



PLANNING COMMITTEE

MEETING : Tuesday, 4th July 2023

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

Officers in Attendance

Planning Development Manager

Highways Officer, Gloucestershire County Council

Senior Planner

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

APOLOGIES : None.

8. DECLARATIONS OF INTEREST

The Chair declared an interest in agenda item 5 (New Dawn View - 23/00280/OUT) 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 (New Dawn View - 23/00280/OUT) owing to being elected members of Gloucestershire County Council.

9. MINUTES

RESOLVED - – that the minutes of the meeting held on Tuesday 6th June 2023 were confirmed and signed by the Chair as a correct record.

10. LATE MATERIAL

Late Material was circulated in relation to agenda item 5 - New Dawn View (23/00280/OUT).

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11. NEW DAWN VIEW, GLOUCESTER - 23/00280/OUT

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 the erection of up to 30No. dwellings with all matters reserved (apart from access).

The Chairman of Widden Old Boys RFC spoke in opposition to the application.

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

- He was speaking on behalf of both Widden Old Boys RFC and Old Cryptians RFC in opposition to the application.
- Granting the application would deprive up to 200 children from sporting opportunities each week due to the reduction of 1.8 hectares of open space.
- Sport England were inaccurate in their assessment that the site had no special significance to the interests of sport.
- The area from the North-East of the proposed site to Laburnum Road was used by children each Sunday from September to May for the purpose of playing Rugby Union.
- Widden Old Boys had roughly 100 youth members that would be deprived of Rugby Union.
- Old Cryptians RFC had roughly 200 members that would be deprived of Rugby Union.
- All age groups below 13 were based at Blackbridge Sports Field. The granting of the application would mean that they would not be able to train or play on the field anymore. This activity dated back to the 1990s and it was not financially viable to play elsewhere.
- The affected area was also used annually for one (sometimes two) tournament/s.
- The proposed conversion of the land would prevent 200 children a week and 500-600 children during the annual tournament/s from playing Rugby Union.
- The catchment area was economically deprived, and the granting of the application would remove free rugby provision for children and young adults. This could not be considered to be in the best interest of the community.
- Blackbridge Community Land Trust had misrepresented the position of Old Cryptians and Widden Old Boys

A Planning Consultant representing the applicant spoke in favour of the application.

The planning consultant said that the application should be granted on the following grounds:

- The application had been 7 years in the making.

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- The application had been subject to rigorous public consultation
- The City Council had allocated the area for development in the adopted City Plan.
- The proposed community and sports hub had been approved at the previous Planning Committee meeting.
- The City Plan stated that the use of a small part of the site for residential development released the wider site to deliver significant net gains.
- The successful delivery of the Sports Hub was dependent on the application before the Committee being approved.
- The applicant would transfer the rest of the playing field to the City Council.
- A not for profit organisation to benefit the community would be set up to provide sports to the community
- The land in question was allocated in the City Plan for approximately 30 dwellings and the application in front of the Committee was for “up to 30 dwellings”.
- The application provided all the technical detail required.
- The application would provide 20% affordable housing. This was policy compliant.
- The application would provide bio-diversity net gain.
- The applicant would provide education and library contributions.

The Planning Development Manager responded to Members’ questions concerning whether properties would be fronting the sports field, questions regarding the comments from the Public Right of Way officers, whether the playing pitch strategy was up to date, concerns raised about whether Sports England dictated the terms of the application, whether Members could go against the assessment of Sports England, whether Members could reject the application on the grounds that there would be a loss of playing pitch provision, whether the two rugby clubs who had objected could use the pitches once the application was completed and whether granting the application would deprive children and young adults from participating in sport as follows:

- Whilst there would be some loss in the quantity of sports pitches, the quality would be of a higher standard. The drainage would be far better, and it would be able to be used throughout the year.
- There was some confusion initially from the public right of way officer as she believed that the public right of way on the south side of the site was going to be replaced by the road but that this was not the case.
- The Playing Pitch Strategy had been updated, and the conclusion was that there was a need for the type of facility proposed in the area. It was allocated in the Playing Pitch Strategy. The impact of the loss of quantity of playing provision was replaced by the quality of what would replace it.
- Sports England did not dictate the application. They were a statutory consultee. The site was allocated in the City Plan, as was the adjacent site.
- If Sport England had objected to the scheme, it would be difficult to approve the application as they were a statutory consultee. If Members wished to refuse the application on the basis that a loss of playing pitch quantity outweighed the benefits, Members would be allowed to do so. However, the decision would be subject to an appeal. The comment from Sports England would be given significant weight.

