



Gloucester City Council

Planning Committee

Meeting: Tuesday, 13th January 2015 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Noakes, Hilton, McLellan, Smith, Hobbs, Hanman, Ravenhill, Dee, Mozol, Toleman and Chatterton
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 5 - 12) To approve as a correct record the minutes of the meeting held on 2 December 2014.
4.	GLOUCESTER QUAYS - LAND AT BAKERS QUAY, LLANTHONY AND MONK MEADOW - 14/00709/FUL (Pages 13 - 76) Contact: Development Control Tel: (01452) 396783
5.	BLACKBRIDGE ALLOTMENTS, STROUD ROAD - 14/01317/OUT (Pages 77 - 92) Contact: Development Control Tel: (01452) 396783
6.	29 TEWKESBURY ROAD - 14/01321/TPO (Pages 93 - 142) Contact: Development Control Tel: (01452) 396783

7.	DELEGATED DECISIONS (Pages 143 - 158) Contact: Development Control Tel: (01452) 396783
8.	DATE OF NEXT MEETING Tuesday 3 February 2015 at 18.00 hours.

M. Shields

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Martin Shields
Corporate Director of Services and Neighbourhoods

Date of Publication: Monday, 5 January 2015

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.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



PLANNING COMMITTEE

MEETING : Tuesday, 2nd December 2014

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Noakes, Hilton, McLellan, Smith, Hobbs, Hanman, Dee, Mozol, Toleman and Chatterton

Officers in Attendance

Anthony Wilson, Head of Planning

Michael Jones, Locum Solicitor

Adam Smith, Principal Planning Officer, Major Developments

Joann Meneaud, Principal Planning Officer

Carly Holder, Planning officer

Meyrick Brentnall, Environmental Planning Service Manager

Louise Follett, Planning Policy Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr. Ravenhill

47. DECLARATIONS OF INTEREST

Councillors Hilton, McLellan and Mozol declared personal prejudicial interests in agenda item 5, 15, Riversley Road, by virtue of their association with the applicant.

Councillor Taylor declared a personal non-prejudicial interest in agenda item 5 by virtue of his working relationship with an objector as a governor of Heron Primary School.

48. MINUTES

The minutes of the meeting held on 4 November 2014 were confirmed and signed by the Chair as a correct record.

49. LAND EAST OF HEMPSTED LANE - 13/01032/OUT

The Principal Planning Officer presented the report which detailed an outline planning application for residential development of site, open space including orchard, cycleways, footpaths, and associated works. Means of access offered for

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approval (layout, scale, appearance and landscaping reserved for future consideration) on land east of Hempsted Lane.

He referred to the late material and advised that 50 units were now envisaged and he displayed an indicative layout and visualisations that had been supplied by the applicant.

Tim Partridge, planning agent for the applicant, addressed the committee in support of the application.

Mr Partridge stated that there were no sound planning reasons to refuse the application which had been the culmination of 14 years work by the charity and the site had emerged as part of the work on the draft City Plan.

He noted that the application had been reduced from an original 60 dwellings to 50, and would deliver 40 per cent affordable housing. A buffer of 14 metres from Hempsted Lane had been included to separate the development from the Conservation Area together with a 10 metre green link to the east side.

Half of the site would be developed and the remainder would be dedicated as public open space. This land, which had previously been private, would be open to the public and the orchard would be retained and enhanced.

The development would enhance the experience of the area including the Conservation Area, and the delivery of housing would help meet the City's need, in line with the requirements of the National Planning Policy Framework to significantly boost housing supply. The Landscape Conservation Area policy had been overtaken by emerging policy and could be given only limited weight, and there was, in fact, low/medium landscape sensitivity.

He advised that the Section 106 obligations also included a contribution to education which would enable the much needed extension to Hempsted School.

Ray Dyer, Secretary of Hempsted Community Forum, addressed the Committee in opposition to the application.

Mr Dyer stated that the Forum was in the process of producing a neighbourhood plan for Hempsted and granting the application would overthrow policy which had been in place for 20 years. He noted that the National Planning Policy Framework was not just concerned with the delivery of housing but was designed to encourage sustainable development.

He noted that the application would result in the loss of green fields and he referred to the Council's Conservation Officer's comments in the report. The application was contrary to the findings of the WSP report and had previously been considered unsuitable for development in the Strategic Assessment of Land Availability. A Medieval ridge and furrow field system would be lost. It was considered that the report failed to give sufficient weight to environmental issues.

He stated that the Forum disagreed with the landscape assessment and called for the retention of the field immediately to the east of Hempsted Lane. He noted that

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the WSP appraisal considered that the applicant's appraisal may not be supported at public inquiry. He believed that the application was not infilling as the term was usually used for much smaller developments. He also noted that a 5 year housing land supply could be demonstrated.

Councillor Hilton considered that on the face of it the proposal looked good, and questioned what the normal level of public open space requirement would be. He queried that if the application was approved, would that land come to the City Council; and added that while it looked good now, could that provision be revisited and a different arrangement end up occurring. He was advised that the public open space would be adopted under the terms of the Section 106 Agreement and the green links and extent of residential development would be secured by condition. The Environmental Planning Service Manager advised that the usual start point for negotiation would be 2.8 ha per 1,000 population and the application included significantly more public open space than would usually be expected. He was also advised that although those terms would be secured in this application, there was nothing to stop further applications for the site being made to alter the arrangements, which would have to be considered at that time.

The Chair asked about the SHLAA process and was advised that the site had been included in the Strategic Housing Land Availability Assessment 2012 as part of the Joint Core Strategy work and was considered to be suitable, available and achievable. In terms of the WSP appraisal of the application, the Environmental Planning Service Manager confirmed that there were some deficiencies but that it was considered to be, on balance, a proportionate response to the scale and sensitivity of the proposal.

Councillor Toleman believed that should the application be refused, the applicant would lodge an appeal which could result in the local taxpayer having to face costs, and that more houses could be proposed and proposed public open space could be lost.

The Chair believed that 40 per cent affordable housing was a significant achievement, the housing would support the Joint Core Strategy requirements, and the proposed density was good, as was public access to the orchard and other open space.

RESOLVED that planning permission be granted subject to the conditions in the report and the satisfactory completion of a Section 106 Agreement to secure the terms set out in paragraphs 6.134 – 6.142 of the report.

50. 15 RIVERSLEY ROAD - 14/00722/FUL

Councillors Hilton, McLellan and Mozol having declared personal prejudicial interests left the meeting during the consideration of this application.

The Chair had declared a non-prejudicial personal interest and remained in the meeting.

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The Principal Planning Officer presented the report which detailed a retrospective application for a weather monitoring station comprising a wind vane and an anemometer mounted on a 7.4 metre high pole within the rear garden of 15 Riversley Road.

She advised Members that the application had been presented to Committee as the applicant was a Member of Gloucester City Council. She drew Members' attention to the late material which contained two further representations, one from the applicant and one from Mr Ravenhill and further information relating to anemometers provided by Mr Wilton. She also advised committee of the works that had been undertaken to the pole and equipment since the previous meeting.

Chris Witts, the applicant, addressed the Committee in support of his application.

Councillor Witts advised that he removed the lights and halyard from the pole and painted the pole and wind-vane with anti-reflective paint. He advised Members that the pole was designed to be lowered to lie along the length of his garden. He noted that the installation had never, and would never, include a web-cam. He stated that it was not a wind turbine and reminded the Committee that it was a slim pole that was not illuminated and caused no noise.. He had received a considerable amount of support around the world including enthusiasts from America and New Zealand and he noted that if he had not been a Member of the City Council the application would have been determined by Officers under delegated powers.

He commented that the information provided in respect of anemometers related to the hand-held devices used by yachtsmen and were not suitable for his requirements .Information provided by his weather station had been requested by Environmental Health and had proved valuable during the flooding of 2007.

Tom Haswell of 16 Merevale Road, also representing 14 and 18 Merevale Road, addressed the Committee in opposition to the application.

Mr Haswell reiterated his strong objection to the application which he believed should be considered to be a wind turbine as the anemometer generated electricity and therefore be situated its own length plus ten per cent from the site boundary.

He believed that the application would create a precedent and there were safety issues as the top was only secured by a scaffolding clamp. He questioned the issue of public liability and any potential liability falling upon the local planning authority should consent be granted.

He believed that the pole was overbearing, dominating, was not sympathetic and ruined the views from neighbouring properties. He suggested that the pole be moved back from the boundary as a compromise.

Timothy Wilton addressed the Committee in opposition to the application.

Mr Wilton reiterated that the installation was a wind turbine so should be positioned accordingly.

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The Chair questioned the relevance of insurance and the Solicitor advised that the Committee should focus on planning considerations and insurance issues were not to be taken into account.

Councillor Smith noted that the applicant had done all he could to mitigate the impact of the pole and permission should be granted. Councillor Lewis concurred and regretted that relations between the neighbours had broken down.

Councillor Noakes stated that she had visited the area and if it was possible would have liked the pole to have been moved back away from the boundary further into the applicant's garden. She questioned the safety of the installation and was advised that this was the responsibility of the applicant.

Councillor Hobbs thanked the applicant for addressing concerns expressed by Members at the previous meeting. He noted that many gardens had poles to support washing lines and he would rather have a pole in a garden than a Leylandii tree of the same height. He did not consider it to be overbearing.

Councillor Toleman stated that as he had not been present at the November Committee he would not be taking part in the discussion and abstained from the vote.

RESOLVED that permission be granted subject to the conditions in the report.

51. 11A WELLSPRINGS ROAD - 14/01124/FUL

The Planning Officer presented the report which detailed an application for the erection of a single storey side and rear extension at 11a Wellsprings Road.

She advised Members that the application had been referred to the committee at the request of Councillor James. She noted that had the side and rear extensions not been linked they could have been built as permitted development.

Suzanne Hare, neighbour, addressed the Committee in opposition to the application.

Miss Hare outlined the objection which was appended to the report. She believed that the 10 metre wall of the extension would replace the property boundary and would be overbearing. It would be opposite her kitchen window which would be overshadowed and the ventilator to the WC would be opposite.

She noted that a small number of properties had built side extensions in the locality and only three were full length. The extension would be built over the public sewer and Severn Trent had written to the applicant.

The Chair noted that most of the extension would have been permitted development.

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Councillor McLellan asked why the application had been referred to Committee and was advised that Councillor James considered that the extension could be overbearing on the neighbouring property given its size and scale and the closeness to the property's boundary.

Councillor Mozol asked about building over the public sewer and was advised that was a matter between the applicant and Severn Trent. Councillor Lewis stated that the issue could be overcome and it was for Severn Trent to advise what was required.

Councillor Toleman was advised that a condition was proposed prohibiting any new windows on the side elevation of the extension. The Planning Officer advised that there was a circular window on the side of each property and the front wall of the extension was set back sufficiently so as to be aligned behind the windows.

Members requested that a note be attached to the decision notice requesting that the WC ventilation be relocated.

* Post-committee note – the applicant confirmed that the vent would be directed to the rear elevation, and this was secured by condition.

RESOLVED that permission be granted subject to the conditions in the report and the additional instruction regarding the WC ventilation.

52. FORMER ORCHARD PUBLIC HOUSE, OLYMPUS PARK - 14/01158/FUL

The Head of Planning presented the report which detailed an application for the erection of a building to provide mixed use facilities comprising restaurants/cafes (Use Class A3/A5) and site manager's office (Use Class B1) at ground floor and apart-hotel units (Use Class C1) at first and second floor. (Alternative proposal to development approved under application 13/00420/FUL).

He referred to the late material which contained amended and additional conditions.

He advised that the site area was 1,021 square metres which was 21 square metres over the limit for the application to be determined under delegated powers. The amended condition would remove permitted development rights in respect of changes from Use Class A3/5 to A1/2.

Councillor Taylor stated that it was unfortunate that there had been no interest in taking up the pub use but that the location on the edge of the business park would be useful for those working in the local area. He did have some concerns at any potential A1 use.

Councillor Mozol was advised that up to two take-away businesses were potentially included in the application.

Councillor Lewis welcomed the application and believed that hotel guests would benefit from an increased choice with four catering units. He noted that Quedgeley had expanded significantly since the fire at the public house.

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Councillor Hilton expressed concern over potential problems with access and egress for the take-away and was advised that the former use as a public house would have generated similar levels of traffic. He was also advised that hours of operation were controlled by condition, discussions had been held with the applicant regarding sound insulation to protect the amenity of the upper floor and that it was believed that the applicant had been trying to find a suitable tenant for some months.

Councillor Hobbs raised the matter of lighting and was advised that a condition could be applied to request details of such. Similarly signage that needed consent would be subject to a separate application.

RESOLVED that permission be granted subject to the conditions in the report with an additional condition and condition 1 amended as follows and a further condition to request details of external lighting and an amendment to condition 10 to refer to A3 and A5 not A3 and A4

Amended Condition 1

The development hereby permitted shall be carried out in accordance with the submitted application form, supporting information and approved drawing nos.PG/02, 05 and 06 received by the Local Planning Authority on 29th September 2014 and drawing nos. PG/03 rev.A and 04 rev.A received by the Local planning Authority on 26th November 2014 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Additional Condition

The building shall be used for purposes within Use Class A3/A5 - cafe/restaurant/takeaway on the ground floor and purposes within Use Class C1 - hotel at first and second floor and for no other purpose including any other changes permitted by the schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended), or in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

Any alternative uses of the building will require further consideration by the local planning authority in the interest of local amenity and any impacts upon the existing designated district centre and highway safety in accordance with policies S.4a, TR.31 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and in accordance with the principles set out within the NPPF.

53. DELEGATED DECISIONS

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Consideration was given to a schedule of applications determined under delegated powers during the month of September 2014.

RESOLVED that the schedule be noted.

54. DATE OF NEXT MEETING

Tuesday 13 January 2015 at 18.00 hours.

The Chair wished all present a Merry Christmas and a Happy New Year.

Time of commencement: 18:00 hours

Time of conclusion: 19:35 hours

Chair

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	13TH JANUARY 2015
ADDRESS/LOCATION	:	GLOUCESTER QUAYS – LAND AT BAKERS QUAY, LLANTHONY AND MONK MEADOW
APPLICATION NO. & WARD	:	14/00709/FUL WESTGATE
EXPIRY DATE	:	12TH SEPTEMBER 2014
APPLICANT	:	GLOUCESTER QUAYS LLP
PROPOSAL	:	Renewal of Gloucester Quays outline planning permission. Mixed use regeneration, comprising re-use of buildings and new build to accommodate residential, employment, retail and leisure uses and an education centre for Gloscat including enhancement works to listed buildings and Llanthony Priory together with public transport facilities, improvements to the road network including a new bridge over the canal and associated landscaping, car parking and servicing
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN MASTERPLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The Gloucester Quays proposal involves a mixed-use development of some 25 hectares of land at Bakers Quay, Monk Meadow and land at and around Llanthony Priory.
- 1.2 It encompasses land on both sides of the Gloucester and Sharpness Canal. On the east side of the canal the site is bounded by Llanthony Road to the north, the rear of Southgate Street properties to the east, and St Ann Way to the south. On the west side the site is bounded by the business park and Llanthony Road to the north, Hempsted Lane to the west and the Bloor Homes residential scheme to the south.

- 1.3 Part of the site at the north either side of the canal is within the Docks Conservation Area. The site contains 14 listed buildings and at Llanthony Priory a Scheduled Monument.
- 1.4 The original application was granted outline planning permission by the Secretary of State following a Public Inquiry, in June 2006, subject to 73 conditions and 3 legal agreements/undertakings.
- 1.5 Some significant parts of the development have now been constructed, comprising the factory outlet centre at Bakers Quay and a Sainsbury's food store at Monk Meadow. In addition, the college has been developed north of the Priory, a hotel has been constructed at the corner of Southgate Street and St Ann Way, the bridge across the canal has been constructed and a public house has been developed at the corner of Llanthony Wharf at the Hempsted Lane/St Ann Way junction, all within the site but under separate planning permissions. Various additional uses have been brought forward on the Bakers Quay 'outlet centre' part of the site under separate permissions including the cinema, additional restaurants, antiques centre and gym.
- 1.6 Condition 3 of the original permission required applications for reserved matters to be made before the expiration of 8 years from the date of the permission. The current application was made shortly before this period expired to 'renew' the permission.
- 1.7 The applicants wish to continue the life of this permission to enable the remaining phases to come forward. The application material indicates that there is current interest in bringing these phases forward in the short term.
- 1.8 The remaining parts of the development to be built comprise:
 - The residential development, indicated at 1000 units, principally on Bakers Quay and Monk Meadow, with an additional block south of Llanthony Priory:

Bakers Quay

Building B10 – The listed Downings Malthouse (for which a reserved matters scheme has been approved but never implemented) for 24,800sq ft of residential

B11 – The listed Provender warehouse for 46,700sq ft residential and 20 parking spaces

B12 – The listed engine house and an additional building for 11,500sq ft residential (likely in the new-build) and 20 parking space

B13 – The listed Downings Malthouse extension for 85,000sq ft residential

B20 – New build of 39,600sq ft over 4 storeys with 60 parking spaces

B21 – New build of 19,300sq ft over 4 storeys with 120 parking spaces

Monk Meadow

A4 – New build of 7,250sq ft over 4 storeys with 8 parking spaces

A6 – New build of 62,400sq ft of 3 storeys with 70 parking spaces

A7 – New build of 140,700sq ft over 4 storeys with 290 parking spaces

A8 – New build of 49,500sq ft over 4 storeys with 60 parking spaces

- A9 – New build of 40,900sq ft over 3 and 4 storeys with 61 parking spaces
- A10 – New build of 59,280sq ft over 3 and 4 storeys with 75 parking spaces
- A11 – New build of 17,200sq ft over 4 storeys with 20 parking spaces
- A12 – New build of 17,200sq ft over 4 storeys with 29 parking spaces
- A13 – New build of 25,180sq ft over 3 storeys with 26 parking spaces
- A14 – New build of 35,500sq ft over 4 storeys with 40 parking spaces
- A15 – New build of 25,180sq ft over 3 storeys with 26 parking spaces
- A16 – New build of 2,250sq ft over 4 storeys with 8 parking spaces
- A17 – New build of 31,500sq ft over 3 storeys with 33 parking spaces
- A18 – New build of 21,000sq ft over 3 storeys with 22 parking spaces
- A19 – New build of 21,000sq ft over 3 storeys with 22 parking spaces

South of Llanthony Priory

C3 – New build of 32,300sq ft over 4 storeys with 25 parking spaces

- A 120-bed 4-storey hotel south of Llanthony Priory at the canalside (Building C1) with 74 parking spaces
- Employment development at Bakers Quay, Monk Meadow and south of Llanthony Priory:

Bakers Quay

B19 – New build of 10,840sq ft for offices

Monk Meadow

A5 – New build of 27,350sq ft over 2 storeys for workshops/offices with 50 parking spaces (* this plot has been partially taken by the new 'frankfurter' roundabout)

South of Llanthony Priory

C2 – New build of 14,583sq ft over 4 storeys for offices with 20 parking spaces

C4 – New build of 40,000sq ft over 3 storeys for offices with 50 parking spaces (* this plot has been taken by the Marstons public house).

- A residual amount of Factory Outlet Centre retail floorspace at Bakers Quay:

B14 – Part conversion / part new-build of the current 'Numold' site for 12,644sq ft over 2 storeys

* I am told that the retail floorspace consented on the land owned by Peel has not been fully built-out although the precise remaining amount has never been made clear.

- A residual amount of leisure floorspace at Bakers Quay:

B10 – 14,400sq ft

B12 – 11,500sq ft

B14 – 8,611sq ft

- 1.9 The original application was an Environmental Impact Assessment (EIA) development and was accompanied by an Environmental Statement (ES) including the following chapters:

Landscape and visual impact
Archaeology
Cultural heritage and built environment
Ecology
Social and economic effects
Traffic and transportation
Noise
Air quality
Land contamination and ground conditions
Water quality
Flood risk

- 1.10 Under the procedure for extending the time limits for implementing extant permissions, the Authority can seek further information to meet the EIA requirements, particularly where an ES requires updating or there is reason to believe that the likely significant environmental impacts have changed.
- 1.11 A Scoping exercise was undertaken and the Authority resolved that ecology, traffic and transportation, and flood risk matters should be re-examined given the passage of time and events since the original ES. The remaining environmental impacts have not changed significantly since the original considerations.
- 1.12 As such, the current application is accompanied by an Addendum ES updating the consideration of those topics. This statement must be taken into account in coming to a decision.
- 1.13 The application is referred to the Planning Committee given its size and significance.

2.0 RELEVANT PLANNING HISTORY

Pre-2002 application

- 2.1 In 1990 the Council produced a Planning Brief for Bakers Quay as a result of the allocation of the site for mixed-use development in the Draft Local Plan 1990 (later to become the 1996 Interim Adoption Copy Local Plan) and an approach by Peel Properties. It indicated the need to progress development through a comprehensive scheme, although no provision was made for large scale retail development.
- 2.2 Peel Properties were actively considering the redevelopment of the whole area and submitted a planning application for a substantially office-based scheme. However because of land assembly issues and other reasons, the scheme was not progressed and the application was withdrawn.

- 2.3 Later in 1994 planning and listed building consent for Mill View were granted by the Planning Committee at High Orchard Cottages, Malthouse 2 and Provender Mill for conversion and alterations to provide 67 1 bed units and 51 2 bed units together with access and parking facilities. An application for a second phase of development of the West Midlands Farmers land including restaurant, offices, retail and residential was also submitted, but withdrawn following disposal of the site.
- 2.4 By this time the Planning Brief was revised to reflect the practicalities of incremental development given the ownership situation. Before Mill View could agree terms with West Midlands Farmers, the latter sold the site to another party (understood to be the current owner).
- 2.5 An outline application for the demolition of existing buildings and erection of retail store, office building, car parking and access was submitted in 1997 by Peel Developments and WM Morrison Supermarket Plc for the Peel owned land (St Ann Way to Llanthony Road between High Orchard Street the Southgate Street buildings). A range of concerns were raised and the applicant chose to hold the application in abeyance.
- 2.6 An outline application for a mixed-use scheme at Monk Meadow and Llanthony Wharf was submitted in 1997 by British Waterways and Henry Boot development from Monk Meadow dock to Llanthony Road and from the canal to Hempsted Lane, excluding the 125 business park, the Priory and other privately owned land). It involved food and non-food retail, a petrol filling station, business accommodation, residential, hotel, restaurants, car parking and landscaping, and was not determined by the Council either.

02/00271/OUT

- 2.7 This was the application for Outline Planning Permission for the Gloucester Quays site relevant to the current application. The application was for major mixed use development comprising new build and reuse of existing buildings to accommodate residential development (approx. 1000 units); food retail store (approximately 7,800 sq. metres); retail factory outlet centre (approximately 20,000 sq. metres); new Gloscat education campus (approximately 19,000 sq. metres); employment development (approximately 9500 sq. metres); hotel (80 beds); leisure development (approximately 6000 sq. metres) and the provision of associated car parking, servicing and infrastructure including a new road link across canal. Outline Planning Permission was granted by the Secretary of State on 22nd June 2006.

04/00607/FUL & 05/00646/FUL

- 2.8 The first proposal was a full application by Gloscat for a Further Education College and parking, which was granted by the Committee in 2004 subject to conditions and a legal agreement. This was later amended by 05/00646/FUL and this revised scheme was implemented.

06/00358/FUL

- 2.9 This was an application for the construction of the canal bridge and link road, control building and associated works. It was granted subject to conditions on 6th June 2006.

06/01338/FUL

- 2.10 This application was for the construction of a new road junction on St Ann way to serve Gloucester Quays and Peel Centre and revised layout to existing car park at the Peel Centre. It was granted subject to conditions on 9th January 2007.

07/00444/FUL

- 2.11 This application sought the variation of conditions 6, 7 and 12 of the outline planning permission 02/00271/OUT, to amend the approved masterplan, vary the maximum parameters of the environment statement (Buildings Heights) and redistribute part of the A3, A4, and A5 floorspace in the Factory Outlet Centre. Permission was granted 3rd July 2007.

07/00708/REM

- 2.12 This reserved matters application was for a mixed use scheme consisting of a Retail Factory Outlet Centre, 15 residential flats, leisure floorspace (including A3, A4 & A5 food & drink) together with associated multi-level car parking (1311 spaces), bus and taxi facilities and landscaping. Approval of reserved matters was given 4th September 2007.

07/00710/FUL

- 2.13 This full application was for the erection of a budget hotel (up to 106 bedrooms) including an additional 96 car parking spaces (forming part of the Gloucester Quays Factory Outlet Shopping Centre). It was granted permission subject to conditions on 4th September 2007.

