



PLANNING COMMITTEE

MEETING : Tuesday, 6th February 2024

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

Officers in Attendance

Planning Development Manager

Planning Officer

Highways Officer, Gloucestershire County Council (x2)

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

Also in attendance

Public Speaker (x2)

APOLOGIES : Cllrs. Sawyer and Toleman

52. DECLARATIONS OF INTEREST

There were no declarations of interest.

53. MINUTES

Councillor Gravells noted that, in respect of an application considered at the December 2023 Committee (Great Western Road Yard/Sidings - 22/00770/FUL), he had contacted the Hospital. He had been informed that the letter sent to the hospital was addressed to the 'owner/occupier'. He requested that for future consultations involving Gloucestershire Hospital, the hospital's leadership should be contacted directly to allow for a more robust consultation.

RESOLVED that the minutes of the previous meeting held on Tuesday, 5th December 2023 were confirmed and signed by the Chair as a correct record.

54. LATE MATERIAL

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Late Material was circulated in respect of agenda item 5 (26 Heathville Road - 23/00520/FUL), item 6 (2 Hillview Road - 23/00656/FUL) and 8 (36 Denmark Road - 23/00121/FUL).

55. 26 HEATHVILLE ROAD - 23/00520/FUL

The Planning Officer presented the report detailing an application for proposed internal alterations and a change of use from C3 to Sui Generis.

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

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

- The area already had a large number of HMOs and other non-family homes, such as specialist supported living and care properties.
- There were numerous student properties in the local area. While many did not meet the large HMO classification, which took the number slightly over 10%, it still impacted the local community.
- While it was a positive step that Gloucester would house more students, too many student properties, large HMOs, and specialist supported housing were being placed in one area.
- Out of 33 buildings on Heathville Road, only 13 were family dwellings. This represented over-intensification. The granting of the application would further add to this issue.
- Gloucester would be unable to compete with Stroud and Cheltenham without more family dwellings.

Members' Questions

The Planning Officer responded to members' questions concerning clarification over the percentage of HMOs there would be should the application receive consent, how many double bedrooms there would be, who would be responsible for caring for the garden space, whether the instillation of a kitchen fell under planning law, and if it was conditioned, whether the conservation officer and other statutory consultees raised an objection, how many car parking spaces were proposed and what would the consequences be if the bin storage was not used as follows:

- There would be two double bedrooms.
- The residents of the dwelling would be expected to care for the back garden.
- The application outlined in the late material for 82 Henry Road received consent after an appeal. It was originally rejected by the Planning Committee as it represented 10.2% of large HMOs within a 100-meter radius. The application currently before the Committee would represent 10.4% in a 100-meter radius. The planning inspector had considered the 0.2% increase to not be substantial enough to uphold the reasons for appeal by the Planning Committee for the application at 82 Henry Road. Her assessment was that an increase of 0.4% over the 10% threshold within a 100-meter radius could also not be considered substantial enough to recommend refusal.

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- The Conservation Officer had originally made an objection. She now raised no objections, subject to the conditions outlined in the report.
- The Civic Trust and Gloucestershire Highways had no objections.
- The proposed permission was for an HMO. Care Homes fell under the C2 category; therefore, even if the application received consent, if the applicant then wished to operate it as a care home, they would need to submit a new planning application. The application before the Committee was based on the principle of building a large HMO.
- Regarding bin storage, the Planning Officer could not force residents to use it correctly. However, if they did not, local residents could lodge a complaint with Environmental Health.
- The assessment regarding the number of HMOs within the 100-meter radius was robust, and she was content with her figures and assessment.

Members' Debate

The Vice Chair noted that the speaker opposing the application had presented some interesting facts regarding the number of HMOs that did not contribute to the 10.2% figure within the local area, owing to their slightly smaller size. However, he stated that while he sympathised with this point and others raised by local residents, he saw no reason to refuse permission on planning grounds and indicated that he would vote in line with the officer's recommendation.

