



## PLANNING COMMITTEE

**MEETING** : Tuesday, 6th June 2023

**PRESENT** : Cllrs. Taylor (Chair), Morgan (Vice-Chair), Ackroyd, Bhaimia, D. Brown, J. Brown, Conder, Evans, Gravells MBE, Sawyer, Toleman and Tracey

### **Officers in Attendance**

Planning Development Manager

Senior Planner

Highways Officer, Gloucestershire County Council

Chief Planning Lawyer, One Legal

Democratic and Electoral Services Officer

**APOLOGIES** : Cllrs. Campbell and Dee

### 1. **DECLARATIONS OF INTEREST**

The Chair declared an interest in agenda item 5 (Land at Blackbridge - 23/00103/FUL) owing to being employed by the local school. He took no part in any aspect of the item.

Councillors D.Brown, Tracey and Gravells declared a non-prejudicial interest in agenda item 5 (Land at Blackbridge - 23/00103/FUL) owing to being elected members of Gloucestershire County Council.

### 2. **MINUTES**

**RESOLVED** – that the minutes of the meeting held on Tuesday 2nd May 2023 were confirmed and signed by the Chair as a correct record.

### 3. **LATE MATERIAL**

Late Material had been circulated in relation to Agenda Item 5 – (Land at Blackbridge, 23/00103/FUL) and Item 6 – (Land at Snow Capel – 22/00519/FUL).

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Additional late material had also been circulated in relation to agenda Item 6 (Land at Snow Capel – 22/00519/FUL).

**4. LAND AT BLACKBRIDGE, LABURNUM ROAD, GLOUCESTER GL1 5PQ - 23/00103/FUL**

*A site visit took place prior to the meeting on Tuesday 30 May, to allow for a full consideration of the application.*

*Owing to having declared a prejudicial interest in the item, the Chair withdrew himself from the Chamber at the start of the item. The Vice-Chair chaired the item.*

The Planning Development Manager presented the report detailing an application for a proposed community and sports hub including a new building housing changing rooms, fitness studio and viewing areas, an all-weather pitch with flood lights, reprofiling of existing pitches, car parking, new vehicular access, play area, and landscaping.

**A member of the Blackbridge Committee spoke in opposition to the application.**

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

- His speech represented the views of much of the local community.
- The applicant had failed to provide enough information to demonstrate that the proposal would comply with the adopted Joint Core Strategy (JCS).
- The application contradicted policy SD14 of the JCS that stated that development must cause no unacceptable harm to amenity, including the amenity of neighbouring occupants.
- The application did not originally propose including an artificial pitch and access was going to be provided through the Crypt School. The updated plans were far worse than what was originally proposed.
- The 3G pitch would cause noise pollution, traffic routed up Laburnum Road and light pollution.
- Incorrect placement for an artificial pitch.
- The two rugby pitches on the site would no longer fit, should planning consent be granted. This contradicted paragraph 99 of the National Planning Policy Framework guidelines on development of sports fields as benefits must clearly outweigh the loss of the current or former use.
- In 2012, an athletics club adjacent to the application site gained planning approval for 19 car parking spaces and access off Podsmead Rd. A reason why planning approval was given was to 'limit vehicle movements' through the residential estate (Oaklands Park) to the benefit of those residents' amenity. It therefore followed that to increase traffic through Laburnum Road for a car park 5 times the size, and with more frequent use, would cause an unacceptable harm to the amenity of the Oaklands residents.
- There were 38 conditions placed on the application. Paragraph 55 of the national planning policy framework stipulated that planning conditions should be kept to a minimum.

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- There were conditions covering fundamental information such as the design of the 3G and grass pitches, the grass pitch locations, the drainage, noise mitigation and management, lighting, phasing of the development and fencing design.
- The application should be refused or at least deferred until fundamental details were provided about the application.

**A representative of Blackbridge Charitable Community Benefit Society spoke in favour of the application.**

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

- The Blackbridge Charitable Community Benefit Society was an organisation led by residents, which had entirely charitable objectives and wanted to benefit the local community.
- The project was set up alongside Podsmead Big Local, another charitable group, helping to regenerate Podsmead.
- It was supported by local charities and groups, such as GL Communities, because of its long-term potential to improve the health and wellbeing of residents.
- It had cross party support, including from the local ward member and the Member of Parliament for Gloucester (Richard Graham MP).
- The project was over five years in the making.
- The applicant welcomed feedback from residents and had delayed putting in the application to address some of their concerns.
- An additional 10 car parking spaces would be created for local residents.
- The pitch would be moved further away from the tree lines.
- The site would be professionally managed and would improve biodiversity.
- The ground floor would be a multi-purpose site. It would provide opportunities for people to rest and relax.
- There would be a fitness gym upstairs and a studio space.
- Blackbridge would host community-based services to tackle health inequalities. Many residents would benefit from this.
- The scheme had already started to create jobs.

