



PLANNING COMMITTEE

MEETING : Tuesday, 4th June 2024

PRESENT : Cllrs. Conder (Chair), Castle (Vice-Chair), A. Chambers, S. Chambers, Harries, Hyman, Jones, Lewis, Marshall, Tracey and Wiederhold

Officers in Attendance

Planning Development Manager

Principal Planning Officer

Locum Planning Lawyer, One Legal

Highways Officer, Gloucestershire County Council

Democratic and Electoral Services Officer

Also in attendance

Public Speaker (x3)

APOLOGIES : Cllrs. Bhaimia

1. DECLARATIONS OF INTEREST

Councillors Tracey declared an interest in agenda item 5 (Hill Farm) she took no part in the determination or deliberation of the item. Councillor Hyman declared a non-pecuniary interest in the same item, he took no part in the determination or deliberation of the item

2. MINUTES

RESOLVED that the minutes of the previous meeting held on Tuesday, 7th May were confirmed and signed as a correct record by the Chair.

3. LATE MATERIAL

Late material had been circulated in relation to agenda item 5 (Hill Farm - 23/00993/REM).

4. HILL FARM, HEMPSTED - 23/00993/REM

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A site visit was conducted on the site on the morning of 4th June 2024 to allow for full consideration of the application site.

Councillors Tracey and Hyman withdrew from the Chamber during the consideration of the item. Councillor Tracey addressed the committee as Ward Member during the public speaking slot but had no involvement in members' questions, debate, or voting on the item.

The Principal Planning Officer presented the report detailing a reserved matters application for the delivery of 185 dwellings, public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane pursuant to outline planning permission ref. 20/00315/OUT / appeal ref. APP/U1620/W/22/3296510 (reserved matters of scale, layout, appearance and landscaping applied for).

Councillor Tracey addressed the Committee as the local ward member.

She highlighted the following concerns regarding the application:

- Highways concerns.
- The application site was the only green space left in Hempsted.
- Detrimental impacts on residents on either side of the lane.
- Concerns about construction traffic during the development phase.
- Concern about emergency vehicles getting in and out of the site.
- She questioned whether traffic lights would be installed.
- Traffic concerns, particularly during the school run.
- If the application was approved, it would be more suitable if a 20mph zone was introduced from the start of Secunda way to Hempsted Lane.
- Impact on bus services.
- Hempsted Lane was too narrow.

A representative of the Hempsted Residents Association spoke in opposition to the application.

He said the application should be refused for the following reasons:

- A steeply sloping, productive arable site that flooded regularly, downwind of the Netheridge Sewage works, with single access via a narrow lane, was not the most suitable site in the area for such a large development.
- There was strong local resistance to the application.
- The properties were densely packed.
- The southern end of the site flooded regularly, and was within the Cordon Sanitaire, where development was not permitted. This meant that the properties had to be more densely packed than was appropriate.
- Existing properties would be subjected to noise and light pollution.
- There was a risk that the occupiers of the dwellings would park outside of existing properties that were already short of visitor parking due to an average of more than 2 cars per property.

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- The traffic lights at Hempsted Bridge were approximately 100m from the single access, so rather than queuing during peak school drop-off times, vehicles leaving the site will be tempted to turn left on the narrow lane past the school.
- The proposed apartments did not have outdoor space nor balconies.
- The Civic Trust were critical of the lack of cycle tracks, and the dangers to cyclists should they venture onto the steep footpaths. The Inspector's Condition 16 stated that drawings of access for pedestrians and cyclists should be approved by the Local Planning Authority in writing before development commenced. This had not happened.
- The proposed condition relating to the approval of levels of some units should be increased to include other units
- Construction traffic should enter and leave via the Hempsted Bridge Traffic lights.

An agent representing the applicant addressed the Committee in favour of the application.

