



## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 8<sup>th</sup> February 2022.

**PRESENT** : Cllrs. Taylor (Chair), Bhaimia, D. Brown, J. Brown, Conder, Dee, Finnegan, Melvin, Sawyer, Toleman and Tracey

**Officers in Attendance**

Planning Development Manager

Business Transformation Manager (Planning)

Principal Planning Officer

Highways Officer, Gloucestershire County Council

Locum Planning Solicitor, G S Legal Services Ltd

Democratic and Electoral Services Officer

**Also in attendance**

Councillor Patel

Local Resident

Applicant

**APOLOGIES** : Cllr. Morgan

### **52 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on Tuesday 7<sup>th</sup> December 2021 were confirmed and signed by the Chair as a correct record.

### **53 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **54 LATE MATERIAL**

There was no late material to circulate.

### **55 LAND AT THE REAR OF VAUXHALL TERRACE, GLOUCESTER - 18/01244/FUL**

The Principal Planning Officer presented the report, detailing an application for the use of land, including vehicular access to Vauxhall Terrace and Millbrook Street (via Tudor Lane) for vehicle repair business (Use Class B2). The demolition of an

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existing building and construction of a replacement building for use as a vehicle repair workshop.

**Councillor Patel addressed the Committee in opposition to the application.**

He objected to the application on the following grounds:

- The application was inappropriately located as it was in a residential area;
- If the application was a completely fresh one, then it would probably not receive consent;
- The land had been unused for any repairs for several years and was previously only used as a one-man band small workshop;
- The owners of the site had previously used Tudor Lane as their primary access point. No effort had been made to use Vauxhall Terrace;
- The suggestion that the applicant would use the access point off Vauxhall Terrace was questionable;
- Tudor Lane was narrow and ill-suited to large vehicles going down or parking on it;
- He was not aware of any fly tipping on the land as described by the applicant. The material that had been left on site was by the previous owner;
- The granting of the application would lead to increased noise pollution. This would have a detrimental impact on the quality of life of residents;
- There would be a rise in air pollution, should the application receive consent;
- Children currently played in Tudor Lane, the granting of the application would be a risk to them.

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

He objected to the application on the following grounds:

- Other neighbours were concerned about the application;
- Children used Tudor Lane as a play area. The granting of the application would be a danger to them;
- Vandalism was a concern in the area. The granting of the application would add to this as vehicles would be left in the area;
- Owing to the narrow width of Tudor Lane and the site, there could be accidents and damage caused to buildings and vehicles. Residents would have to pay for this;
- Air pollution concerns;
- There would be an increase in noise pollution, which would have a detrimental impact on the health of nearby residents;
- Unsuitable location as it was in a residential area.

**The applicant addressed the Committee in favour of the application.**

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

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- The site had been an established garage for 40 years;
- The application would tidy up the area;
- The number of vehicles going to and from the site for repair per day would average between 7-8. This would not increase traffic significantly;
- Under no circumstances would any vehicles be parked or left in Vauxhall Terrace or Tudor Lane;
- Permission for similar use of the site had been granted previously;
- The site had always been used for repairs;
- It was full of household rubbish when he moved onto the site. He had spent £10,000 on removing rubbish from the site to tidy it up;
- Noise would be kept to a minimum. Inside work would take place where possible;
- The main access point used would be Vauxhall Terrace, though he could not relinquish the right to use Tudor Lane.

The Principal Planning Officer responded to members' questions regarding concerns about the access points, air quality, the restrictions placed on opening hours, a comment about a previous planning application regarding the unsuitability of Tudor Lane as an access point, whether there would be extractor fans used in the vehicle repair shop, the rights of access into Tudor Lane and whether it could be stated that the site had been abandoned as follows:

- The two access points contained in the report (Vauxhall Terrace and Tudor Lane) were the only ones included within the application to the Council. A potential third access point from Barton Street was not contained within the application site. Therefore, he could not comment on a potential third access point going into the site as it was not a matter that was part of the planning application.
- The Council did have a policy in place regarding air quality. However, the policy was usually relevant to larger-scale applications. The applicant could already use a limited part of the site, as it had received planning permission, and the Authority should consider whether there was demonstrable harm in excess of that.
- There was a condition proposed that restricted outside works. This would mitigate some air pollution as there would not be vehicles revving outside while being worked on.
- The applicant had provided proof of his right to access Tudor Lane. He had also served notice to people in Widden Street.
- He could not categorically say what the ownership model in Tudor Lane was. However, evidence suggested that a group of people, including the residents and the applicant had access to it.
- He could not say with absolute certainty whether there would be extractor fans as the application was predominantly concerned with the outside of the premises and building itself, rather than inside, but none were shown on the proposed drawings.
- It was his view that the site had not been abandoned. There was evidence of use of the site for some sort of repairs up to 2015, and there was no evidence of planning permission for an alternative use of the site in the

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interim, the 2011 permission had expired and there was no evidence of the site owners' intentions for a different use.

- There was a condition proposed relating to the opening hours of the premises. The use of the land and building would not be operational outside of 0830 hours to 1800 hours from Monday to Friday and 0830 hours to 1330 on Saturdays.
- The comment relating to the unsuitability of the private lane for larger vehicles in Tudor Lane raised in a previous application for the use of the site (11/01284/FUL) was from a local resident. That application was for six office buildings and twelve dwellings. It was therefore materially different to the application before the Committee, which had been looked at by the Highways Authority and deemed suitable, and which related to a similar historic use.