Councillor Tracey stated that she believed the area was oversaturated with non-family properties. She also raised concerns about parking in the area.

Councillor Conder stated that there was not enough discussion about the lack of four-bedroom family dwellings and mentioned that some people had been waiting for up to 10 years for such accommodations. Councillor Conder noted that she believed the property in question could be converted into a ground floor apartment and an upper two-floor maisonette, which would provide two family homes. She expressed her welcome for the renovation of the building that would occur should the application receive consent. However, she added that if the property were occupied solely by individual residents, they would likely not stay for very long. Furthermore, she raised concerns about the size of the rooms, stating that they would not provide adequate amenity space. She noted that Heathville Road was a family street and that local residents wished to maintain its character, and granting the application would contradict this.

Councillor A. Chambers disagreed with Councillor Conder's assessment regarding amenity space. He believed there was adequate community space. He mentioned that although there was a long waiting list for housing, the demand for social housing was greater than for family dwellings. He argued that due to the size of the dwelling, social housing providers would likely not take it on. He expressed his view that the property would not be suitable as a family dwelling for four persons, as there would be three empty bedrooms, making it highly unlikely for a family of four to move in. He noted that all statutory consultees now had no objections to the application. He stated that granting the application would only slightly exceed the 10% threshold for HMOs within a 100-meter radius, and it would help more people get onto the property ladder, thereby helping to address the large waiting list for housing.

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Councillor Gravells stated that he had concerns after hearing the representation made by a local resident in opposition to the application. He raised concerns that the area might be oversaturated with properties similar to the HMOs that were not included in the 10.4% figure. He stated that he would abstain from the vote and believed that it may be sensible to defer the application to conduct another investigation into the number of intensified properties within a 100-meter radius.

The Chair highlighted the fact that the policy regarding HMOs in the area, specifically related to larger ones and this was clear in the adopted city plan. He said that he saw no planning reason not to grant permission.

The Chair moved and the Vice-Chair seconded the officer's recommendation to grant the application, subject to conditions outlined in the Committee report.

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

56. 2 HILLVIEW ROAD - 23/00656/FUL

The Planning Officer presented the report detailing an application for a change of use from a Hair Salon to take away Kebab Shop.

The applicant addressed the Committee in favour of the application.

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

- The Case Officer conducted a thorough review of the application and recommended its approval.
- There were no objections from statutory consultees, subject to certain conditions.
- Objections raised by neighbours have been seriously considered, and proactive measures will be implemented in response.
- The aim is to cultivate a constructive relationship with the local community.
- The business would make a significant positive contribution to the City.

Members' Questions

The Planning Officer responded to members' questions concerning waste removal, the size of the proposed extraction flue (check), concerns about the Police not being consulted on the application, questions surrounding whether the opening hours of the proposed hot food takeaway were the same as others in the locality, what was the difference in law between the original refusal of an application for a Papa Johns close by and the one in front of the Committee and whether there was a specific piece of legislation that stipulated that extraction flues needed to be placed away from domestic dwellings as follows:

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- Waste collection facilities would be located within the customer and staff areas. There were four public litter bins in close proximity to the site, including one situated directly outside.
- Engaging with police authorities was not a standard practice in the consultation process for planning applications related to hot food takeaways.
- The majority of the extraction flue would be concealed behind the parapet wall and was approximately 6 meters in height.
- The opening hours of Papa Johns were consistent with those proposed for the new hot food takeaway. It was understood that the Royal Oak also closed at 11 pm.
- The primary legal distinction now lay in the adherence to the C4 Policy of the adopted Gloucester City Plan.
- To the best of her knowledge, there was no specific legislation dictating that extraction flues from takeaways must be positioned away from domestic dwellings. The Council's external consultee was consulted on this application and raised no objections, subject to conditions.
- Extensive discussions with the external consultant have been conducted. He expressed satisfaction with the latest revisions, believing that the conditions would adequately address any concerns regarding the flue. She did not deem it necessary to delay the decision-making process, as the conditions in place were considered sufficient.
- It was not a routine procedure for the Council to verify compliance with the terms of an application post-approval. Applicants were legally obligated to adhere to the imposed conditions. Should any breaches occur, an enforcement investigation will be initiated.

