



# Gloucester City Council

## Planning Committee

**Meeting: Tuesday, 7th February 2017 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Fearn, Finnegan and Walford
<b>Contact:</b>	Anthony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

## AGENDA

<b>4.</b>	<b>LATE MATERIAL</b> (Pages 5 - 12)  Please note that any late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting.
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**Jon McGinty**  
Managing Director

**Date of Publication: Monday, 30 January 2017**

## NOTES

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area.  For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, [anthony.wisdom@gloucester.gov.uk](mailto:anthony.wisdom@gloucester.gov.uk).

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

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- Do not stop to collect personal belongings;
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### **HUMAN RIGHTS**

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

### **EQUALITY ACT 2010**

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

## LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

### PLANNING COMMITTEE: 7<sup>TH</sup> FEBRUARY 2017

#### ITEM 6 – UNIVERSITY OF GLOUCESTERSHIRE, OXSTALLS LANE – 16/01241/REM

##### Car park lighting condition

Further discussion has been held with the University about the ability to control the operation of lights in the car park during the night in the interests of the residential amenities of the nearby properties. The University noted the following;

- The library is a 24 hour operation.
  
- If the requirement is to have car park lighting turned off wholly during the night then the University would need to close the car park to avoid any health and safety issues arising from students seeking to use an unlit car park.
  
- Turning off some of the lights / closing a section of the car park doesn't appear to be a practical measure given its configuration with the access near the boundary of the site.
  
- As an alternative it is suggested that the light fixtures could be fitted with a motion sensor / dimmer control that would allow them to all dim down to a set value, eg 10% of output between agreed hours and then, if they detect motion, they will then go back to 100%. This could be on a luminaire by luminaire basis so that the whole area won't go on together.

In Officers' opinion this is a reasonable position addressing health and safety issues while mitigating effects on the amenity of residents. I recommend a condition is imposed to secure a strategy for managing the car park lights. This condition has been agreed with the University.

##### Highways condition on visibility splays at the footpath crossing

Since publishing the Committee Report the applicant has queried the necessity of the condition on visibility splays at the public footpath crossing (the first condition of the 'HIGHWAYS' section). The Highway Authority Officer clarified the reasons for the condition and a further plan has been received from the applicant that is acceptable to the Highway Authority. A revised condition is proposed to secure this arrangement.

As a result of amending the position of the substation compound out of the visibility splay there are also consequential amendments to other plans now received, so the 'approved plans' condition is also proposed to be updated. The 'Proposed site layout' plan has not however been updated so the Officer recommendation has been altered to secure consistency across plans. I also recommend a further condition to obtain precise details of the substation compound.

##### Amended recommendation of the Development Control Manager:

That subject to receipt of an updated Proposed site layout plan to be consistent between plans as to the layout of the substation compound and surroundings,

reserved matters approval is given subject to the conditions in the Committee Report with the following amended/new conditions;

Amended approved plans condition

The development shall be undertaken in accordance with the plans referenced;

(Updated version of Proposed site layout ref. UoG ASL 00 00 DR A 0003 received by the Local Planning Authority on 25<sup>th</sup> January 2017 to ensure consistency across plans)

Level 00 Plan ref. OX ASL 00 00 DR A 0100 Rev. B received by the Local Planning Authority on 5<sup>th</sup> October 2016

Level 01 Plan ref. OX ASL 00 01 DR A 0101 Rev. B received by the Local Planning Authority on 5<sup>th</sup> October 2016

Level 02 Plan ref. OX ASL 00 02 DR A 0102 Rev. B received by the Local Planning Authority on 5<sup>th</sup> October 2016

Roof Plan ref. OX ASL 00 03 DR A 0103 Rev. C received by the Local Planning Authority on 5<sup>th</sup> October 2016

Elevation ref. OX ASL 00 XX DR A 0130 received by the Local Planning Authority on 5<sup>th</sup> October 2016

Elevation ref. OX ASL 00 XX DR A 0131 received by the Local Planning Authority on 5<sup>th</sup> October 2016

External works general arrangement: materials and finishes ref. OX ASL 00 XX DR L 0001 Rev. G received by the Local Planning Authority on 7<sup>th</sup> February 2017

External works general arrangement: materials and finishes ref. OX ASL 00 XX DR L 0002 Rev. E received by the Local Planning Authority on 9<sup>th</sup> January 2017

External works planting plan (sheet 1) ref. OX ASL 00 XX DR L 0003 Rev. F received by the Local Planning Authority on 7<sup>th</sup> February 2017

External works planting plan (sheet 2) ref. OX ASL 00 XX DR L 0004 Rev. D received by the Local Planning Authority on 9<sup>th</sup> January 2017

External works planting schedule ref. OX ASL 00 XX DR L 0005 Rev. C received by the Local Planning Authority on 9<sup>th</sup> January 2017