The Locum Planning Solicitor responded to members' questions concerning who would be responsible if there was damage to properties caused by large vehicles on Tudor Lane and whether it could be established as to who had the right to access the land on Tudor Lane as follows:

- Whoever caused damage to property, such as a driver, would be responsible for the damages caused. It could not be assumed that the granting of the application would lead to irresponsible driving and this was not a material planning consideration.
- A land registry search could be undertaken to demonstrate who had the right to access Tudor Lane. However, the rights of access to private land was a private matter and not a material consideration.

The Highways Officer responded to members' questions concerning issues that could be caused by larger recovery vehicles using Tudor Lane and the increase of traffic in the area as follows:

- Larger recovery vehicles would know to use the entry point from Vauxhall Terrace and not Tudor Lane, owing to the narrow nature of Tudor Lane.
- The level of activity in the area would not be noticeably higher than there was currently, and what was proposed was acceptable.

**Members' Debate**

Councillor Melvin raised concerns that larger repair vehicles would use Tudor Lane and that the lane was insufficiently small to cope.

Councillor Finnegan stated that children used Tudor Lane. She further noted that there was a gas pipe on Tudor Lane that had been knocked by vehicles several times, which was a severe safety issue that could be exacerbated by the granting of the application. She stated that regarding air pollution, there were houses right next

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to the site, many of which would have children living there, and that she believed that the site was unsuitably located.

Councillor Bhaimia stated that he believed that there would be an increase in air pollution, should the application receive consent, which would be particularly harmful to younger residents. He added that the site was also inappropriately located as it was in a residential area.

The Chair stated that he understood the concerns of some members and had there not been evidence of previous use of the site for similar activities then the application may be inappropriate. He added that he did not believe refusal on abandonment grounds would be appropriate as there had been clear use of the site for some repair works up to 2015 and no planning application in the interim for other use. The Chair added that he would be uncomfortable with refusing the application on air pollution grounds. He stated that it appeared that the applicant would be predominantly using Vauxhall Terrace as the main entry point, that stronger conditions were imposed than what was in the original 1980 legal agreement and that there was not a sufficient planning reason for refusal. He said that he would therefore support the officer recommendation.

Councillor Conder stated that she felt sympathy for the local residents. She said that there was limited outdoor area for children to play in, and it was incumbent on Councillors to preserve quiet, clear areas for children. She stated that if the application was coming from a 'standing start' then she would be minded to refuse it. However, owing to the previous use of the site, she would reluctantly agree that there was not a valid planning reason for refusal.

Councillor Melvin stated that she believed that there had been significant material changes, particularly since the legal agreement that was signed in 1980. She stated that the area had become a residential one and that there was now no space for children to play. She added that she believed that large vehicles had and would park on Tudor Lane and that she would not support the officer recommendation.

Councillor Finnegan stated that the increase in air pollution could cause breathing problems for residents in the area and that air pollution had worsened since the legal agreement in 1980. She added that she would therefore vote against the officer recommendation.

The Chair noted that he understood the concerns raised regarding air pollution, but it was clear that it had been used for similar purposes up until around five years ago. He stated that on balance, the application would tidy up the site, and the conditions imposed would mitigate more impacts than the already granted permission for limited use of part of the site.

The Chair moved, and Councillor J.Brown seconded the officer's recommendation to grant permission, subject to the conditions outlined in the report.

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

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**56 LOCAL ENFORCEMENT PLAN**

The Business Transformation Manager (Planning) presented the report, which asked the Planning Committee to approve the revised draft Local Enforcement Plan for a six-week consultation.

The Business Transformation Manager (Planning) responded to members' questions concerning the presentation which had been shared with the Committee, the time frames for dealing with Planning breaches, whether inappropriate flags were considered a planning breach, the support that the one Planning Enforcement Officer was receiving and whether other officers had enforcement capabilities if the Planning Enforcement Officer was unavailable as follows:

- The PowerPoint presentation would be circulated to members.
- The time frames were scaled around what was considered to be achievable and, in many instances, the Planning team were dealing with breaches quicker than what their targets stipulated.
- Inappropriate flags and banners would be considered a Planning Breach. However, for those sort of breaches, Gloucestershire Highways would likely take the lead as they had quicker remedies for dealing with breaches of that nature.
- The Business Support team assisted the Planning Enforcement Officer by conducting a lot of the preliminary admin involved in investigating a planning breach. Furthermore, the Council had introduced a breach of planning form to filter out planning issues that were not breaches, making it a more streamlined process.
- If there was a high priority breach and the Planning Enforcement Officer was unavailable, there were other officers who had enforcement powers.

**RESOLVED** that: - the revised local enforcement plan be approved for a six-week consultation.

**57 DELEGATED DECISIONS**

The schedule of applications determined under delegated powers during the month of November 2021 was noted.

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

**58 DATE OF NEXT MEETING**

Tuesday, 1<sup>st</sup> March 2022.

**Time of commencement: 6.00 pm**

**Time of conclusion: 7.25pm**

**Chair**