07/00711/CON

- 2.14 This was an application for conservation area consent for the demolition of existing structures and buildings with the Phase D area of Bakers Quay to facilitate redevelopment. Buildings demolished included the single storey building at the front of former Matthews furniture store and the utility building between Sudbrooke House and The Goat Inn. It was granted subject to conditions on 7th September 2007.

07/00945/FUL

- 2.15 This application was for the erection of a 2 storey infill building to create part ground floor A.1; A.3; A.4 or A.5 uses and part flat above in conjunction with the conversion of neighbouring properties. It was granted subject to conditions on 31st August 2007.

07/01150/REM

- 2.16 This was a reserved matters application for the construction of a vehicular access to the foodstore (Phase C). It was granted on 18th June 2008.

07/01191/CON

2.17 This application was for conservation area consent for the demolition of buildings and structures within the Phase F Area of Bakers Quay to facilitate the redevelopment - nos. 7, 9 and 11 Llanthony Road and Units 1 and 2 No. 3 Merchants Road. It was granted subject to conditions on 29th October 2007.

08/00017/REM

2.18 This was an application for approval of reserved matters pursuant to the varied outline application, comprising one and two storey buildings and associated structures and conversion of existing buildings, for A3/A4 food and drink uses, and associated landscaping (Phase F1/Block Q). It was approved subject to conditions on 11th March 2008.

08/00024/FUL

2.19 This was an application for the variation of conditions 3 and 4 of Planning Permission 07/00444/FUL (varied conditions 7 and 12 respectively of (02/00271/OUT) to vary the maximum parameters for the development and re-distribute the approved floorspace within the site (incorporating an increase in the class A3, A4 and A5 uses within the factory outlet shopping area). The application was granted permission on 11th March 2008.

08/00090/REM & 08/01499/REM

2.20 The first application was for reserved matters approval comprising a food store and associated structures, car park, petrol filling station, access arrangements and landscaping (Phase C). It was approved subject to conditions on 19th March 2008. It was later amended by 08/01499/REM which was granted subject to conditions on 10th February 2009.

08/00206/FUL

2.21 This application was for the construction of a new road junction as part of the south west by-pass including provision of access roads and combined pedestrian and cycle access to the Gloucester Quays Site (the 'frankfurter' roundabout). It was granted subject to conditions on 3rd July 2008.

08/00681/FUL

2.22 This was an application for the construction and use of a first floor within building B16/Block Q (details approved by 08/00017/REM) for food and drink use (A3/A4/A5) in conjunction with ground floor uses, and use of first, second and third floors of the retained 'Cooks Glass' building for food and drink use (A3/A4/A5) in association with ground floor use.

08/01142/FUL

2.23 This application was for the erection of a kiosk (Use class A3) in Pillar and Lucy Square. It was granted subject to conditions on 2nd October 2008 and constructed but has since been demolished.

08/01208/FUL

2.24 This was an application for external alterations to the Grade 2 listed Sudbrooke House associated with its conversion and re-use. It was granted subject to conditions on 23rd October 2008.

- 08/01319/FUL
- 2.25 This application was for the variation of condition 7 of 02/00271/OUT to vary the maximum parameters for the development (incorporating an increase in the height of the hotel and its capacity from 80 to 120 bedrooms, and a re-allocation of parking spaces within Phase E only of the development) and Condition 6 of 02/00271/OUT to amend the approved masterplan (at Phase E of the development). It was granted subject to conditions on 6th January 2009.
- 08/01326/FUL
- 2.26 This was the first application to amend conditions 13, 14 and 15 of the Gloucester Quays outline permission to vary the type and price of goods sold (for Thorntons and Cadburys). The application was withdrawn prior to determination.
- 08/01566/COU
- 2.27 This application was for the change of use of the first and second floors and part of the ground floor of the former Matthews Furniture Warehouse (known as building P of the Gloucester Quays development) for retail use by the Antiques Centre. It was granted subject to conditions on 9th March 2009.
- 08/01591/FUL
- 2.28 This was the revised application to vary conditions 13, 14 and 15 of planning permission 02/00271/OUT (as amended) and add two further conditions to alter the limitations on the type and price of goods for sale (for Thorntons and Cadburys). It was granted permission subject to conditions 6th March 2009.
- 09/00088/FUL
- 2.29 This application was to vary condition 66 of the Gloucester Quays outline permission to alter the hours during which servicing activities can take place at the service yard to the rear/west of Southgate Street properties (known as service yard B of the Gloucester Quays development). It was granted subject to conditions on 23rd April 2009.
- 09/00284/FUL
- 2.30 This was an application to vary condition 19 of the outline planning permission (as varied), to vary the maximum number of retail units of less than 100 sq. metres at any one time from 6 to 21. It was granted permission subject to conditions 12th June 2009.
- 09/01096/REM
- 2.31 This was an application for the submission of reserved matters (the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site) for building 'B10' of the Gloucester Quays development (B10 comprising the grade 2 listed Downings Malthouse and new build), to provide office and 'leisure' (use classes A3, A4, A5, D2) floorspace and 12 no. residential units. It was approved subject to conditions 23rd February 2010.
- 09/01097/FUL

2.32 This was an application to vary condition 7 of the outline planning permission to redistribute the approved floorspace and uses within the Bakers Quay part of the site. It was granted planning permission on 10th February 2010.

09/01164/FUL

2.33 This application was for alterations to the access road and petrol filling station layout, including installation of traffic island, creation of new tanker egress and associated structures at Phase C - the foodstore. It was granted subject to conditions on 4th December 2009.

09/01213/FUL

2.34 This was an application for the use of the 'upper deck' structure at the centre of the outlet centre for private functions, events and exhibitions. The Planning Committee gave delegated powers to approve the application subject to there being no Highway Authority objection. However no Transport Statement was ever received and the application was withdrawn prior to determination.

09/01281/COU

2.35 This application was for the change of use of the upper floor of Building E of Gloucester Quays development from office, storage and service space to retail use for the Antiques Centre, with associated ground floor access, and alterations to and use of connecting bridge over High Orchard Street for the Antiques Centre. It was granted subject to conditions on 9th February 2010.

10/00522/FUL

2.36 This was an application for the variation of Condition 16 of the outline planning permission to allow the hire of clothing from unit 56/57 only of the factory outlet centre (the Suits You/Young's Hire unit). It was granted permission subject to conditions on 4th August 2010.

10/01287/REM

2.37 This was an application for reserved matters approval for the construction of an access road from the extended St. Ann Way to 'Phase E' of the Gloucester Quays development (also known as Llanthony Wharf) and associated works. It was granted subject to conditions on 27th April 2011.

11/00409/FUL

2.38 This was an application for the erection of public house and associated residential unit, external seating area, access road, and associated parking and landscaping/re-grading. It was granted permission subject to conditions on 7th July 2011.

11/01291/FUL

2.39 This was an application for the construction of a new first floor and roof structure to, and the use of part of the ground floor of, Blocks L, M and N of Gloucester Quays Factory Outlet Centre (buildings located between Merchants Road and High Orchard Street) for a 10-screen cinema (use class D2), change of use of 6 outlet centre units in Blocks L, M and N and the ground floor of Block P to restaurant and take-away use (Class A3 and A5),

and associated external alterations. It was granted permission subject to conditions on 23rd July 2012.

12/00244/FUL

- 2.40 This was an application for the change of use of the ground and first floor of Unit 111, and the first floors of Units 108 and 109, of Gloucester Quays and the erection of a mezzanine floor to Unit 111 for use as a health and fitness club/gymnasium (use class D2). It was granted permission subject to conditions on 24th May 2012.

13/00384/FUL, 13/00385/FUL & 13/00386/FUL

- 2.41 These were applications to change the use of highway and circulation areas around Gloucester Quays, Merchants Road and Llanthony Road to allow outside seating for food and drink units. They were all granted subject to conditions on 29th May 2013.

13/00724/FUL

- 2.42 This was an application for external alterations to the listed Pillar & Lucy House, including alterations to windows and doors. It was granted subject to conditions on 5th September 2013.

13/00870/OUT

- 2.43 This was an outline application (appearance and landscaping reserved for future consideration) for the erection of a 'Drive thru' cafe unit (Class A3) including creation of new vehicular access. It was refused due to its design and siting on 11th February 2014.

13/01172/FUL

- 2.44 This application was for engineering works within Pillar & Lucy Square to provide new fountains and hard landscaping, including replacement balustrades at Pillar and Lucy House. It was granted subject to conditions on 24th March 2014.

- 2.45 A large number of additional applications have also been dealt with relating to such matters within the application site as listed building consents, demolition approvals and advertisements but are not listed in full here.

3.0 PLANNING POLICIES

Central Government Guidance - National Planning Policy Framework

- 3.1 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF is topic based on a similar basis to the previous PPGs and PPSs:

Building a strong, competitive economy and Ensuring the vitality of town centres

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

The NPPF retains a recognition of town centres as the heart of communities and encourages the pursuit of policies to support their vitality and viability.

The sequential and impact tests are maintained for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more the 'impact' factors, it should be refused.

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Delivering a wide choice of high quality homes

To boost significantly the supply of housing, Authorities should

- Use their evidence base to ensure that their Local Plan meets the full objectively assessed needs to market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF;
- Identify and update annually a supply of specific deliverable site sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%;

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Authority cannot demonstrate a five year supply of deliverable housing sites.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Promoting healthy communities

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The importance of access to high quality open spaces is also emphasised.

Meeting the challenge of climate change, flooding and coastal change

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

An appropriate desk-based assessment and where necessary a field evaluation is required where an application site includes or has the potential to include assets with archaeological interest.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the asset's conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Any harm or loss should require clear and convincing justification.

Where substantial harm or total loss of significance of an asset would occur, applications should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the asset prevents all reasonable uses of the site; and
- no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determination. In weighing applications that affect such non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

The Development Plan

3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - "The development plan is
(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Local Plan

3.3 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

3.4 Relevant saved 1983 Local Plan policies are as follows:

H1 – Release of land for residential development to cater for 5 years requirement

H1d – Presumption against development of other sites except minor infill other than those identified in H.1a and H.1c

H4 – The City Council will seek to ensure that there is a satisfactory provision of housing for those sections of the community whose needs are not adequately met by the private sector.

A2 – Particular regard will be given to the City's heritage in terms of archaeological remains, listed buildings and conservation areas.

A5c – Llanthony Prior has particular significance for Gloucester's tourist industry. Its conservation and maintenance and the conservation of its setting are matters of importance.

A5e – The use of Llanthony Priory for uses associated with leisure will be supported subject to some public access for visitors to the ancient monument being maintained.

T1e – Pedestrian priority within traffic management measures.

T1f – Provision for pedestrians in the city centre outside the main shopping area.

T4a – Differential charging of short and long stay car parks to discourage inappropriate use.

T6 – Measures will be introduced to encourage cycling.

S1 – The sub-regional shopping status of Gloucester will be maintained and strengthened within the context of its position in the pattern of shopping facilities in Gloucestershire. All comparison shopping facilities will be concentrated within the city centre other than where expressly stated to the contrary.

S1a – Major comparison shopping facilities will not normally be permitted outside the main shopping area other than in accordance with the specific provisions of other policies.

S2b – Major convenience shopping facilities will not normally be permitted outside the main shopping area.

L1 - The City Council will ensure the provision of an adequate level of public open space in the City through the retention of existing areas, the inclusion of public open space within areas of new development and, where areas of shortfall are identified, the maintenance of a watching brief to consider opportunities for these to be made good.

L1.c – On new housing developments, public open space will be provided in centralised locations which are accessible to the residents. Plots will not be less than half an acre in size and the needs of all sections of the community will be considered when they are laid out.

L1.e – Where developers require the City Council to adopt areas of public open space and amenity space there will be an agreement between the Council and the developer which will include the deposit by the developer of a financial sum sufficient to cover the maintenance costs of that land for ten years.

L2.b – Where appropriate, the City Council will seek to provide additional sports pitches on the public open space which is incorporated into new housing developments.

(The two industrial allocations at Llanthony Sidings and part of Monk Meadow have not been continued).

- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent....”

The following policies are of relevance:

Western Waterfront mixed use allocation

B.3 – Sites of nature conservation interest

FRP.1a – Flood risk

FRP.5 – Maintenance of water courses

FRP.6 – Surface water run-off

FRP.7 – Water supply

FRP.9 – Light Pollution

FRP.10– Noise

FRP.15– Contaminated land

BE.1 – Scale, massing and height

BE.2 – Views and skyline

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.9 – Design criteria for large commercial development

BE.12 – Landscape schemes

BE.13 – Landscape strategy

BE.14 – Native species

BE.15 – Provision of open space in major development

BE.16 – Provision of public art

BE.17 – Design criteria for large scale residential development

BE.18 – Vehicular circulation and parking in new residential development

BE.21 – Safeguarding of amenity

BE.22 – Alterations to and development within the curtilage of listed buildings

BE.23 – Development affecting the setting of listed buildings

BE.27 – The principle of enabling development

BE.28 – Linking enabling development to the heritage objectives

BE.29 – Development within conservation areas

BE.30 – Demolition of non-listed buildings in conservation areas

BE.31 – Preserving sites of archaeological interest

BE.32 – Archaeological assessment

BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 TR.3 – St Anne's Way bridge
 TR.4 – Developer contributions to St Anne's Way bridge link
 TR.5 – South west bypass
 TR.6 – Developer contributions to the south west bypass
 TR.7 – Land west of the canal
 TR.9 – Parking standards
 TR.11 – Provision of parking for people with disabilities
 TR.12 – Cycle parking standards
 TR.15 – Additional coach parking facilities
 TR.16 – Shared parking
 TR.17 – Proposed car parks – Western Waterfront
 TR.18 – Safe and secure car parks
 TR.21 – Cross Centre public transport service
 TR.28 – Contributions towards bus priority routes and facilities
 TR.31 – Road safety
 TR.32 – Protection of cycle/pedestrian routes
 TR.33 – Providing for cyclists/pedestrians
 TR.39 – Footpaths/cycleways along the river and canal
 TR.40 - Taxis
 H.1 – Allocations for mixed use including housing (MU.2 Western Waterfront)
 H.7 – Housing density and layout
 H.8 – Housing mix
 H.15 – The provision of affordable housing
 H.16 – Affordable housing mix, design and layout
 H.18 – Lifetime homes
 E.1 – Mixed use allocations (MU.2 Western Waterfront)
 E.4 – Protecting employment land
 S.2a – Bakers Quay (factory outlet centre)
 S.4a – New retail development outside designated shopping centres
 S.6 – Monk Meadow (food superstore)
 CL.3 – Late night uses inside the central area
 T.1 – Visitor attractions in the central area
 T.3 – New hotel development in the central area
 C.1 – Cultural facilities
 C.4 – Cultural facilities in the Western Waterfront (MU.2)
 OS.1 – Public open space
 OS.2 – Public open space standard for new residential development
 OS.3 – New housing and public open space
 OS.4 – Design of public open space
 OS.6 – Provisions of open space by other development
 CS.11 – Developer contributions for education

Emerging Plan

- 3.7 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission

Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

The following policies of the Submission JCS Document are of relevance (and were circulated to Members in full in the December Committee material):

- SP1 - The Need for New Development
- SP2 – Distribution of new development
- SD1 – Presumption in favour of sustainable development
- SD2 – Employment
- SD3 – Retail hierachy
- SD4 – Sustainable design and construction
- SD5 – Design requirements
- SD7 – Landscape
- SD9 – Historic environment
- SD10 – Biodiversity and geodiversity
- SD11 – Residential development
- SD12 – Housing mix and standards
- SD13 – Affordable housing
- SD15 – Health and environmental quality
- INF1 – Access to the transport network
- INF2 – Safety and efficiency of the transport network
- INF3 – Flood risk management
- INF4 – Green infrastructure
- INF5 – Social and community infrastructure
- INF7 – Infrastructure delivery
- INF8 – Developer contributions

- 3.8 As noted above, in 2006 Preferred Options LDF documents were published including the Central Area Action Plan and Development Control Policies. These were not taken forward to submission. In 2012 they were endorsed by the Council as a material consideration in decision-making along with the 2002 Second Deposit Local Plan, where relevant and consistent with the NPPF, until such a time as replaced by the new, emerging development plan framework. It is proposed that they be discontinued with the submission of the JCS.

Site allocations:

Site of nature conservation interest
Conservation Area
Area of principal archaeological interest
Scheduled ancient monument
New road proposal
Cycle route
Mixed use commitment

Development Control policies:

H2 – Housing Density and Mix
E2 – New employment uses
D1 – Design and Layout
D2 – Community Safety
D5 – Safeguarding Amenity
D6 – Landscape Design in New Development
D8 – Percentage for public art
BNE1 - Nature Conservation and Biodiversity
BNE2 – Trees and Hedgerows
BNE4 – Landscape conservation areas
BNE5 – Conservation Areas
BNE6 – Development affecting a listed building
BNE8 – Preserving Archaeology
BNE9 – Archaeological Assessment, Evaluation, Recording
BNE10– Flood Risk
BNE11 – Contaminated land
BNE12 – Pollution
BNE14 – Water Supply and Run-Off
BNE16 – Renewable energy generation
TR1 – Transport assessments
TR2 – Travel plans
TR3 – Parking Provision
TR4 – Public transport and park and ride
TR5 – Walking and cycling
LR2 – Provision of Public Open Space
LR4 – New commercial leisure development
LR5 – Late night uses
S1 – New retail development
TC1 – Visitor accommodation
TC2 – Cultural facilities and visitor attractions
CS3 – Provision for and Loss of Educational Facilities

Central Area Action Plan policies:

CA1 – City centre boundary
CA2 – Primary shopping area
CA4 – Retention and provision of family housing within the central area
CA6 – Views and skyline
CA8 – Floodplain
CA9 – Sites of nature conservation interest

- CA10 – Conservation Areas
- CA11 – Areas of principal archaeological interest
- CA12 – Scheduled ancient monuments
- CA16 – South west bypass and St Anne’s Way bridge
- CA35 – Housing in the central area
- CA36 – Housing mix
- CA39 – Education and training
- CA40 – Creating attractive routes to the centre
- CA41 – Central area parking
- CA42 – Cross centre public transport service
- CA44 – Pedestrian and cycle linkages
- CA48 – Re-use of historic buildings including buildings at risk
- CA49 – Late night uses inside the central area
- CA50 – New hotel development in the central area
- CA51 – Cultural facilities
- CA55 – Improving the quality of the public realm

3.9 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

External consultees

- 4.1 The Highway Authority raises no objections subject to relevant highways conditions being carried forward and the outstanding legal obligations being renewed.
- 4.2 The Highways Agency raises no objections.
- 4.3 The County Council Planning Department has not commented.
- 4.4 The County Council Asset Management and Property Services Officer has confirmed that there is no s106 contribution requirement in respect of libraries and education.
- 4.5 Forest of Dean District Council has no comments.
- 4.6 Stroud District Council has not commented.
- 4.7 Tewkesbury Borough Council has no comments.
- 4.8 Cheltenham Borough Council has no comments.
- 4.9 Severn Trent Water raises no objection subject to a condition to secure drainage proposals for approval.

- 4.10 Natural England raises no objection (although it notes that this is on the basis that the proposal is not likely to result in significant impacts on statutory designated sites and it is for the Local Planning Authority to consider acceptability in terms of biodiversity and landscape).
- 4.11 English Heritage does not wish to offer any comments.
- 4.12 The Civic Trust considers the proposal to be acceptable.
- 4.13 The Canal and River Trust raises no objections.
- 4.14 The Environment Agency raises no objections subject to the continuation of relevant conditions on floor levels, securing of drainage details and flood plain compensation.
- 4.15 The Police Business Manager has confirmed that the Police does not have any requirement for the office base previously proposed within the outlet centre. The Police Architectural Liaison Officer has not commented.
- 4.16 None of the heritage amenity groups (Ancient Monuments Society, Council for British Archaeology, Georgian Group, Society for Protection of Ancient Buildings, Twentieth Century Society) have commented.
- 4.17 The Secretary of State through the National Planning Casework Unit has been notified but no observations have been received.
- 4.18 The City Centre Community Partnership has not commented.
- City Council consultees
- 4.19 The Planning Policy Manager is broadly supportive but considers the scheme needs to be reviewed again and it is not in conformity with the new policy guidance since the original decision in terms of city centre uses being located out of the city centre, 40% affordable housing being sought, and renewable/decentralised energy on site. In addition the level of car parking should be justified and off site social/community and transport infrastructure should be secured.
- 4.20 The Urban Design Officer, City Archaeologist and Conservation Officer raise no objections subject to the still-relevant conditions relating to design, materials, landscaping and archaeology being carried forward.
- 4.21 The Housing Strategy and Enabling Officer raises concerns about the uncertainty about the quantum and standards of affordable housing.
- 4.22 The Environmental Planning Service Manager raises no objections.
- 4.23 The Environmental Protection team has not commented.
- 4.24 The Drainage Engineer is now satisfied following the submission of the additional statement of commitments to Sustainable Urban Drainage Systems.

- 4.25 There is no objection from the Contaminated Land consultants with the relevant condition being taken forward.
- 4.26 The Landscape Architect, Tree Officer and Streetcare team have not commented.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 255 neighbouring properties were notified, and press and site notices were published. A second period of notification was undertaken relating to the additional EIA material submitted. No comments have been received.
- 5.2 The full content of all correspondence on applications can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

- 6.1 It is considered that the main issues with regards to this application are as follows:

- The Environmental Statement
 - Traffic and transport
 - Flood risk
 - Ecology
- Retail and other economic development
- Urban design and community safety
- Residential amenity
- Heritage/conservation
- Housing
- Open space
- Sustainability
- Regeneration
- Legal agreements
- Conditions

NPPF decision-taking

- 6.2 Paragraph 14 of the NPPF sets out what the presumption in favour of sustainable development means for decision taking. This is not a proposal that directly accords with the 1983 adopted development plan. As such the NPPF instruction is to grant permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the NPPF) taken as a whole; or
 - Specific policies in (the NPPF) indicate development should be restricted.

The Environmental Statement

- 6.3 As noted earlier, the addendum ES covers traffic and transport, ecology and flood risk matters. These were considered to be the matters that were likely to have changed significantly since the original decision.
- 6.4 I have given full consideration to the ES in arriving at my recommendation.

Traffic and transport

- 6.5 In determining the original application, the Secretary of State concluded that the development was consistent with national policy on transport, would promote more sustainable transport choices and would reduce the need to travel, especially by car. The Highway Authority and Highways Agency were satisfied that with appropriate conditions and obligations that the development would be acceptable in traffic terms and would not lead to gridlock. The bus station originally envisaged in the proposal was later removed.
- 6.6 Given the time that has passed, an updated Transport Assessment has been produced for the ES. Notably the St Ann Way bridge has been delivered associated with this scheme, and also the south west bypass and new bus stops outside the Outlet Centre on St Ann Way. Improvements have also been made north of the outlet centre to pedestrian access. The effect of the proposed development on accessibility by foot, cycle and public transport is assessed to be moderate beneficial. The traffic effect for the construction phase for the unimplemented parts of the development would be minor negative and temporary. Both reflect the original ES.
- 6.7 A review of the TRICS Database was undertaken to determine the current vehicle trip rates for the uses yet to be built out. The likely traffic generation rates of the unimplemented parts are now expected to be lower than those assumed in the original assessment. The only slight increase is that the remaining Bakers Quay development is likely to create an extra 6 two-way movements in the evening peak (the morning peak is 7 movements less than previously assumed (considered to be due to the increased leisure offer at Gloucester Quays now). At Monk Meadow the uses are predicted to generate 26 less two way movements in the morning peak and 27 less in the evening peak, at Llanthony Wharf 46 less in the morning peak and 43 less in the evening peak. The overall two way generation is now shown to be 79 less movements in the morning peak and 65 less in the evening peak. The construction traffic for future phases is unlikely to differ from the permitted development and no new access points are likely to be required that might cause additional disruption. Compared to the baseline traffic generation the proposal will result in a minor beneficial effect.
- 6.8 The scheme is associated with financial contributions to the local highway network (bypass), public transport and pedestrian links, of which several instalments have been paid and some facilities implemented. This is commented on in more detail later in the legal agreements section.

- 6.9 The Highway Authority is satisfied with the submitted further assessment and that no additional mitigation is required over and above that secured in the original permission.

