



PLANNING COMMITTEE

MEETING : Tuesday, 2nd May 2023

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

Officers in Attendance

Planning Development Manager

Principal Planning Officer

Senior Planning Officer

Locum Planning Lawyer, One Legal

Highways Officer, Gloucestershire County Council

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. J. Brown

60. DECLARATIONS OF INTEREST

Councillor Sawyer declared a prejudicial interest in agenda item 5 - (31 Westmead Road - 23/00082/FUL). This was because she had made a representation in opposition to the application. She withdrew herself for the entire duration of the item and took no part in voting or the discussion on it.

61. MINUTES

RESOLVED – that the minutes of the meeting held on Tuesday 4th April 2023 were confirmed and signed by the Chair as a correct record subject to an amendment to mark Councillor Campbell as present.

62. LATE MATERIAL

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Late and Amended Late Material had been circulated in relation to agenda item 6 – Old Hempsted Fuel Depot, Hempsted Lane, Gloucester (22/01041/FUL) and agenda item 7 – 7 Denmark Road, Gloucester (22/01103/FUL).

63. 31 WESTMEAD ROAD, GLOUCESTER - 23/00082/FUL

Councillor Sawyer withdrew herself from the room during the discussion and voting on the item, owing to having declared a prejudicial interest.

The Senior Planning Officer presented a report detailing an application for a change of use from C3 (dwelling house) to C2 (residential institution) for up to four children living together and receiving care and two permanent carers, all living together as a single household.

Councillor Castle addressed the Committee in opposition to the application.

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

- Inappropriate location.
- The application was unsuitable for the intended occupiers. There was a small back garden which was overlooked by neighbouring properties. This was not suitable for vulnerable children.
- Contradicted policy SD14 of the Development Plan as the environmental quality was not suitable for the type of property proposed.
- Children from outside of Gloucester may be housed at the dwelling.
- The granting of the application would lead to excessive noise and disturbance to nearby residents.
- The language surrounding the issue of visitors was not robust enough. The report stated that visits would 'normally' be in the daytime. This meant that there could be night-time visits and additional noise disruption.
- The site visit that had been conducted was inadequate.
- Not enough information had been provided about the users of the home and the complexity of their needs, especially considering that the children housed would be at the property for 24 hours a day.
- Parking concerns.
- The Noise Assessment conducted was not adequate.
- The application was not a 'tick box' application. The granting of it would have a real detrimental impact on the lives of both the users of the site and neighbouring properties.

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

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

- The requirement for properties such as the one proposed should not be at the expense of the wellbeing of neighbours.

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- The application was not for a family home as paragraph 6.16 suggested. There would be 4 children and 10 staff on rotation. This was 14 people in total, not including visitors.
- Carers would have to sleep in an office downstairs, evidencing that it was not a standard family home as stated.
- There would be a significant increase in noise, which would have a detrimental impact of the amenity of neighbouring properties.
- The size of the garden was too small for the number of people who would occupy the dwelling.
- The back garden had not been accessed during the site visit. Therefore, the application had not been fully assessed.
- The noise assessment by the Housing Strategy Team was inadequate.
- Inadequate amenity space.

The owner of Platform Childcare spoke in favour of the application.

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

- Platform Childcare was a well-established provider.
- There was a national shortage of Foster Family homes.
- Platform Childcare was a hands-on provider.
- He appreciated concerns raised members of the local community, but it would not be significantly different to other properties within the area.
- An additional parking bay would be added. Therefore, there would be three parking spaces.
- None of the properties Platform Childcare owned had ever had a noise restriction put on them.
- The vast majority of appointments would be in the daytime.
- Platform Childcare had worked closely with the local authorities.
- The property would be well regulated.
- Inspectors would visit the property twice a year.