External works typical sections sheet 1 ref. OX ASL 00 XX DR L 0006 Rev. C received by the Local Planning Authority on 9<sup>th</sup> January 2017

External works typical sections sheet 2 ref. OX ASL 00 XX DR L 0007 Rev. B received by the Local Planning Authority on 5<sup>th</sup> October 2016

External works cycle parking ref. OX ASL 00 XX DR L 0008 Rev. B received by the Local Planning Authority on 5<sup>th</sup> October 2016

External works pedestrian route through main car park ref. OX ASL 00 XX DR L 0009 Rev. B received by the Local Planning Authority on 25<sup>th</sup> January 2017

Crossing detail ref. UOG-ARP-00-XX-DR-C-1500 Issue 01 received by the Local Planning Authority on 5<sup>th</sup> October 2016 in respect of the signs and road surface lining

Sightlines to sustrans crossing ref. OX ASL 00 XX DR L 0019 Rev. A received by the Local Planning Authority on 7<sup>th</sup> February 2017 in respect of the visibility splays

External works. Ornamental planting plan ref. OX ASL 00 XX DR L 0014 Rev. B received by the Local Planning Authority on 7<sup>th</sup> February 2017

except where otherwise required by conditions of this approval.

#### Reason

To ensure the works are carried out in accordance with the approved plans.

#### Amended Condition regarding the visibility splay:

Prior to the proposed access road crossing National Cycle Route 41 being brought into use the emerging and forward visibility splays as shown on drawing OX\_ASL\_00\_XX\_DR\_L\_0019 Rev A shall be provided and shall be kept clear of any obstruction and thereafter maintained so as to provide clear visibility between 0.26m and 2.0m above the adjacent carriageway level.

#### Reason

To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

#### Full condition wording to control the car park lighting:

The light fixtures within the car park shown on plan ref D11-10749 Rev C shall not be brought into use until a strategy for their use has been submitted to and approved in writing by the Local Planning Authority. This strategy shall demonstrate an operational mechanism to ensure a reduced light emission after 2200hours and before 0700hours on any day (other than where a motion sensor type system is employed to provide a limited time period of heightened illumination for persons utilising the car park). The light fixtures within the car park shown on plan ref D11-10749 Rev C shall be operated only in accordance with the approved strategy.

#### Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Additional condition to secure details of the substation

The substation compound situated to the north of the public footpath shall only be constructed in accordance with precise details of its appearance shown in layout and elevation on scaled plans that have been submitted to and approved in writing by the Local Planning Authority.

Reason

To secure precise details and ensure that the design and appearance of supporting infrastructure is appropriate to the context in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the NPPF and Policy BE.7 of the Second Deposit City of Gloucester Local Plan 2002.

## **ITEM 7 BARBICAN CAR PARK , LADYBELLEGATE STREET 16/01525/FUL**

### **Revisions to proposed conditions**

Condition 2 – Plan Numbers

Plans numbered 2, 8 and 9 in the main report replaced with the following:-

2. Proposed Site Plan Drawing no: 3348-FBA-00-XX-DR-A-05\_10-00 P1.1
8. Proposed Site Section Drawings no: 3348-FBA-00-XX-DR-A-05\_10-16 P1.2
9. Proposed Site Section Drawings no: 3348-FBA-00-XX-DR-A-05\_10-17 P1.2

Additional Plan Numbers

- 18 Block C Level 0 & 1 Plan 3348-FBA-C-XX-DR-A-00\_10-000 P1.1
19. Block C Level 2 & 3 Plan 3348-FBA-C-XX-DR-A-00\_10-100 P1.2
- 20 Block C Level Roof Plan 3348-FBA-C-XX-DR-A-00\_10-200 P1.2
21. Block C Sections 3348-FBA-C-XX-DR-A-00\_10-01 P1.1 P1.2
22. Block C Elevations 3348-FBA-C-XX-DR-A-00\_10-51 P1.2
23. Block D Plans 3348-FBA-D-XX-DR-A-00\_10-000 P1.2
24. Block D Sections 3348-FBA-D-XX-DR-A-00\_10-01 P1.2
25. Block D Elevations 3348-FBA-D-XX-DR-A-00\_10-51 P1.2
- 26 Block E Plans, Sections & Elevations 3348-FBA-E-XX-DR-A-00\_10-000 P1.1

The applicants have informed that the management plan for the University is regularly updated, therefore suggest that condition 11 is amended to the following :-  
Condition 11

The site shall be managed at all times in accordance with the University of Gloucestershire Operational Management Plan Version Number 2, unless otherwise agreed in writing with the LPA, and an agreed updated version of the Operational Management Plan be implemented

Reason : As previous on condition 11.