Officers from Gloucestershire Highways responded to members' questions concerning what information was submitted which led to the conclusion that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion, whether barriers that were no longer at the site would be replaced after an accident occurred there, and whether the Highways authority had looked into the business model for the proposed usage in coming to a conclusion of how many trips it would generate as follows:

- The Committee report outlined the information used to reach conclusions regarding safety and congestion. Additionally, the officer had conducted an independent assessment, examining records of the roads, including Traffic Regulation Order (TRO) restrictions and collision history.
- The officer emphasised the importance of replacing the bollards and committed to following up on the issue.
- Concerns associated with hot food takeaways primarily revolved around short-term, indiscriminate parking, as customers tended to park as close as possible to the establishment. The reinstatement of bollards, coupled with waiting restrictions, was expected to reduce levels of such parking. Over 20 parking spaces were available in the vicinity. Furthermore, other shops in the area, with the exception of Papa Johns, were not expected to be busy during the operating hours of the proposed business.

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- The Highways Authority had conducted investigations into accidents in the area. Over a five-year period, no accidents were reported on the adjacent street. However, there was an incident at the crossing which the member had alluded to.

The Planning Development Manager responded to a member's question about whether a condition could be amended to ensure that the applicant provided evidence of the conditioned changes to the extraction flue.

- It was possible to amend the condition to stipulate that commencement could not take place until a verification report, confirming the requisite changes to the ventilation system, was submitted to the Council.

The Locum Planning Lawyer responded to a members' question concerning whether a condition could be imposed that meant that the front door of the proposed hot food takeaway.

- It could be deemed unreasonable to condition the requirement to keep the front doors closed, and such a policy would be unenforceable.

Members' Debate

Councillor Tracey noted that there were numerous takeaways in the area, and highlighted her belief that it would fit in well in the area.

Councillor D.Brown stated that he wished to see Hucclecote be commercially active and that the building had been disused for too long. However, he stated that concerns local residents had when Papa Johns received planning consent (traffic and odour), had come to fruition and that these issues could be exacerbated by the granting of planning permission for the proposed hot food takeaway.

Councillor A.Chambers stated that he believed that the application would be good for the area and that his concerns around ventilation would be covered by the proposed amendment to a condition.

The Chair moved and the Vice-Chair seconded the officer's recommendation to approve the application, subject to the conditions outlined in the report, as amended in the late material, with the additional condition for the applicant to provide a verification certificate.

RESOLVED that planning permission was granted subject to the conditions outlined in the report, as amended in the late material, with an additional amendment to a condition for the applicant to provide a verification certificate.

57. 55 DERBY ROAD - 23/00895/LAW

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The Planning Officer presented the report detailing an application for a proposed conversion of a residential dwelling to a 6 bed House of Multiple Occupancy (HMO).

Members' Questions

The Planning Officer responded to members' questions regarding why the application had come before the Committee if it represented lawful development, and why the Ward Councillor who called in the application was not named in the Committee report, as follows:

- The application had been requested to come before the Committee prior to changes being made to the constitution.
- It was common practice to refer to the ward member by their ward.
- Councillor Zaman was the member who had called in the application.

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

RESOLVED that the proposal had been assessed against relevant criteria and fell within the limits of 'permitted development' by virtue of Schedule 2, Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal therefore constitutes Lawful Development and as such a Certificate of Lawful Development can be issued.

58. 36 DENMARK ROAD - 23/00121/FUL

As outlined in the late material, the applicant withdrew this application.

59. DELEGATED DECISIONS

RESOLVED that the delegated decisions of December 2023 were noted.

60. DATE OF NEXT MEETING

Tuesday, 5th of March 2024.

Time of commencement: 6.00 pm

Time of conclusion: 7.30 pm

Chair