**Members' Questions**

The Planning Development Manager responded to Members' questions concerning what impact the granting of the application would have on other sports facility providers, whether there was also an application for housing development in the area and if it would be using the same access, whether the application contradicted policies within the Joint Core Strategy, about the loss of green space, the appropriateness of the number of conditions, whether the conditions for the principle of development were enforceable, about how noise would be managed, whether a cycle lane was being proposed as part of the application, how access

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would be controlled, whether coaches would access the site and whether the main building would overlook nearby properties as follows:

- It would not negatively affect other sports facility providers, such as Aspire. Regarding the wider effect of the application, The Gloucester Playing Pitch Strategy (PPS) identified a shortfall in capacity of the sports considered both at the time of the study and at the end of the strategy period.
- There was an application for 30 houses in the locality. However, this had not been assessed yet, would be at a later Planning Committee and use a different access.
- Any application had to be assessed on balance. In the Committee report, officers had carried out that assessment. The assessment raised policy SD14 of the Joint Core Strategy. The view of the case officer was that the application could go ahead without unacceptable harm to local amenity. The application was supported by a noise assessment scheme. There would be a slight increase in noise. However, this would not be by an unacceptable amount. Further, there were conditions attached to the report that would ensure that measures would be put in place so that the site would be appropriately managed. This was similar in the case of floodlighting. One pitch would be floodlit but there were conditions regarding the allowed time of operation. Floodlighting had also progressed in the past few years, and it would not cause light pollution to nearby dwellings. There were also conditions in respect of operational time. The site would be open between 08:00 and 22:00 each day.
- Regarding paragraph 99 of the National Planning Policy Framework, an assessment had been carried out with Sports England (statutory consultee) and the proposal accorded with policy. Despite the loss of some green open space, what would replace it, would be of a better quality. The current pitches had inadequate drainage, the proposed ones would not. The pitches would also be able to be used throughout the year, except in cases where there were extreme weather conditions. There would be accessible toilets, accessible changing rooms, and parking provisions. Overall, whilst there would be some loss of green and open space, the quality of the replacement would be of a significantly better quality. Therefore, it was policy compliant.
- 38 conditions were not particularly excessive for an application the size of the one before the committee. The application would primarily establish the principle of development. It was appropriate to condition some technical aspects of the application, particularly when it was community funded. The cost to provide all the technical detail at front, without planning consent for the principle of development would be excessive. The drainage officer had looked at the application and was satisfied that the application could be adequately drained. Details would have been required upfront if that had been thought otherwise. The authority had no objection in principle regarding the fencing around the proposed 3G pitch and that the exact design could be conditioned. In respect of how enforceable the conditions were, a number of the conditions required a submission of further details and if the applicant did not provide the information, they would not have planning permission.
- The site would be allowed to be used for events. However, there would be a noise management plan. The building itself would also be constructed to

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modern standards. If an event would cause excessive noise, it would not be allowed.

- There was not a cycle lane being proposed as part of the application in front of the Committee.
- The Community building would not overlook neighbouring properties. It was considered that it would be extremely rare that coaches visited the site .
- There would be a lockable gate that controlled access. The site would be open until 10pm, so it would be unlikely that dog walkers would want to access the site after it closed. The site could be accessed by walking or cycling.
- The gate would be at the main site entrance.

The Highways Officer responded to Members' questions concerning how illegal parking would be dealt with, whether the public had been consulted on Traffic Regulation Orders (TRO's), how much parking would be lost for residents in the estate, whether the granting of the application would require there to be a resurfacing of Laburnum Road, about coaches accessing the site, and whether a car and a coach could pass each other if the application received consent as follows:

- Enforcement for people parking illegally on Laburnum Road would happen in the same way any other double yellow lines were monitored. Officers would use cameras or tickets.
- Regarding Traffic Regulation Order, that would be required under a separate process, which would include public consultation, as a statutory consultee on the planning application, the County Council was bound by a tight timeframe, and therefore, they did not consult on Traffic Regulation Order prior to their consultee response.
- Around 7-8 parking spaces would be lost, should the application receive consent. Therefore, the 10 additional parking spaces proposed for residents was enough.
- The number of additional movements caused if the application was granted would not warrant a requirement for resurfacing the road.
- There would be some coaches that would go up and down the site.
- There was a condition requiring a submission of a landscaping plan.
- There was enough space for a car and a coach to pass, though one would need to stop to allow the other through.