Traffic and transport conclusions

- 6.10 The traffic flows are actually now predicted to be less than previously envisaged. No further mitigation measures are proposed or necessary. The ES sets out that the construction phase would have a minor negative, but temporary, impact. Given the lower traffic generation during the operational phase, the Statement sets out that the proposal would have a minor beneficial effect compared to the baseline position. It would have a moderate beneficial effect on accessibility by foot, cycle and public transport. A review of the previously imposed conditions has been undertaken, and a deed of variation would be necessary to secure the remaining financial contributions as mitigation for the development.
- 6.11 In respect of the introduction of new national policy the NPPF advises that development should only be refused if the residual effect of the development under these circumstances would not be severe, and this would not be the case. Similarly, the new local policy does not lead to any significant concerns that would change the conclusions on traffic and transport. No objection is raised in terms of traffic and transport subject to the continuation of certain conditions and the securing of the outstanding legal obligations.

Flood risk

- 6.12 The approved flood mitigation strategy and potential risk of flooding of the site and surroundings have been reviewed in light of recent events, the Strategic Flood Risk Assessment and other up to date data.
- 6.13 The 2007 floods come within the range studied in the original assessment and the flood data from this event (peak level of 10.92m AOD) falls significantly below the predicted flood level, providing some validation of the robustness of its results and the use of the 11.18m AOD as a flood plain level.
- 6.14 The Strategic Flood Risk Assessment does not raise any particular matters of relevance other than the potential impact of the Sud Brook culvert re-alignment. The modified channel provides a smoother transition and would appear to be more efficient.
- 6.15 The development removes floodplain capacity therefore mitigation measures were and are proposed to create flood storage capacity. The measures include the removal of the dock branch railway below the floodplain at Over, in three stages. Two have been completed (zone A and part zone C), the other (zone B and remainder of C) is programmed to be completed by March 2025. In simple terms the total loss of flood plain volume was calculated as 4478m³ and the volume of material taken from the embankment zone A approximately 6926m³, part zone C 7500m³, and zone B and remainder of C approximately 22,400m³. This formed the basis for the approval under Condition 46 of the original permission. As it turns out the topographical survey indicates that the works undertaken to date have actually removed

16,005m³. 'Additional' works associated with the separate Marstons public house development has resulted in a further 2251m³ being removed from the floodplain making the total displacement 6728m³, still within the volume removed from the embankment so there is currently a net benefit. Remaining phases would result in a further loss of 4,500m³ making a total loss of 11,228m³. With the last phase of removal now estimated to be approximately 17,000m³, there would be an overall net benefit of approximately 21,500m³. Alternative mitigation schemes that may provide greater benefit at no extra cost to the developer are mentioned in the report and may take effect but are not part of the current proposal. The drafted condition would allow for this eventuality.

- 6.16 Of the remaining floodplain sites, areas C3 and C4 (the residential phases around Sainsbury's) have been filled to raise them out of the floodplain, so there will be no residual impact on loss of floodplain when developed. Areas G1 and G2 (south and west of the Monk Meadow dock) are still occupied by buildings and part raised, however the 'spare' flood plain mitigation indicates that the impact in effect is mitigated.
- 6.17 A supplementary statement committing to Sustainable Urban Drainage Systems has been provided that has satisfied the requests of the Council's Drainage Engineer. This includes a minimum 20% betterment for surface water runoff rates and a minimum of two SuDS treatment stages for runoff from vehicular areas.
- 6.18 The Environment Agency and Drainage Engineer raise no objections subject to continuing the relevant 'flood risk' conditions.

Flood risk conclusions

- 6.19 The updated analysis shows that changes in policy are not significant to the original conclusions, the original flood level used is still valid and the minimum ground floor level of 11.78m AOD provides a freeboard of +600mm, there are no additional matters raised by the Strategic Flood Risk Assessment, and that the mitigation measures are still appropriate and off-set the proposals.
- 6.20 With the mitigation measures (the net benefit in removing the Dock branch railway embankment) and the flow improvements in the re-aligned Sudbrook culvert the development is assessed to have a 'minor beneficial' impact. This is similar to the conclusions of the original ES.
- 6.21 The NPPF policy on flood risk is broadly similar to previous national policy statements, and no other significant issues are raised in relevant new local policies. No objection is raised in flood risk terms subject to the continuation of certain conditions.

Ecology

- 6.22 New surveys and data collection have been undertaken to inform the ES, including an extended Phase 1 habitat survey and bat and reptile surveys. Assessment of buildings on land outside GQLLP control was made from the exterior.

6.23 There are no statutory-designated sites within the application site. The Priory is recorded as an unconfirmed non-statutory wildlife site; locally important for the grounds and the pond habitat – previous surveys have found a numbers of bat species, newts in the pond and butterflies and moths. There are a number of statutory and non-statutory sites in the wider area.

Phase 1 habitat survey

6.24 In terms of the buildings, these were found to be of value to nesting birds, with up to 'site' value, although their ecological importance could increase if bats were found. All the vegetation on the site (ephemeral and tall ruderal vegetation, scrub, semi-improved grassland and standard trees) was found to be of 'local' value, although the trees could be of greater importance if roosting bats were found to be using them. The pond and canal as water bodies that could support wildlife were found to be of 'local value', although this could be higher if protected species were found.

6.25 It was considered possible that greater crested newts, reptiles and bats would be found, very likely that birds would be, and unlikely that badgers, otters or water voles would be found. In addition it was considered likely that that the brownfield areas would support common and possible Biodiversity Action Plan fauna. Relevant further detailed surveys were then undertaken.

Bats

6.26 Some bats were recorded during the initial emergence surveys and a low number were recorded foraging/commuting across the site. The buildings with roost potential that would be affected by the proposals were concentrated on, and up to two bats were recorded at any one time.

6.27 The roosting bat value on site was considered to be negligible on the basis of the buildings surveyed, however the level of data from other buildings on the site and possible emergence evidence indicates that that it is likely that roosts are present and further assessment would be necessary in advance of works. The commuting and foraging bat value of the site was considered to be of 'local' value.

6.28 A further bat survey has also been provided to complete the staged assessment over the year. This was undertaken on the unimplemented phases of the development – Phase E (Llanthony Wharf), F (remainder of Bakers Quay) and G (remainder of Monk Meadow). Emergence/return surveys were concentrated in the vicinity of the Bakers Quay buildings with bat roost potential that would be affected by the proposals.

6.29 Low numbers of bats were recorded, although the following species were recorded;

Common pipistrelle

Noctule

Myotis spp (likely to be Daubenton's, whiskered, Brandt's, or Natterer's)

Soprano pipistrelle

Lesser horseshoe

- 6.30 In the majority of cases encounters were with one bat, although up to two were recorded at any one time. Brief passes and commuting bats were recorded more often than sustained foraging. Commuting activity was over the brownfield habitat and along the canal.
- 6.31 The commuting and foraging bat population on site is considered to be of local value. The areas where most activity was recorded will not be directly affected by construction – the Priory and the canal. The loss of brownfield habitat is likely to have a negative effect on a low number of foraging and commuting bats. Lighting can also cause disturbance, as can noise/vibration/etc during the construction phase. Furthermore, increased public use can degrade habitats and reduce prey availability.
- 6.32 The consultants consider that the mitigation measures implemented and proposed as part of the 2004 statement suitably address the potential impacts to foraging and commuting bats on site. Notably Condition 36 arose from that previous analysis and required an Ecological Action Plan, and Condition 35 an up to date survey of and report on all likely bat roosts, which was considered an appropriate approach to the buildings and remains necessary as a condition.

Reptiles

- 6.33 No reptiles were recorded during the survey. A number of common frogs and toads were recorded at Monk Meadow close to the southern boundary. While the brownfield habitats that would be affected by the proposals have the potential to support reptiles, as none were identified the population on site is considered to be negligible.
- 6.34 No great crested newts were recorded during the survey. Again while the pond in the Priory and surrounding brownfield land that would be affected by proposals has the potential to support them, no great crested newts were identified and the population on site is considered to be negligible.

Ecology conclusions

- 6.35 No objection has been received from Natural England, the Environmental Planning Manager or the County Council, subject to the relevant conditions being carried forward as mitigation.
- 6.36 Several of the ecological mitigation measures originally secured by Condition 36 have now been satisfied, others remain outstanding that are relevant to the phases remaining to be implemented, including potential impacts from the construction periods. I have updated this condition at the end of the report to reflect the specific measures set out in the update survey reports. Importantly, the proposals of Condition 35 to undertake inspections bat roosts given the extent of surveys undertaken remain necessary and are advised in the consultant's reports. Associated works including land remediation and new sustainable drainage systems are likely to lead to improvements such as lowering the leaching of contaminants and sediment into the canal habitat.

- 6.37 The works remaining to be done could enhance the biodiversity of the area. The most valuable habitats of the Priory and canal will be retained and protected, with measures to secure enhancement. The Addendum ES sets out that the site receptors have up to 'local level' ecological interest, no overall negative significant residual effect would result on such receptors, and that the confidence level in these findings is 'probable'. This is in line with the findings of the original ES.
- 6.38 The NPPF continues the general thrust of previous national policy on ecology/biodiversity, as do the new local policies. It is considered that the proposals with the measures proposed would mitigate impacts and assist in providing net gains in biodiversity, and no objection is raised.

Other matters

- 6.39 In addition to those matters specifically updated in the addendum ES, a range of other issues were considered at the Inquiry and warrant further observations by way of update:

Retail and other economic development

Retail

- 6.40 Following the original approval the retail elements of the scheme have largely been implemented – the foodstore at Monk Meadow and the factory outlet centre at Bakers Quay although there is an additional amount of outlet shopping floorspace allocated on land outside the control of GQLLP (at the Numold site).
- 6.41 There were additional tests in retail policy at the time of the Inquiry – the sequential and impact tests remain in the NPPF. The Secretary of State previously concluded that the sequential test had not been followed, but that in the overall planning balance, this was not an overriding objection. She agreed with the Inquiry Inspector that the outlet centre would not have a harmful effect on the vitality and viability of existing centres.
- 6.42 A moderate part of the outlet centre floorspace remains to be implemented which would operate as part of the wider outlet centre already trading. The thrust of new policy is largely the same and I do not propose that any objection would be sustainable on the basis of the implementation of the residual amount of floorspace over a longer period, given the previous overall conclusion.

Restaurants/leisure

- 6.43 The Secretary of State agreed that as the facilities would be within the city centre there was no need to assess their impact. The remaining restaurant/leisure development is proposed at Bakers Quay, which is within the city centre for these non retail 'main town centre uses', so I do not consider that there is a policy objection to their implementation over a longer period.

Offices

- 6.44 Similarly, in terms of the offices, Bakers Quay and Llanthony Wharf are within the city centre for these non retail 'main town centre uses', so there is no policy objection.
- 6.45 In terms of the offices at Monk Meadow, I see no reason to now take a different approach and object to their implementation over a longer period - the location is next to the bypass, delivers mixed use as envisaged in the 2002 allocations and provides for job opportunities.

Hotel

- 6.46 The Secretary of State agreed that the hotel would bring benefits to Gloucester. The hotel at Llanthony Wharf is within the city centre for these non retail 'main town centre uses', so there is no policy objection.

Employment

- 6.47 The scheme has generated a significant number of job opportunities. Further significant employment opportunities would be created through implementation of the outstanding office, leisure and retail development, as well as the considerable construction-phase jobs that would be created.
- 6.48 With the relocation of Hobbs Oil to Spinnaker Road the pre-existing employment businesses that were across the site have all moved with the exception of Numold at Bakers Quay.

Urban design and community safety

- 6.49 The principles established in the original permission generally remain relevant, and give the ability to secure good quality design when it comes to reserved matters applications working within the parameters of the masterplan.
- 6.50 One particular matter appears likely to arise with the delivery of the scheme over a longer period. It seems inevitable that the development of the residential scheme at Monk Meadow would involve a higher proportion of houses than originally envisaged given changes in the market. This area, particularly its canalside edge, requires development to respond to its context with a good quality of design. This is acknowledged by the Inspector in the original scheme, who concluded that houses would be likely to form a small percentage of the development for that design reason. Mindful of the current market conditions, I feel that the development here must address the need for quality at the canal edge – rolling out a 'standard' house format across this area is highly unlikely to be acceptable.
- 6.51 This is even more the case for the residential plot adjacent to the Priory – although the footprint of the plot suggests that a flatted scheme remains more likely and that would give more scope to achieve a high quality design that respects its setting.
- 6.52 There are not considered to be any matters raised in new national or local policies as to design that would indicate that implementation of the scheme

over a longer period is unacceptable. No design objection is raised subject to taking forward the relevant conditions.

Residential amenity

- 6.53 Development of neighbouring land means that the relationships between the site and adjacent properties have altered in some respects. This is the case in the following examples:
- 6.54 Construction of the 'Monk Meadow' housing scheme by Bloor Homes to the south of the site on the west side of the canal. Care will need to be taken with the reserved matters scheme at its southern edge given the proximity of these residential units. Although there is no reason for me to consider that development at this edge is now unacceptable in principle, there is no guarantee that the maximum parameters set out in the application documents could be achieved, as is already stated in the original permission. I recommend that a note be added to any permission to flag this issue up to the developer.
- 6.55 Construction of the College, the 'frankfurter' roundabout, the Marstons public house and occupation by the gym, the cinema and restaurant uses at the outlet centre. These are new additions to the scheme since the original considerations and are in the vicinity of proposed residential units. They will introduce a degree more disturbance but not to any significant level in terms of living conditions, particularly in such a mixed-use scheme where more vibrancy and noise would be expected.

Heritage/conservation

- 6.56 As already noted, the site includes numerous heritage assets including 14 listed buildings (6 grade 1), a scheduled monument at the priory, part of the Docks Conservation Area, and buried archaeological assets.
- 6.57 In terms of standing assets, the thrust of new policy remains generally the same in terms of preservation and enhancement. Concerns raised by English Heritage and Officers, notably about the effect of development on Llanthony Priory, were not seen to be fatal to the scheme by the Secretary of State, indeed, it was considered that the proposals were consistent with national heritage policy and would secure, as a benefit, the futures of all the listed buildings. It is of note to recall the derelict and unsympathetic state of much of the site 10-15 years ago and the lack of regard to the multiple heritage assets in the site, which would have continued to undermine the heritage interest of this site.
- 6.58 While the detailed solutions to reusing the listed buildings would require very careful consideration, I see no reason to diverge from the conclusions on the original application – at an in-principle level, the restoration and re-use of the deteriorating listed buildings is welcome and accords with the thrust of heritage policy.
- 6.59 New national policy explicitly requires consideration to be given to non-designated heritage assets. Several undesignated historic buildings were

demolished to make way for the parts of the scheme constructed, however the outlet centre scheme did retain and make good use of the brick buildings at Merchants Road (Portivo Lounge), Llanthony Road (TGI Fridays/Antiques Centre) and High Orchard Street (Gap, etc). Remaining phases at Bakers Quay are either designed as conversions of listed buildings or could consider the re-use of existing buildings at the reserved matters stage. There are no other buildings of merit within the site that would be affected by the remaining proposals that would lead to any significant concerns in this respect.

- 6.60 The implementation of the permission over a longer period is not objectionable, indeed in parts of the site re-use of deteriorating buildings would be actively welcomed to prevent further decline. The duties under the 1990 Planning (Listed Buildings and Conservation Areas) Act for special regard to be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area continue to be satisfied.
- 6.61 In respect of archaeology, work has been undertaken pursuant to the original permission, which adopted a 3-part requirement to conduct further work at areas noted to be of higher sensitivity at Bakers Quay, Monk Meadow and Llanthony Wharf. The archaeology clearly has not changed (although understanding has developed somewhat) and the thrust of policy is broadly the same. The Secretary of State agreed that, subject to conditions, the scheme would physically preserve the archaeological remains and the setting of the Priory, which is of national importance, and that the archaeological work already undertaken, and that further required by condition, would avoid or minimise damage. As such it was considered that the proposals complied with the national policy. I do not propose that any objection is raised in this respect although the conditions ought to be updated.

Housing

- 6.62 The Secretary of State agreed that the proposal would help to meet the housing requirements of the whole community, including those in need of affordable housing, making efficient use of the land and provide good accessibility. The housing was seen as a particularly valuable element of the mix of uses, including in reducing the need for Greenfield land to be released. It does seem probable the development going forward would involve a higher proportion of houses than originally envisaged. This would, arguably, expand the range of population to which the development would be attractive.
- 6.63 It remains a suitable site for housing in my opinion, allocated through the 2002 Plan for the Western Waterfront, and contributes to the City's housing supply.
- 6.64 The scheme secures 20% affordable housing in a development that involves the regeneration of substantial land, remediation, re-use of listed buildings, flood mitigation works and has contributed (and will continue to) substantial sums to highways improvements. This level (below the 40% normally requested), was a compromise previously accepted by Members and by the

Secretary of State. It was seen as an important contribution in meeting local need.

- 6.65 The Housing Officer has raised concerns about uncertainty of the provision, but I am satisfied that the re-imposition of Condition 73 would secure that certainty – it requires the spreading of units through the scheme, 20% of the total homes, a broad mix of types and sizes, a mix of rented (at least 75%) and shared ownership tenures, a mechanism for their procurement and delivery, and linking delivery to the completion of market units.

Public open space

- 6.66 Unfortunately the scheme includes a low provision of public open space. Application documents have indicated that the canal, Priory grounds, and small areas among the development would provide for amenity space. I have doubts about the suitability and usability of these, given the accessibility, the quasi-public status of the Priory and the unlikelihood of adopting and properly equipping public areas within the development, however it has not previously been seen to be of overriding detriment to the proposal as a whole, and a condition secures details of new and enhanced open spaces. This compromise has previously been accepted by Members and the Secretary of State. Nothing leads me to consider that this should now be a different conclusion.

Sustainability

- 6.67 Conditions were originally imposed to secure sustainable development measures for each phase. That should be continued and would achieve the aspirations of new national and emerging policy on the matter.

Regeneration

- 6.68 The Inquiry Inspector considered that the development would bring about a comprehensive, large-scale redevelopment and regeneration of a substantial contaminated brownfield site, that would bring new life to an under used and semi-derelict part of the City, and to the listed buildings and scheduled monument.

- 6.69 These conclusions generally hold firm and some of this has already taken place. The granting of planning permission would re-establish the ability to regenerate substantial parts of the City, including some long-derelict land in prominent locations that badly needs investment. This significant benefit weighs in favour of granting permission in my opinion.

Human Rights

- 6.70 In compiling this recommendation 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) 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 of adjacent occupiers.

On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

Legal agreements

- 6.71 Three obligations were considered to be required in the original grant of permission. Of the terms secured, some remain outstanding and need to be addressed:

The Highways agreement

- 6.72 This was originally structured as 6 staged contributions amounting to £2.98million in the following terms -

Public transport improvements (£2,000,000)

Improvements to the Gloucester South west bypass (£830,000)

Improvements to pedestrian linkages between the development and primary shopping area (£150,000)

A Deed of Variation was subsequently agreed between Gloucester Quays LLP and the County Council to reduce the total amount of contributions to £1,400,000, with £440,000 to be paid on the date of the agreement (which was received).

Of the outstanding amount, the most recent modification requires:

£240,000 to be paid in May 2013

£240,000 to be paid in May 2014

£240,000 to be paid in May 2015, and

£240,000 to be paid in May 2016

I am advised that the May 2013 and 2014 instalments have not been paid and Gloucester Quays are in breach of the obligations.

Therefore the outstanding payments to £960,000 need to be secured before granting planning permission.

The College undertaking

- 6.73 As a separate permission was pursued for the College, an undertaking was secured not to construct the College as approved in the Gloucester Quays permission. An undertaking to also include the constructed phases would clarify that the permission relates to the remaining unimplemented phases.

The shopmobility/employment relocation/construction training undertaking

- 6.74 An undertaking was secured to provide a shopmobility facility in the outlet centre, to provide an employment relocation scheme to assist with the relocation of companies on the site, and construction training dated. This again needs to be secured where relevant.

- 6.75 Deeds of variation or new agreements/undertakings are necessary before the grant of any new planning permission to continue the outstanding obligations. They are all provisionally agreed with the applicant.

Conditions

- 6.76 The original permission was subject to 73 conditions. Some have been fully satisfied, some part-satisfied, while some are out of date or could otherwise be removed.
- 6.77 Of these, the following can be removed entirely:
Condition 27 – the 5 year period to which this ‘poaching’ condition applies has now expired.
Condition 32 – the arboricultural survey has been done.
Condition 37 – the archaeological work has been done.
Condition 47 – compliance with ‘a Method Statement regarding the Environmental Code of Practice relating to construction works’ serves no useful purpose and Conditions 36 (ecology) and 52 (dust, noise and pollution) cover relevant matters.
Condition 56 – the proposal shall be served by estate roads – details of which shall be provided – this is covered by the ‘reserved matters’ conditions.
Condition 59 – the limit on the retail floorspace prior to the works to Junction 12 is no longer necessary as this was addressed several years ago by a legal agreement providing a sum of money and the subsequent implementation of an ‘interim’ scheme.
Condition 61 – the requirement to have a highways scheme approved for a road link between Bristol Road and Llanthony Road including the bridge, signalling at either end, the widening of Llanthony Road between the link and the Hempsted Lane roundabout has been satisfied.
Condition 62 – This prevented the use commencing until the ‘Condition 61’ works had been completed so, as they have been, it is no longer necessary.
Condition 71 – The Police no longer wish to take an on-site presence so the retention of this facility is no longer necessary.
- 6.78 Conditions 15a and 15b relate to an earlier allowance (see the planning history section) for Cadburys and Thorntons to take occupation.
- 6.79 A longer period than the usual 3 year period for approval of reserved matters was previously given in view of the scale of development and the complexity associated with site assembly and remediation; 8 years was previously considered reasonable.
- 6.80 Other conditions can be updated in various ways including to reflect already-agreed measures, and reasons for conditions are added.
- 6.81 I have agreed with the applicant to retain the original numbering of conditions – i.e. with additions and omissions, to facilitate tracing the work done already on conditions of the original permission, otherwise cross-referencing them would be complicated.

7.0 CONCLUSION

- 7.1 The application seeks to extend the life of one of the largest and most significant planning permissions granted in the City in decades. It is probably fair to say that the two most contentious issues in the original application were the factory outlet centre and the highways impact. Of those, the majority of the outlet centre has now been built. The highways impact is now predicted to be below that originally assumed.
- 7.2 The Secretary of State previously concluded that the proposal was in accordance with the development plan and national planning policies, other than she did not consider that the sequential approach had been applied in line with PPS6 (the then retail policy statement) however that was not considered an overriding objection to the proposal as a whole when weighed against other factors. Furthermore, no material considerations were considered of sufficient weight to determine otherwise.
- 7.3 The updated assessment of the ecology, traffic and transport and flood risk chapters of the ES reveals that the conclusions of the original Statement can be considered reliable as to the likely significant environmental effects of the project. Overall the addendum ES sets out that the balance of environmental effects from the project is 'significant positive', in line with the original Statement. The likely environmental effects of the proposal have been fully considered.
- 7.4 As a new permission would result, it has been necessary to re-appraise the proposals in the round and against updated local and national planning policy and the current site context. I see no overriding reason to differ from the Secretary of State's original decision, in allowing the remaining phases to be constructed over a longer period. It appears reasonable to conclude that the economic downturn may have affected the outstanding phases coming forward, and several of them would be actively welcomed in terms of preventing further decline and securing the future of listed buildings and contributing to the housing supply of the city including affordable housing.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That the application is referred to the National Planning Casework Unit with a resolution that outline planning permission is granted subject to the completion of deeds of variation and/or additional legal agreements or undertakings in accordance with the terms set out at Paragraphs 6.70 to 6.74 above (subject to further negotiation on the necessity of the 'College' undertaking) and the following conditions:

The reserved matters and time limit conditions

Condition 1

Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority prior to the commencement of development on any phase

(as defined and approved under the phasing condition) except as provided for by other conditions in respect of site remediation, building demolition, principal access road construction and drainage works. The reserved matters for each phase are specifically to include details of access arrangements, which shall include details of the principal accesses to the site, and all other access details for respective development phases, and landscaping of the site for each phase, and a programme for the provision of the approved landscaping.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 8 years from the date of this permission.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall begin either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 5

This outline planning permission relates solely to the description of the development set out above and in the following application plans and documents:

Application site plan dwg ref. 1331 P-01 dated 19/03/02

ES documents (as updated)

ES Non Technical Summary dated February 2004, and Addendum ES Non Technical Summary dated June 2014

ES Main Report, dated February 2004, and Addendum to Environmental Statement, dated June 2014.