Members' Questions

The Senior Planning Officer responded to members' questions concerning the nature of the consultation, whether there was a family room downstairs, how the conclusions in the noise assessment had been reached, what course of action residents could take if there was an increase in noise and anti-social behaviour, the age of the children who would occupy the dwelling, flooding, whether the children would have a separate room each, whether the staff would be trained, if there had been adaptations made for disabled persons, if there was a downstairs lavatory and the nature of appointments as follows:

- Properties that shared a boundary with the application site would have received a letter. The site notice on a lamppost allowed for properties further afield to be notified of the application.
- There would be a large family room downstairs. A smaller room would be converted and used as a staff office and as a staff sleeping area.

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- The back garden was accessed during the site visit. The Noise Assessment was based on the numbers of residents that would occupy the dwelling.
- If there was excessive noise caused after the occupants moved into the dwelling, neighbours could contact Environmental Health to investigate.
- The children would be aged between 5 and 17 years old.
- The application was for a change of use, so flood risk was not a material planning consideration.
- There would be a separate room for each child.
- All staff would have received safeguarding training.
- Children's and Families Commissioners had thoroughly checked the background of the care provider (Platform Childcare Ltd)
- No adaptations for disability access had been made.
- The property had a downstairs lavatory.
- All appointments would be available by booking only.

The Highways Officer responded to members' questions concerning parking spaces as follows:

- There were drop curbs on the site. From a trip generation point of view, the change of use would not change the number or nature of the trips taken significantly. There would be residential parking overnight by the two members of the staff and some short stay parking during shift changes.

The Locum Planning Lawyer responded to members' questions concerning what would happen if there was a covenant on the estate restricting the property to residential use and the recourse local residents had if there was excessive noise as follows:

- Only someone with the benefit of a covenant could take action. It was not a material planning consideration.
- Future noise complaints fell outside the remit of Planning. Every business should be aware that residents could make a complaint to Environmental Health if there was significant noise pollution.

Members' Debate

The Vice-Chair stated that it was a complex application. He noted that he had no issue with the Care Home Provider. However, he stated that he had concerns that it was not a normal family residence and had apprehensions regarding the dwelling's proximity to neighbouring and overlooking properties. He said that it was the wrong location for the application and raised concerns that granting it would set a precedent.

Councillor Wilson stated that he broadly agreed with the Vice-Chair's assessment. He stated that the estate where the house would be situated was designed specifically for family homes, not care homes. He stated that he believed the comments surrounding the noise assessment were also too subjective and that it

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was located too close to neighbouring properties. He said that he would vote against the officer recommendation.

Councillor Conder stated that she believed that the application proposed to house too many children and staff members for the size of the property. She said that she did not agree with the proposal for staff to sleep in an office. She stated that there had been a couple of similar builds in her ward and the noise levels were dependent on the children and the staff who occupied it.

Councillor Tracey said that she had concerns that the granting of the application would cause excessive noise pollution to residents.

The Chair stated that he had concerns about the application. He said that he understood the issues residents and local ward members had with the application and that there was a lot more potential for noise disruption. He said that he also understood that there was a lack of appropriate children's homes in Gloucestershire.

Councillor Finnegan highlighted her belief that the site was inappropriately located for vulnerable children and that they needed to be the priority.

Councillor Toleman said that he believed that members needed to be careful not to depart from Planning Policy.

Councillor Tracey stated that she believed that the users of the site would need to be in a family environment, and that the proposed application was not a regular family dwelling.

The Vice-Chair proposed, and Councillor Finnegan seconded a motion to refuse the application on the grounds that the change of use would contradict Policy A5 of The Gloucester City Plan as it would have a detrimental impact on the amenity of neighbouring properties owing to excessive noise and disturbance it would cause.

Before a vote was taken, the Planning Development Manager was invited to comment by the Chair as is set out in paragraph B23 of the Planning and Development Code of Practice in the Council's Constitution, as the vote was to go against the Officer recommendation. He clarified that the vote to go against the Officer recommendation based on the detrimental impact it would have on the amenity of neighbouring properties needed to be specific to a policy (i.e detrimental impact on neighbouring amenity owing to excessive noise, which contradicted policy A5 of the City Plan). Once the Planning Development Manager had commented, the motion was put to a vote.

