



## PLANNING COMMITTEE

**MEETING** : Tuesday, 2nd April 2024

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

### **Officers in Attendance**

Planning Development Manager

Highways Officer (x2), Gloucestershire Highways

Principal Planning Officer

Planning Officer

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

### **Also in Attendance**

Councillor Lewis

Agent

Local Resident

**APOLOGIES** : Cllr. Toleman

## **69. DECLARATIONS OF INTEREST**

Councillor Conder declared a non-pecuniary interest in agenda item 6 (52 Curtis Hayward Drive) as she had inadvertently met the applicant whilst canvassing but she had not pre-judged the application.

## **70. MINUTES**

**RESOLVED** that the minutes of the previous meeting held on Tuesday, 5th March 2024 were confirmed and signed by the Chair as a correct record.

## **71. LATE MATERIAL**

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Late material had been circulated in relation to Agenda Item 5 (Former Sainsbury Store) and Item 6 (52 Curtis Hayward Drive). Additional late material was also circulated concerning Agenda Item 6.

**72. 52 CURTIS HAYWARD DRIVE, GLOUCESTER - 20/00993/FUL**

**Officer Report**

The Planning Officer presented the report which detailed a retrospective application for a conversion of an internal garage into a habitable room.

The Officer clarified that the application was before Committee as it had been called in by a local ward Member (Cllr Lewis).

**Public Speeches**

*Councillor Lewis addressed the Committee in opposition to the application.*

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

- The building was not being used as a small habitable room, it was being used as an office with 27 staff.
- 1 employee was at the property at all times and was full time.
- It was a busy office.
- Vehicles were visiting and leaving the site throughout the day.
- The business was causing vehicles to park on the narrow road.
- The busy office did not fit in with the character of the cul-de-sac.
- The door on the front of the site was not in character of the street scene, was unsightly and was of an industrial nature. This was unsuitable for the cul-de-sac it was placed in.
- Overall, the frontage of the property had a highly inappropriate look, which did not fit in with the local street scene and was being run as a business, not a habitable room. Further, it was in the wrong location.

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

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

- She was speaking on behalf of local residents who objected to the application.
- The inclusion of the locking front door was akin to a small industrial unit . It did not fit in with the street scene.
- The initial consultation took place in October 2020, not November 2020 as was stated in the Committee Report. The plans being considered at that stage erroneously showed a window on the front elevation, rather than the PVC door frontage that had actually been installed.
- The frontage was not in keeping with the street scene. It was a quiet residential area.
- The application did not comply with the Joint Core Strategy (JCS – Policy SD4).

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- Whilst other properties in the locality had converted garages into habitable rooms, none had used the type of door and windows that had been used for the site.
- The conversion was being used as an office for a business, not a general habitable room. The business was registered as the property.
- It had not been changed to a standard home office, as had been claimed.
- The business manager attended the site every working day.
- The area had a narrow street. There were frequent visits in and out of the area and persons parking on the road.

**Members' Questions**

The Planning Officer responded to Members' questions concerning whether there had been other disruption caused to residents, apart from the parking issues from the site, whether the policy contradicted policy A4 of the Joint Core Strategy (JCS), whether it would be reasonable to place a condition that the existing grass area was replaced with further off-street car parking, whether the Planning Officer was aware why a planning application on the site was refused in 1999 and whether it was a different occupant, whether there would still be neighbour objections if the frontage design was different, whether an enforcement case had been opened on the application site, whether the occupiers were allowed to operate a business, how many properties were in the cul-de sac, whether the owners of the dwelling lived at the property, the number of complaints from local residents regarding the application, concerns about whether all comments from neighbours had been included in the Officer report, whether a condition could be included that stipulated that the frontage of the site had to align with the existing street scene, whether a staff member travelled to and from the site, how the site would be monitored to ascertain whether a breach of the permission had occurred should the application receive consent, and how many cases the Planning Enforcement officer currently had and how many times the Planning Officers had visited the site as follows:

- A comprehensive summary of the neighbourhood comments was included in the Officer report. The main issues raised were related to the highways impact, parking and the look of the frontage.
- The conclusion reached in his report in relation to policy SD4 was that the new frontage utilised a pallet of colours and materials that was broadly in keeping with other properties on the street.
- The test of any condition was whether or not it was required to make an application acceptable with regards to the relevant planning policy - in making his recommendation he did not deem it necessary to condition additional off-street parking.
- He could not say the exact reasons why permission was refused in 1999 for a previous application. In looking into the site history, he believed that the application may have been refused owing to a highways issue.
- He was not aware of a separate enforcement action relating to the use on the site. In terms of the wider questions around enforcement, the information gathered after inspecting the site with the Enforcement Officer suggested that the period of more intense activity during COVID-19 had calmed down. Information was submitted by the applicant detailing the number of staff/vehicle movements there would be if the application were granted. This

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information, which was listed in the report, informed a clear set of parameters that should define the terms of the permission. This would allow enforcement action to be taken if the permission is breached.