ES Technical Appendix 1: ES Scoping Report, and Addendum ES Technical Appendix 1: Scoping Report

ES Technical Appendix 2: Landscape and Visual Impact Appraisal

ES Technical Appendix 3: Archaeology

ES Technical Appendix 4: Cultural Heritage – Built Environment

ES Technical Appendix 5: Ecological Appraisal, and Addendum ES Technical Appendix 3: Ecology Report (including Update Bat Activity Report dated November 2014)

ES Technical Appendix 6: Statement on Retail Planning Issues

ES Technical Appendix 7: Transport Statement, and Addendum ES Technical Appendix 4: Transport Assessment

ES Technical Appendix 8: Air and Noise Quality Assessment

ES Technical Appendix 9: Land Contamination and Water Quality

ES Technical Appendix 10: Outline Flood Risk Assessment, and Addendum

ES Technical Appendix 5: Review of the existing Flood Risk Assessment

Fig. ES34 Rev. K, dated September 2008 (Revised Schedule of Proposed Development)

Fig. ES 33/01. Rev. L, dated 15/09/08 (Revised Illustrative Layout Plan)

Reason

To define the terms of the permission.

The Environmental Assessment and Masterplan conditions

Condition 6

Unless otherwise agreed in writing by the Local Planning Authority all applications for approval of reserved matters shall accord with the submitted masterplan (drawing ref. ES 33/01 Rev. L, dated 15/09/08) except where specific conditions listed in this permission require otherwise.

Reason

To ensure that the development is undertaken in accordance with the submitted plans.

Condition 7

All floorspace figures, building storey heights, housing numbers, hotel bedspaces and car parking numbers stated in the documents listed at Condition 5 are hereby deemed as maximum parameters used for the Environmental Assessment. They shall not be exceeded, and this permission

shall not be deemed to guarantee that those maximum development parameters are achievable at the reserved matters stage.

Reason

To ensure that the development accords with that assessed in the Environmental Statements.

The phasing conditions

Condition 8

Development shall accord with a Strategic Phasing Scheme to be submitted and approved in writing by the Local Planning Authority. The Strategic Phasing Scheme shall indicate;

- the development phases and their order;
- the order and approximate timescales of the site remediation and demolition works;
- a strategy for landscaping;
- a strategy for public art;
- the approximate location of a public display for the interpretation of the archaeological remains discovered within the site after the submission of the application for planning permission and (if any) during the course of development;
- masterplans for each phase showing (where applicable):
 - Site accesses
 - Principal roads
 - Key pedestrian and cycle routes
 - Public transport and car park infrastructure
 - Provision of open space

Reason

To ensure that the development is progressed in a structured fashion with due regard to highway safety, land remediation, and the provision of landscaping and open space, public art and the dissemination of archaeological information.

Condition 9

No development of a phase (as identified in the approved Strategic Phasing Scheme) shall be commenced until a Phase Principles Scheme relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The Phase Principles Scheme shall accord with the approved Strategic Phasing Scheme. It shall also provide detail on the following within that phase where relevant;

- Estate roads and associated highway improvements;
- A repair programme for historic and listed buildings;
- Implementation of Ecological Action Plan proposals for the phase;
- Provision of recreational facilities;
- Utility infrastructure;

- Provision and implementation of public art;
- The public display for the interpretation of the archaeological remains discovered within the site after the submission of the application for planning permission and (if any) during the course of development
- Implementation of the Landscaping Strategy.

Reason

To ensure that the development is progressed in a structured fashion with due regard to highway safety, historic buildings, ecology, and the provision of landscaping, recreational facilities and open space, utilities, public art and the dissemination of archaeological information.

Condition 10

The development of each phase shall proceed in accordance with the Phase Principles Scheme approved for that phase. The developer shall inform the Local Planning Authority as soon as is practical of any proposed amendment to the Phase Principles Scheme for its written approval. The Phase Principles Scheme shall not be deemed amended until the Local Planning Authority has provided written approval, subsequent to which development of that phase shall proceed in accordance with the amended Phase Principles Scheme.

Reason

To ensure that the development is progressed in a structured fashion with due regard to highway safety, land remediation, and the provision of landscaping and open space, public art and the dissemination of archaeological information.

The control of retail use conditions

Condition 11

The net retail sales area of the proposed food superstore shall not exceed 4,622 square metres with a minimum of 65% of that net sales area for convenience goods and a maximum of 35% of that net sales area for comparison goods, and the building shall not be subdivided into a number of smaller shops or units unless otherwise agreed to in writing by the Local Planning Authority.

Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the vitality and viability of the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 12

The Factory Outlet Shopping Area, as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07, shall be used only for factory outlet shopping and uses within Classes A3, A4 and/or A5 of the Town and Country

Planning (Use Classes) Order 1987 (as amended). Class A3, A4 and A5 uses within this area shall not exceed 3,279sq metres of gross floorspace in total.

Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 13

Save as provided for in conditions 15A and 15B below, all retail sales from the Factory Outlet Shopping Area shall only be by manufacturers selling their branded seconds, surplus stock, or discontinued lines all at discounted prices or other retailers selling rejects, returned goods, seconds, clearance goods and surplus stock directly supplied to them by such manufacturers all at discounted prices.

Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 14

Save as provided for in conditions 15A and 15B below, not less than 85% of the total gross retail floorspace of the Factory Outlet Shopping Area shall offer goods for sale at a price at least 30% below either recommended retail price (if available) or, if that price is not available, the price at which such a good is, or has normally been, offered for sale at the manufacturers', or their retailers' high street outlets.

Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 15

Save as provided for in conditions 15A and 15B below, the remainder of the total gross retail floorspace of the Factory Outlet Shopping Area shall offer goods for sale at a price at least 20% below either the recommended retail price (if available) or, if that price is not available, the price at which such good is, or has normally been offered for sale at the manufacturers' or their retailers' high street outlets.

Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 15a

For so long only as a maximum of two units only within the Factory Outlet Shopping Area, as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 are mainly used for the retail sale of confectionery and using a trading style which is not used in retail areas other than factory outlet shopping areas, then no more than 12 square metres of one only of those units may be used for retail sales free from the restrictions imposed by conditions 13, 14 and 15 above.

Reason

To ensure that the use of the unit is confined to a specific confectionery use as will only be found in a factory outlet shopping area and to ensure that the local planning authority can control future non confectionery uses so as to ensure that the Factory Outlet Shopping Area within the development remains as such, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 15b

For so long only as a maximum of two units only within the Factory Outlet Shopping Area, as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 are mainly used for the retail sale of confectionery and using a trading style which is not used in retail areas other than factory outlet shopping areas, then no more than 28 square metres of one only of those units may be used for retail sales free from the restrictions imposed by condition 13 above and all of the floorspace in that unit may be used for retail sales free from the restrictions imposed by conditions 14 and 15.

Reason

To ensure that the use of these units is confined to a specific confectionery use as will only be found in a factory outlet shopping area and to ensure that the local planning authority can control future non confectionery uses so as to ensure that the Factory Outlet Shopping Area within the development remains as such, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 16

The retail units other than those in Class A3, A4 and A5 shall not be used for any of the purposes within Class A1 of The Town and Country Planning (Use Classes) Order 1987 as amended other than for the sale of goods by way of factory outlet shopping, with the exception of one unit only within the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 which is permitted to include an element of clothing for hire (full price) in an area not exceeding 10 square metres. The retail units shall not be used for the sale of carpets, motor vehicles, pets or pet food or for the purposes of hairdressers, funeral director, post office or launderette, and the sale of newspapers/magazines, cigarettes and pharmaceuticals shall only be from vending machines

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 17

Unless otherwise agreed in writing by the Local Planning Authority no retail unit in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 shall have a gross floor area less than 50sq metres.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 18

Unless otherwise agreed in writing by the Local Planning Authority no retail unit in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 shall have a gross floor area greater than 1,200sq metres.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 19

There shall be not more than 21 retail units with a gross floor area in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 of less than 100sq metres at any one time.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 20

There shall be not more than 6 retail units in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 with a gross floor area of more than 600sq metres at any one time.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 21

The gross retail floorspace of the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 shall not exceed 20,000sq metres.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 22

Not more than 15,000sq metres gross of the total gross floorspace referred to in Condition 21 shall be used for the sale of clothing and/or footwear or uses ancillary thereto.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 23

Not more than 5,000sq metres of the total gross floorspace referred to in Condition 21 shall be used for the sale of items other than clothing and/or footwear.

Reason

To avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 24

No goods shall be stored or displayed for sale outside any retail unit.

Reason

In the interests of the visual amenities of the area, to preserve the character and appearance of the Conservation Area and setting of the listed buildings, in accordance with Policies BE.23, BE.29 of the 2002 Second Deposit City of Gloucester Local Plan, Policies SD5 and SD9 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 25

There shall be no internal alterations to the retail units so as to increase the total gross floorspace thereof without the written consent of the Local Planning Authority.

Reason

To ensure that the quantum of development accords with that assessed, to avoid a significant adverse impact on the City Centre in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 26

The approved and implemented fingerpost signs, taxi call points, travel information boards, signs to the Primary Shopping Area of Gloucester shall be retained as installed for the duration of the use of the factory outlet shopping centre unless otherwise agreed to in writing by the Local Planning Authority.

Reason

In the interests of legibility and highway safety and supporting the vitality and viability of the primary shopping area, in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5, INF1 and INF2 of the Joint Core Strategy Submission Document 2014 and Paragraphs 23, 32 and 58 of the NPPF.

--- No Condition 27 ---

The Class A3, A4, A5 and/or food and drink conditions

Condition 28

No Class A3, A4 or A5 use as defined in *The Town and Country Planning (Use Classes) Order 1987* as amended shall commence until ventilation and cooking fume control measures have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be operated and maintained in accordance with the manufacturer's instructions and the use shall only take place whilst the equipment is operational.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17 and 120 of the NPPF.

Condition 29

Any Class A3 or Class A5 use as defined in *The Town and Country Planning (Use Classes) Order 1987* as amended shall only be open for the admission of customers between the hours of 0700 to 0000 on any day, unless the Local Planning Authority gives written permission for any variation and no customer shall be admitted outside such hours.

Reason

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

The leisure use conditions

Condition 30

Details of the nature, scale and type of each Class D2 use and any Class A3, A4 and/or A5 use as defined in *The Town and Country Planning (Use Classes) Order 1987* as amended shall be included with each submission for reserved matters approval.

Reason

To ensure that the planning issues can be given full and proper consideration in the interests of highway safety and residential amenity, in accordance with Policies FRP.10, FRP.11, BE.21 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15, INF 1 and INF2 of the Joint Core Strategy Submission Document 2014, and Paragraphs 17, 32, 120 and 123 of the NPPF.

The open space, trees, landscaping strategy, landscape schemes and ecology conditions

Condition 31

No phase containing residential development shall commence until details of new areas of amenity space, public open space and enhancements to existing open space (including the grounds of Llanthony Secunda Priory) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, treatment, function, fencing, planting, paths, bins (litter and dog fouling) and play facilities. These shall be implemented concurrently with the phase (or to an alternative programme to be submitted to and approved in writing by the Local Planning Authority) and retained thereafter.

Reason

To secure provision of facilities for future residents of the development in accordance with Policies BE.4, BE.5, BE.12, BE.17, BE.23, BE.29, OS.2, OS.3 and OS.4 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5, SD9 and INF4 of the Joint Core Strategy Submission Version 2014 and Paragraphs 17, 58, 69 and 73 of the NPPF.

--- No Condition 32 ---

Condition 33

All trees to be retained shall be protected in the course of construction works by secure fencing, of a type and location to be agreed in writing by the Local Planning Authority, prior to the commencement of development of any phase. The protective measures are to accord with the advice in BS 5837:2012 and shall be retained throughout the construction period, and no materials, plant or other equipment shall be placed within the protected area.

Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with Policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 17 the National Planning Policy Framework.

Condition 34

All landscape schemes submitted and approved pursuant to Condition 1 shall be implemented in accordance with the programme approved pursuant to Condition 1 unless the Local Planning Authority gives written consent to any variation. Any trees or plants which, within a period of 5 years from the date of the completion of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and

BE.12 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 58 of the National Planning Policy Framework.

Condition 35

No development work, including demolition work, shall be undertaken within a phase until an up to date survey of and report on all likely bat roosts has been carried out. The report shall include appropriate mitigation and protection measures in the light of the survey findings. The survey document shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development (including demolition) within that phase and any approved measures shall thereafter be strictly adhered to.

Reason

In the interests of the preservation of any bats within the site in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 36

Development shall accord with an Ecological Action Plan to be submitted to and approved in writing by the Local Planning Authority and that Plan shall thereafter be implemented in accordance with the Phase Principles Scheme. The Plan shall include;

- Measures to mitigate the impact of the construction phase including restricting movements of plant and other vehicles, and the location of compounds and stockpiling;
- a Method Statement detailing means of preventing sediment from entering the Gloucester and Sharpness canal during the construction phase. Implementation shall be in accordance with the Method Statement;
- details of enhancing the ecological corridor of the Gloucester and Sharpness Canal, including restoring suitable conditions for historic seed bank/flowering plants;
- mitigation/enhancement proposals for the College and Priory and the habitat management;
- details of bird box erection including their type and number;
- details of bat mitigation strategy including works to existing buildings, bat box erection including type and number, and the securing of sensitively designed lighting;
- native tree and shrub planting;
- details of an ecological clerk of works, including a job description and reporting procedures.

Reason

To secure biodiversity mitigation and enhancement in accordance with the Environmental Statement and in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core

Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

The archaeology conditions

--- No Condition 37 ---

Condition 38

Unless an alternative programme is submitted to and approved in writing by the Local Planning Authority, no development shall take place within the area to the south east of Llanthony Priory, as defined as Zone 3 of Figure 18 in the ES Technical Appendix 3: Archaeology, until a programme of archaeological work has been carried out in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development. Thereafter the building works affecting this zone shall incorporate any building techniques and measures approved in writing by the Local Planning Authority as necessary to mitigate the loss or destruction of any archaeological remains, and to preserve in-situ any archaeological remains of national importance.

Reason

The site contains significant heritage assets. The Council requires that provision be made for a programme of archaeological mitigation. This is in accordance with Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 131 of the NPPF.

Condition 39

No further development shall take place within Zone 2 on Figure 18 in the ES Technical Appendix 3: Archaeology until a programme of archaeological work has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work is to provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

Reason

The site may contain significant heritage assets. Should such assets be present the Council requires that provision be made for a programme of archaeological mitigation. This is in accordance with Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 131 of the NPPF.

The surfaces, materials and means of enclosure conditions

Condition 40

No development of a phase, other than site remediation, demolition or infrastructure provision, shall take place until details of all building facing materials and finishes in respect of that phase (which should be locally sourced where possible) 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

In the interests of the visual amenities of the area, the preservation of the special interest of the listed buildings and their settings, and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7, BE.17, BE.22, BE.23 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition 41

No development of a phase, other than site remediation, demolition or infrastructure provision, shall take place until details of the surface material finishes for the highways, footpaths, cycle ways, private drives and hard surfaces 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

In the interests of the visual amenities of the area, the preservation of the special interest of the listed buildings and their settings, and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7, BE.17, BE.22, BE.23 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition 42

No development of a phase, other than site remediation, demolition or infrastructure provision, shall take place until details of screen walls, fences and other means of enclosure 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

In the interests of the visual amenities of the area, the preservation of the amenities of future occupants, the preservation of the special interest of the listed buildings and their settings, and preserving the character and

appearance of the Conservation Area in accordance with Policies BE.7, BE.17, BE.21, BE.22, BE.23 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5, SD9 and SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 58 and 131 of the National Planning Policy Framework.

The land contamination condition

Condition 43

Unless otherwise agreed to in writing by the Local Planning Authority, development of a phase other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 has been complied with in relation to that contamination.

1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 1 of this condition, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme, and the provision of reports on the same must be prepared prior to occupation, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority for approval prior to occupation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

The drainage conditions

Condition 44

No development of a phase, other than site remediation or demolition, shall commence until a comprehensive scheme for the provision of works for the disposal of foul sewage and surface water drainage that employs a Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include method statements; measures to prevent sediment entering the Gloucester and Sharpness Canal; measures to maximise grey water recycling and rainwater harvesting, and measures to prevent the pollution of water courses and groundwater. The approved scheme shall thereafter be implemented to serve the development, and no buildings or dwellings shall be occupied until satisfactory foul and surface water drainage facilities for these buildings are in place and operational.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 103 of the NPPF.

Condition 45

Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of all new buildings within the area identified as below the 100 year floodplain on Figure ES 30 February 2004 – Flood Risk – Areas of Site to be Raised shall be set at least at 11.78m AOD.

Reason

To ensure mitigation of buildings against flooding, in accordance with Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002, Policy INF 3 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 100 and 103 of the NPPF.

Condition 46

Unless otherwise agreed to in writing by the Local Planning Authority, the outstanding elements of the flood mitigation scheme as set out in the following documents (the outstanding elements comprising the removal of Zone B and remainder of Zone C of the Dock Branch Railway embankment) shall be implemented in line with the details within these documents:

- Outline Flood Risk Assessment Rev H (February 2004)
- Flood Plain Compensation Report Rev E (June 2004)
- Capita Symonds Structures update report on flood mitigation pursuant to condition 46, received by the Local Planning Authority 27th April 2007.
- Legal Agreement between the Environment Agency and British Waterways dated 24th November 2005. Received by the Local Planning Authority 17th December 2008.
- Deed of variation between the Environment Agency and British Waterways dated 14th December 2006. Received by the Local Planning Authority 17th December 2008.
- Copy of the as built survey of the embankment dated 12th February 2007. Received by the Local Planning Authority 17th December 2008.
- Flood Plain Assessment Update Report produced by Capita Symonds Structures dated 9th March 2009 (SS015464 : Rev. 02). Received by the Local Planning Authority 9th March 2009.

Written confirmation shall be provided to the Local Planning Authority of the completion of the works.

Reason

To ensure that the approved flood mitigation scheme is completed, in accordance with Policies FRP.1a and FRP.3 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF 3 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 100 and 103 of the NPPF.

--- No Condition 47 ---

The sustainability conditions

Condition 48

A Waste Minimisation Statement for the Demolition and Construction Period must be submitted as part of reserved matters applications for each phase. The Waste Minimisation Statement will form part of any subsequent approval and shall include details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. Thereafter all of these provisions shall be implemented in accordance with the agreed Waste Minimisation Statement unless any variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of waste minimisation in accordance with Policies SD4 and SD15 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraph 17 of the NPPF.

Condition 49

A Waste Minimisation Statement for the Occupational Life of the Development must be submitted as part of reserved matters applications for each phase. The Waste Minimisation Statement will form part of any subsequent approval and shall include;

- Provision within the residential development of on-site storage receptacles for recycling at identified locations appropriate in size and location to the number of residential units;
- Provision within commercial and business areas of facilities or allocated areas to sort, store, treat and manage a majority of the waste produced internal to each of those parts of the site; and
- Suitable processing arrangements for recycling/waste collection vehicles.

Thereafter, within each Phase to which the Waste Minimisation Statement for the Occupational Life of the Development refers, no building may be occupied until the provisions set out in the approved Statement have been implemented. All the approved measures shall thereafter be retained unless any variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of waste minimisation in accordance with Policy BE.4 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD4, SD5 and SD15 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 17 and 58 of the NPPF.

Condition 50

Within each phase no development, other than remediation, demolition or infrastructure provision, shall commence until a detailed strategy for the adoption and incorporation of sustainable development principles, including energy efficient measures to be incorporated into the buildings, has been submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be completed in accordance with that strategy unless the Local Planning Authority gives written consent to any variation.

Reason

To support the move to a low carbon future, in accordance with Policy SD4 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 95, 96 and 97 of the NPPF.

The environmental conditions

Condition 51

No development of a building other than site remediation, demolition or infrastructure provision shall commence until details of measures to discourage seagulls from nesting and/or roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's publication "Gulls: How to stop them nesting on your roof" December 2005.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policies BE.9 and BE.10 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17 and 58 of the NPPF.

Condition 52

No development of a phase shall commence until a detailed dust, noise and pollution strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all aspects of air and noise pollution during the construction and post construction periods and shall be adhered to at all times.

Reason

To safeguard residential amenity and prevent pollution in accordance with policies FRP.9, FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 53

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1930 hours Monday to Saturday and no construction work or deliveries shall take place on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

The disabled access conditions

Condition 54

Each reserved matters application in respect of buildings, car parks, areas of public open space or pedestrian routes or linkages shall include a statement detailing measures employed to make the scheme fully accessible to disabled people as defined in the Disability Discrimination Act 2005. The measures shall include disabled persons' parking, accessible to, from and across buildings and land, and the provision of accessible entrances at each principal public entrance. The development shall thereafter be implemented in accordance with such details as approved under each reserved matters application.

Reason

In the interests of making the development accessible for all, in accordance with Policy BE.6 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Joint Core Strategy Submission Document 2014, and Paragraphs 17, 58 and 69 of the NPPF.

The roads, access, transportation and construction traffic, and public safety conditions

Condition 55

Unless otherwise agreed in writing by the Local Planning Authority, the Car Park Management Plan as set out in the following documents shall be complied with for the duration of these respective retail uses:

In respect of Phases D and F1 – The Factory Outlet Shopping Area

- Specification of Vehicle Management System (WP7810) by RPS Gregory; Drawings DY(47)1-1-001 Rev. 05, DY(47)1-2-001 Rev. 06, DY(47)1-3-001 Rev. 05 and DY(47)1-4-001 Rev. 05 (received 17th February 2009);
- The amended tariff set out in the WYG letter dated 22nd July 2011 (received by the Local Planning Authority on 26th July 2011);
- Schedule of concessionary parking set out in the WYG letter dated 9th May 2012 (received by the Local Planning Authority on 10th May 2012);

In respect of Phase C – The Foodstore

- Connect Consultants Car Park Management Plan for Sainsbury's Supermarkets Limited dated 8th November 2007 (received by the Local Planning Authority on 2nd January 2008).

Reason

To ensure that the development does not undermine the strategic approach to car parking and congestion control in the central area and to encouraging sustainable forms of travel in accordance with Policies TR.13, TR.16, TR.17,

TR.18 and TR.19 of the 2002 City of Gloucester Second Deposit Local Plan, Policy INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 29, 30, 32, 34, 35 and 40 of the NPPF.

--- No Condition 56 ---

Condition 57

Unless an alternative arrangement is agreed to in writing by the Local Planning Authority, the taxi rank provision (as shown on plan ref. DY(TP)8- -0-057 Rev. 07 received by the Local Planning Authority 24th February 2009) shall be retained for the duration of the permitted uses.

Reason

In the interests of the organised and safe functioning of the outlet centre in accordance with Policies BE.4, BE.5, BE.6, TR.31 and TR.40 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 32 and 58 of the NPPF.

Condition 58

Unless an alternative arrangement is agreed to in writing by the Local Planning Authority, the coach and bus facilities on St Ann Way (as shown on plan ref. DY(40)8- -0-031 Rev. 02 received by Local Planning Authority 14th May 2009) shall be retained for the duration of the retail use.

Reason

In the interests of the organised and safe functioning of the outlet centre in accordance with Policies BE.4, BE.5, BE.6, TR.15 and TR.31 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 32 and 58 of the NPPF.

--- No Condition 59 ---

Condition 60

Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of any element of the development likely to employ more than 15 employees a detailed Travel Plan in accordance with "A Travel Resources pack for Employers" by TransportEnergy shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in accordance with the approval.

Reason

To encourage sustainable forms of travel in accordance with Policy TR1 of the 2002 City of Gloucester Second Deposit Local Plan, Policy INF1 of the Joint

Core Strategy Submission Document 2014 and Paragraphs 32 and 36 of the NPPF.

--- No Condition 61 ---

--- No Condition 62 ---

Condition 63

No new building shall be occupied until the means of vehicular, cycleway and pedestrian access necessary to serve that part of the development from the adopted highway have been constructed in accordance with a plan and programme submitted to and approved in writing by the Local Planning Authority before that part of the development commences.

Reason

In the interests of highway safety by ensuring the access is suitably laid out and constructed in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies INF1 and INF 2 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 32 of the NPPF.

Condition 64

The reserved matters submissions in respect of each development component shall include covered cycle parking provision at a level and in a manner to be agreed with the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided and to promote cycle use, in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 32 of the NPPF.

Condition 65

There shall be no open storage within the development, other than for cycle parking and the provision of recycling facilities, without the prior written approval of the Local Planning Authority.

Reason

In the interests of the visual amenities of the area, preserving the character and appearance of the Conservation Area and setting of the listed buildings and highway safety in accordance with Policies BE.4, BE.9, BE.23, BE.29 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5 and SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 32, 58 and 131 of the National Planning Policy Framework.