**Members' Debate**

Councillor J.Brown thanked officers for organising a site visit prior to the meeting. She stated that she understood that there was a lot of opposition by members of the local community, which was predominantly based on access and parking. She stated that it was a vast field and that she believed that application would benefit the community.

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Councillor Conder stated that if there were evening events at the Community Centre, though they had to be finished by 10pm the gate would be open longer than that, there would be clearing up do and so still noise and disturbance after 10pm and that this should not be discounted as a consideration.

Councillor Sawyer noted that in her ward (Longlevens) there were two community buildings that caused issues for the local community, owing to events being held in the evening. She said that noise came when events ended at 10pm as people would be making noise, whilst waiting for taxis and smoking outside. She questioned whether outdoor smoking areas could be considered, and she added that she had concerns about coaches going into and out of the access road.

Councillor Tracey stated that residents were not used to noise, footfall, and vehicle movements after a certain time of night and that she believed that there needed to be tweaks made to the application.

Councillor Gravells stated that he agreed with the points raised by Councillor J.Brown. He stated that he believed that Gloucester needed more facilities, like the one proposed. He said that the key to the application was the conditions and the enforceability of them.

Councillor Conder highlighted that Members had spoken about similar builds in their own wards. She said that she understood that local people wanted to preserve green open space but that she believed that the application would provide better green open space and that it would protect it more than a housing development on the land.

The Vice-Chair stated that he understood that it was a difficult and contentious application and that the Committee had to judge the positives and potential negatives of it. He stated that overall, he believed that the balance was in favour of the application and whilst he understood the concerns of residents, if there were issues with traffic or noise caused after the completion of the project, residents could contact Environmental Health and Gloucestershire Highways.

The Vice-Chair proposed, and Councillor J. Brown seconded the officer's recommendation.

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

**5. LAND AT SNOW CAPEL, WINNYCROFT LANE, GLOUCESTER - 22-00519-FUL**

*A site visit was conducted prior to the meeting (Tuesday 30 May) to allow for full consideration of the application.*

The Senior Planner presented the report detailing an application for a residential development of 180 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Winnycroft Lane; public open space and landscaping; drainage attenuation, acoustic barrier, and other associated works (Environmental Impact Assessment development).

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**Councillor O'Donnell spoke in favour of the application.**

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

- Matson did not have enough community stock but had a lot of green space.
- The monument was not very accessible to the public. The granting of the application would allow for it to be visited by schools and members of the local community.
- For families living in overcrowded accommodation, the granting of the application could have a large beneficial impact on their life and wellbeing.
- The granting of the application could get 77 social housing applicants off the waiting list, which was in the region of 6,000 applicants.
- The application was supported by local communities and residents.
- People need good quality homes to live in.
- The granting of the application would help to combat the issue of overcrowding in homes and make a positive impact on people's lives.

**An operations director at Bromford spoke in favour of the application.**

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

- Gloucester had nearly 6,000 people on the social housing waiting list. Bromford wanted to work with the Council to help solve the problem.
- The Matson Site would provide 75% affordable houses. Most of the properties would have gardens. The neighbouring site built by another developer provided zero affordable homes.
- The application was supported by various community groups including Gloucestershire College, Gloucestershire Gateway Trust, Together in Matson, GL Communities. Richard Graham MP supported it.
- The properties would be energy efficient.
- Together in Matson had highlighted that inadequate social housing was one of the biggest problems in the area. The granting of the application would help to combat this.
- The scheme would include public open space.
- New footpaths would be provided.
- Despite noting the significant benefits of the scheme in the officer's report, the recommendation was for refusal. It contradicted the Secretary of State's position which was that affordable housing should be given substantial weight when deciding on an application.
- Regarding the landscape issue, the nationally important scheduled ancient monument sat between the M5 and a main road and was hardly known to people in the area and was hidden.
- The questions surrounding newts could be dealt with via conditions.
- The application boiled down to whether the benefit outweighed the negatives. The nationally important scheduled ancient monument to the untrained eye was an 'overgrown hole.' If the application received consent, they would propose to reveal, protect, and educate people on it. Alongside Together in Matson, they would also fund a history project.