RESOLVED that: - the application is refused as the proposed change of use is not considered to be acceptable in principle as the resulting accommodation would not provide the required accommodation in an appropriate location contrary to policy A5 of the Gloucester City Plan. The application site is located in a residential area with limited outside amenity space in close proximity to other neighbouring properties and it is considered that the proposed change of use would be detrimental to the amenity of the occupants of the neighbouring properties by way of noise and disturbance contrary to policy SD14 of the Gloucester, Cheltenham and

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Tewkesbury Joint Core Strategy (2017) and policy A5 of the Gloucester City Plan (2023).

64. OLD HEMPSTED FUEL DEPOT, HEMPSTED LANE GLOUCESTER - 22/01041/FUL

The Principal Planning Officer presented the report detailing an application for the demolition of all above and below ground structures on a site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space, vehicular access onto Hempsted Lane and pedestrian access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation (Revised Plans to application 21/00704/FUL).

She recommended that an additional condition be included to require the submission and approval of full details of the proposed new substation to ensure that it would be protected in a flood event.

A local resident addressed the Committee in opposition to the application in its current format.

He stated that the application should not be granted in its current format on the following grounds.

- The current application was a backtrack on what was previously agreed between the Developer and the former Ward Councillor and would become a rat run for anti-social behaviour and burglary.
- The latest plans would give permanent access to pedestrians. This was highly dangerous.
- The area was used as a turning circle for vehicles. If pedestrian access was granted, then cars would be turning into an area with pedestrians. There was an 8ft fence, so views would be obscured.
- Larger vehicles such as delivery vans needed to use the turning circle. Otherwise, they would be reversing out into the main road.
- The granting of the application would lead to an increase in anti-social behaviour and crime.
- The footpath would give criminals a licence to access homes and vehicles.
- Hempsted School was already oversubscribed. The granting of the application would further add to this.
- Parking concerns.
- Flood risk.

The applicant addressed the Committee in favour of the application.

She stated that the application should be approved for the following reasons:

- The applicant had worked closely with officers and had made amendments to the scheme when required.
- The scheme would create a large amount of green and open space

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- Remediation works had already got underway.
- They had looked closely at the issue of drainage.
- 70% of the green space would be public open space.
- Ecological enhancements would result in a biodiversity net gain of 22%. This greatly exceeded the required amount.
- There would be a mix of housing and 20% of it would be affordable (14 units).
- The dwellings would be sustainable and would be gas free.
- A significant s106 contribution would be provided.
- It would provide much needed housing and change what was currently a brownfield site.
- The dwellings were of a high-quality design.

Members' Questions

The Principal Planning Officer answered members' questions concerning why pedestrian access into Honeythorn Close was being proposed if the original plan was for it to be accessible by emergency vehicles only, clarification regarding the numbers, type and accessibility of bollards, whether they were proposing to create a blind alley, how frequently would the site be expected to flood and the height of the flood, concerns around sewage in Hempsted, whether the properties would be fitted with Solar Panels, who would maintain the public open space and landscaping and whether a condition to remove pedestrian access be proposed as follows:

- Pedestrian access into Honeythorn Close was being proposed for two reasons. Firstly, because it would promote good connectivity and encourage walking and cycling. Secondly, as it would ensure a safe route in the event of a flood.
- The Emergency Access bollard would still be locked. It would be likely that there would be a combination lock with the code provided to emergency services. Otherwise, it would be operated by a universal key. There would be a bollard to stop vehicles accessing the footpath.
- The access would be very well overlooked by the proposed new houses that would front it and there would not be a blind alley
- Significant flood assessment work had been undertaken. The 0.5 metre figure was the maximum flood water level at the site access. The flood event used was the 1 in a 100 year event (1% annual probability)..
- Paragraph 6.84 of the report detailed the information regarding sewage. The proposed wastewater drainage strategy comprises a conventional gravity sewer system discharging to the existing public foul sewer to the east of the site where Hempsted Lane meets Secunda Way. Furthermore, Severn Trent were satisfied with the revised details submitted.
- There would not be solar panels. However, as paragraph 6.129 – 6.133 highlighted, there would be a high level of insulation, dwellings would have the use of an air source heat pump, smart metres and controls to manage energy use. It was also proposed to incorporate water efficiency measures including a wastewater recovery system and limiting water usage through flow restrictors
- The public open space and footpath would be maintained by a Management Company.