Condition 66a

The proposed service yard to the rear (west) of properties in Southgate Street shall only be used for servicing activities during the hours listed below, unless otherwise agreed in writing with the Local Planning Authority:

0600hrs to 1800hrs¹ Monday to Saturday

0800hrs to 1600hrs^{1 2} Sundays

0900hrs to 1600hrs^{1 2} Bank Holidays

(¹ subject to the limitations in Condition 66b below)

(² no more than 10 vehicle movements per day, excluding refuse collections)

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.

Condition 66b

Notwithstanding the times indicated in condition 66a above, the operation of the service yard shall be limited to the arrangements set out in the revised Service Yard Vehicle Management Strategy (received by the Local Planning Authority on the 24th March 2009 under planning ref. 09/00088/FUL), notably the further phasing of delivery times (at section 2.3) and use of electric vehicles for refuse and maintenance (at sections 1.2 and 1.6).

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.

Condition 67

No development of a phase shall commence until details of measures to prevent mud, dirt and other construction arising from the site being deposited on the highway have been submitted to and approved in writing by the Local Planning Authority. The measures shall include construction vehicle routes and associated signing, vehicle wheel cleaning facilities, physical demarcation of a vehicle route to ensure that all vehicles have to pass through the wheel wash facility, and monitoring and remedial measures to ensure that the adjacent highways are regularly inspected by site operatives and any mud deposits left on the highway are removed immediately. These measures shall be retained, operated and implemented as all times during the period of construction.

Reason

To preserve highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy INF1 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 32 of the NPPF.

Condition 68

No development of a phase shall commence until details of temporary car parking and accommodation for site operatives have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All temporary buildings and car parks shall be removed and the land reinstated within 2 months of the date of completion of development on any phase.

Reason

To preserve highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy INF1 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 32 of the NPPF.

Condition 69

Each construction phase site shall be securely fenced during the period of construction in accordance with details to be approved in writing by the Local Planning Authority prior to the commencement of development on that phase.

Reason

In the interests of public safety and prevention of crime in accordance with Policy BE.5 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD 5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58 and 69 of the NPPF.

Condition 70

Once provided, the public display for the interpretation of the archaeological remains approved pursuant to Condition 8 shall thereafter be retained.

Reason

The site may contain significant heritage assets. Should such assets be present the Council requires that provision be made for dissemination of the evidence uncovered. This is in accordance with Policies BE.37 and BE.38 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 137 and 141 of the NPPF.

--- No Condition 71 ---

Condition 72

Not less than 15% of the residential units in the development shall be constructed as Lifetime Homes in accordance with the Gloucester Local Plan Supplementary Planning Guidance 5: Lifetime Homes.

Reason

To secure the provision of an appropriate type of housing in accordance with Policy H.18 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD12 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 50 of the NPPF.

Condition 73

No residential development pursuant to this planning permission, other than remediation, demolition or the provision of infrastructure, shall commence until a scheme for the provision of affordable housing ("The Affordable Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing Scheme shall include the following components:

- (i) The identification of the areas of land and / or buildings (conversions) for the provision of affordable housing units, which shall be based on the principle of spreading the affordable homes across the residential development.
- (ii) A total proportion of affordable home numbers being 20% of the total number of homes proposed on the site.
- (iii) A broad mix of housing unit types and sizes reflecting the profile of local housing need and recognising the characteristics of the site and the proposed development.
- (iv) A mix of rented and shared ownership tenures where the rented proportion comprises at least 75% of the total affordable housing unit numbers.
- (iv) The remediation of the identified areas of land as necessary together with the provision of vehicular and pedestrian access and mains services to enable the affordable homes to be provided.
- (v) A mechanism for the procurement and delivery of the affordable homes.
- (vi) A programme for the delivery of the affordable homes linked to the completion of market housing phases.

Reason

To secure the provision of an appropriate level and type of affordable housing in accordance with Policies H.15, H.16 and H.18 of the Second Deposit City of Gloucester Local Plan (2002), Policies SD12 and SD13 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 50 of the NPPF.

ENVIRONMENTAL IMPACT STATEMENT

The environmental information (as defined within the Environmental Impact Assessment Regulations) has been taken into consideration in determining this application.

Notes

The conditions of this permission are numbered to reflect the original permission for ease of tracing the submitted details (i.e. with deliberate omissions and additions in the numbering).

In line with Condition 7, this permission shall not be deemed to guarantee that the maximum development parameters are achievable at the reserved matters stage. This is particularly to be noted by the applicant or subsequent developer at the southern edge of the site at Monk Meadow where careful attention will be required to the relationships to the adjacent residential development to the south in order to protect the living conditions of residents of those existing properties.

Decision:

Notes:

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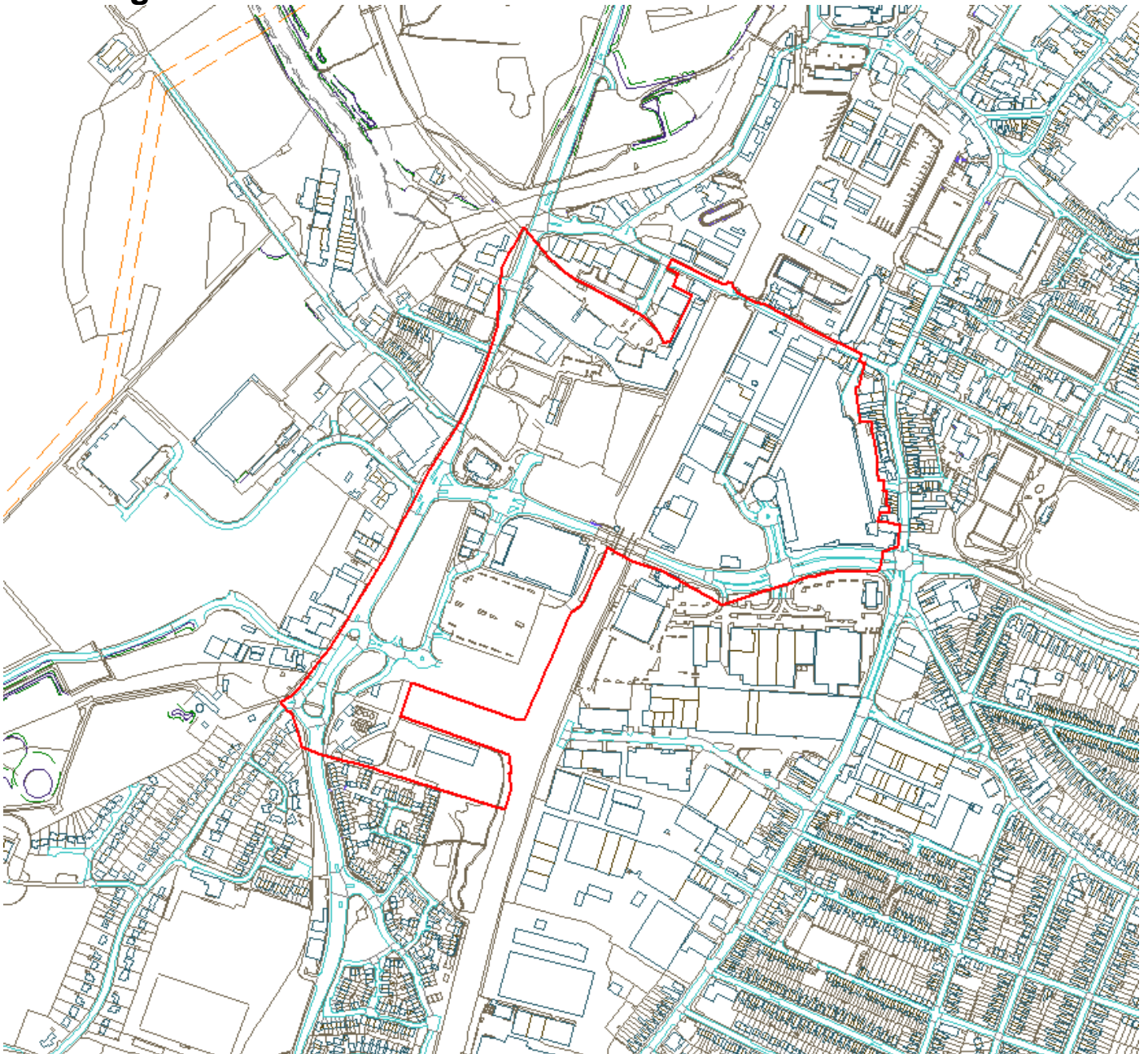
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Person to contact: Adam Smith
(Tel: 396702)

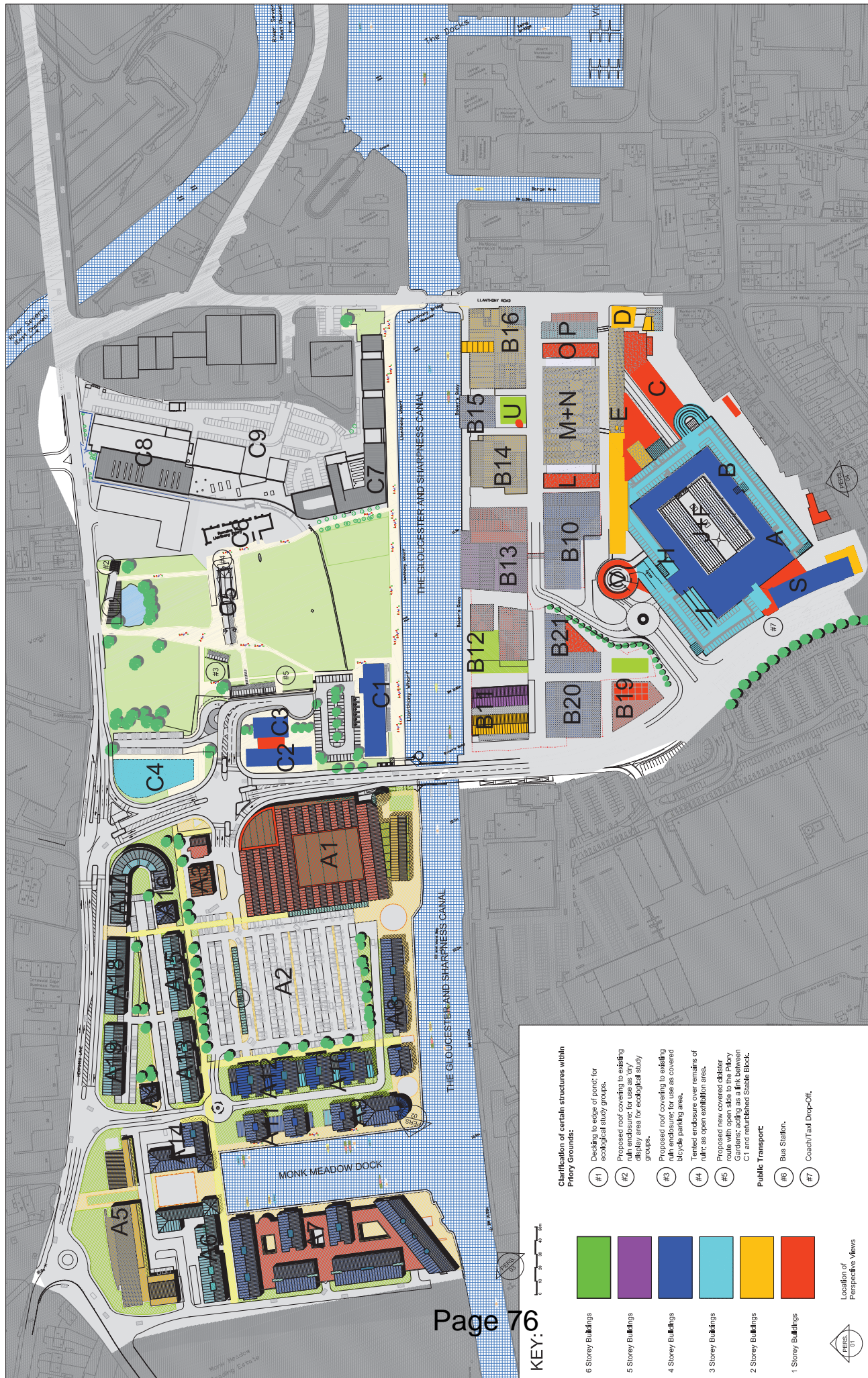
14/00709/FUL

**Land At Bakers Quay Llanthony Wharf
And Monkmeadow Bounded By Southgate
Street Llanthony Road, St Ann Way
Gloucester**

Planning Committee



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KEY:

- 6 Storey Buildings
- 5 Storey Buildings
- 4 Storey Buildings
- 3 Storey Buildings
- 2 Storey Buildings
- 1 Storey Buildings

- Clarification of certain structures within Priority Grounds:
- #1 Decking to edge of pond; for ecological study groups.
 - #2 Proposed roof covering to existing ruin enclosure; for use as 'dry' display area for ecological study groups.
 - #3 Proposed roof covering to existing ruin enclosure; for use as covered bicycle parking area.
 - #4 Tented enclosure over remains of ruin; as open exhibition area.
 - #5 Proposed new covered timber ruins with open stairs to priority ground; for use as 'dry' display area for ecological study groups; C1 and refurbished Stable Block.
- Public Transport:
- #6 Bus Station.
 - #7 Coach/Taxi Drop-Off.

Location of Perspective Views



Revised Illustrative Layout Plan
 (to reflect topographical survey and indicate stopping up of Baker Street)
 Scale 1:2500 @ A3
 Figure ES 33/01 - REV L 15/09/2008

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	13th JANUARY 2015
ADDRESS/LOCATION	:	BLACKBRIDGE ALLOTMENTS STROUD ROAD
APPLICATION NO. & WARD	:	14/01317/OUT PODSMEAD
EXPIRY DATE	:	11TH FEBRUARY 2015
APPLICANT	:	GLOUCESTERSHIRE COUNTY COUNCIL
PROPOSAL	:	REVISED OUTLINE APPLICATION FOR 14 NEW DWELLINGS, NEW ALLOTMENTS AND ASSOCIATED WORKS (FOLLOWING GRANT OF OUTLINE PERMISSION UNDER APPLICATION NO.11/00724/OUT) TO ALLOW FOR AMENDED ACCESS ARRANGEMENTS FROM STROUD ROAD. (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR FUTURE CONSIDERATION).
REPORT BY	:	BOB RISTIC
NO. OF APPENDICES/ OBJECTIONS	:	SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This site comprises an area of land located on the west side of Stroud Road, some 130 metres south of its junction with Tuffley Avenue and immediately to the north-west of Stroud Road Railway Bridge and is approximately 1 hectare in area.
- 1.2 The site is currently a derelict non - statutory allotment area that was created during the 1940's and is served by an existing vehicular and pedestrian access at the northern end of the railway bridge which also provides vehicular and pedestrian access to the Blackbridge playing fields and the railway sidings.
- 1.3 Outline planning permission was granted in January 2014 for a development of 14 dwellings and an improved allotment area. That development would have been served by a new vehicular access from Stroud Road which would have served the development, the allotments and Blackbridge playing field beyond. This access would also have incorporated the existing separate Network Rail access road which serves the nearby railway sidings.

- 1.4 The current proposal is in principle the same as the development which was granted earlier this year, with the exception of a revised site access from Stroud Road. The applicant has advised that they have been unable to secure an agreement with Network Rail for the previously approved shared access and have therefore sought alternative independent access arrangements to serve the development proposed.
- 1.5 The proposed access would now be separate from the existing the Network Rail track and would be formed approximately 5 metres to the north of the previously approved access point and would incorporate a small part of the front garden to no.214d Stroud Road.
- 1.6 The other changes include the provision of four parking spaces within the site to serve no.241d Stroud Road, the realignment of plots 1 & 2 so that they face directly towards(albeit that the layout is a reserved matter) the access road and the repositioning or the car parking to serve the allotments.
- 1.7 The application has been brought before the planning committee for determination as it entails the completion of a legal agreement the terms of which will be set out below.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The application site has been subject of one recent planning application, which is summarised below:

11/00724/OUT - outline application for 14 new dwellings, new allotments and associated works (means of access not reserved) – Granted in January 2014.

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 The relevant local policies from the City of Gloucester Second Deposit Local Plan (2002) are :

A.2 – Protection of Allotments
H.4 – Housing on unallocated sites
TR.31 – Highway safety
FRP.10 - Noise
B.10 - Trees and Hedgerows on Development Sites.

3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 **CONSULTATIONS**

4.1 **County Highways** – No objections subject to conditions.

4.2 **Severn Trent Water** - no objection subject to a condition and comment that there is a public sewer within Stroud Road.

4.3 **Land Contamination** - no objection subject to a condition.

4.4 **County Education** - Contributions will be required towards school facilities at Calton Primary and secondary provision at Gloucester Academy.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through a press notice and the posting of a site notice. In addition the owners/occupiers of 13 neighbouring properties were notified for the application by letter.

- 5.2 At the time of writing, no public representations have been received.
- 5.3 The full content of all correspondence on this application can be inspected at the 4th floor reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.
- 6.0 **OFFICER OPINION**
- 6.1 The principle of the proposed development has already been established through the grant of planning permission no.11/00724/OUT, and that 'fall back' permission is still extant.
- 6.2 The current application proposes the same quantum of development as previously approved. Since the granting of planning permission no.11/00724/OUT, there has been no substantive changes in planning policy and principle of the use of the site for housing and allotments is considered to be acceptable subject satisfactory means of access being achieved.
- 6.3 The current application proposes a revised access point to serve the development, which would be sited, approximately 5 metres to the north of the previously approved position, and would be separate to the existing Network Rail 'service road', (which would remain unaltered by this proposal) and the proposed access arrangement would be similar to the present situation where there are two separate access points onto Stroud Road.
- 6.4 The applicant has submitted tracking details for the revised site access which demonstrates that a 3 axle refuse vehicle can pass a large saloon car without conflict at the Stroud Road junction. The details have been appraised by the Highway Authority, who have confirmed that the access would be of an appropriate design to serve the development proposed. The access would also provide sufficient visibility in each direction when accounting for the speed of Stroud Road.
- 6.5 Similarly the indicated internal estate road would be sufficiently wide enough to maintain the ability for a HGV and car to pass. Should any on-street parking occur, there would still be enough room for those vehicles to pass.
- 6.6 Pedestrian access from Stroud Road would be via a 2 metre wide footway to the northern side of the access road and would be of an adequate width to accommodate all users. It is therefore considered that the development would not result in any demonstrable harm to highway safety.
- 6.7 Furthermore, the Highway Authority has advised the proposed drawings demonstrate that No. 241d Stroud Road would still benefit from adequate access and compensatory parking arrangements to serve the flats on that site.
- 6.8 The application has been accompanied by a draft S.106 with the following heads of terms:

Primary education

£40,922.00

Secondary education	£37,447.00
Play facility improvements in Podsmead	£20,000.00
Commuted sum for maintenance of Allotment	£10,097.00
Transfer of serviced and laid out allotment site to City Council.	

- 6.9 I consider the proposed contributions to be acceptable in order to mitigate the impacts of the proposed development.
- 6.10 The precise details of the appearance, landscaping, layout and scale of the development will be considered at the reserved matters stage, nevertheless, the indicative drawings show how the site could accommodate an attractive and well planned development, which would bring significant social and environmental benefits to this vacant site, which include the delivery of housing, provision of allotments and improved access to the adjoining Blackbridge playing field site.

7.0 CONCLUSION/REASON FOR APPROVAL

- 7.1 The site is currently under-utilised and the NPPF and policies within the City of Gloucester Revised Deposit Local Plan promote the efficient use of such land. This development proposal has a number of advantages that will benefit future residents and the wider community as the site was previously used as allotments which fell into disrepair due to security issues caused by a lack of passive observation. The proposal would provide an opportunity to refurbish part of the allotments and to improve security of the area through natural surveillance from the new dwellings and improved access and linkages. Furthermore, it is considered that the site is of an adequate size to accommodate the proposed development and the revised access arrangements would not result in any harm to highway safety.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That, subject to the completion of a legal agreement in accordance with the terms set out above, that delegated powers be given to the Development Control Manager to grant outline planning permission with the following conditions :-

Condition 1

Approval of the details of the appearance, landscaping, layout and scale of the buildings (hereinafter called "the reserved matters for residential development") shall be obtained from the local planning authority in writing before any development is commenced.

Reason

To enable the local planning authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

Condition 2

Application for approval of the reserved matters for residential development shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development (in respect of the means of access) shall be carried out in accordance with approved drawing nos.6287 /PL01E ,6287/PL10C,6287 SK05 Rev.E and 6287 SK10 received by the Local Planning Authority on 11th November 2014 and any other conditions attached to this permission.

Condition 5

Details to be submitted in respect of condition 1 above shall include a detailed scheme of sound insulation work which shall ensure that the following internal noise targets, as set out in BS 8233: 1999: 'Sound Insulation and noise reduction for buildings – Code of Practice, are met :

- Bedrooms 23.00 – 07.00: 35dB LAeq
- Bedrooms 23.00 – 07.00: 45dB LAF max
- Living Rooms 07.00 – 23.00: 40dB LAeq
- Gardens 07.00 – 23.00 55dB LAeq

In addition such details shall include details of the design and appearance of acoustic fencing to the garden areas within the area identified as plots 1, 2, 9, 10,11,12,13 and 14. The sound insulation work to the dwellings and the acoustic fencing to the relevant garden areas shall be undertaken in accordance with the approved details before the commencement of occupation of any dwelling affected by railway noise and shall be retained for the duration of the development.

Reason

In the interest of protecting the residential amenities of the occupiers of the development in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Details to be submitted in respect of Condition 1 shall include a completed stage F/1 Road Safety Audit and a Non Motorised User Context Report.

Reason

In the interest of road safety in accordance with policy TR.31 of the Second Deposit Gloucester Local Plan (2002).

Condition 7

Details to be submitted in respect of Condition 1 shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities (including associated garages and car ports where proposed) have been provided in accordance with the approved plans and shall be retained available for those purposes for the duration of the development.

Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety in accordance with policy TR.31 of the Second Deposit Gloucester Local Plan (2002).

Condition 8

No residential development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority :

- i) samples or precise details of the external facing materials and the roofing materials;
- ii) the location, profile and colour of the rainwater goods;
- iii) the design, appearance and construction of all windows and doors with their cills and surrounds, with cross-sectional drawings to show reveal depths to all window openings and entrance doors ;
- iv) the design and location of soil pipes, extractor vents and flues; and
- v) the precise design of the barge/fascia boards.

Such works shall be undertaken in accordance with the approved details.

Reason

To ensure that the materials and exterior building components harmonise with its surroundings, in the interests of the residential amenities of the occupiers of nearby residential properties in accordance with policies BE.5, BE.7 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

No residential development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment, apart from those garden boundaries referred to in Condition 4 above. The boundary treatments shall be completed in accordance with the approved details before the occupation of the particular dwelling on the plot to which the enclosure relates.

Reason

In the interests of the residential amenities of the occupiers of the development in accordance with policies BE.7 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No residential development shall commence until details of the means of the catchment and disposal of surface water and foul sewage has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be carried out before the occupation of the first dwelling and shall be retained for the duration of the development.

Reason

To ensure that the development is provided with satisfactory means of drainage as well as to reduce potential highway impact by ensuring that surface water does not have to be discharged on to the public highway and to provide a sustainable means of surface water drainage in accordance with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management.

Reason

To ensure that safe and suitable access is achieved and maintained for all people as required by Paragraph 32 of the Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by Paragraph 58 of the Framework.

Condition 12

No residential development shall commence until a detailed scheme to deal with the suppression of dust caused by the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be adhered to for the full duration of demolition and construction works.

Reason

In the interests of local amenity and noise pollution in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No residential development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;

- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Unless otherwise agreed by the Local Planning Authority, works to the residential development and the retained allotment area other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems,
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part (c).

(e) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised due to the sensitive nature of the proposal and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No works shall commence on the residential development site hereby permitted (other than that required by this condition) until the first 20 metres of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason

To reduce potential highway impact by ensuring that there is a satisfactory access before the commencement of construction works in accordance with policy TR.31 of the Second Deposit Gloucester Local Plan (2002).

Condition 16

No development (including any site clearance or preparation) shall take place until a reptile mitigation strategy to include means of trapping, relocating and relocation site shall be submitted and approved in writing by the Local planning authority. The identified protection and mitigation works shall be carried out in strict accordance with approved strategy and within the identified time scales.

Reason:

To ensure adequate protection of a species protect by the 1981 (as amended) Wildlife and Countryside Act and in accordance with Policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

During the construction phase of the residential development no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 18

No materials or substances shall be incinerated within the application site during the construction phase.