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- The site was allocated for development in the City Plan. If Members wished to go against the officer recommendation, there would need to be a sound planning reason for doing so and it would be difficult for it to be on the principle of development as it had been allocated and voted through by Members in the adopted City Plan.
- The site had been allocated for development in the adopted City Plan.
- Sports England did not approve the scheme as such, their comments were relating to the fact that they believed that the principle of development was acceptable. Equal or more weight should be given to the fact that the site was allocated in the adopted City Plan and there was a lot of evidence that went into that allocation.
- It was important to separate the fact that there was an amount of playing space being lost compared to the qualitatively better provision that would replace it.
- The two rugby Clubs (Widden Old Boys, Old Cryptians) who had objected would be allowed to use the grass pitches and could use the 3G pitch for training. He was unaware if they would have to pay to use the 3G pitch and this was outside of the scope of the application.
- There was no 'depriving' of sports provision, as what would replace it would improve the availability of sport provision throughout the year.
- Some properties would front onto the sports field. Further details would be provided by the applicant at the reserved matters stage. It was only the principle of access that was being considered in the outline stage.

The Highways Officer responded to Members' questions concerning the access road, whether traffic lights were being proposed as part of the application, concerns around safety at the junction and how much trip generation the application would create as follows:

- The access road was approximately 5.5 metres wide, the carriageway on the bridge was approximately 8 metres wide. There were cycle ways on the carriage way as well.
- There were no proposals for traffic lights at the junction.
- There were occasionally issues with getting out of the junction in heavy traffic, but that is not unusual for a busy urban area.
- The traffic generated by the application itself would generate 15 two-way vehicle movements in peak hours. This was unsubstantial.
- There was reduced visibility for drivers at the junction. However, for it to meet safety standards, drivers needed to be able to see at a driver's eye level of 1 metre and the junction did go beyond this minimum safety standard.

Members' Debate

Councillor Conder noted that she understood the officer's comment regarding the quality of the proposed sports pitches, but that, for rugby specifically, the quantity was more important as they could not play matches on artificial turf. She said that the housing would lead to an even greater demand for persons to play rugby and other sports and that the pressure on the area could be increased.

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Councillor Tracey raised concerns regarding the potential fronting of houses onto the field.

Councillor Gravells noted that every Member voted for the City Plan which included the allocation of the site for development. Councillor Gravells noted that the speaker in opposition to the application spoke well but highlighted that the City Plan had gone through a rigorous consultation and had been scrutinised and approved by all Members.

Councillor Tracey expressed concern about a loss of sports provision for children.

The Vice-Chair noted that there had been a very thorough debate and noted that there had been numerous questions posed to the relevant officers. He said that it was clearly a difficult application, which was why it came to the Committee. He noted that it was an outline application, with the remainder of the detail to be provided at the reserved matters stage.

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

As the vote was tied, the Vice-Chair acting as Chair used his casting vote to approve the Officer's recommendation.

RESOLVED – that delegated authority was granted for officers to GRANT planning permission subject to no new substantive planning issues being received by 06/07/2023 and subject to a S106 with the Heads of terms and conditions outlined in the officer report.

12. LAND AT SNOW CAPEL, WINNYCROFT LANE, GLOUCESTER - 22/00519/FUL

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).

During his presentation, the Senior Planner highlighted the fact that since the publication of the agenda, an updated drainage strategy system had been submitted so the issues outlined in paragraph 18.5 of the report were no longer pertinent and could be disregarded as an objection.

He highlighted the fact the public right of way would be redirected through the site.

He stated that since the deferral of the application at the previous planning meeting, the applicant and officers had had numerous discussions regarding concerns about the application. He said that the applicant and the officers had agreed a revised Heads of Terms. He said that there had been more discussions about a Heritage Management Plan. He said that the City Archaeologist had suggested that Historic England, the applicant, and the Authority could enter into a Heritage Partnership Agreement. The applicant was content to enter discussions regarding this matter.

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The applicant had also provided a revised Heritage Plan. However, officers had not yet had a sufficient opportunity to examine it in depth. However, from the City Archaeologist's point of view, a Heritage Partnership Agreement was a potential avenue that could make the application more appropriate, though it may have to be required through a S106 agreement or planning conditions. He also said that the applicant now proposed to provide a greater contribution to public open space provision, though they would reduce the amount they would spend on Education contributions. He concluded by stating that the recommendation was still for refusal for the reasons set out in the report.

A local resident spoke in opposition to the application.

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

- He asked the Committee to consider the impact the application would have on the local community. With the granting of other applications in the area, additional pressure had already been placed on local residents. The granting of the application would further add to this.
- The impact of other local developments (Winnycroft) should be assessed in further detail before judging the impact the application before the Planning Committee would have.
- There was a great crested newt colony in the scheduled ancient monument and the effect on them may be catastrophic.