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- Delegated powers could be given to officers to request and agree amended plans to remove the proposed bollard and replace them with a 1.8 metre high fence and locked gates for use by emergency vehicles only, if members wished.

The Highways Officer responded to members' questions concerning whether Gloucestershire Highways had taken the turning circle into account during their assessment of the site, whether vehicles would have space to turn with the updated application and whether traffic lights were being proposed as part of the application as follows:

- During investigation of the site, the turning circle was considered. Vehicles would be turning or reversing slowly which would protect the safety of pedestrians.
- There would still be space for vehicles to turn in the turning circle.
- The turning circle was used to stop larger vehicles (delivery vehicles etc.) from reversing straight out on the main road.
- The application was assessed, and traffic lights were not deemed to be required at the site.

Members' Debate

The Vice-Chair stated that he supported the vast majority of the application but that he had issues with the proposed pedestrian access onto Honeythorn Close. He stated that understood the need for Emergency vehicles to access Honeythorn Close. However, he did not agree with the proposed pedestrian access into it. He said that he believed that it could significantly increase anti-social behaviour and that the case for access was not strong enough.

Councillor Wilson stated that he believed that the vast majority of the application was excellent. However, he stated that he had issues with the concept of large delivery lorries reversing in a pedestrian area.

The Chair moved and the Vice-Chair seconded a motion to delegate the granting of the application to the Planning Development Manager subject to the conditions in the amended late material, the inclusion of an additional condition requiring the submission and approval of details of the proposed substation, with delegation to officers to secure amended plans to remove the pedestrian access from the site to Honeythorn Close with the installation of a 1.8 metre high fence with locked gates for use by emergency vehicles in a flood event.

RESOLVED that: - the granting of planning permission is delegated to the Planning Development Manager subject to:

1. The submission of amended plans that remove the proposed pedestrian access to Honeythorn Close, with the bollards replaced by a 1.8m high fence and locked gates to allow access to emergency vehicles only.

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2. The conditions outlined in the amended late material with an additional condition requiring the submission and approval of details of the proposed substation.

3. The completion of a Section 106 agreement to secure the following:

- 20% on site affordable housing units (20%)
- A contribution of £322,807 towards off-site formal sport provision
- On site POS provision to include a LEAP, details of a Management Company and open spaces works specification.
- A contribution of £8,997.25 towards the provision of allotments
- A contribution of £13,720 to library provision, specifically towards additional library resources at Gloucester Library.
- A contribution of £246,546.55 is proposed for secondary school provision in the Gloucester Secondary Planning Area.
- The provision of 3 self-build units
- A Monitoring Fee and Default Payment in association with the Travel Plan

65. 7 DENMARK ROAD, GLOUCESTER - 22/01103/FUL

The Planning Development Manager presented the report detailing an application for a Garage conversion to an office.

Members' Questions

The Planning Development Manager responded to members' questions concerning a wall on the site that was in poor condition and whether it was a care home or a private property as follows:

- Any rebuilding of a wall would be outside the scope of the application.
- It was a care home, not a private residence.

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

RESVOLED that: - planning permission is **GRANTED** subject to the conditions in the report.

66. DELEGATED DECISIONS

The schedule of applications determined under delegated powers during the month of March 2023 was noted.

RESOLVED that: - the schedule be noted.

67. DATE OF NEXT MEETING

Tuesday 6th June 2023 at 6.00pm in Civic Suite, North Warehouse.

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**Time of commencement: 6.00 pm
Time of conclusion: 8.12 pm**

Chair