Reason

To safeguard residential amenity and prevent pollution in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 19

The residential development hereby permitted shall not be occupied until details of the secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with design details to be submitted to and approved in writing by the local planning authority and thereafter shall be retained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided and to promote cycle use, in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002). [see note below]

Condition 20

Prior to the first occupation of the proposed development the site access shall be completed in all respects in accordance with Drawing SK05 rev E, including footways and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason

To reduce potential highway impact by ensuring that there is a satisfactory access for pedestrians and vehicles, in accordance with paragraph 32 of the NPPF and TR.31 of the Second Deposit Gloucester Local Plan (2002).

Condition 21

No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people according to paragraph 35 of the NPPF and policy TR.31 of the Second Deposit Gloucester Local Plan (2002).

Condition 22

Before the occupation of any dwelling fire hydrants served by mains water supply shall have been installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of community safety and to accord with policy BE5 of the Second Deposit City of Gloucester Local Plan (200).

Condition 23

Before the occupation of the proposed dwellings the proposed junction with the County highway shall be laid out and constructed in accordance with the details shown on the submitted plan no. C2161.002 and shall be similarly maintained thereafter.

Reason

To ensure a satisfactory means of access is provided and maintained in the interests of highway safety in accordance with policy TR31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 24

The development hereby permitted shall be served by access roads laid out and constructed in accordance with details (including street lighting and surface water drainage/disposal) that shall have been submitted to and approved in writing by the Local Planning Authority, and no dwelling on the development shall be occupied until the roads including surface water drainage/disposal, vehicular turning heads, street lighting and footways where proposed providing access from

the nearest public road to that dwelling have been completed to at least binder course level in accordance with those approved details, and those access roads shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a satisfactory means of access in accordance with policy TR.31 of the Second Deposit Gloucester Local Plan (2002).

Condition 25

The development hereby granted shall be carried out strictly in accordance with the submitted details including drawings comprising location plan 6287/PL01C, proposed allotments 6287/SK05 revision c and proposed residential development and Network Rail access C2161.002 any other conditions attached to this permission.

Reason

To ensure the development is carried out in accordance with the accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Note 1

This outline planning permission is accompanied by a legal agreement.

Note 2

Garages of dimensions 6m x 3m are deemed to satisfy the cycle parking requirement.

Note 3

The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement including an appropriate bond with the Local Highway Authority before commencing works on the development.

Note 4

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Note 5

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to Contact Severn Trent Water to discuss your proposal. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provision of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

If you require any further information please contact Rhiannon Thomas on 01902 793889.

Note 6

All birds, their nests and eggs are protected by law and it is thus an offence to: intentionally kill, injure or take any wild bird, intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, intentionally take or destroy the egg of any wild bird, intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

Decision:

Notes:

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Person to contact: Bob Ristic
(Tel: 396822)

14/01317/OUT

Blackbridge Allotments
Stroud Road
Gloucester

Planning Committee 13.01.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	13th JANUARY 2015
ADDRESS/LOCATION	:	29 TEWKESBURY ROAD
APPLICATION NO. & WARD	:	14/01321/TPO
APPLICANT	:	MRS ANN LEESE
PROPOSAL	:	APPLICATION TO FELL A PROTECTED BEECH TREE
REPORT BY	:	JUSTIN HOBBS.
NO. OF APPENDICES/	:	1. Site location plan. 2. TPO 223. 3. Application to fell tree and supporting documentation. 4. Letter in support of the application. 5. Written representation objecting to the application. 6. Written representation objecting to the application. 7. Written representation objecting to the application. 8. Written representation objecting to the application. 9. Petition objecting to the application.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 A site location plan is attached as appendix 1.
- 1.2 The tree subject to this application is protected by Tree Preservation Order (TPO) no 223 (29, Tewkesbury Road). The tree is listed as T2 on the schedule of the TPO. Refer to appendix 2 for a copy of the TPO.
- 1.3 The application to fell the beech tree was received 11 November 2014. The applicant's reasons for the application to fell the tree are set out in supporting documentation and members are urged to read the full extent of this in appendix 3. A summary of the reasoning is set out in the opening section of the supporting documents as:

“Nine months of the year we have the following problems which are the direct result of the beech tree

- Pigeon droppings from end March to end October.*

- *Leaf pods during late April early May.*
- *Beech flowers during May which stick to windows, doors & vehicles.*
- *An abundance of beech nuts during September and October*
- *Complaints from the public in respect of the nuts on the public path/cycle path*
- *Leaf fall from October to December*
- *For some unknown reason, this year during the months of September and October the tree also became a haven for Jackdaws and Magpies with flocks of 20 to 30 roosting in the tree from early evening.*

In addition to the consistent issues above, we also have the damage to our retaining boundary wall, which has been caused by the roots of the beech tree”

2.0 RELEVANT PLANNING HISTORY

- 2.1 File records show that the applicant originally believed the tree was protected by a TPO in 1998 having contacted the City Council wishing to prune the tree. File records show the City Council confirmed to the applicant that the tree was not protected at that time. A TPO was not made in 1998 on this tree (and two mature lime trees in the same garden) as the applicant wished to only prune the trees, not remove them. File records also show the applicant stated that there was a protective covenant preventing tree removal. The City council has no information regarding such a covenant
- 2.2 In 2005, following extensive root damage by the applicant to a mature lime tree in the garden, resulting in its removal, the City Council served a TPO to protect the remaining lime and beech trees. TPO 223 was made 23 February 2005 and confirmed 14 July 2005.

3.0 LEGAL IMPLICATIONS

- 3.1 The Tree Preservation Order makes provision for applications to be made for consent to carry out work to or fell any of the trees protected by the Order.
- 3.2 If the Council decides to grant consent it may, where it considers appropriate, impose conditions.
- 3.3 If the Council decides to refuse consent it must give clear reason why it has done so.
- 3.4 The applicant has a right of appeal against any refusal of consent or imposition of conditions.
- 3.5 In considering applications the LPA are advised:
- (1) To assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) In light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

4.0 PUBLICITY AND REPRESENTATIONS

4.1 All adjoining properties and properties directly opposite the tree were notified of the application.

4.2 The City Council has received one written response in support of the application to fell, and four written responses objecting. In addition a petition signed by 40 signatories has been received objecting to the application.

4.3 A letter in support of the application states "*The flowers from the tree do stick to windows, doors and vehicles. The nuts fall over my driveway and make it very difficult for walking over – I am 81 years of age...I am also aware that members of the public do complain about the beech nuts...During the months from September to December there is a constant round of cleaning up leaves*". Refer to appendix 4 for a full copy of the letter.

4.4 Four written responses objecting to the application to fell the tree have been received. Refer to appendices 5 – 8 for full copies. Refer to Appendix 9 for a copy of the petition. A summary of the comments includes "*The tree is of outstanding beauty admired by everyone we know and it is a large focal point of the area. It is just one of its kind in the locality. We have never heard anyone objecting to its presence, the leaves or beech nuts falling on the path/cycle path. This tree has stood in all its beauty for somewhere in the region of 100 years.*"....." *I was very surprised and dismayed to learn you had received a request for its removal and would like to give my strong objections to this proposal. As you are no doubt aware, this beautiful tree has been in place for many years and has been the source of much pleasure to many people in the vicinity as well as to passers by.*"..." *The tree is a fine tree, and we would miss it on our sky line. The tree was there many years before the house, and the owners must have known about it before they bought. We have leaves blow over onto our drive, but have no problem sweeping them up. We have no issues with any flowers or leaf pods*"....." *I would be appalled if the Beech Tree was removed when there is clearly nothing wrong with it. Native or naturalised trees are homes to many different species and in urban settings surely are even more important especially with ever-decreasing open-spaces*".

5.0 OFFICER OPINION

5.1 The beech tree is in a healthy physiological condition and is of good form and structure.

5.2 Being located on a busy main road into Gloucester the tree clearly provides significant public amenity value; it could even be described as a local

landmark tree. Its loss would be detrimental to the local environment and character of the area.

5.3 The results of public consultation appear to overwhelmingly support the retention of the tree.

5.4 Leaf fall, seed (nuts), and flowering are perhaps seasonal inconveniences to the applicant but it is your officers opinion that this does not outweigh the public amenity value of the tree, and that removing the tree on these grounds is a disproportionate response.

5.5 The applicants are unhappy about the presence of birds roosting in the tree and their resulting droppings on a patio area below. Again it is your officers' opinion that removing the tree on these grounds is a disproportionate response to the public amenity value the tree provides to the area.

5.6 The City Council has received no complaints about beech nuts lying on the footpath / cycle path.

5.7 The retaining wall is slightly bowed and there is cracking close to the base of the tree. However, no structural engineering survey or similar has been undertaken to determine the full extent of any damage or the role of the tree in any damage. If the tree is implicated in damage, it is likely a solution could be reached, whereby both the wall is repaired and strengthened, and the tree retained. Your officer has been involved in two other similar situations where works involved wall repair and tree retention in the City. Simply removing the tree could possibly make the situation worse and result in the wall collapsing. Removing the tree will not lead to the wall "righting itself"; if the wall needs repair it will need repairing whether the tree is removed or not. The view of the City Council's Conservation Project Officer is that "boundary wall, because of its age, is an undesignated heritage asset of local interest which the City Council would like to see retained. Agree that it should be possible to retain both the tree and the wall".

5.8 Given the above I recommend the application is refused.

6.0 RECOMMENDATION

6.1 That application 14/01321/TPO to fell the protected tree is refused for the following reason:

The tree is of considerable public amenity value by virtue of its size, form, good health and location adjacent to a busy main road. The reasons put forward for removal are either unsubstantiated, do not outweigh the public amenity value of this tree, or have alternative solutions that do not require the removal of the tree.

Decision:

Notes:

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Person to contact: Justin Hobbs
(Tel: 396897)

14/01321/TPO, 29 Tewkesbury Road

Appendix 1 – Site Location Plan



TPO 223

29 TEWKESBURY ROAD

Made: 23 February 2005

Confirmed: 14 July 2005

Town and Country Planning Act 1990

THE COUNCIL OF THE CITY OF GLOUCESTER (29 TEWKESBURY ROAD) TREE PRESERVATION ORDER 2005

The Council of the City of Gloucester in exercise of the powers conferred on them by sections 198 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order -

Citation

1. This Order may be cited as the Council of the City of Gloucester (29 Tewkesbury Road) Tree Preservation Order 2005.

Interpretation

2. In this Order "the authority" means the Council of the City of Gloucester and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 23 February 2005.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) and subject to article 5, no person shall -
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

- 5 (1) Nothing in article 4 shall prevent -
 - (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary -
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

(iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995

- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following -

a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

a relevant airport operator (within the meaning of Part V of the Airports Act 1986)

the holder of a licence under section 6 of the Electricity Act 1989,

a public gas transporter,

the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,

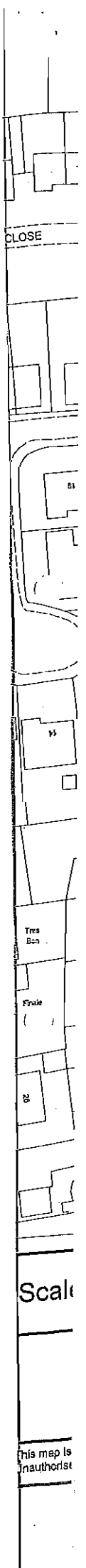
a water or sewerage undertaker,

the Civil Aviation Authority or a body acting on behalf of that Authority,

the Post Office

Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall -





Scale 1:1250



Tree Preservation Order No. 223
 29 Tewkesbury Road, Gloucester.
 Grid Reference SO 835 201

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- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application

Application of provisions of the Town and Country Planning Act 1990

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to -
- (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of -
- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority
- (2) No claim, other than a claim made under paragraph (3), may be made under this article -
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person -

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

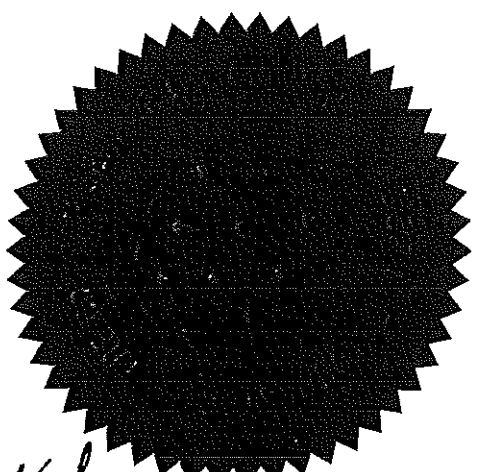
(6) In this article -

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 23rd day of February 2005

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto is)
authenticated by the undersigned a)
person authorised by the said)
Council to act for that purpose)



[Signature]
Head of Legal Services

Page 104 STAZ NO 15174.

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SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime (<i>Tilia</i> sp))Both situated at 29 Tewkesbury
T2	Beech (<i>Fagus</i> sp))Road, Gloucester and adjacent to)Tewkesbury Road.

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

SCHEDULE 2

PART 1

Provisions of the Town and Country Planning Act 1990
applied with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) -</p> <p>(i) omit - “, in such manner as may be prescribed by a development order,” “such” in the second place where it appears, and “as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2) -</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute - “(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general consideration)	<p>(a) In subsection (1) -</p> <p>(i) substitute - “Subject to subsections (1A) and (1B), where” for “Where”; “the authority” for “a local planning authority”; “consent under a tree preservation order” for “planning permission” where those words first appear; and “consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert - “(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>and</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert - “(1A) Where an application relates to an area of woodland</p>

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the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)."

(c) Omit subsections (2) and (3).

Section 75 (effect of planning permission)

(a) In subsection (1) substitute -

- (i) "Any" for the words from "Without" to "any";
- (ii) "consent under a tree preservation order" for "planning permission to develop land";
- (iii) "the consent" for "the permission"; and
- (iv) "the land to which the order relates" for "the land".

(b) Omit subsections (2) and (3).

Section 78 (right to appeal against planning decisions and failure to take such decisions)

(a) In subsection (1) substitute -

- (i) "the authority" for "a local planning authority";
- (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;
- (iii) "consent under such an order" for "planning permission" in the second place where those words appear;
- (iv) for paragraph (c) substitute -

"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,".

(b) Omit subsection (2).

(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute -

"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served -

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the

	<p>expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.</p> <p>(d) For subsection (4), substitute - “(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”</p> <p>(e) For subsection (5), substitute - “(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”</p>	S (
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute -</p> <p>(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part 1 of Schedule 5”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission”; and</p> <p>(iii) “the authority.” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71.”</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>	(1 ... S A p b ... St (1

PART II

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority. (3)
- (2) The register shall contain, as regards each such order -
- (a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.
-

- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order -
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

Section 78

- (1) Where the authority -
 - (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
 - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
 - (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
 - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of eight weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

- (3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served -
 - (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of twenty-eight days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
 - (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

- (1) On an appeal under section 78 the Secretary of State may -
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

-
- (4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.
 - (5) The decision of the Secretary of State on such an appeal shall be final.

-
- (7) Schedule 6 applies to appeals under section 78.

Dated 23rd February 2005

**THE COUNCIL OF THE CITY OF
GLOUCESTER
(29 TEWKESBURY ROAD)
TREE PRESERVATION ORDER
2005**

**TOWN AND COUNTRY PLANNING
ACT 1990**

**TREE
PRESERVATION
ORDER**

relating to trees situated at 29 Tewkesbury Road,
Gloucester

IDENTIFICATION OF TREE AND DESCRIPTION OF WORK

DESCRIPTION OF WORK: PERMISSION TO FELL TREE

TREE SPECIES: MATURE COPPER BEECH (T2 ON SKETCH PLAN)

REASONS FOR WORK

On 23 June 2014, we wrote to Justin Hobbs to seek advice (Appendix 2 - copy e mail and photographs referred to in e mail enclosed). Within days of cleaning, the paved area deteriorates rapidly which is a continuous cause of frustration and annoyance (Appendix 3 - photographs taken on 26 June 2014). Nine months of the year we have the following problems which are as a direct result of the beech tree.

- Pigeon droppings from the end March to end October.
- Leaf pods during late April early May
- Beech flowers during May which stick to windows, doors and vehicles.
- An abundance of beech nuts during September and October (Appendix 4 - photograph enclosed)
- Complaints from the public in respect of nuts on the public path/cycle path
- Leaf fall from October to December (Appendix 5 - photograph enclosed)
- For some unknown reason, this year during the months of September and October the tree also became a haven for Jackdaws and Magpies with flocks of 20 to 30 roosting in the tree from early evening.

In addition to the consistent issues above we also have the damage to our retaining boundary wall, which has been caused by the roots of the beech tree, and we will have to bear the subsequent expense of rectifying that damage.

All these issues result in a great deal of cleaning, expense, anxiety and causes discomfort and pain to me personally. My husband has incurable non Hodgkins lymphoma and one of the side effects of this illness is overwhelming tiredness. As a consequence of this he is limited to what he can contribute to the work required to keep the garden in good order. I have had major surgery on my spine and have a plate in the lower part of my spine to keep it stabilised and straight. Needless to say, all the work required to maintain the garden involves bending (scraping, scrubbing, sweeping, raking) which is not conducive to my medical condition and results in me having to suffer unnecessary pain and discomfort. We have a limited income and a very limited disposable income and we are not in a financial position to employ commercial cleaners and gardeners for nine months of the year to undertake these task. For many years we have already borne the costs of the ongoing expense of cleaning the paved area (which was there before the TPO was put in place), blocked gutters and drains from the leaves and nuts. In addition to this we have the expense and inconvenience of taking the excess of nuts and leaves that cannot be accommodated by green waste to the tip. This year alone we have had to make three journeys to the tip to dispose of nine black bags of excess beech nuts.

The tree is situated in our garden 24 inches in distance from a 7 foot retaining boundary wall that supports our garden and the roots of the tree have impacted on the wall causing it to fracture (Appendix 6 - photographs enclosed). Our property and garden is three/ four foot higher than the public foot path and A38 road which run along the outside of this boundary retaining wall. Approximately 22 years ago the same section of the wall that is currently being affected by the roots collapsed due to the roots of this tree impacting on the structure. This section of the wall was rebuilt and the lower part of the wall was strengthened at that time to prevent further damage. Obviously, as the wall has incurred further damaged from the tree roots this was not effective and the roots will obviously continue to be problematic due to its close proximity to the wall.

This problem came to light when Paul Knight, tree surgeon from Choppers Tree Services came to look at the tree and noticed that the roots of the tree were damaging the wall. On 5 July 2014 we wrote to Justin Hobbs explaining the situation and to ask if he could come and look at the problem and give us his expert opinion (Appendix 7 - Copy of letter to Justin Hobbs). On 16 July 2014 we received an e mail response from Mr Hobbs (Appendix 8 - copy e mail enclosed). On 17 July 2014 Martin Jenkins (Arboriculturist from Stroud Tree Maintenance) visited at our request to assess the situation and he verbally confirmed that the damage to the wall was being caused by the roots of the beech tree and suggested that we contact the tree officer to come and look at the situation. Following his visit I telephoned Justin Hobbs who visited the property on 24 July 2014. Mr Hobbs was very helpful and did not deny that the damage was being caused by the tree roots. He explained that structures could be repaired by bridging the wall to accommodate the roots of the tree. However, he recognised that the wall was very old and we would need to employ a specialist builder to undertake the work. Mr Hobbs was kind enough to look into this and followed up with the enclosed e mail (Appendix 9 – copy e mail enclosed).

We contacted Spencers Traditional Builders and they visited on 13 August 2014. However, irrespective of stating they would provide a quote for the work required no quote arrived. We advised them of this and were told that a quote would be sent but they failed to do so. We contacted Longlevens Contractors and explained the work required but they failed to turn up as arranged. We rearranged and they failed to turn up on a second occasion. We have also contacted Glynn Mann Construction and C&P Builders all of which failed to visit. Finally we contacted M.J. Cale from Pendock who advised us that they were too busy to take on any additional work. Unfortunately, we are unable to force builders to assess the work and provide us with quotes. Needless to say, we are at a loss and can only assume that builders are reluctant to undertake the repair of the wall due to the tree being covered by a TPO and the constraints that this puts on them.

The wall is possibly 80 - 100 years old and quite possibly was the boundary wall of a large old house in times gone by and been part of the street scene since its erection. As stated in the e mail from Mr Hobbs (Appendix 9) the wall has a degree of protection as an undesignated heritage asset and we are unsure if a bridge repair would be permissible. The bridge would have to be at least four foot high to accommodate one large root that is visibly impacting on the wall. It is unknown how wide it would have to be and this type of repair would undoubtedly spoil the original character and appearance of the wall and would be unsightly from the street. We have a typical copper beech that has a typical beech root system (elephant foot) and as such common sense tells us that more than one mature large root is impacting on the wall and it is only a matter of time before further damage is caused. Therefore, we beg to question how many roots are expected to be bridged and at what cost and to whose financial expense. We know that, as owners of the tree, we are expected to bear the costs, however, our freedom of choice has been removed from us and has been replaced with the burden of a TPO. When we purchased this property in 1998 no TPOs were in place, and indeed, we would not have purchased if they had been. We specifically chose this property because it is a bungalow and its location. We have spent 16 years putting the property and garden into good order and making it easily manageable in readiness for our retirement. We remain bewildered as to why the trees in our garden had TPOs placed on them without enough forethought of the impact the large roots of a mature trees would have on the retaining boundary wall when they are in such close proximity. Even the most uneducated layman can see that it would be impossible for the roots not to impact on the wall and as such any damage caused to the wall would be the financial burden of the owner irrespective of their financial position. Is this fair and reasonable?

This whole situation has now become intolerable and the tree has become a total nuisance to us whereby it is impacting on the quality of our daily life. We can no longer sustain the physical, mental and financial burden that the tree has put us under and will continue to place on us. We are in the latter years of our life and feel we have the right to live our life as peacefully and as happily as possible. We feel we have the right to enjoy our property and be able to relax in our own garden not be enslaved to it by a tree. We do not feel that we should have to tolerate or live with the persistent unpleasantness of pigeon droppings nor

spend our retirement constantly cleaning up. Equally we do not think that we should have to worry and be anxious about further damage being caused to the wall by the roots of the tree and the financial burden it would place on us. In view of all the aforementioned we feel that this tree has now become untenable.

PROPOSAL FOR PLANTING REPLACEMENT

We have a small urban garden and we also have a large mature lime tree (shown as T1 on the enclosed sketch plan) which is also covered by a TPO. For your information this tree is only 21 inches in distance from the retaining boundary wall. In view of the size and shape of our garden we cannot see where a tree could be placed where the roots would not impact on either the retaining wall or the structure of the bungalow in time. However, we are open to any suggestions you may wish to make.

From: Ann Leese [mailto:randaleese@yahoo.com]
Sent: 23 June 2014 15:24
To: Justin Hobbs
Subject: 29 Tewkesbury Road, Gloucester GL2 9AY

Dear Justin

I am writing to you to ask if you can help and advise on a problem that we have been experiencing with pigeons roosting in the beech tree over the last 3 – 4 years. This problem has increased year on year and has now become unbearable and it is impacting on the quality of our daily life. We have tried various ways of deterring the pigeons all to no avail. The measures that we have taken are as follows:

- 1) Ensured there is no food source for the pigeons in the garden. We do not grow fruit or vegetables. Other than the beech nuts on the beech tree we do not have any plants, shrubs or trees that bear fruit or berries and we have no bird feeders in the garden.
- 2) Over the last couple of years we have hung over 50 reflective discs in the tree as we understood that this was a deterrent but it had no impact on the pigeons
- 3) Two years ago we purchased life sized solar powered owls with moving heads and eyes that shine brightly at night. These have been moved to various positions every other day so the pigeons do not get used to them but once again this has no impact on the pigeons.
- 4) We have a number of windmills around the garden to deter them from perching on fencing etc.
- 5) We have put pepper, cinnamon and cayenne pepper on a bird table as a deterrent as we were advised that they do not like these spices. No impact.
- 6) When we see pigeons in the garden during the day we make sudden sharp noises like clapping to shoo them away.

Having tirelessly tried the above methods over the last few years we cannot think of anything else that we can do to discourage these birds.

We have not tried spikes or netting as I am sure you will agree that these methods would be totally impractical for a very large mature beech tree.

As previously mentioned the problem has been escalating over the last few years and irrespective of scraping and sweeping the area almost daily we now have to do a major cleaning job every 3 to 4 weeks. This involves scraping, sweeping, bleaching and jet washing. This process is time consuming (approx 4 to 5 hours), exhausting and costly. We are on a water meter and the additional cleaning of this area has resulted in our water bill increasing by £8.00 per month over the last few years plus the cost of bleach and electricity. The situation is very frustrating and all our efforts to keep it clean is thankless as the problem returns by the next morning and goes down hill rapidly which is making our life miserable.