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The Senior Planner responded to Members' questions concerning why other applications that had an impact on important monuments had been granted in the past, whether the fact that the applicant's proposal to open up the monument to the public changed the view about its effect on the monument, whether it was common for applications to propose such a high proportion of social housing, whether granting the application would allow the monument to come out of obscurity, how many nationally recognised monuments of a similar nature there were, whether Glevum Way would be impacted, whether the impact on Doctors surgeries had been considered, whether Historic England had placed any boards in the area that advertised the monument and how much harm to the monument the granting of the application would cause as follows:

- There had been a lot of discussion with Historic England. The view of the Council's archaeologist and Historic England was that it would cause significant harm to the surrounding area. Each application had to be judged on a case-by-case basis. Currently, the monument did not require any management. Granting the application would mean that it would have to be dealt and the application included a heritage management plan. The applicant had also proposed to pay a bond secured by a S106 agreement in the region of £50,000 to protect the monument. However, even with this the impact on the setting and the monument, in the officer's view was not outweighed by the public benefit. This was because the monument was a nationally important asset, though it was a delicately balanced application.
- The guided walks and educational talks were positive aspects of the heritage management scheme proposed by the applicant. However, there was doubt as to how it would be secured. Even with the heritage management scheme, there was still a concern around the loss of the rural setting.
- The amount of social housing proposed by the applicant was rare. There were clear benefits for provision of such housing and officers had taken that into consideration when weighing it against the Heritage Impact.
- The comment that the monument was obscure, was perhaps an erroneous one. It was on a map on the Historic England website. The monument was protected by virtue of where it was located. The fact that the granting of the application may increase visitors to the site, was, by guidance of Historic England, not necessarily a positive one as increasing footfall was not the same as increasing understanding.
- There were around 3-4 moats in Gloucester, and only two of them were scheduled national monuments. It was a balancing exercise when judging the application. If a housing estate was built around the site, the setting would change.
- There was a proposal to redirect the public right of way crossing the site, but there would still be access throughout the site, though it would obviously be a different experience for that part.
- A lack of contributions in respect of GP surgeries had not been one of the recommended refusal reasons. It was thought that this might be covered by the Community Infrastructure Levy (CIL), but in cases where it was not it could be covered by a S106 agreement if required.



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- Historic England had not put up any boards regarding the Moat and the Moat was currently in private ownership.
- The scheme would provide a less than substantial harm to the monument but at the upper end of the scale of that level of harm.

**Members' Debate**

The Vice-Chair stated that Members had received a thorough report. He stated that he believed the question of the impact on the national monument and the surrounding area was a valid one. However, he said that he believed on balance, that the provision of social housing outweighed the potential detrimental impact on the national monument and the landscape.

Councillor Tracey stated that she believed that it was an excellent site for social housing and that she would support the application.

Councillor Sawyer stated that she believed that it was an excellent application and that she would be minded to support it.

Councillor Conder stated that that granting the application would lead to a change of character in the area. and was concerned that the development went right up to the motorway and the houses there would hear the hum of traffic, but overall, in principle was in favour of the application.

Councillor Gravells said that he would support the application. He further noted that the site was currently difficult to access, as it required climbing over a stile fence.

Councillor Bhaimia noted that assessing the application was a difficult balancing act, however, he would support the application as community housing was important.

The Chair suggested that it might be that the application should be deferred, if members were in principle minded to permit the application, for outstanding matters to be addressed, including mitigation for harm to Great Crested Newts, adequate drainage, amount of play space so that these could be discussed between the officers and the applicant before the application came back at a later date. Unless it was thought that there could be a delegation to officers on these matters.

The Planning Development Manager noted that there were, in addition to the judgement on the damage to the monument against the benefit of social housing in the area, technical reasons for refusal, highlighted in the officer report and that his suggestion would be for deferral so that officers and the applicant could liaise and discuss these and heads of terms in respect of s106 agreement requests. Thereafter, when the report came back to committee, it was likely that the recommendation of officers would still be to refuse, but the report could set out if the technical reasons have been addressed, s106 requests agreed and suggested conditions if contrary to the recommendation there was a motion to permit the application.

The Chair moved and the Vice-Chair seconded a proposal to defer the application for the outstanding matters in the officer report to be addressed and an updated

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report including a heads of terms in respect of s106 requests and setting out suggested conditions should the application be permitted.

**RESOLVED** that: the application is deferred.

**6. DELEGATED DECISIONS**

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

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

**7. DATE OF NEXT MEETING**

Tuesday, 4<sup>th</sup> July 2023 at 6pm.

**Time of commencement: 6.00 pm**

**Time of conclusion: 8.30 pm**

**Chair**