement which would restrict the use of the 1 bed 1 person homes to be used as – on 1st let, decants from Clapham Court in the first instance. Where this is not possible, they should be used on 1st let for ‘short term accommodation’ use such as the homeless pathway or delayed discharge. Then all 2nd let should again be ‘short term accommodation use such as the homeless pathway or delayed discharge’
- The fallback position from the applicant would be to build twenty apartments.
- The most recent application on site did not propose 100% affordable housing, nor a decant from Clapham Court. The S106 proposal was entirely different to the previously approved plans.
- Regarding the Civic Trust. Whilst they had objected, the Conservation Officer had not. Therefore, the design was considered to be acceptable.

The Locum Planning Lawyer responded to Members’ questions regarding details of the S106 agreement and concerns raised about what changes could be made by the Committee as follows:

- The application before the Committee was for the principle of the change of use. Issues such as the colour of the bricks and other matters were not a part of the scope of the application. Nor was the fact that works had commenced on site.
- Regarding priority being given to those re-locating from Clapham Court, the S106 agreement would include the finer details of how that would work. If the applicant was required to make changes in the future, owing to a lack of prospective residents, they would have to make a fresh application to vary the planning permission.

The Highways Officer responded to Members’ questions concerning parking as follows:

- Regarding concerns raised about parking, the Highways Authority had to bear in mind that twenty apartments had already been approved, so the consideration was whether the additional five apartments would cause significant harm. There was a concern about who would have a parking space, so they have requested that a condition be installed stipulating that a certain number of permits be granted to residents so that they were aware about whether they had a permit or not.

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Members Debate

Councillor Sawyer expressed disappointment that the original scheme in 2020 had received consent. She said that she was not pleased with the flat roof design and that the area used to be a nice one to walk in.

The Vice-Chair stated that he was disappointed with the application. He stated that he believed that further questions should be asked in relation to why the public speaker had not been informed and properly consulted regarding her privacy concerns. He said that he believed that this issue should be investigated and that the Planning Development Manager should follow this concern up. He believed that twenty-five dwellings represented overdevelopment of the site. However, he noted that a similar apparition had been approved on the site. He added that, if this application was rejected, then the benefits ascertained in the S106 agreement would be lost. He said that he would support the Officer recommendation. He said that he wanted the S106 to be viewed by himself and the Chair before the application was approved, so that they could have some input if this was required.

The Chair stated that he broadly agreed with the Vice-Chair. He said that the mix of properties was more satisfying than the previous application. He said that the gains from the S106 agreement meant that he would vote in support of the Officer recommendation.

The Chair moved, and the Vice-Chair seconded the Officer's recommendation to grant the application, subject to the conditions outlined in the report as amended in the additional late material and for delegated powers to be granted for the Chair and Vice-Chair to inspect the S106 agreement before it was signed off.

RESOLVED - that subject to the completion of a Section 106 agreement, with approval from the Chair and Vice-Chair before completion, permission be granted, subject to the conditions outlined in the Officer report, as amended in the additional late material.

26. 9 PARK ROAD, GLOUCESTER - 23/00321/OUT

The Principal Planning Officer presented the report, detailing an application for the demolition of former hall and ancillary structures. Redevelopment comprising eleven residential flats with associated bin and bike stores, external hard and soft landscaping. Outline application with landscaping reserved for future consideration.

The Principal Planning Officer further added that the application now included an additional note from Severn Trent Water, which was included in the late material. She confirmed that there were two additional conditions proposed, which were:

- 1) The requirement for the submission and approval of details of the proposed PV Panels on the roof of the flats.
- 2) The requirement for there to be controls placed on the consumption of water for occupiers of the prospective dwellings.

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She further advised that she had received additional clarification following discussions with Gloucester City Homes (GCH) regarding the affordable housing requirement. There would be a 20/80 split of the 100% affordable housing for this scheme. The split would comprise 20% developer contribution and 80% additionality.

She concluded by stating that the Officer recommendation was that the grant of outline planning permission is delegated to the Planning Development Manager subject to:

1. The completion of a S106 Agreement to secure:
 - 100% of on-site affordable housing units (11 units) (20% developer contribution and 80% additionality)
 - A payment of £4,000 towards mitigation for the loss of 24 m³ flood storage volume to be spent on flood risk betterment.
 - Payment towards mitigation of the impact on the Cotswold Beechwoods (£7,403 plus administration fee).
 - S106 monitoring fee.
2. The inclusion of the conditions set out in Section 7.0 of the report together with additional conditions to:
 - Require the submission and approval of details of the proposed PV Panels on the roof of the flats.
 - The requirement for there to be controls placed on the consumption of water for occupiers of the prospective dwellings to satisfy City Plan Policy G6.
 - The inclusion of the additional following note:

“Severn Trent Water advise that it would not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates”.

A local resident addressed the Committee in opposition to the application.

