



## **PLANNING COMMITTEE**

- MEETING** : Tuesday 2<sup>nd</sup> August 2022
- PRESENT** : Cllrs. Morgan (Chair), Bhaimia, J. Brown, D. Brown, Dee, Finnegan, Melvin, Sawyer, Toleman, Tracey and Hyman.

### **Officers in Attendance**

Planning Development Manager.  
Senior Planning Officer (x2).  
Locum Planning Solicitor, One Legal.  
Democratic and Electoral Services Officer.

### **Also in Attendance**

Tetra Tech Noise Consultant.  
Senior Planner, Lichfields.  
Longlevens Football Club representative.  
Longlevens Rugby Club representative (applicant).

- APOLOGIES** : Cllrs Taylor and Conder.

### **16. MINUTES**

**RESOLVED** that: - the minutes of the meeting held on Tuesday 5<sup>th</sup> July 2022 were approved and signed as a correct record by the Chair.

### **17. DECLARATION OF INTEREST**

Councillor Sawyer declared a non-prejudicial interest in agenda item 7 (Longlevens Rugby Club, Longlevens, Gloucester, 22/00248/FUL) owing to her position as ward Councillor for Longlevens.

### **18. LATE MATERIAL**

There was no late material to circulate on this occasion.

### **19. FORMER CONTRACT CHEMICALS SITE, BRISTOL ROAD, GLOUCESTER – 22/00293/FUL**

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

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

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

- Numerous noise surveys had been undertaken during both daytime and nighttime, and all had returned assessments which were under statutory noise limits and within the criteria of Worcestershire Regulatory Services (WRS).
- WRS had been consulted and had not raised any objections to the proposal or the submitted noise survey.
- Avon Metals Ltd had objected to the application due to the 'Agent of Change' principle of the NPPF but, a freedom of information request had confirmed that no complaints regarding noise had been made (from nearby residential properties) regarding previous noise generating operations at Avon Metals.
- Avon Metals had sought a mitigation payment, however an independent assessment had confirmed that this was not required.
- It was likely that Bristol Road traffic would be the main source of noise in the area.

The Senior Planning Officer responded to Members' questions concerning the distance between the proposed development and the Avon Metals site, the purpose of the storage warehouse, the opening and closing times of Avon Metals Ltd and the storage warehouse, details of the s106 agreement, whether there were any concerns about contamination, refuse arrangements, landscaping, proposals for open space improvements and whether viability assessments were subject to any auditing or scrutiny as follows:

- In relation to the distance between the proposed development and Avon Metals, the Senior Planning Officer confirmed that the site boundary ran approximately 180 metres to the South of the existing Avon Metals site. He noted that there was a large storage unit located between the development site and Avon Metals and it was his assessment that this could largely block noise from the development site. He further noted that the main source of noise in the area was the traffic along Bristol Road, and that an assessment had been undertaken by Worcestershire Regulatory Services (WRS). The Noise Consultant confirmed that they were satisfied that the levels met the necessary criteria and no noise complaints had been made by occupiers of existing dwellings located the same distance from the Avon Metals site.
- The storage warehouse was used for commercial purposes relating to the hire of cars and other vehicles (B8 storage and distribution use).
- The operating times of both Avon Metals and the adjacent storage warehouse would have been assessed as part of the noise survey. It was anticipated that operating times would likely be broadly in line with office hours.

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- With regard to the s106 agreement, it was confirmed that approval would be subject to a provision of a £27k contribution for affordable housing. The Senior Planning Officer explained that a greater contribution had originally been requested, however the applicant had submitted a viability assessment which had been reviewed by an independent consultant, confirming that contributions towards open space and libraries would have made the development unviable. It was explained that as affordable housing was the primary concern of the local authority, that would take priority over any other contribution considerations.
- The wider site had been subject to remediation works and the independent consultant had not raised any objections or complaints about possible contamination. It was explained that this would be an issue which would be highlighted in the risk assessment that is to be secured under a planning condition and, if contamination was found, further remediation of the application site would be required.
- A refuse traffic plan had been submitted and it had been demonstrated on this plan that a refuse vehicle could enter the site and turn around successfully. The blocks of flats and dwellings all have accessible bin storage areas.
- There was a clause in the conditions relating to tree planting, and the finer details relating to this would be outlined in the discharge of the condition.
- The contributions towards open space, sport and recreational facilities would not be sought for viability reasons. The Senior Planning Officer explained that a viability assessment had concluded that in order for the scheme to be viable, there would only be £27k available for affordable housing and contributions. Since the council's priority was affordable housing provision, the other contributions had been dropped.
- In relation to viability assessments, it was confirmed that these assessments were not accepted at face value and were reviewed by an independent assessor. The Senior Planning Officer noted that there had been some back and forth between the consultants on the s106 contributions with the outcome of the review being that £27k was the amount available if the scheme was to be viable.