She said that the application should be granted on the following grounds:

- The Design Principles Document was approved in October 2023.
- There were no technical objections.
- The application was in line with the approval at outline stage.
- Regarding the concerns relating to the quantity of dwellings, the number had been approved at the outline stage.
- The layout had been carefully considered to ensure that privacy and amenity standards were upheld.
- The Officer report thoroughly assessed the impact of the proposal and concluded that there would be no adverse impact on neighbours.
- Regarding concerns about highway impact, the applicant worked closely with Highways Officers and presented numerous revisions throughout the determination process to ensure it was presented to the Committee with the support of the Highways Officer. Cycle and Car Parking met the 'manual for Gloucestershire streets' standards.
- The site benefited from high quality open space. Half of the site would remain undeveloped.
- The parkland boasted a play area that would include ziplines.
- The parkland scheme had wheelchair accessible features.
- The parkland included numerous features (outdoor gym equipment, jogging route etc.) to encourage healthy and active lifestyles.
- A robust landscape design would be implemented.
- Pedestrian links into the parkland were plentiful.
- An active travel assessment concluded that the scheme would improve the area score.
- The scheme would deliver 20% affordable housing.
- The legal agreement would include a financial contribution of £500,000 to the Council's pitch improvement programme, a financial contribution for Gloucester Library at a rate of £196 per dwelling, £3000 to crossings in the locality, and a formula based contribution to secondary education.

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- The proposed development incorporates PV panels and Electric Charging Points.

Members' Questions

The Principal Planning Officer responded to members' questions concerning how many affordable units there would be, questions around the number of dog bins and litter bins would be provided, whether balconies could be provided, whether the placement of the affordable units contradicted policy SD12 of the Joint Core Strategy, whether the pathways were accessible, what was meant by the point that the location and specification of solar panels would be confirmed by condition, would there be power for cycle parking, whether there had been a contamination report for the land, concerns about overlooking and privacy, what would happen if the scheme did not match the drawings, concerns about comments from the Housing Strategy Team that the proposal had not adequately addressed the issue of private amenity space on the apartment blocks, questions about archaeology, whether there were other means or conditions to ensure that developers stuck to agreed highway network conditions, whether the application contradicted policy SD12, whether a footpath could be added near the traffic lights or a zebra crossing, concerns about whether the distance between properties had been marked up, whether window boxes could be added as a condition if the application would not provide balcony space, whether allotments could be added, whether there would be an enclosed area for children to play to separate them from the SUDS to avoid them leaving and to keep dogs out of the vicinity, and whether services such as GP practices had been considered as part of the application as follows:

- There would be 37 affordable units.
- He was not sure of the exact number of outdoor bins. A management company would look after the landscaping and open space, including outdoor bins. There were litter bins shown on the plan.
- The main carriageway would be extended to 5.5m.
- The applicant had been asked to consider including balconies, however the applicant had declined to do so. The proposed dwellings were adjacent to open space so they would have a reasonable provision of amenity. The decision of whether to include additional conditions was a decision for members.
- The view of the Housing Strategy officer was that the affordable dwelling placement was acceptable.
- They had worked closely with the applicant to make the pathways as accessible as possible, particularly considering the sloping nature of the site. There were non-stepped accesses to the public open space.
- Finer detailed aspects of large-scale developments were often conditioned.
- There would not be power to all cycle parking facilities. It was not mandatory under policy.
- The outline permission includes conditions addressing land contamination.
- There were conditions in the outline planning permission that related to surface water drainage.
- The sloping nature of the site and gradient level changes meant that there would be some challenging relationships between properties. It would not be realistic to level off the site entirely because of its size.