She stated that the application should be refused on the following grounds:

- It was an abnormally sized building.
- Intrusion concerns.
- Loss of privacy.
- Her family had a right to enjoy their home, which included their garden.
- There was a doctors surgery ran by Gloucester City Homes in the area, which created a lot of anti-social behaviour. She added that the local YMCA, also experienced this.
- She wanted the Committee and Officers to understand how intrusive the application would be.
- Wellbeing concerns for herself and her family.

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The Principal Planning Officer responded to Members' questions concerning the archaeological concerns, questions about the design of the proposed windows and the impact the scheme would have on the amenity of neighbouring properties, whether work could commence on site if the application received consent but the applicant did not come to an agreement with Severn Trent, and how many additional units were being proposed compared to the previous application at the site as follows:

- The permission the applicant currently had for the site was for nine flats. There was no requirement to provide affordable housing with that, as it was below the threshold of ten properties.
- Conditions 18 and 19 of the Officer report dealt with queries regarding glazing of the windows. Condition eighteen stipulated that approved elevation plans marked '4' 'Opaque glazed windows' shall be constructed so that no part of the framework less than 1.7m above finished floor level of that storey shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing (Pilkington level 4 or equivalent). This was to protect the amenity of local residents. Condition nineteen stipulated that the details submitted the first, second and third floor stairwell windows in the rear (north-east) elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level of that storey shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing (Pilkington level 4 or equivalent).
- Conditions 8,9,10 and 11 of the officer report dealt with archaeological concerns raised by the City Council's Archaeologist and he was satisfied with the application subject to the inclusion of these conditions.
- The main block had the exact same design and detail as the previous application. The difference was that there was now an additional ground unit being proposed at the rear and the originally proposed 3-bedroom unit on the third would be separated into two separate two bedroomed units.
- The windows were specifically designed to help mitigate impact on neighbours and neighbouring properties. The proposed first and second floor rear windows would comprise 'pop-out oriel style' windows. These would be triangular in plan and would feature privacy glass on the long side facing north looking towards the rear of the terraced houses in St Michael's Square, with clear glazing on the short side facing east. This would help minimise overlooking of the gardens and windows at the rear. There were windows to the stairwell on the rear elevation, which were indicated on the submitted plans as having clear glazing. A condition was recommended to require that these windows would also have obscure glazing to further reduce overlooking.

It is recognised that there would be some impact on the amenity of local residents. However, this had been mitigated as much as possible through the planning process.
- Regarding the comments received from Severn Trent Water in relation to the public sewer on the site, this will be a matter for the applicant and Severn Trent to deal with. The applicant is aware of this issue, and it is understood that some discussions had already been undertaken. In the unlikely event

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that the applicant could not satisfy the concerns raised by Severn Trent, they could not commence development, even if the application received consent.

- There were now two additional units being proposed. There was originally nine in the application.

Members' Debate

Councillor Conder noted that the Council did not communicate effectively enough with residents about City development. She added that, as an authority, they needed to improve upon this.

The Chair moved, and the Vice-Chair seconded the Officer's recommendation as amended in the late material, with the inclusion of an additional note from Severn Trent Water to grant permission subject to the conditions outlined in the Officer report, as amended in the late material and the inclusion of two additional conditions in relation to the instillation of PV panels and controls placed on water consumption of the dwellings and clarification regarding the affordable housing split.

RESOLVED that – the grant of outline planning permission be delegated to the Planning Development Manager , subject to the completion of a S106 Agreement and conditions as outlined in the Officer report, as amended in the late material with the inclusion of two additional conditions relating to the instillation of PV panels and controls placed on water consumption and the 20/80 split of 100% affordable housing (split as 20% developer contribution and 80% additionality).

27. 36 DENMARK ROAD, GLOUCESTER - 22/01158/FUL

The Planning Officer presented the report detailing an application for the construction of a replacement entrance porch.

The Planning Officer responded to Members' questions concerning whether the fence fronting the property had been built without planning consent and why the application had been called to Committee as follows:

- The fence fronting the property (though it was not relevant to the application before the Committee) had been put up without consent. However, the Committee could only consider the application in front of them.
- There had been objections by the Civic Trust and conservation team.
- The reason that the application had not been dealt with by delegated decisions was because it was called in by the local ward member.
- The access would not change. There was not a drop curb at the frontage of the site.

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

RESOLVED that – the application was refused.

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28. 2 OXFORD STREET, GLOUCESTER - 23/00037/FUL & 23/00038/LBC

The Vice-Chair proposed, and Councillor Gravells seconded a motion to defer the application.

RESOLVED that the application was deferred.

29. DELEGATED DECISIONS

RESOLVED that the delegated decisions for May and July 2023 were noted.

30. DATE OF NEXT MEETING

Tuesday, 3rd October 2023.

Time of commencement: 6.00 pm

Time of conclusion: 8.07 pm

Chair