We have three young grandchildren as well as two cats and a small dog and there is a concern in respect of any disease or health risk associated with pigeon droppings.

To enable you to fully understand the extent of the problem I have taken some images of the area affected – this area underwent a major clean 4 weeks ago and almost daily cleaning has taken place since then. This area has today had **another** major clean and I have also enclosed images following this clean so that you can see that it is impossible to remove all the stains left by the pigeon droppings, irrespective of scrubbing with neat bleach prior to jet washing.

We had hoped after 16 years of bringing the property and garden up together and having reached retirement our garden would be a haven and a pleasure but we feel that this situation is depriving us of such enjoyment. I am sure that once you have seen these images you will understand why we feel this way and why it has become intolerable for us. Needless to say, we cannot even consider selling and moving as no one in their right mind would want to purchase this problem.

Therefore, any advice that you can provide to assist with this problem would be very much appreciated.

Yours sincerely

Roy & Ann Leese

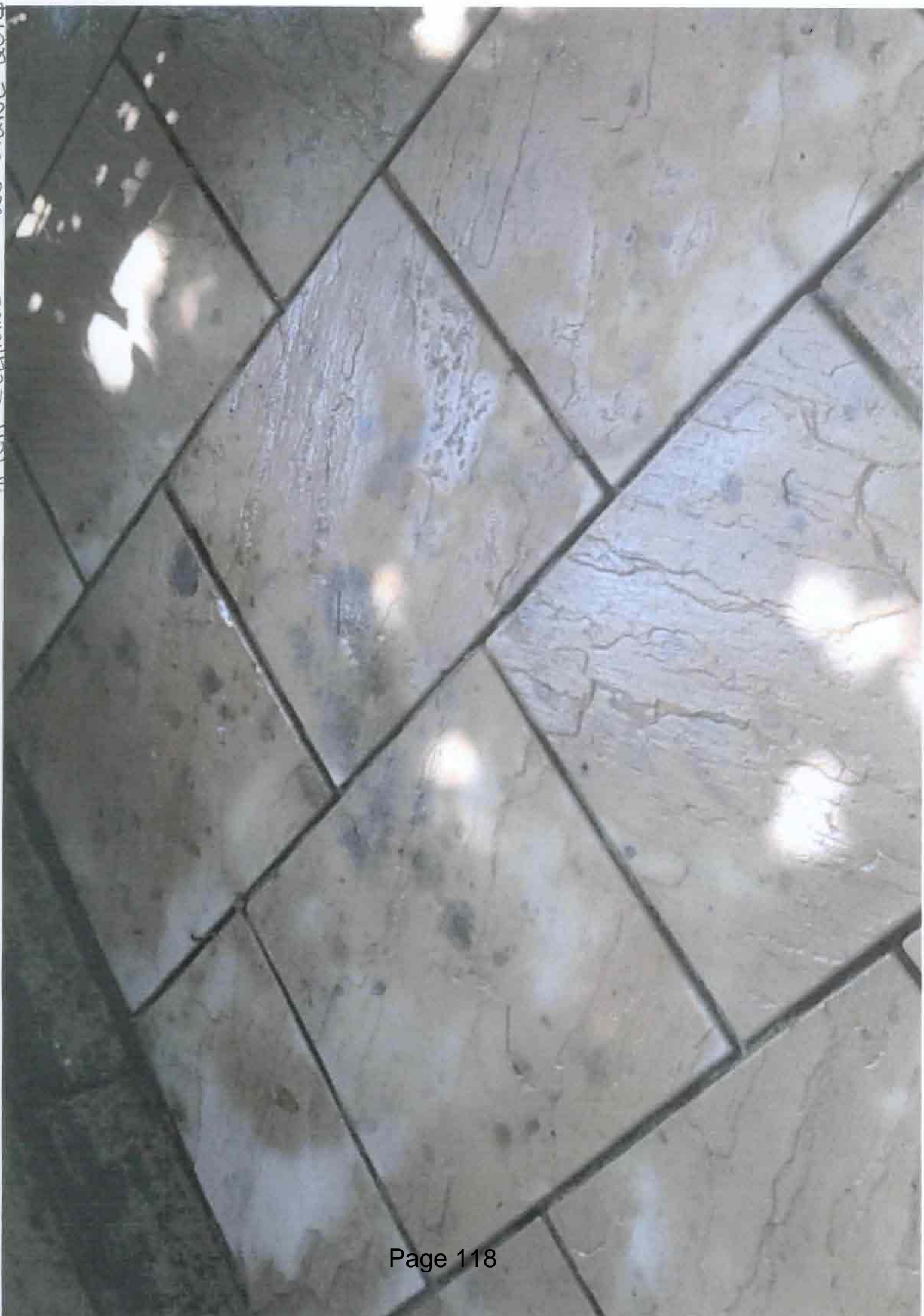
23RD JUNE 2014



23 June 2014



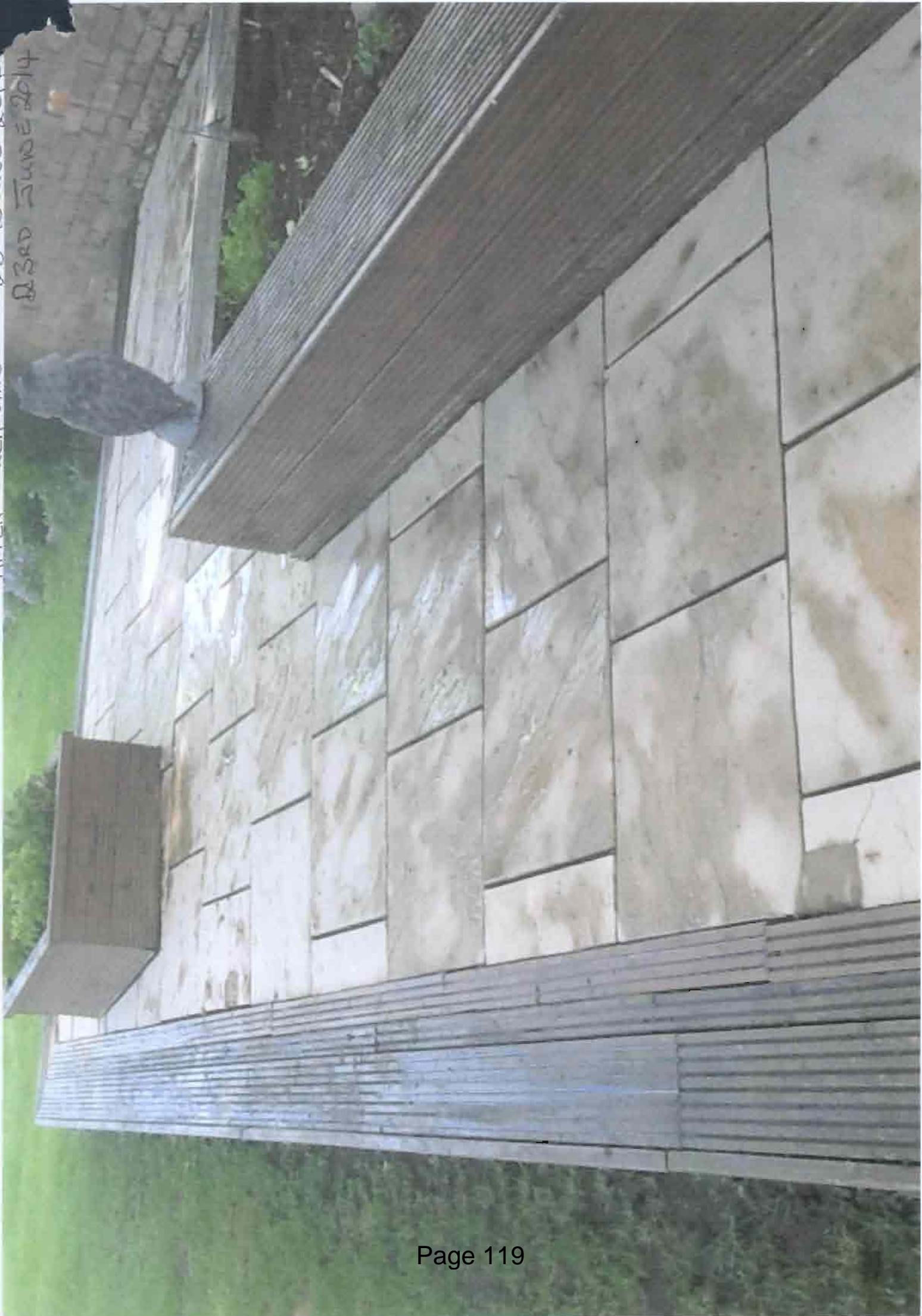
AFTER CLEANING 23 JUNE 2014



AFTER CLEARING

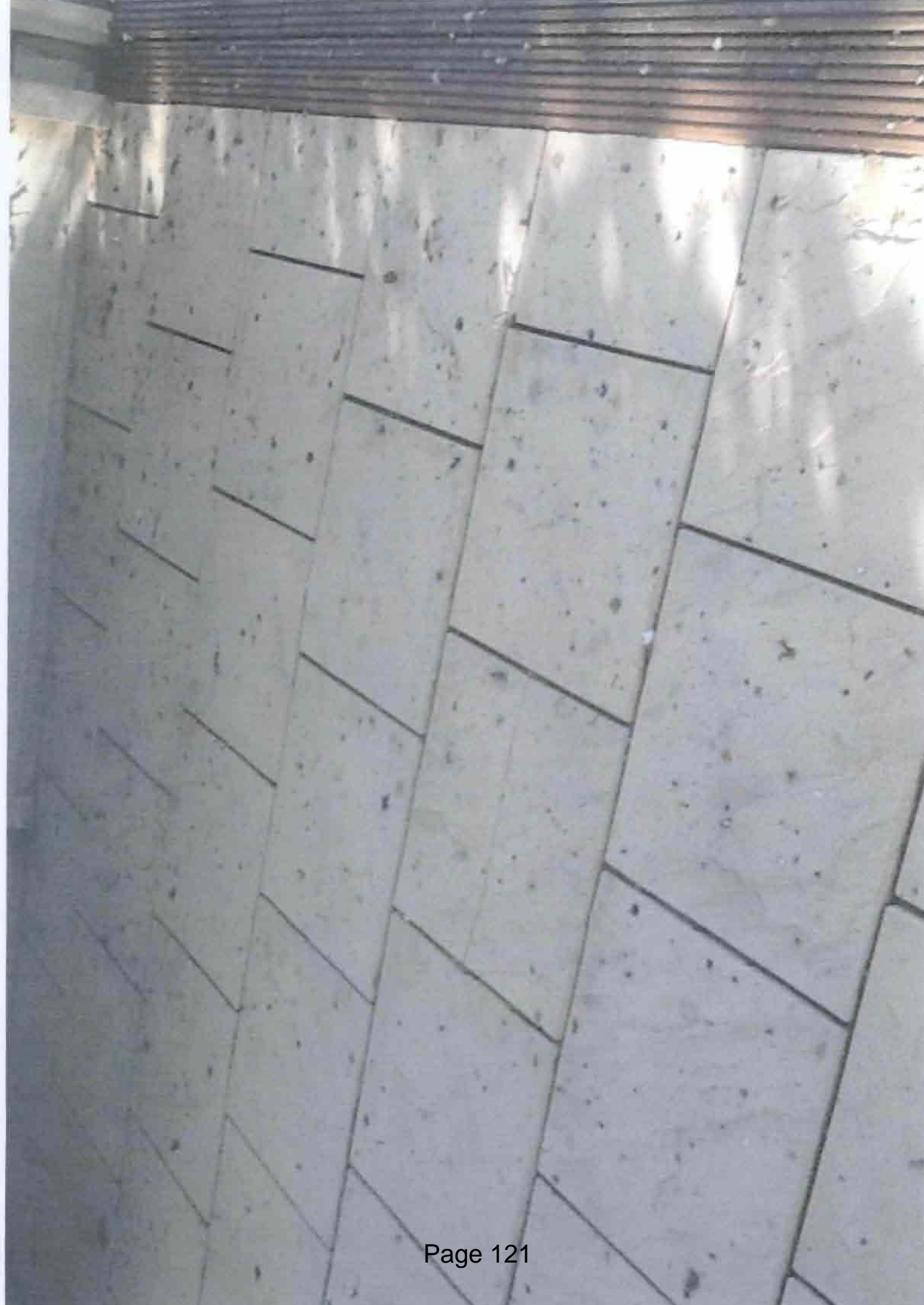
23 JUNE 2014

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Appendix 3 -

26 June 2014



WASING LINE
AREA

Appendix 4

5 OCTOBER 2014





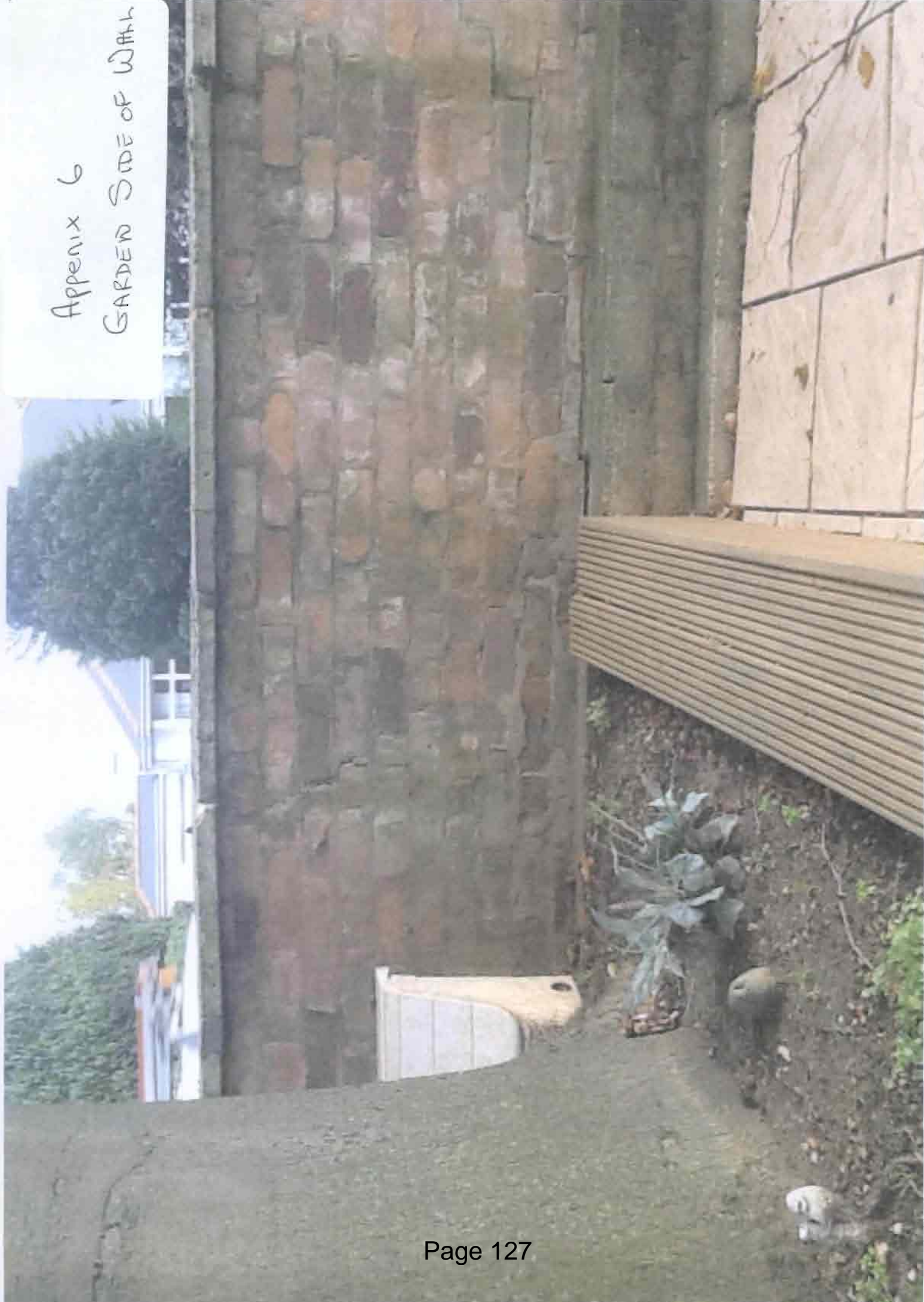
APPENDIX E

7 NOVEMBER 2014

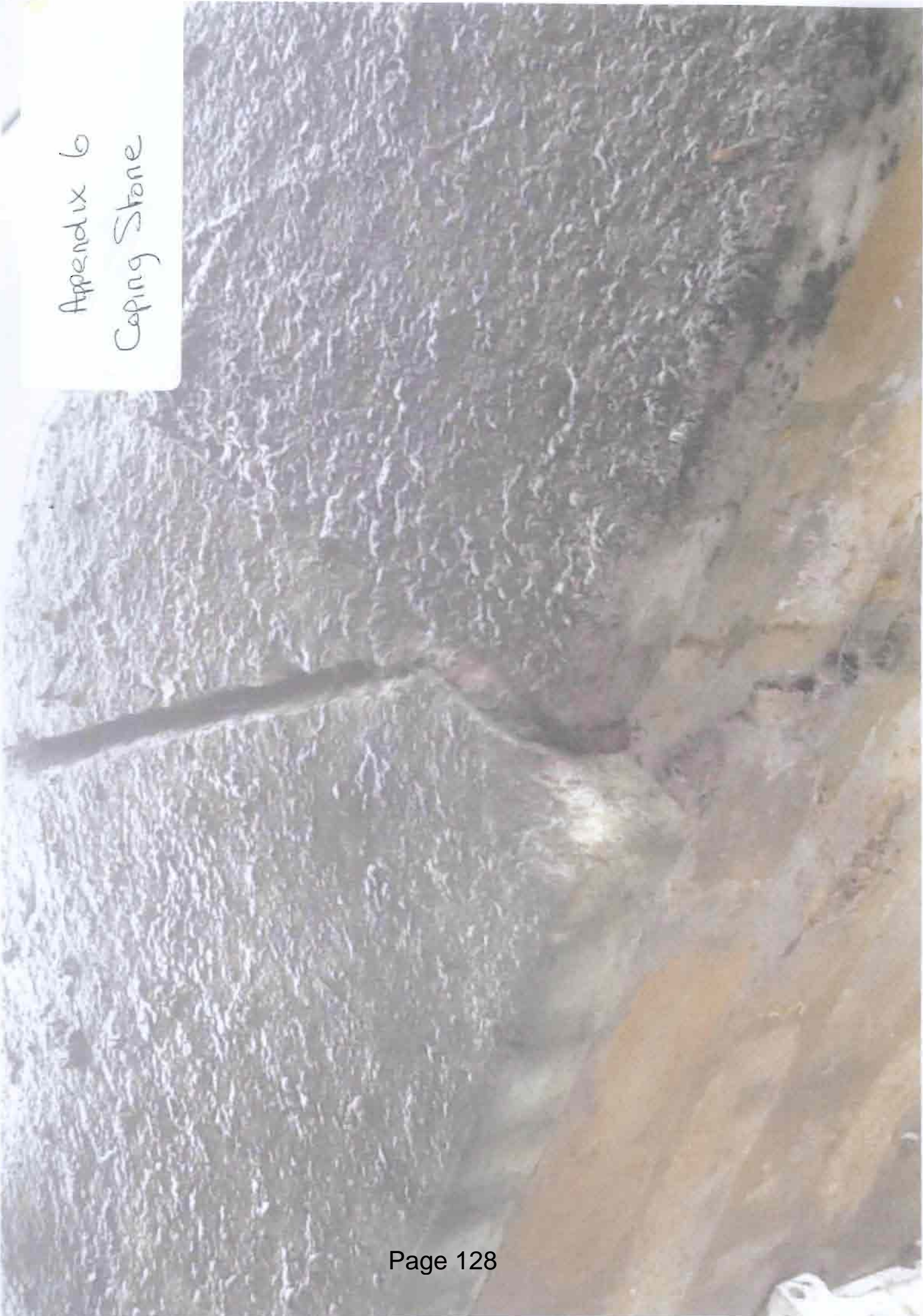


Appendix 6

GARDEN SIDE OF WALL



Appendix 6
Coping Stone



APPENDIX 6

STREET SIDE OF WALL

Mr Roy & Ann Leese
29 Tewkesbury Road, Gloucester, GL2 9AY

Mr Justin Hobbs
Tree Officer (Planning)
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Delivered by hand 7 July 2014

5 July 2014

Dear Justin

Whilst awaiting a response to the e mail that we sent to you on 23 June 2014, we have continued to seek a resolution to the problem we have with the pigeons.

On Tuesday 1 July 2014 we consulted NBC Bird and Pest Control and as a result of that we have been advised that very little can be done to stop pigeons from roosting in trees. We understood from them that even drastic measures of culling is only a short term solution (matter of weeks) as other pigeons will move into the tree. However, we were advised that the problem could be alleviated to a small degree if the tree was cut back as pigeons prefer very dense places to roost and do not like to be seen or have too much sunlight.

We followed this advice and contacted a tree surgeon to come and provide us with a quote prior to making an application for permission. The tree surgeon came on 3 July 2014 and his recommendation was that the tree should be cut one third in height and canopy. Unfortunately, during the course of the assessment a far more serious problem came to light whereby it appears that the roots of the beech tree are substantially impacting on the retaining boundary wall behind the tree. There are large vertical cracks in the wall and the wall has moved where these cracks appear. The movement is obvious as the wall either side of the cracks is not even (the wall on one side of the crack protrudes more than the wall on the other side of the crack). The wall is double skinned and the cracks appear on both sides of the wall. The section of the wall that is affected was rebuilt approximately 22 years ago and the lower part of that section was strengthened at the same time. Needless to say, this finding is causing us to be gravely concerned and we are worried that the section of the wall affected will fall. The retaining boundary wall is 7/8ft high and runs along a cycle/public footpath which is well used on a daily basis but has a very heavy footfall during the rugby season which I presume will be much heavier during the world cup. The carriageway is also very busy and one of the main entrances/exits to and from the city. It is also one of the main entrances/exits to St Oswalds Business Park and a substantial number of large lorries use this road to deliver to the business park on a daily and nightly basis which, on occasions, the larger heavier lorries can cause vibrations. Also the council road sweeper lorry cleans along this footpath next to the wall on a regular basis. The last thing we want is for anyone to be injured should this wall give way.

In view of our concerns we wondered if you would be kind enough to come and look at the problem and give us your expert opinion of this situation.

I have taken some pictures of the wall and I enclose them for your information.

Yours sincerely

Roy and Ann Leese

Justin Hobbs

Jul 15

To: me

Dear Mr & Mrs Leese

Thank you for your email and subsequent letter of 5th July.

Please accept my apologies for the delay in responding, it's been a rather busy time.

It sounds like you have researched your issues with pigeons very thoroughly and unfortunately I can offer no more advice or methods of deterring them in addition to what you have already found out.

With regards to the wall I am not structural engineer but across the city I have been involved with several examples whereby a wall damaged by tree roots has been repaired in a way to accommodate the existing roots and prevent further damage to the wall. Perhaps you speak to a builder and discuss a solution.

Regards

Justin Hobbs

Tree Officer Tech Cert (Ahor.A)

Justin Hobbs

Aug 1

To: me

CC: Caroline Ansell

Hello Mr & Mrs Leese

Further to our site meeting recently (and our email up and running again at last!) I can now come back to you with further information.

Your boundary wall is not "listed" as such but is afforded a degree of protection as an "undesigned heritage asset" – I have copied in Caroline Ansell our heritage conservation officer who will be able to advise further about this.

Caroline has also advised that there is a local specialist builder who may be able to assist you further regarding possible works to your wall. The contact details are: Spencers Traditional Builder, Berrowside, Wickridge Street, Ashleworth, GL19 4JW tel 01452 700832.

Regards

Justin Hobbs

Tree Officer Tech Cert (Aber-A)

Gloucester City Council T 01452 396897

Herbert Warehouse F 01452 396668



Mr J Hobbs
Gloucester City Council
Herbert Warehouse
Gloucester Docks
GL1 2EQ

25 November 2014

Your ref: 14/01321/TPO

Dear Mr Hobbs

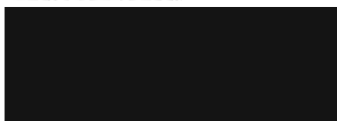
Location: 29 Tewkesbury Road, Gloucester

I am writing in response to your letter dated 21 November 2014 in respect of felling the beech tree at the above address.