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- If the development was in conflict with the details set out in the listed plans; this would likely be an enforcement issue.
- The Housing Strategy Team had commented and made a recommendation regarding amenity space for flats; however, the applicant decided not to implement it. Therefore, it came down to a recommendation from the Planning Officer and determination by the Committee. His belief was that, on balance, the proposal to include balconies was not necessary to make the development acceptable.
- Archaeological conditions including a survey had been dealt with at the outline stage. It was condition 12 and 13 of the outline permission. The City Council's archaeologist had been involved with archaeology work.
- The applicant had submitted a draft highways agreement plan, parts of which were outside the planning application site and thus fell outside the determination. However, these plans indicated their intentions. There would be a pedestrian route out of the site.
- He had looked at the distance between properties. The usual guide of 21 meters distance (back to back) was considered an acceptable relationship, but some did not meet that. From his measurements, some were around 19.5 meters away, with most being 20–22 meters.
- The Planning Development Manager noted that it was a matter of planning balance and assessing all the considerations including the negative and the weight attached to the positives and negatives.
- Window boxes were not a policy requirement, though they would improve the amenity of future residents. Since they were not essential to make the application acceptable, it would be difficult to condition.
- Allotments were not required at the outline stage where infrastructure needs would have been assessed.
- Putting fencing around the water feature could potentially impede rescue services in assisting if someone did fall into water. The Drainage Officer's view was that it was better to create safe water features, rather than fence them off. One of the children's play areas for younger children near the road would be fenced off, whereas the one that was further away from the road and designed for older children would not.
- Service and infrastructure matters such as GP surgeries had been considered at the outline stage. There was no requirement for a GP surgery but there were requirements to contributions to infrastructure set out in the legal agreement.

The Highways officer responded to members' questions concerning the narrowness of Hempsted Lane and whether it would be better to make alterations based off of this, whether the traffic calming measures were sufficient enough as follows:

- The construction management phase was conditioned as part of the outline permission. The applicant would be required to submit a traffic management plan, which would include details relating to a construction traffic access to and from the site.
- The plan showed that the applicant had proposed have raised tables at every junction for vertical deflection. Vertical traffic calming could be an effective measure at reducing speeds along the roads.

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- Details relating to access would have been covered at the outline stage, there were crossing points on either side of the access junction.
- Highway Improvements to the Secunda Way junction would be a separate consideration to the Planning determination.

The Planning Development Manager responded to members' questions concerning the means of access and whether planning conditions were a legal requirement for applications as follows:

- Means of access had been considered and approved at the Outline stage.
- Planning Conditions were a legal requirement for applications.

Members' Debate

Councillor Lewis noted that, while he believed there were issues with the application, on balance, it was an acceptable planning application. He stated that he understood the concerns of the residents, but he believed it was reasonable overall. He also agreed that construction traffic should not go through the village and encouraged residents to capture evidence if this did happen. He said that he would support the officer's recommendation.

Councillor S. Chambers stated that she had some reservations about the application, particularly regarding the clustered nature of the affordable housing, though it did overlook greenery. She said that she would have liked to see balconies included as part of the application, not just for the outdoor amenity space they would provide residents, but also because they would give residents a place to dry clothing, reducing the likelihood of mould and damp issues. She stated that she would like to see planning policy change regarding balconies in the future. She said that, on balance, the scheme provided good affordable housing and a good mix of housing that was needed, and she would support the officer's recommendation.

Councillor A. Chambers stated that he believed the application site would have too many dwellings for its size, which would have a detrimental impact on the amenity space of future residents. He highlighted the concerns raised by the Housing Strategy Team. He said that the properties should have provided balcony space and raised concerns that residents would not be able to dry their clothes. He added that he would have supported the application if it had been less densely packed, as there was a housing shortage in Gloucester and it was on a brownfield site, but he could not support it with the proposed density. He noted that there would have been fewer issues with properties overlooking neighbours. He said that the distance between properties was below the minimum policy standard. He reiterated that he would support an amended version of the scheme with fewer dwellings to provide better amenities for residents.

Councillor Harries stated that it was not an "ideal" application but, on balance, was acceptable as it would provide more housing, and he would vote in favour of it. He highlighted concerns regarding the main access road.

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Councillor Jones noted that active travel should be encouraged.

The Vice-Chair stated that she agreed with points raised by Cllr Lewis and wished that the applicant had included them.

