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Gloucester City Council

PLANNING COMMITTEE

MEETING : Tuesday, 5th July 2022.

PRESENT : Cllrs. Taylor (Chair), Morgan (Vice-Chair) Bhaimia, Conder J. Brown, Dee, Melvin, Sawyer, Toleman, Tracey and Wilson

Officers in Attendance

Planning Development Manager

Principal Planning Officer (x2)

Highways Officer, Gloucestershire County Council

Locum Planning Solicitor, One Legal

Democratic and Electoral Services Officer

Also in Attendance

Lead Planning Appeals Representative, Hempsted Residents Association

APOLOGIES : Cllrs. D.Brown (Councillor Wilson attended as substitute), Finnegan

9. MINUTES

RESOLVED that: - the minutes of the meeting held on Tuesday 7 June 2022 were approved and signed as a correct record by the Chair.

10 DECLARATIONS OF INTEREST

Councillor Melvin declared a prejudicial interest in agenda item 6 (Land at Hill Farm - 20/00315/OUT) owing to having expressed outright opposition to the application prior to the committee meeting. She took no part in members' discussion on the item nor did she vote on it.

Councillors Morgan and Toleman declared a non-prejudicial interest in agenda item 6 (Land at Hill Farm - 20/00315/OUT) owing to being residents of Hempsted.

11 LATE MATERIAL

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Late material had been circulated in respect of agenda Item 5 (Former Interbrew Site - 22/00014/FUL) and agenda item 6 (Land at Hill Farm - 20/00315/OUT)

12. FORMER INTERBREW SITE, EASTERN AVENUE, GLOUCESTER - 22/00014/FUL

The Principal Planning Officer presented the report detailing an application for development of a site to create fourteen industrial units having Planning Use Class E(g) (iii), B2 & B8 uses with ancillary offices, plus trade counter uses for Units 9 to 14, carparking, service areas and soft landscaping along with highways works to Chancel Close.

The Principal Planning Officer responded to Members' questions concerning the number of electric vehicle charging points there would be, solar panel installation, the height of the buildings and which operators would use the site as follows:

- The developer proposed to meet a 10% renewables contribution from solar panels. He had proposed a condition to require further detail on the appearance of any solar panels on the roofs.
- There was a commitment by the applicant to include a substantial number of electric vehicle charging points.
- The applicant was not required to divulge which operators would use the site and the Officer was unaware of any at the time.
- The largest building at the back of the site would be around 17 metres tall, which would not be detrimental to the character of the area. The buildings at the front of the site would be significantly smaller. Comparisons to the height of other large buildings in the area were provided.

The Highways Officer responded to Members' questions concerning parking provisions and whether there was a consideration to create a slip road into the site as follows:

- 197 parking spaces would be provided. Of these, 28% would have electric vehicle charging points.
- A slip road would not be created. The current arrangement significantly reduced the speed of vehicles entering the site, helping to protect pedestrian and cycle safety.

Members' Debate

Councillor Tracey noted that the application may slow traffic but that overall, she saw no planning reasons for refusal.

Councillor Melvin stated that she was pleased with the application. She said that its central location meant that jobs would be provided within walking distance of local properties and that she supported the recommendation of the officer.

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Councillor J. Brown stated that she was pleased to see that there was a condition imposed that required there to be seagull mitigation measures put in place before any development.

The Chair said that he believed that it was a sensible application.

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

RESOLVED that: - planning permission is granted subject to the completion of a legal agreement to secure a financial contribution for Travel Plan monitoring as at paragraph 6.73 of the report and the conditions outlined in the report and amended in the late material.

13. LAND AT HILL FARM, HEMPSTED, GLOUCESTER - 20/00315/OUT

The Principal Planning Officer presented the report detailing an outline planning application for the erection of up to 215 dwellings (amended from 245) with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane. All matters reserved except for means of vehicular access.

The Principal Planning Officer outlined the various matters including those that were acceptable, those that would require further consideration at the reserved matters stage and the reasons why the application was recommended for refusal as set out in the report.

The Principal Planning Officer further summarised the content of the late material, which stated that there was a potential for contamination. She stated, however, that she was content that the issue of contamination could be dealt with via conditions and therefore her original recommendation for refusal for the reasons set out in the report remained unchanged.

The Planning Lead Appeals planning representative for the Hempsted Residents Association addressed the committee in opposition of the application.

He objected to the application on the following grounds:

- The Hempsted Residents Association wanted to protect the village identity and their boundaries.
- The Planning Officer listed 8 detailed reasons for refusal within the Council report.
- At the original outline application stage, over 100 objections were submitted. There were zero representations in favour.
- Hempsted already struggled with overdevelopment, a further 215 dwellings would greatly add to this.