Condition 20 to be altered to allow trigger for detail submission to fit in with build programme. Revised condition 20 to state the following :-

No construction shall take place or external surfacing materials installed until details or samples of all materials to be used for built structures, landscaping and the public realm have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason; As previous on condition 20

Condition 24 to be altered to allow trigger for detail submission to fit in with build programme . Revised condition 24 to state the following :-

*Prior to first occupation of the development, a site management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including the pedestrian street and access lift, shall be submitted to and approved in writing by the local planning authority . The site management plan shall be carried out as approved'.*

Reason :As previous on condition 24

Condition 39 to be altered to allow trigger for detail submission to fit in with build programme Revised condition 39 to state the following :-

*Prior to first occupation of the development, details shall be submitted providing the specification and location for bird and bat boxes. The boxes shall be provided in accordance with the approved details prior to the occupation of the building hereby approved'*

Reason :As previous on condition 39

## **ITEM 8 LAND AT ST ALDATES CHURCH, FINLAY ROAD 14/00449/FUL**

### **Additional Representations**

Desmond McKane - I now no longer live in that area and would not be affected by any such development. Therefore I have no objection to this development - indeed I feel it would be a good use of neglected land.

White City CIC - White City CIC is a newly formed organisation that has been created to lead the new Community Centre build. The CIC has an appointed board of Directors and a membership consisting of a wide range of different organisations that will be pivotal to the project and its development.

A project plan has been developed and this incorporates various milestones that will allow the CIC to monitor the progress made against such outcomes. These will regularly be reported on both to the members of the CIC and the City Council.

It is anticipated that the project will take 5 years to complete – this period allows for contingencies should any hurdles be met along the way. Actual building work will not take place until 75% of the fundraising target has been met and should we fail to meet the original target of approximately 1.25 million then a plan b has been devised and will be executed. This plan sees a smaller scale building project taking place. The fundamental aim of the CIC is to ensure that the Community benefit from the money given to them by the Diocese.

The first part of the project will involve extensive community consultation to build upon that which has already taken place. The next step will be to then complete a feasibility study and get some plans, designs and estimates drawn up so that funding can be applied for. The CIC have already identified funding possibilities and are developing relationships with both individuals and organisations that can provide advice, support and guidance.

### **Additional Consultation Response**

The Environmental Planning Manager has commented on the ecology report and the bat survey. No objection is raised subject to conditions to secure a method statement for site clearance, the provision of bat and bird boxes and external lighting details.

### **Ecology**

Guidance in the NPPF seeks to conserve and enhance the natural environment, promote biodiversity and protect wildlife. Similarly Policies B7 and B.8 of the 2002 Plan and SD10 of the JCS which encourage development to contribute positively to biodiversity and policy B10 requires the retention of important trees and hedgerows and compensatory replacement when this is not possible.

The applicant has undertaken an extended Phase 1 habitat survey to assess the ecology of the site and a subsequent update undertaken in May 2016.

The report identifies that the site provides nesting opportunities for birds in the form of the church hall, trees, shrubs and hedgerow. Therefore removal of the suitable nesting habitat should be undertaken outside of the main nesting season of where this is not possible, a precautionary approach must be applied with a qualified ecologist checking for nesting evidence.

The report also states that there is a relatively low possibility of grass snakes and hedgehogs in the tall herb habitat, the compost heap and log piles and these areas should be strimmed and removed by hand to avoid any risk to them.

There is a small pond within the garden of the vicarage. This has been evaluated as “poor” suitability for great crested newts and given its location within an urbanised area and isolated from larger areas of suitable habitat, it is considered extremely unlikely that great crested newts are present on the site.

The report did identify the site as having some potential for roosting bats: in trees within the garden, gaps, holes and slipped/missing roof tiles within the vicarage and

the church hall. Therefore a bat emergence survey was undertaken. This did record bat activity across the site however no bats were observed emerging from the church hall, vicarage or the trees. The roof area of the vicarage was inspected and there was no evidence of roosting bats. The interior of the church hall was viewed through the windows, and it did not appear to contain suitable roosting features. There was no evidence of roosting bats on the exterior of either building, in the form of droppings, feed remains or urine stains.

The report recommends that, depending on the time of year, roofing tiles may need to be removed by hand and with ecological supervision, the installation of bat boxes on the new buildings, low powered and downward pointing lighting and the planting of native trees and flowering shrubs.

The development of the site and the removal of trees will result in the loss of some habitat however these are not considered to be of particular high quality and are not considered to support protected species. New planting is proposed together with the provision of bird and bat boxes across the site and these are considered to be appropriate forms of mitigation. A method statement detailing the new ecological provisions, compliance with the recommendations within the submitted surveys including the method of demolition of the buildings and removal of the trees will be required by condition. Therefore there is no overall objection in ecological terms and it is considered that the proposals would comply with the above cited policy context in terms of ecology.

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