Councillor A.Chambers stated that he believed that the application could be refused or deferred on the fact that adequate amenity space (balconies/gardens) had not been provided.

Councillor A. Chambers proposed to defer the application on the grounds that it did not fulfil light requirements and some of the proposed dwellings would be under the minimum distance apart, so that additional outdoor amenity space could be included. There was no seconder, so the proposal fell.

Councillor Lewis proposed and Councillor Harries seconded the officer's recommendation.

RESOLVED: that the reserved matters was approved subject to the conditions outlined in the officer report.

5. 20 FURLONG ROAD GLOUCESTER GL1 4UT - 24/00223/FUL

The Planning Development Manager presented the report which detailed an application for a single storey rear extension.

A local resident spoke in opposition to the application.

He said the application should be refused on the following grounds.

- He was speaking on behalf of his mother who lived next door.
- A loft conversion was also taking place, not just the application before the committee.
- The loft would had a detrimental impact on light.
- This proximity to the boundary fence would leave a narrow alleyway – this creates risks of blockages and limited access.
- Already had to deal with instances of anti-social behaviour from the applicant.
- He disagreed with the officer's report comment that the proposal would not bring about an adverse level of harm to the amenity of Number 18, neither in terms of loss of light/outlook nor in terms of overbearing impacts upon the patio area.
- There would be a lot of dust created by the application during the construction phase.
- The application was already a four-bedroomed property. The application would add an additional two bedrooms.

Members' Questions

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The Planning Development Manager responded to members' questions concerning the dormer window, a separate application for a loft conversion, whether conditions could be imposed to set hours in which construction could take place, what would happen if the applicant converted the property into an HMO, whether there would be any detrimental impact on the neighbour should the application receive consent, what would happen if the applicant did not build in accordance to the plans, whether the pedestrian access would be affected and what materials would be as follows:

- There were two applications. The dormer window application benefitted from a certificate of lawful development and was not within the scope of what was in front of the committee. The dormer window had already been approved. Therefore, zero to minimal weight should be attached to it.
- If the dwelling house wanted to become an HMO, the site would fall under a different use class, requiring permission due to the material change of use. The proposal in front of the committee was for a single-story extension. The application was also not proposing to provide additional bedrooms, suggesting that there were no plans to convert it to an HMO later.
- It may not be reasonable to specify work times due to the small size of the application.
- The case officer concluded that the application was acceptable in terms of amenity impact, and he concurred with this assessment.
- If the applicant built the development not in accordance with the plans, and if there was expediency to undertake enforcement action, they would do so.
- The pedestrian access to the side would not be altered.
- There was a condition which stated that the materials to the proposed development must match in colour, form and texture to those of the existing building.

Members' Debate

"Councillor Lewis stated that he agreed with the points raised by Councillor A. Chambers, noting that the proposed development would actually provide more privacy than the property previously had. He encouraged the residents to contact Environmental Health if anti-social behaviour emanated from the site.

Councillor Hyman stated that he did not think there were sufficient grounds to reject the application. He stated that he would vote for the officer's recommendation.

Councillor Marshall stated that it was important to note that the application was not for an HMO property and that if the applicant did convert it to an HMO, they would need to submit a new application, which the neighbor could comment on. She concluded by stating that she saw no planning reasons to refuse the application.

Councillor A.Chambers stated that he had sympathy for the neighbours but that he saw no planning reasons for refusal and stated that he would support the officer recommendation.

Councillor Jones stated that he would have liked that the applicant and neighbours had reached a consensus and for it not to have had to come before Committee.

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Councillor Lewis proposed and Councillor A.Chambers seconded the proposal to accept the officer's recommendation.

RESOLVED that planning permission is granted subject to the conditions outlined in the officer report.

6. DELEGATED DECISIONS

RESOLVED that the delegated decisions of March 2024 were noted.

7. DATE OF NEXT MEETING

Tuesday, 2nd July 2024.

Time of commencement: 6.00 pm

Time of conclusion: 8.51 pm

Chair