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- The single access point was not appropriate. It was far too narrow.
- Gloucestershire Highways had originally stated that the application was inappropriate and would have a significantly negative impact.
- The volume of traffic, particularly during school run hours would place children at risk.
- Many residents would turn into the village to avoid school traffic in peak times.
- The granting of the application and the drastic increase in vehicle movements and the unsuitable access point would put disabled and elderly persons at risk.
- The applicant was proposing to develop in a Cordon Sanitaire, something that contradicted Council Policy and would mean that any residents who occupied the dwelling would suffer with odour pollution.
- There had been 45 complaints about odour in the area within the past 2 months.
- The proposed open space was allocated within a flooding area. A potential extra 215 dwellings would worsen this.
- The current sewage system within Hempsted had a limit and already had issues, including foul sewage overflowing into gardens.
- There were a variety of protected species on the site.
- The principle of residential development would go against a number of national policies as well as the Council's Local City Plan. Development of a Cordon Sanitaire would also go against policy.

Councillor Melvin addressed the committee in opposition to the application.

She objected to the application on the following grounds:

- The City Council had not designated the site as an area of development as part of the Joint Core Strategy.
- The site sat in the Cordon Sanitaire which was meant to be protected from development.
- The area suffered from odour issues.
- Hempsted had already been overdeveloped. The addition of up to 215 dwellings would further add to this.
- There were more appropriate locations for development in the locality, some of which would be brownfield as opposed to the undeveloped farmland that grew crops the applicant was proposing to build on.
- The application contradicted policy SP1, SP2 and SP10 of the Joint Core Strategy.
- The Character of the south of the Village of Hempsted would be materially changed in a negative way should the application receive consent.
- The application site was the only farm in the village that currently grew crops. There used to be twelve farms in Hempsted that did so.
- It was a wholly inappropriate location, and the development would irreparably damage the look of the village.

The Principal Planning Officer responded to Members' questions concerning apprehensions raised about the sewage system, whether a condition could be required to ensure that any development had to connect directly to nearby sewage

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works, concerns about whether the public had had an opportunity to raise objections as previous objections had been lost owing to a cyber incident, whether the City Plan formed the evidential base for refusal based on development in the Cordon Sanitaire, what the updated policy was in relation to the Cordon Sanitaire, concerns about odour within the area, what further investigations into odour on the site had been proposed by the applicant and what would the nature of these investigations be, how many times Severn Trent had been called out to Hempsted to deal with issues of flooding, concerns about why the farmland on the site had the land classification of 3b (Moderate Quality Agricultural Land), questions about the agricultural landscape of the site, what facilities would be provided for children, whether conditions could be placed on the application if the Planning Inspector decided to grant permission, whether there would be educational contributions to local schools from the applicant and who would maintain the landscaping if the application was granted as follows:

- In regard to foul sewage, the Council was required to consult with Severn Trent. They commented on both surface and foul water drainage proposals. It was up to Severn Trent to state whether the proposed sewage disposal and water drainage proposals were acceptable. They had not objected to the submission subject to further details being provided by the applicant required by condition.
- It would be unreasonable for the Council to impose an additional condition relating to sewage disposal if this had not been suggested by Severn Trent.
- Severn Trent could be contacted and asked if they wished to provide further comments on the issue raised by Members regarding sewage.
- For this application, correspondence stated that the likely connection for sewage disposal would be between the proposed access on Hempsted Lane and the junction Secunda Way to the nearest foul sewer. If the application progressed further, Severn Trent Water would look at sewage disposal in greater detail.
- The applicant had saved numerous objections from the original outline application (approximately 100). When the non-determination appeal from the applicant came in, 270 households were notified by post. The Planning Inspector confirmed that there were 240 objections (although some of which would be duplicates). However, residents were properly informed and comments on the application had gone directly to the Planning Inspector and would be considered at the non-determination appeal.
- The undeveloped farmland was not a designated landscape area, and there were no particular features, from a planning policy perspective, that would mean that it would be protected from development. Should the application receive consent from the Planning Inspector, it would certainly change the character of the area. However, with the amount of open space and planting it was considered "not significant" in planning terms. She understood that the agricultural landscape was special to many residents of Hempsted and Gloucester but that the advice of the landscape advisors was that there was not a planning reason for refusal on those grounds.
- Regarding odour on the site and the documents provided by the applicant in regard to this matter, the Council's advisers, Phlorum, had said that part of the applicant's assessment and report on odour in the Cordon Sanitaire had made a number of assumptions, used library data and that there was some disagreement in relation to upgrade works at the Plant.