The Planning Development Manager responded to a question from a Member as to whether a site visit ought to have been undertaken as follows:

- If the Committee felt a site visit was essential, they had the option to request a site visit prior to the committee meeting.

**Members' Debate**

Councillor J. Brown stated that she was unable to support the application. She was concerned that a contribution of £27k was not enough to deliver the affordable housing required by the evolving Gloucester City Plan. She also felt the proposed development was too close in proximity to the commercial premises.

Councillor Bhaimia raised concerns that there might be implications on residents' health.

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Councillor Tracey noted that it was a large site and expressed the view that the area was ideal for a development of this kind, noting that there were small houses being built adjacent to the proposed development site

Councillor Hyman commented that £27k did not seem like a lot of money, however when all conditions were taken into consideration, he saw no planning reasons why the application should be refused.

The Chair moved and Councillor Tracey seconded the officer's recommendation:

**RESOLVED** that: -

Planning permission is granted subject to the conditions outlined in the report.

**20. 11 NORTHGATE STREET, GLOUCESTER – 22/00384/FUL**

The Senior Planning Officer presented the report detailing an application for a change of use from Class E to sui generis (betting office) with internal and external alterations.

The Senior Planning Officer explained that the application concerned a grade II listed building and fronted onto Northgate Street. She noted that the site was located in a primary shopping area and whilst the change of use away from retail would be regrettable, the proposal would bring a vacant historic building back into use.

**The Senior Planner for Lichfields addressed the Committee in support of the application.**

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

- The application was in accordance with the statutory development plan and consistent with planning policy framework.
- The proposal met policy tests for change of use, including increased footfall in the area to generate income for local businesses.
- The unit was no longer considered suitable for A1 (retail) use as the vacant unit had been advertised since 2017 through marketing brochures and boards.
- No proposals had been received from ARC retail aside from Boyle Sports.
- The proposal was in line with policy SD2 concerning retail and city centres.
- The applicant had worked collaboratively with the local planning officers.
- The applicant had amended the initial plans to satisfy policy SD4 in the Joint Core Strategy, which requires the design of the development to be appropriate to the setting.
- Listed building and advertisement consent had been obtained since the application was submitted.
- In respect of concerns raised regarding the existing number of betting shops in Gloucester city centre, it was noted that the establishments had reduced from 7 to 5. Therefore, the proposal would reinstate one of the closures rather than adding an additional premises.

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- The change of use would contribute towards the economic development of the city, as the betting shop would create 3 full-time and 3 part-time jobs.

The Senior Planning Office responded to Members' questions concerning whether the proposal was based on the same site as a previous application considered by the Committee for a gaming centre, how children would be prevented from entering the establishment, why the signage had not been reviewed by a conservation officer, the location of betting shops in the city, whether the Licensing Committee could review the proposal, opening times, whether a license had been applied for and listed building considerations, including whether a statutory body had been approached, as follows:

- The gaming centre proposal which had previously been considered by the Committee related to a different site.
- Age restrictions at the premises would be a licensing matter.
- The signage review had since been resolved.
- There were two betting shops located on Westgate Street and two on Southgate. All betting shops had city centre locations.
- All gambling premises needed to adhere to the law and would need to apply for the appropriate license. This matter would be dealt with outside of the planning application process.
- In relation to the 8am-10pm operating times, the opening and closing times of surrounding properties had been taken into consideration and the proposed opening times would be in keeping with the area.
- The applicant would not apply for a license until planning permission was granted.
- The proposed works would not harm the listed building and it was noted that developing the unit would bring a historic building back into use. The Senior Planning Officer clarified that consultation had taken place with conservation officers and listed building consent had been obtained. She explained that a national authority would not be approached for an application of this scale.

**Members' Debate**

Councillor Tracey raised concerns regarding unisex toilet provision and the 8am-10pm opening times. She noted that there were two churches in the area and raised concerns about bin provision and narrow pavements. She did not feel the proposed development was in keeping with the area.

Councillor Melvin expressed concern about increasing the number of betting shops in the city centre, noting that it was not the position of the council to support the establishment of gambling establishments. She also expressed the view that efforts to let the unit had been limited. Councillor Melvin commented that that the building was very attractive with a good location on Northgate Street, and she was concerned that the appearance of betting shops would not be in keeping with the area. She was also concerned about the message that granting permission might give to the public.

Councillor Hyman noted that his main concern was the listed building element of the application.

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The Chair stated that he had sympathy with Members' views but that he was mindful that that the Committee needed to deal with the application on planning grounds. He reminded Members that they needed to consider the application in front of them rather than any previous applications considered by the Committee.

The Chair moved and Councillor Tracey seconded the officer's recommendation.

Upon that motion being put to a vote and lost, Councillor Melvin moved, and Councillor Tracey seconded a motion to refuse the application based on the detrimental impact the granting of the application would have on a Grade II listed building, the negative impact the granting of application would have on the conservation area, and the loss of retail space.