- Whether or not the occupiers of the dwelling had rights to run the property as a business was not a material planning consideration.
- There were at least 52 properties in the Cul-De-Sac.
- The owners of the property lived at the dwelling.
- There had been 10 neighbour objections and an additional one which was included in the published late material.
- He had not been made aware of complaints about other conversions. Each application was based on its individual merits.
- A staff member did travel to and from the site.
- The judgement in terms of whether the site was being run as a business related to the degree of intensity.
- Any enforcement action would be the remit of the Enforcement Officer.
- The information within paragraph 6.9 highlighted the nature and extent of the acceptable business use. Condition 2 of the report tied in with this. If they exceeded the limits outlined, the Council could take enforcement action.
- The number of cases that the Planning Enforcement Officer had was not a material planning consideration.
- He and the Enforcement Officer undertook a site visit in February 2024. The application had a couple of case officers previously who had visited the site.

The Highways Officers responded to a Members' question concerning whether a condition could be imposed that required the addition of additional off-street parking as follows:

- The application was based on the change of use to a habitable room. There was space to add additional off-street parking. This could be done under permitted delegated decisions.

**Members' Debate**

Councillor D.Brown stated that he was putting in a lot of trust in the penultimate bullet point 6.9 of the officer report which stated that there would be no more than 2 staff visits per week and one a day. He said that he hoped that this would be adhered to.

The Vice-Chair stated that he believed that the crucial matter in determining the application related to the degree of intensity of business use. He said if it were a small cul-de-sac, the negative affect would be more detrimental. He said that the assurance in relation to restriction on movements to and from the site showed that the applicant was aware that they had had an issue with neighbours in the past. Regarding the concerns regarding frontage, he stated that he understood concerns but that it was not totally out of step with the street scene. He did not believe there was a planning reason to justify refusal.

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Councillor Tracey raised concerns about the number of vehicle movements to and from the site due to staff arriving and leaving.

The Chair stated that he concurred with points raised with the Vice-Chair. He said that he did not think it contradicted policy SD4 of the Joint Core Strategy. He said that the usage of it in the past was not relevant on a planning basis.

Councillor A.Chambers highlighted potential reasons for refusal according to national guidelines. He highlighted that traffic, negative effects on local amenities and detrimental effects on the local area were three reasons which could justify a refusal of an application. He said that he believed that the frontage did not fit in with the street-scene and stated that no other conversion in the area had raised complaints as they were more in-keeping with the area. He highlighted the fact that Quedgeley Town Council had put in three letters of objection. Councillor A. Chambers stated that the application was not for a conversion to a habitable room but was for a business. He expressed that in his view, the applicant had frequently exceeded the staff visits/vehicle movement parameters to date (as one staff member visited on a daily basis), and that it was therefore unlikely that the applicants would abide by the terms of the permission. He also reiterated his belief that the frontage did not match the street scene, that it was unsightly and that the trip generated by staff increased traffic pressures.

*The Locum Planning Lawyer noted that the application was not for a business use and that the application had had its permitted development rights taken aware as it had been called in by the Local Member. He said that condition 2 set out the terms of intensity of use.*

The Chair moved and the Vice-Chair seconded the officer recommendation.

**RESOLVED** that planning permission was **GRANTED** subject to the conditions outlined in the officer report.

**73. 63-69 NORTHGATE STREET (FORMER SAINSBURY STORE) - 22/01181/FUL**

**Officer Report**

The Principal Planning Officer presented the report which detailed an application for the demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme. The application had been deferred at the previous committee meeting.

**Public Speeches**

*A representative for Clarehouse Developments Ltd addressed the Committee in favour of the application.*

- In regard to the concerns raised about the Hare Lane colour scheme, the applicant had provided 3 potential options, which was included in the late material. The visualisations showed that the design and colour scheme

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would not be similar to the existing building, and the proposed build demonstrated a beneficial effect in the quality and character.

- Regarding concerns raised about highway safety on Pitt Street, particularly for schoolchildren who went to Kings School. The applicant sympathised with the children of King's School. However, the proposed change of use would lead to a reduction of movements.
- Regarding concerns raised by some members in relation to Car Parking. The applicant believed that owing to the highly sustainable location of the site and its strong links to public transport, the applicant had not proposed to provide additional parking. It would also affect scheme viability.
- In regard to the concern raised about whether there was a gap between the building site and the Raven Centre Site. This matter was covered by the Party Wall Act and the Planning Listed Buildings and Conservation Areas act. It was understood that the two buildings were not connected.
- The applicant did not propose to have the build tied in or connected to the Raven Centre.
- There were significant public benefits to the scheme, including 11 affordable homes on a currently underutilised premises that did not make a positive contribution to the City. There would also be green landscaping introduced.
- The proposal would have numerous economic benefits including a CIL payment of over £200,000 and a total provision of over £500,000.
- There would be significant job creation during the construction phase of the development.