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- Further odour assessments would be undertaken within the next few weeks and reports would be submitted to the Council. However, the Committee could only judge the application on the information that was before them.
- An explanation was provided between the existing and proposed policy wording in the City Plan in relation to the Cordon Sanitaire. The application was being assessed against the proposed new policy wording and it was considered that the application did not comply with the requirements of that policy.
- The undeveloped farmland had the land classification of 3B. Its classification did not mean that the land had no value, but it did not fall within the “highest value” area as set out in the National Planning Policy Framework (NPPF). She could not say exactly when the undeveloped farmland had been graded but she stated that it was clear that the farmland did grow wheat. She stated that she could seek further information as to when the land was graded and that it would have been graded by DEFRA or some similar Government body.
- The NPPF stipulated that undeveloped farmland in the highest value classifications would be more likely to be protected.
- Educational contributions were a Gloucestershire County Council matter. Gloucestershire County Council had asked for contributions to educational facilities from other recently permitted developments within Hempsted. There were 3-4 primary schools that fell within the planning area. However, the applicant had not proposed any educational contributions to local schools. Educational contributions for primary provision were not requested by Gloucestershire County Council for this application.
- The Council had a duty to work with the applicant throughout the process, including during the non-determination appeal process to try and resolve outstanding issues and areas of concern.
- Extremely limited details about play provisions had been provided by the applicant and formed one of the reasons for refusal.
- If planning permission was granted by the Inspector, there would be a condition that stipulated that any new landscaping or ecological features would have to be effectively managed and maintained. Often a developer will set up a resident's management company to pay for maintenance.
- She did not have the data as to how often Severn Trent had been called out to deal with foul sewage in the area. It was possible that Severn Trent may have access to that data.
- The recommendation remained for refusal. However, as part of the appeal process, a comprehensive list of conditions would be drawn up and there would be a discussion between the Council, the applicant and the inspector as to what conditions would be necessary.

The Locum Planning Solicitor responded to Members' questions concerning the weight policies contained in the updated City Plan had, as it had not been adopted yet, conditions regarding sewage and how conditions would be imposed during the non-determination appeal process as follows:

- The closer to adoption the updated City Plan was, the more weight could be given to it. The City Plan could be given moderate to significant weight as it was close to adoption.

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- Matters relating to sewage were dealt with by Severn Trent. Members of the public and Councillors could contact Severn Trent to raise concerns if there were issues regarding sewage. There were certain drainage conditions which would feature in any Planning Permission. Severn Trent could request additional conditions at the Public Inquiry or object to the application at a later stage if they deemed it appropriate.
- Most conditions regarding ecology, open space and play provisions were dealt with via a S106 agreement. The Agreement would usually, prior to the reserved matters stage, require a scheme to be agreed that would have to be approved by the Council for LAPS/LEAPS etc, open space, planting, maintenance and protection of ecological etc.
- A developer was entitled to put forward a “Unilateral Undertaking” regarding planning obligations and addressing the grounds for refusal, to see if the developer could overcome them. This Unilateral Undertaking was an offer by a Developer to do certain things which can be enforced by the Council. Usually, a Developer would agree the wording/obligations with the Council, but not always. If the Council felt that the developer had not adequately dealt with the reasons for refusal, the local authority could state that they believed that their Unilateral Undertaking was unsatisfactory, which would form part of their case at the non-determination appeal. The Inspector would then decide if they felt it was adequate.

The Highways Officer responded to Members’ questions concerning why Gloucestershire Highways no longer objected to the application, why a road safety audit had not yet been conducted, concerns about the narrowness of the single access point, traffic in the area and whether provisions had been provided for children as follows:

- When any application was assessed, Gloucestershire Highways had a duty to look at any additional impacts the approval of a scheme would have. They could not refuse an application based on existing Highways issues on the site.
- Trip Generation Data showed that peak traffic would increase but this was not considered significant enough for refusal.
- A road safety audit could not be conducted at the outline stage. One would be conducted further on in the process, should the outline application receive consent by the Planning Inspector.
- They were not asking for the road to be widened at this stage. Should a road safety audit show that the access point was too narrow then this could be considered at a later stage.
- There were provisions for children to protect safety.
- There were pedestrian facilities proposed that would increase permeability of the site.

Members’ Debate

Councillor Wilson said that he did not think the application could be approved on planning grounds. He stated that he believed that the first reason for refusal outlined in the report, which was that it would not constitute sustainable development as required by national and local planning guidance, and that it was on land which was

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not allocated within the development plan, could not be overcome. He added that he believed development in a Cordon Sanitaire was inappropriate. He said that he would support the officer's recommendation for refusal.

Councillor Conder stated that the Cordon Sanitaire existed for a reason and that odour could not be boxed up. She stated that the Council wished to provide long term housing and not homes that would suffer from odour issues. She further stated that she would be concerned about the precedent that granting an application within a Cordon Sanitaire would set locally and nationally.

The Chair noted that the first reason for refusal outlined in the report would not change and that he could not support development in the cordon sanitaire. He said he was content to support the officer's recommendation for refusal for the reasons outlined in the report.

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

RESOLVED that: - had a non-determination appeal not been submitted, the application would have been recommended for refusal on the grounds outlined in the report.

14. DELEGATED DECISIONS

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

RESOLVED that: - the schedule be noted.

15. DATE OF NEXT MEETING

Tuesday 2 August 2022.

Time of commencement: 6:00pm

Time of conclusion: 8:01pm

Chair