**RESOLVED** that: - planning permission be refused due to the detrimental impact the granting of the application would have on a Grade II listed building, the negative impact the granting of application would have on the conservation area, and the loss of retail space.

**21. LONGLEVENS RUGBY CLUB, LONGLEVENS, GLOUCESTER – 22/00248/FUL**

The Senior Planning Officer presented the report detailing an application for a proposed extension and alteration to Longlevens Rugby Club clubhouse to include a new gym, larger ground floor lounge bar, addition of a balcony and bar area on the first floor, and an extension store and extended car parking area.

The Senior Planning Officer noted that Longlevens Rugby Club comprises buildings associated with the club, a car park area, playing fields and a recreational play area. She explained that the Longlevens Football Club building was immediately next to the Longlevens Rugby Club building and other surrounding developments included residential properties to the south, east, north and Milestone School to the west. She further noted that the proposal included a number of extensions and alterations to the existing clubhouse building.

**A representative of Longlevens Football Club addressed the Committee in opposition of the application.**

He objected on the following grounds:

- The proposal was not discussed with the football club beforehand.
- The gap between the proposed extension would leave just 1 metre space between the Longlevens Rugby Club and Longlevens Football Club's changing rooms, which would have safety implications for football club members accessing the changing rooms as the gap would reduce to 25cm when the door to the changing room was open.
- The club had met with the applicant to request that the proposed extension be amended to provide a gap of 2 metres, but the parties were unable to reach an agreement
- The club had looked into amending the angle of the changing room door to open inwards but had found this was unlikely to resolve the issue.

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- Longlevens Football Club already experienced issues with drainage due to root damage from nearby trees. There were concerns that the proposed rugby club extension would exasperate this further.
- Concerns had been raised regarding the proposed new tarmac car park and the implication that the rugby pitch would move further into the sports field and take up more space which was regularly used by the football club.
- The football club were in the process of applying for a lease which would allow them to make improvements to the pitches.

**A representative of Longlevens Rugby Club (applicant) addressed the Committee in support of the application.**

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

- Access to the football club changing rooms was the main concern and the rugby club would argue that amending the changing room door to open inwards would resolve this problem.
- The football club had no legal right to use the door as it opened onto rugby club property.
- The rugby club had outgrown the facility and needed more space to meet the needs of its membership. It was noted that the rugby club accommodated over 250 players, including over 50 senior players, 30 walking rugby players and many mixed ability, girls, and women players. It was noted that at the moment, there were no changing facilities to meet the needs of women and girls, and this was one of the reasons the club needed to expand.
- A lift was needed to accommodate players of mixed ability.

The Senior Planning Officer responded to Members' questions concerning drainage, the space between the proposed extension and the football club's changing rooms, the purpose of the extension, whether the materials would match the existing building, tree loss and whether the proposal included an additional entrance as follows:

- Drainage was considered as a condition in the report, and existing drainage would be dealt with at the building regulation phase.
- The extension would retain a 1 metre gap alongside the building.
- The proposed extension would include a new gym, larger clubhouse bar space, a balcony and a bar area on the first floor. There was also lift provision in the plans.
- The proposal would use materials matching the existing building.
- The plans would include the loss of two trees which would be replaced by two additional trees to the south-east of the site.
- The proposal included one entrance.

The Planning Development Manager responded to a Member's question regarding disabled access to the football club's changing rooms as follows:

- The existing door would be unaffected but there would likely be implications for the space outside.

**Members' Debate**

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Councillor Finnegan commented that she liked the proposal.

Councillor Tracey also noted her support for the proposal but was concerned about the issues raised by Longlevens Football Club, particularly in relation to the changing room entrance and the prospect of the football club membership expanding in the future.

Councillor Melvin observed that the proposed extension as it stood would have an implication for Longlevens Football Club and raised concerns that the issue could cause a divide between Longlevens' football and rugby communities. She expressed a preference to allow more time for the parties to discuss the access arrangement and try to find a solution between themselves.

Councillor Melvin moved and Councillor Tracey seconded a motion to defer the application due to concerns regarding access arrangements, and to provide a further opportunity for the applicant and Longlevens Football Club to reach an agreement.

**RESOLVED** that: -

The application is deferred due to concerns regarding access arrangements, and to provide a further opportunity for the applicant and Longlevens Football Club to reach an agreement.

*In response to an additional question from Councillor D. Brown after the final agenda item had been discussed as to when Members would start receiving a list of weekly planning applications again, the Planning Development Manager noted that weekly lists were available on the City Council's website but confirmed his understanding that the IT issues which halted the weekly lists to Members were close to being resolved.*

**22. DELEGATED DECISIONS**

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

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

**23. DATE OF NEXT MEETING**

Tuesday 6<sup>th</sup> September 2022

**Time of commencement: 6.00 pm hours**

**Time of conclusion: 7.33 pm hours**

**Chair**