**Members' Questions**

The Principal Planning Officer responded to Members' questions concerning whether the material at the frontage was made of brick and the colour of it, questions concerning the colour of the railings at the top of the build, the design of top storey, whether the design was similar to a different scheme in Southgate Street, whether children would occupy the dwellings, whether the adjacent car park belonged to the City Council and if the developer would purchase car parking spaces from the Council, washing, whether a stipulation could be included that would exclude large construction vehicles going down Pitt Street during the construction phase of development, the speed limit down Pitt Street whether the Police had made any further comments on the application, what was the allowance for cycle storage, and what influence the Planning Committee could have on the colour as follows:

- The material on the front of the site was brick.
- The visual indicated that the brick would be of a silvery-grey colour. There was a condition to sign off the specific brick product. If and when the applicant provided details in relation to the brick product that would be used, applicants often provided the justification as to why they had picked that approach.
- The design/colour scheme of the railings could be covered by condition.

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- Without knowing the exact product of what material would be used for the cladding on the top storey, it was difficult to state what was available and to make a design decision based off of it.
- He was not aware of a similar build in Southgate Street.
- In all likelihood, some children would be living in some of the dwellings.
- The purchase of car parking spaces in the Council car park was not part of the application.
- The placement of washing lines was not a material planning consideration. This may fall under the jurisdiction of the management company, which could establish specific rules regarding this matter.
- Condition 46 outlined that no development would take place until a construction management plan had been submitted and approved. This included advisory routes for construction traffic, this point could be picked up with the Highways Authority.
- The speed limit down Hare Lane was 20mph.
- Gloucestershire Constabulary had not made any further representations on the application.
- There would be 78 spaces for bike storage. In addition, the plans show a space within flats that could accommodate bikes.

*In relation to concerns raised by Cllr A.Chambers about whether there was a discrepancy between the plans on the Planning Portal and those shown to committee, the meeting was briefly adjourned, it was confirmed that the concern was caused by the method in which the architect had labelled revisions to the plans and that the plans in front of the Committee were accurate and the most up to date. For the avoidance of doubt, Officers could add a date of receipt.*

### **Members' Debate**

Councillor Conder stated that she believed that Members should be looking at the roof line as it was her belief that the roof line was unsatisfactory as it was still a block and she felt that it should have more variety. She stated that the street scene in the town centre had more variety as the buildings had been built separately and that the proposal was too uniform, also that the scheme was not the right colour and should be red brick. Councillor Conder stated that she believed that the Hare Lane façade change could be white render which would have been satisfactory but that the fact that it would be white brick was not satisfactory. She stated that she would be more satisfied if there was more variety in the street scene.

Councillor Campbell expressed her personal preference for the grey appearance out of the visualisations presented.

Councillor Dee expressed disappointment that the applicant had not amended the frontage on Hare Lane, noting that it did not align with the character of the street scene. Additionally, she raised concerns highlighted by the Civic Trust and Historic England.

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Councillor A.Chambers stated that he believed it was a good development. He stated that he liked the contrast of older looking buildings and new ones. He said that he liked the design and that he was content that the applicant had looked at increasing bike storage. He said that whilst he was previously hesitant to support it, he said that there was a shortfall of housing which the application would help to combat. He said that it may help to reduce the number of persons who were reliant on bed and breakfast and temporary accommodation. He said that it could also be a good space for student accommodation and that he would support the proposal.

Councillor Gravells raised concerns regarding the feasibility of implementing a car-free approach. He stated that he welcomed the number of affordable housing units there would be.

Councillor Tracey indicated that she would support the application.

Councillor Conder stated that, out of the three visualisations for the roof, her preference was for the dark grey.

The Chair stated that he was happy with the report and pleased to see that there would be affordable housing on a previously unused brownfield site. He noted that whilst he said some reservations about the Hare Lane frontage, he was happy to support the application on balance.

The Chair moved and Councillor D.Brown seconded the officer's recommendation.

**RESOLVED that** planning permission is **GRANTED** subject to the completion of a legal agreement/s to secure the terms set out at Paragraph 6.124 of the March Committee Report and delegated Authority being given to the Planning Development Manager (or equivalent replacement post holder) to negotiate the s106 terms to suit; and; the conditions outlined in the March 2024 Committee Report as amended in the updated officer report.

**74. DELEGATED DECISIONS**

**RESOLVED** that the delegated decisions of February 2024 were noted.

**75. DATE OF NEXT MEETING**

Tuesday 4<sup>th</sup> June 2024.

*At the end of the meeting, Members applauded Councillor Taylor for his chairmanship of the Committee, as he had announced that he would not be standing for re-election at the local elections scheduled for May 2024.*



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**Time of commencement: 6.00 pm**  
**Time of conclusion: 8.15 pm**

**Chair**