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

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

- It was unique for an application of the one in front of the committee to have the support of so many community groups and people, including the Member of Parliament for Gloucester (Richard Graham MP)
- There would be a local lettings agreement that put Matson's residents first.
- Bromford were committed to long term plan to protect the scheduled ancient monument
- They had increased their Public Space Provision contributions.
- The applicant would still contribute more than £1 million to education.
- The applicant had made changes to the Drainage design which can be dealt with via conditions.
- They had been collaborative throughout the process.
- The applicant had increased affordable homes contribution percentage from 50% to 76%.

Members' Questions

The Senior Planner responded to Members' questions concerning the Great Crested Newt colony, whether the City Archaeologist's objection would remain if a Heritage Partnership Agreement was agreed, whether the proposed bond by the applicant would be sufficient to protect the monument, questions about how noise

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would be mitigated, how the Moat would be protected to ensure no one fell in, whether the public right of way officers objected to the application, whether there was a bridal path running through the site, whether Highways England had been consulted, whether there were other Heritage Partnership Agreements in Gloucester, whether there would be disruption to local residents during the construction phase and whether the Heritage Partnership Agreement would need to be secured via conditions as follows:

- Officers were aware of the Great Crested Newts on site. It had been reviewed by the Ecological Consultant and they were satisfied that the development would not affect the Newts. The applicant would have to secure a Great Crested Newt Licence prior to any development.
- The City Archaeologist's objection to the application would remain even with a Heritage Partnership Agreement as he objected to the principle of development. However, the City Archaeologist was more satisfied with the application in comparison to the previous meeting. The applicant had recently submitted a revised Heritage Plan, but officers had not yet had an opportunity to thoroughly assess it.
- The applicant had put forward a bond (£50,000) for the protection of the scheduled ancient monument if it was needed to be drawn upon. This could be looked into in the partnership agreement.
- There would be a buffer of open space, paths will be mown in. There would be some restricted access, the applicant was overproviding in terms of Green Space (though the exact amount was debated with officers).
- The Moat would have to be secured to stop any member of the public falling in. There was currently fencing around the Moat. Some of the meadow planting around the site would also restrict access. There may have to be a condition to provide details of the long-term monitoring of the site.
- The public right of way officers were not objecting to the application.
- There was not a bridle path going through the site.
- There would be a creation of an acoustic bund between the new dwellings and the M5.
- Highways England were consulted but did not respond as the site did not encroach on their land. The acoustic bund would have to be maintained by the applicant.
- The applicant originally proposed maintaining the bund.
- There was a heritage partnership agreement with Llanthony Priory. Therefore, the idea of a heritage partnership agreement was not unique to the application before the committee.
- There would be some disruption during the construction phase. However, it could be dealt with Planning conditions.
- Based on the discussions with the City Archaeologist, the requirement for a Heritage Partnership Agreement would probably necessitate the need for a condition as well as well as it is forming a part of the S106 agreement.

Members' Debate

Councillor J.Brown noted that there were objections from Historic England and several other parties to the application. She said that she was impressed with the speech from Councillor O'Donnell during the previous Committee meeting and that

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she understood that Matson required affordable housing. She said that however, quality housing should not come at the expense of everything else, including the scheduled ancient monument. She stated that she would vote in line with the officer recommendation for refusal.

The Vice-Chair stated that he wanted to praise all those involved in dealing with the application since the deferral at the previous Committee meeting. He said that a large amount of hard work had gone into seeking improvement and clarification of the matters that were of concern at the previous meeting. He said that the fact that the body of the Scheduled Ancient Monument itself would not be affected by the granting of the application was important. He said that he believed that the benefits of the application outweighed the effect it would have on the Scheduled Ancient Monument and that he would vote in favour of the application and against the officer recommendation.

Councillor Dee stated that she was leaning towards being in favour of the application owing to the large percentage of affordable houses the scheme would provide.

The Chair stated that he agreed with the points raised by the Vice-Chair.

Councillor Gravells noted that he could not think of any greater public benefit for the area than 76% affordable housing and that he would be supporting the application and voting against the officer recommendation.

The Chair moved, and the Vice-Chair seconded a motion to delegate permission to the Planning Development Manager to approve the application subject to conditions outlined in the report, agreed to by the Planning Development Manager and a S106 agreement, as the adverse impact on the Scheduled Ancient Monument did not outweigh the benefits of the application.

RESOLVED that: - delegation be granted to the Planning Development to approve the application subject to conditions outlined in the report, agreed to by the Planning Development Manager and a S106 agreement, as the adverse impact on the Scheduled Ancient Monument did not outweigh the benefits of the application.

13. DELEGATED DECISIONS

The Chair noted that the delegated decision list attached to the agenda was not complete and requested that at the next months Committee meeting, a full list of the April and May delegated decisions be provided.

RESOLVED: - that the delegated decisions were noted.

14. DATE OF NEXT MEETING

Tuesday, 2nd August 2023.

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**Time of commencement: 6.00 pm
Time of conclusion: 7.45 pm**

Chair