



PLANNING COMMITTEE

MEETING : Tuesday, 3rd October 2023

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

Officers in Attendance

Planning Development Manager

Planning Officer

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

APOLOGIES : Cllr. Morgan

31. DECLARATIONS OF INTEREST

Councillors D. Brown, Tracey, and Gravells declared a non-prejudicial interest in agenda item 5 (15 Green Lane - 23/00341/FUL) due to their status as elected members of Gloucestershire County Council

32. MINUTES

The minutes of the meeting held on Tuesday 5th September 2023 were confirmed and signed by the Chair as a correct record.

33. LATE MATERIAL

Late material has been circulated regarding agenda item 5 (15 Green Lane - 23/00341/FUL), including additional late material for the same item.

34. FLAT 1, 15 GREEN LANE, GLOUCESTER GL3 3QT - 23/00341/FUL

PLANNING COMMITTEE
03.10.23

Owing to not being present at the start of the discussion of the Item, Councillor Toleman took no part in the discussion or voting on the item.

The Planning Officer presented the report detailing an application for a proposed change of use of a ground-floor residential flat to a residential institution (C2) for up to four 8-15 year olds living together and receiving 24-hour care in rolling shifts from employed carers. Proposed change of use of first-floor residential flat to a residential institution (C2) for no more than one 8-16-year-old receiving 24-hour care from a minimum of one employed carer on rolling shifts. Retention of external staircase providing access to first-floor unit.

The Planning Officer noted that the driveway to the side of the property was between 2 and 2.2 Metres wide.

He further clarified the reasonings why the retrospective application for the external staircase had been included in the application. The reason why the external staircase was included within the description of development was because it had been erected without ever receiving permission. Upon discovering that this feature was unauthorised, the Planning Officer (with agreement from the applicants) altered the description of development such that consent would now be sought retrospectively for the staircase.

Councillor Wilson addressed the Committee and made the following comments:

- The facilities, such as the one proposed were much needed. However, as the local ward member, he needed to take into account comments from local residents, and there were issues with the application.
- The main issue was with traffic and congestion issues on the road. Green lane was incredibly busy. Further, the end of the road was currently subject to a Traffic Restriction Order consultation, and, should this go through, traffic and congestion on Green Lane may get even worse. It was already the busiest road in Hucclecote.
- A high proportion of residents had raised issues about the application to him.
- The application site was between these two points and, should the application receive consent, visitors would be going to and from the site, this will increase the volume of traffic.
- Some residents already struggled to get in and out of the road owing to inconsiderate parking on the road.
- The residential nature of the site made the road unsuitable for the type of dwelling proposed, as it did not have the requisite infrastructure.

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

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

- Noise and nuisance concerns, particularly as the local area was home to a lot of elderly residents.
- It was not a 'regular family home' as the consultation stated.
- The application's site was in close proximity and overlooked other properties.

PLANNING COMMITTEE
03.10.23

- Anti-social behavioural concerns.
- There would be an increase in on street parking owing to there being at least 3 staff members on site. The road was already frequently congested, owing to street parking.
- Even if four spaces could be provided for parking, the plans show that three of the vehicles would be blocked in.
- He was unaware if it was still part of the application but there were discussions about including a music studio as part of the application. The noise pollution caused by this would be unacceptable.
- His vehicle had been blocked in previously owing to street parking, granting of the application would definitely add to this.
-

A representative of Connections 2 Independence addressed the Committee in favour of the application.

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

- The Planning Officer had provided a thorough report that should be approved.
- The application was supported by the County Council Children, Young People and Families Commissioner, as there was a substantial lack of suitable placements for children in Gloucester for the age group, the application would cater for.
- Children would have to be moved outside the County, owing to a lack of suitable accommodation, this would break all ties they had to their local area.
- Children would be supervised and cared for, for 24 hours a day, 7 days a week.
- All staff would be suitably trained.
- The application would have a sustainable travel policy to encourage staff to use public transport or share vehicles.
- While there were concerns about parking in the area, the application would provide 4 car parking spaces.
- The applicant anticipated that there would be no additional noise or traffic created by the granting of the application.
- They would not include a music studio.
- The application was policy compliant.
- They had been transparent and honest throughout the consultation process and taken on feedback throughout.

Members' Questions

The Planning Officer responded to Members' questions concerning why the outdoor staircase leading to the top floor had been built without planning permission originally, questions about the garden space, clarification about the number of bedrooms each property would have, concerns about the potential slippiness of the staircase leading to the first floor property, whether the trampoline in the garden was safe, the features of the inside of the property and whether they were suitable for the children who would be accommodated there, the number of staff who would be on site, who would have cooking responsibilities, concerns about accessibility,

PLANNING COMMITTEE
03.10.23

bin-storage, bike storage, concerns around a potential Traffic Regulation Order, whether residents could contact someone on site if there were issues with off-street parking or anti-social behaviour and whether someone from Gloucestershire Highways was meant to attend the meeting as follows:

- The reason(s) why the external staircase was built without permission would be a question for the applicant. He was not originally aware that the staircase had been constructed without permission. This discovery was made during a site visit in August 2023. The timing of this discovery was advantageous because it coincided with the application entering a secondary consultation phase with the public. This allowed the public to provide input on this aspect.
- The garden was generously sized. The children would also have a curfew.
- The downstairs building would be a five-bedroomed property, upstairs would be a one-bedroomed one.
- The stairs had an anti-grip finish to them.
- Use of trampolines was not a material planning consideration.
- The inside facilities (kitchen, lounge area, dining room) were policy compliant and generous.
- There would be two staff based in the downstairs property and one in the upstairs one.
- In all likelihood, the staff would be the ones cooking. It was also not a material planning consideration.
- Paragraph 6.16 of the report covered the issue of accessibility. The report read that "Policy C1 of the Gloucester City Plan requires that developments can be used safely, easily and with dignity no matter the identity, age or circumstances. It goes on to state that developments should present 'no disabling barriers' to their intended users, and that no undue effort, separation or special treatment should be required to make the development usable by all". The Planning Officer advised that while no bespoke accessibility measures were proposed in this application, this policy was satisfied: Building Control would ensure compliance with minimum accessibility standards; that the application involved the conversion of (quite old) existing building fabric was a mitigating factor.
- A condition would be inserted requiring submission and approval of bin storage arrangements prior to the use of the children's home.
- He could not comment on who exactly would use the Bike Storage. The application site offered ample room for a bike storage shelter and so it is anticipated that this detail can be resolved via condition. The condition would ensure a minimum of 8 spaces – for the 5 children and the 3 members of staff.
- Regarding the potential Traffic Restriction Order (TRO), it had not yet come into effect, therefore was not a material planning consideration. There is no guarantee the TRO will come into effect. It could not be considered as a grounds for refusal or deferral as legally, the Committee could only judge the application in front of them; potential future events cannot be considered as planning considerations, so refusing or deferring the application on this basis would be unreasonable.
- Highways had no objection to the application. The application would generate less traffic than what the site currently did. They were satisfied that there was adequate offstreet parking and that the side driveway could be utilised. The grounds for refusing an application on Highways grounds was

PLANNING COMMITTEE
03.10.23

that the change of use would have a 'severe' detrimental impact. The application would create less traffic, owing to the fact that the users of the site would predominantly be children between the ages of 8-15 downstairs and 15-16 upstairs. The main users of the off-street parking would be the staff members, whose shifts rotated at 9.30AM – after rush hour.

- Highways did not explicitly mention the potential TRO in their analysis. This does not mean that they did not take it into account.
- An employee of Gloucestershire Highways did not attend every Planning Committee meeting – their absence from this meeting was not unusual.
- There would be contact details circulated to local residents for a staff member on site, should there be any issues caused once the children moved into the dwellings.

The Planning Development Manager responded to a Member's question concerning the potential TRO and the impact that could have on the application as follows:

- Even if a TRO was put into place, the Highways assessment of the application would be the same. For an application to be refused on Highways grounds, the application would have to be deemed to create a 'severe' impact on the existing highway network. The proposed use would generate fewer trips. There was no plausible way to demonstrate that the application would have a severe impact on traffic generation when it would create fewer trips.

The Locum Planning Lawyer responded to a Members' question concerning the proposed TRO as follows:

- The TRO had not (and may not) come into effect. It was still in the consultation process. It could not be gauged as to what impact the TRO would have on traffic if it came into force and it was not a material consideration for the application in front of the Committee given the level of existing use.
- It could be deemed unreasonable to defer an application on an event that may or may not happen, particularly when the proposed change of use would generate less traffic.

Members' Debate

Councillor Conder noted that her ward had had similar applications go through and that while problems with noise and nuisance often arose early on, good, constructive dialogue between the staff and the local community often saw the issues resolved quite promptly, meaning that the impacts on neighbouring amenity were not problematic. She also stated that inconsiderate parking could happen on any road and was something that could be worked out between the staff and local residents.

The Chair noted that he sympathised with the points raised regarding traffic in the area and that Green Lane was undeniably busy. However, he said that the

PLANNING COMMITTEE
03.10.23

Committee needed to follow the law and that, to refuse it on Highways grounds, the impact needed to be demonstrably 'severe'. There would be less trips generated, should the application receive consent, so he was uncomfortable with the idea of deferring or refusing on these grounds.

Councillor D. Brown noted that Green Lane was the narrowest lane in Hucclecote, measuring under 5 meters in width. He mentioned that the road was challenging to navigate due to its narrowness and the high level of traffic it experienced. Additionally, Green Lane connected to approximately 15 different roads and served various busy properties, including a school. While he understood that deferring the application for a year might not be feasible, he suggested a short deferral to allow Highways to conduct a more detailed and specific assessment, as their initial assessment appeared vague and lacked detail.

Councillor Kubaszczyk stated that he sympathised with the concerns raised by local residents and ward members. However, he added that he did not believe that the application could be deferred on Highways grounds, when there would be 3 members of staff on rotation and all the other residents would be children who were not old enough to drive.

Councillor Tracey raised concerns about how busy the area was and noted that the children would need transport in the mornings.

Councillor Gravells stated that he agreed with all the points raised by the applicant in his representation and agreed that Gloucester needed accommodation such as the one proposed. However, he added that he did not think the 'trade-off' for the negative impact it would have on neighbouring amenity in such a busy area was worth it. He said that he would reluctantly vote against the officer recommendation.

Councillor Sawyer noted that she supported Councillor D.Brown's suggestion and reasoning for possibly proposing deferral. She said that Highways had not provided a detailed response as to how they came to their conclusions.

Councillor D.Brown stated that the phrasing for refusal on highways ground stated 'severe impact' not 'severe increase' and that he believed that the granting of the application would have a severe detrimental impact. He said, this would not just be caused by the volume of cars potentially parking on the road but that knock on effect of this was that it would reduce the width of the road even further.

The Chair proposed, and Councillor Kubaszczyk seconded the officer recommendation.

As the vote was tied, the Chair used his casting vote to vote in line with the officer recommendation.

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

35. DELEGATED DECISIONS

**PLANNING COMMITTEE
03.10.23**

RESOLVED that the delegated decisions for August 2023 were noted.

36. DATE OF NEXT MEETING

Tuesday, 7th November 2023.

Time of commencement: 6.00 pm
Time of conclusion: 7.40 pm

Chair