I am in support of the felling of the tree. The pigeon droppings do not have a direct affect on me personally but it is not a situation that I would not want to have to deal with. The flowers from the tree (which are very sticky) do stick to the windows, doors and vehicles. The nuts fall over my driveway and make it very difficult for walking over – I am 81 years of age and have a problem with my one foot and this situation is not helpful to me. I am also aware that members of the public do complain about the beech nuts on the public path. During the months from September to December there is a constant round of cleaning up the leaves which get everywhere.

I have lived here for over 30 years and the wall collapsed several years ago as a result of the roots from the beech tree and one part of the wall had to be completely rebuilt so I am not surprised that roots have caused further damage.

Yours sincerely



Mrs June Mullinger

Dear Sir,

We would like to object to the felling of the Beech tree at 29, Tewkesbury Road for the following reasons.

The tree is of outstanding beauty admired by everyone we know and it is a large focal point of the area.

It is just one of its kind in the locality.

We have never heard anyone objecting to its presence, the leaves or beech nuts falling on the path/cycle path.

This tree has stood in all its beauty for somewhere in the region of 100 years. That's longer than our neighbour or their bungalow have been around. Everyone who lived there before accepted the inconvenience that having trees in your garden brings, why should they be any different?

We do question that the neighbours' boundary wall is being damaged by the roots of the tree.

It's a fact that birds nest in trees but to say there are flocks of 20 to 30 roosting in the tree is a total exaggeration, Today, on checking, there were two pigeons and six Jackdaws who visited the tree.

To say that that there were complaints from the public about Beech nuts on the path/cycle path, we find difficult to understand as the entrance to the neighbours' property is via a little lane in Westfield Terrace. When we have a new postman on our round they are always knocking on our door to find out where number 29 is because the entrance is concealed. Consequently, if members of the public were to complain, they would be more likely to knock on our door as our gate is in Tewkesbury Road but we have NEVER had anyone seeking the entrance of number 29. Could you please let us know how many members of the public have complained to the council about this matter and where is the evidence of this?.

Our neighbours also complain that Beech flowers stick to their car. In fact, their car is parked at the other end of their property, well away from the tree, on the other side of their bungalow.

This neighbour has already cut down a similar protected tree, without permission, to take down this tree also would be a travesty of justice.

There are other properties locally that have trees in their gardens that add beauty to our area, would the residents also be allowed to fell their trees?

Gardens without trees would surely be detrimental to the environment.

For us, this tree brings beauty all year round, majestic in its stature, stunning in its fullness.

We know, from talking to other neighbours in the past, how much it brings to them, particularly our elderly neighbour who enjoys nothing more than to see this tree through her window with admiration and affection.

Could we please request that we are kept updated on this matter and if there is a public enquiry that we are informed of its time/date.

With many thanks,

John and Sue Geis.

Dear Mr Hobbs

Reference : 14/01321/TPO, Beech Tree 29 Tewkesbury Road, Gloucester GL2 9AY

Thank you for your letter dated 21st November 2014 regarding the above 'protected' tree. I was very surprised and dismayed to learn you had received a request for its removal and would like to give my strong objections to this proposal.

As you are no doubt aware, this beautiful tree has been in place for many years and has been the source of much pleasure to many people in the vicinity as well as to passers by.

Personally, I have no reason to complain about what is, after all, the outcome of Nature's natural cycle for most deciduous trees ie) nuts, flowers etc, and the subsequent necessity of having to clear these is surely a small price to pay for the pleasure given by the sight of such a magnificent specimen.

I would also like point out that similar complaints could be made regarding the whole length of pavement in this area where many trees overhang the pavement.

Trusting that you will decide to retain the 'protected' status of this beautiful natural feature.

Yours sincerely,

Patricia Trevett.

(27 Tewkesbury Rd)

Dear Mr Hobbs

Thank you for your letter of the 21 November regarding the above. We are James Cook and Jane Davies of 20 Tewkesbury Rd GL2 9DT.

We would like to make the following comments

The tree is a fine tree, and we would miss it on our sky line. The tree was there many years before the house, and the owners must have known about it before they bought. We have leaves blow over onto our drive, but have no problem sweeping them up. We have no issues with any flowers or leaf pods.

We have no objection to it being properly pollarded by a tree surgeon, as it is large, and does need to be kept under control.

James Cook and Jane Davies
20 Tewkesbury Rd
Gloucester
GL2 9DT
Sent from my iPad

Ref: 14/01321/TPO

Hi Justin

I would be appalled if the Beech Tree was removed when there is clearly nothing wrong with it. Reasons 1-7 are just petty complaints and if they felled the tree for these reasons alone then every tree could fall under this argument which is ridiculous. There is a minor point about the wall but you can't tell me they weren't aware of the proximity of the tree to the wall and could have done something earlier to reinforce the wall; not the tree's fault. Native or naturalised trees are homes to many different species and in urban settings surely are even more important especially with ever-decreasing open-spaces. It has been shown that the natural environment is good for our well-being, tree's being a major part of this. And of course the general aesthetic appeal of a large flourishing tree.

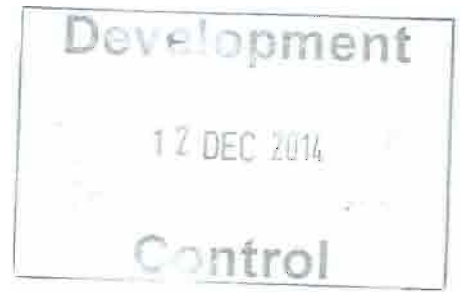
Many of the falling leaves from this tree get blown up my drive and I have no problem clearing them up for recycling.

Beech mast is a good source of food for several small mammals and birds; because of their longevity they can support a number of fungi, lichens and mosses also dead-wood specialist insects. Leaves support many moth species caterpillars.

If they wanted to keep the tree in check then pollarding is one compromise which ensures the further longevity of the tree and can then be re-pollarded periodically.

Regards

Colin Edmonds



11th December 2014

Your Reference - 14/01321/TPO

Dear Mr Hobbs

Please find enclosed a petition signed by many people opposing the proposed felling of the Beech Tree at 29 Tewkesbury Road. We did not have anyone we asked agreeing with their proposal and every one who signed did so readily.

Your Sincerely



John and Sue Geis

Dear sir,

We the undersigned would like to object to the proposed felling of the Beech Tree at no 29 Tewkesbury Road. For us this tree is a thing of beauty and only enhances the local enviroment.

NAME

ADDRESS

SIGNATURE

DATE

Rose MERRETT

1.11.2014.

Doreen Jones

1.12.2014

Dee Hangrave

1-12-2014

Sandy Lee

1-12-2014.

KARA DAVIS

1/12/14

Phil Morris

1/12/14

Joy Doyle

1/12/14

ALISON ANDREWS

1.12.14

Laura Andrews

1.12.14

Sandy Robertson

1.12.14

DIANE STANBURY

5.12.14

Dear sir,

We the undersigned would like to object to the proposed felling of the Beech Tree at no 29 Tewkesbury Road. For us this tree is a thing of beauty and only enhances the local environment.

NAME

ADDRESS

SIGNATURE

DATE

PAULA TURNER

1/12/2014

Val Hammond

1/12/2014

RACHEL HOWLS

3.12.14

Rachel Leighton

3.12.14

ALISON DAW

3.12.14

Alison Lewis

3.12.14

Jane Gregory

3/12/14

Mouica Lloyd

3/12/14.

Frances Mitchell

3.12.14

Robin Hooper

4.12.14

Debra Grills.

4.12.14

Dear sir,

We the undersigned would like to object to the proposed felling of the Beech Tree at no 29 Tewkesbury Road. For us this tree is a thing of beauty and only enhances the local environment.

NAME

ADDRESS

SIGNATURE

DATE

Sonia Affrags

4.12.14

Michelle Kilburn

4.12.14

Sarah Colterell

4.12.14

Nicola Sutton

4.12.14

CHRIS LEISBRANDT

4.12.14

STEPHANIE LEISBRANDT

4.12.14

ALLAN JOHN TAYLOR

4/12/2014

MEL TILLINS

5.12.14

G Lee

5.12.14

HELEN LEESON

5.12.14

Jim Crownshaw

5.12.14

Dear sir,



We the undersigned would like to object to the proposed felling of the Beech Tree at no 29 Tewkesbury Road. For us this tree is a thing of beauty and only enhances the local enviroment.

NAME

ADDRESS

SIGNATURE

DATE

NAME	ADDRESS	SIGNATURE	DATE
Jeannie SENDAU			8/12/14
JOHN SENDAU			8/12/14
MARIAN DE LAS CASAS			8/12/14
Nicky Hughes			8/12/14
Ray Lewis			
Anna Lambury			10/12/14
Sue Geis			10/12/14

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CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

Tuesday, 13th January 2015

DELEGATED DECISIONS

1st – 31st October 2014

**Development Services Group Manager,
Herbert Warehouse, The Docks, Gloucester**

Abbey

14/00912/LAW

SPLIT

CARLH

07/10/2014

1) Replacement of conservatory roof, from glazed panels to tiles; 2) Provision of dropped kerb access to rear of property from The Ash Path; 3) First floor extension to front elevation above existing garage conversion

8 Ashton Close Gloucester GL4 5BP

14/01000/FUL

G3Y

EMMABL

14/10/2014

Erection of single storey front extension

64 Eagle Way Gloucester GL4 4WS

Barnwood

14/01044/LAW

LAW

CARLH

17/10/2014

Erection of single storey rear extension

35 Brookfield Road Gloucester GL3 3HE

14/00904/CONDIT

ALDIS

BOBR

09/10/2014

Discharge of Condition nos. 14 (parking noise management plan) & 22 (parking and delivery management plan) of planning permission no.12/00686/FUL

Former 167 Barnwood Road Gloucester GL4 3HH

14/00917/ADV

GFY

BOBR

07/10/2014

Advertisement consent for the display of 4no. internally illuminated fascia signs, 3no. window vinyls, 1no. Non illuminated sign (disabled car parking space) sign, 2no. Non illuminated sign (pop in/pop back soon) signs and 1no. non-illuminated sign (customer car parking information) sign. (Amended Description)

Former 167 Barnwood Road Gloucester GL4 3HH

14/01071/TPO

TPDECS

JJH

01/10/2014

Reduce canopy by 30%

32 Prices Ground Gloucester GL4 4PD

14/01025/FUL

G3Y

GAJO

22/10/2014

Single storey extension to rear of property and first floor extension over garage

15 The Oaks Gloucester GL4 5WP

14/01095/ADV

GFY

CARLH

22/10/2014

3no. internally illuminated box signs to front elevation (existing 'welcome' sign to remain)

Unit 4 Eastern Avenue Retail Park Eastern Avenue Gloucester GL4 3EA

14/00936/FUL
G3Y GAJO 27/10/2014
Demolition of existing single skin brick built outhouse and rear lean-to conservatory and formation of new two storey extension
11 Chester Road Gloucester GL4 3AX

14/00878/FUL
G3Y GAJO 21/10/2014
Proposed two storey domestic extension to the side with a new detached two vehicle garage
18 Windmill Field Gloucester GL4 4RQ

Barton & Tredworth

14/00078/COU
G3Y CJR 16/10/2014
Change of use of ground floor shop into 1 no. 2 bedroom flat.
35 Slaney Street Gloucester GL1 4TQ

Elmbridge

14/00842/NMA
NOS96 FEH 09/10/2014
Change in materials of dwelling from brick to brick slips and render
44 Nine Elms Road Gloucester GL2 0HB

14/00928/FUL
G3Y GAJO 08/10/2014
Demolition of existing outbuilding and erection of new single storey dining room and ancillary alterations
18 Elmbridge Road Gloucester GL2 0NZ

14/00925/FUL
G3Y GAJO 16/10/2014
Two storey extension to provide additional bedroom, enlarge existing bedroom and create new garage, kitchen and porch.
19 Liddington Road Gloucester GL2 0HJ

Grange

14/01011/FUL
G3Y GAJO 23/10/2014
Extension to Kitchen and provision of ramp at rear for the welfare of the disabled occupant
20 Warwick Avenue Gloucester GL4 0SL

Hucclecote

14/00954/FUL
G3Y EMMABL 13/10/2014
Erection of first floor rear extension and single storey side and rear extension
48 Lynton Road Gloucester GL3 3HX

14/01032/FUL
G3Y BOBR 20/10/2014
Removal of hedge and erection of 1.9metre high wall to side of property and
1.65 metre high wall and railings to the front of the property. (Amended
description).
33 Colwell Avenue Gloucester GL3 3LZ

14/01210/LAW
LAW GAJO 30/10/2014
Single storey extension to provide new kitchen
16 Ladychapel Road Gloucester GL4 5FQ

14/01209/LAW
LAW GAJO 30/10/2014
Single storey extension to provide new kitchen
17 Ladychapel Road Gloucester GL4 5FQ

Kingsholm & Wotton

14/00834/FUL
G3Y EMMABL 14/10/2014
Erection of 1 no. two storey detached dwellinghouse to the side of existing
dwellinghouse at no. 102 Deans Way (revised proposal following application
reference 14/00248/FUL)
102 Deans Way Gloucester GL1 2QD

14/01090/TRECON
TCNOB JJH 09/10/2014
Ilanthus Decayed At The Base . Reduce The Tree By 7/8 Metres To Reduce
The Risk Of The Tree Uprooting
40 Heathville Road Gloucester GL1 3JB

14/01070/TPO
TPDECS JJH 07/10/2014
Sycamore in car park - Remove lower branches
Kingsholm Surgery Alvin Street Gloucester GL1 3EN

14/01133/TRECON
TCNOB JJH 27/10/2014
Trees 1 _ 2 (Silver birch) - thin by 10% _ lift over road. Tree 3 (elder) fell. Tree
4 (Silver birch) fell. Trees 5 _ 6 (Silver birch) thin by 25% lift to 3m.
2 Horton Road Gloucester GL1 3PR

14/00951/COU		
G3Y	BOBR	06/10/2014
Change of use from hairdresser to 2 bedroomed house 20 London Road Gloucester GL1 3NR		
14/00958/FUL		
G3Y	GAJO	15/10/2014
Extension to front of existing timber garage. 152 Estcourt Road Gloucester GL1 3LJ		
14/00967/CONDIT		
ALDIS	EMMABL	13/10/2014
Discharge of conditions 3 (door details) of planning consent 14/00586/LBC. 52 Worcester Street Gloucester GL1 3AG		
14/00893/FUL		
G3Y	EMMABL	17/10/2014
Erection of two storey and single storey rear extensions, and alterations and additions to fenestration on existing dwellinghouse. 1 St Oswalds Road Gloucester GL1 2SG		

Longlevens

14/01109/FUL		
G3Y	CARLH	27/10/2014
Erection of conservatory 12 Kendal Road Gloucester GL2 0NB		
14/00896/REM		
AR	BOBR	06/10/2014
Application for approval of reserved matters (appearance and landscaping) for a detached dwellinghouse with off street parking, pursuant to planning permission no.13/00695/OUT. 38 Beaumont Road Gloucester GL2 0EP		
14/01112/TPO		
TPDECS	JJH	20/10/2014
Various works recommended in Graham King Consultancy Tree Report Sept 2014 University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW		
14/01030/FUL		
G3Y	GAJO	30/10/2014
Demolish attached garage and build a single storey side extension projecting forward of the front elevation. 100 Innsworth Lane Gloucester GL2 0DF		
14/00911/FUL		
G3Y	GAJO	16/10/2014
Single story extension to the rear of the property 14 Longland Gardens Gloucester GL2 9RA		

14/00882/FUL

G3Y

CJR

27/10/2014

Construction of new performing arts centre with link to existing building and provision of replacement car parking spaces.

University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW

Matson & Robinswood

14/01010/LAW

LAW

FEH

06/10/2014

Single storey rear extension

38 Teddington Gardens Gloucester GL4 6RJ

14/01054/FUL

G3Y

EMMABL

30/10/2014

Erection of first floor side extension and insertion of first floor level window into rear elevation of existing building

21 Saintbridge Close Gloucester GL4 4AN

14/00973/FUL

G3Y

BOBR

22/10/2014

New re-positioned garden wall

15 Pine Way Gloucester GL4 4AE

14/00730/OUT

GOP

FEH

27/10/2014

Conversion and two storey extension to disused church to create 8 apartments (all matters reserved)

Tyndale Mission Hall & 98A Painswick Road Gloucester GL4 6PT

Moreland

14/00485/FUL

G3Y

EMMABL

10/10/2014

Conversion and extension of existing detached garage into a granny annex.

313A Stroud Road Gloucester GL1 5LF

14/01053/LAW

REFREA

CARLH

17/10/2014

Erection of detached annex in rear garden for occupation by a family member

26 Hartland Road Gloucester GL1 4RS

14/01034/FUL

G3Y

CARLH

22/10/2014

Installation of external wall insulation to side and rear elevations of property

23 St Pauls Road Gloucester GL1 5AP

14/00921/ADV
 GFY CARLH 09/10/2014
 4 no. fascia signs and 2 no. lower level signs and graphics to kiosk subject to Change Of Use permission (ref: 14/00920/FUL) Retrospective application.
 Peel Centre St Ann Way Gloucester

14/00920/FUL
 GP CARLH 09/10/2014
 Change of use of car parking spaces for the siting of 'We Buy Any Car' sales kiosk, and ancillary parking bays. Retrospective application.
 Peel Centre St Ann Way Gloucester

14/01170/LAW
 REFREA CARLH 17/10/2014
 Erection of attached garage to rear, and single storey rear extension (adjoining garage)
 5 Tweenbrook Avenue Gloucester GL1 5JY

14/01058/FUL
 G3Y CARLH 22/10/2014
 Conversion of Car Port to Garage
 1B Lysons Avenue Gloucester GL1 5QE

14/01028/FUL
 G3Y EMMABL 22/10/2014
 Erection of single storey side and rear extension
 22 Clegram Road Gloucester GL1 5QA

14/00971/FUL
 G3Y CARLH 14/10/2014
 Variation of Condition 12 of planning permission ref: 04/00959/FUL, to read: 'The retail store shall only open to the public between the hours of 6am and 11pm.'
 Tesco Express Bristol Road Gloucester GL1 5SS

14/01016/LBC
 G3L CARLH 20/10/2014
 Internal alterations to a Listed Building associated with the Change of Use from C3 (residential) to a House in Multiple Occupation (HMO)
 85 Bristol Road Gloucester GL1 5SN

14/01208/CONDIT
 ALDIS FEH 29/10/2014
 Discharge of condition 3 (construction method statement) and condition 4 (sample of materials) for 14/00827/FUL
 Linden Primary School Linden Road Gloucester GL1 5HU

14/00852/FUL

G3Y

FEH

13/10/2014

Two storey extension on northern elevation to provide additional rooms , toilets and staircase. Removal of lean-to roof to West Elevation with platform created. (revised description and plans)

Former Star 66 Youth Centre Seymour Road Gloucester GL1 5PT

14/00844/FUL

G3Y

EMMABL

14/10/2014

Erection of detached bungalow to rear with associated off-street parking (revised proposal following application references 11/01245/FUL and 14/00579/FUL)

15 Balfour Road Gloucester GL1 5QG

Podsmead

14/00952/NMA

NOS96

BOBR

07/10/2014

Non material amendment to outline planning permission ref: 07/00474/OUT, to revise the description of development to read: Mixed use development comprising residential (up to 109 units), employment B1(Business) and D1 (non-residential institution) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative master plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B].

Former Contract Chemicals Site Bristol Road Gloucester GL2 5BX

14/00860/FUL

S106

BOBR

15/10/2014

Variation of Condition nos.4, 18, 19 and 24, and the deletion of Condition 31 of permission no.12/01029/FUL (as a result of Sites A & B being brought forward as a comprehensive development). [Site A].

St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX

14/00888/ADV

GFY

EMMABL

07/10/2014

Replace existing signage with new Transit Centre signs in respect of the Ford Retail Look and Style signage Programme: Erection of 1 no. 4.5 metre high double-sided totem sign at vehicular access point from Bristol Road and 1 no. fascia sign on building. Replacement text added to existing 4.5 metre high totem sign, 2.4 metre high free standing sign and to existing entrance sign.

Bristol Street Ford Bristol Road Gloucester GL2 5YB

14/01046/FUL

G3Y

GAJO

30/10/2014

The addition of a porch to the front of the property. The new porch will allow access for a wheelchair.

8 Eliot Close Gloucester GL2 5BS

14/00868/NMA

NOS96

BOBR

07/10/2014

Variation of Condition nos.4, 18, 19 and 24, and the deletion of Condition 31 of permission no.12/01029/FUL as amended by application no. 14/00868/NMA for development comprising residential (up to 231 units) together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative parameters plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters)'. (As a result of Sites A & B being brought forward as a comprehensive development). [Site A].

St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX

Quedgeley Fieldcourt

14/00880/FUL

G3Y

EMMABL

07/10/2014

Erection of single storey side extension.

53 Valley Gardens Kingsway Quedgeley Gloucester GL2 2BS

14/01018/ADV

GFY

BOBR

23/10/2014

Erect 8m high flagpole sign (with Queen's Award flag).

Prima Dental Group Stephenson Drive Quedgeley Gloucester GL2 2HA

14/00850/CONDIT

ALDIS

BOBR

22/10/2014

Discharge of pre-commencement Condition nos. 3 (materials), 4 (boundary treatments) & 5 (landscaping) of planning permission no.13/00319/FUL.

2 Manor Cottages Naas Lane Quedgeley Gloucester GL2 2SA

14/01091/PDE

ENOBJ

GAJO

20/10/2014

Prior approval for the erection of a conservatory to the rear elevation

35 Lower Meadow Quedgeley Gloucester GL2 4XN

14/01179/LAW

REFREA

CARLH

20/10/2014

Erection of detached annexe within rear garden

21 The Holly Grove Quedgeley Gloucester GL2 4UU

14/00949/FUL

G3Y

GAJO

17/10/2014

To construct a 1.68m high fence around part of the outside boundary of the property

91 School Lane Quedgeley Gloucester GL2 4UH

14/00926/FUL

NOS96

BOBR

22/10/2014

Non-material amendment to planning permission no.13/01165/FUL comprising the substitution of integral garage for a bedroom and alteration to windows.

2 Manor Cottages Naas Lane Quedgeley Gloucester GL2 2SA

14/00919/ADV
GFY FEH 06/10/2014
Advertisements of the hand car wash (4 non-illuminated fascia signs and 8 non-illuminated other signs)
Tesco Supermarket Severnvale Shopping Centre Bristol Road Quedgeley Gloucester GL2 4PF

14/00918/FUL
GP FEH 06/10/2014
Change of use for nine parking spaces to hand car wash and valeting operation including installation of an office and erection of a canopy.
Tesco Supermarket Severnvale Shopping Centre Bristol Road Quedgeley Gloucester GL2 4PF

14/00343/ADV
GFY JOLM 20/10/2014
Display of new non illuminated signage on Units 8-9.
Kingsway Local Centre Thatcham Avenue Kingsway Quedgeley Gloucester

14/00956/FUL
G3Y CJR 09/10/2014
Relocation of cycle shed, removal of smoking shelter and further cycle shed, provision of 8 no. additional car parking spaces and provision of 3 no. electric car charging points.
Former S A Europe House Davy Way Quedgeley Gloucester GL2 2AD

Quedgeley Severn Vale

14/00990/FUL
G3Y CARLH 06/10/2014
Conversion of internal garage to living space
1 Oatfield Quedgeley Gloucester GL2 4GY

14/00790/REM
G3Y BOBR 22/10/2014
Variation of Condition 2 to amend approved drawings and removal of Condition 3 relating to materials of permission no.13/00420/FUL for replacement public house and restaurant and manager's accommodation.
Former Orchard Olympus Park Quedgeley Gloucester GL2 4NF

14/01041/FUL
G3Y BOBR 07/10/2014
Two storey side extension, single storey front and rear extension
17 Acer Grove Quedgeley Gloucester GL2 4TH

14/00873/FUL
G3Y FEH 30/10/2014
Erection of detached dwelling on land to rear of 15 Old Elmore Lane
15 Old Elmore Lane Quedgeley Gloucester GL2 4NY

Tuffley

14/00841/FUL REFREA Detached bungalow to rear. 86 Tuffley Lane Gloucester GL4 0DU	BOBR	14/10/2014
14/01006/FUL G3Y Single storey domestic extension to the side 39 Campden Road Gloucester GL4 0HY	GAJO	22/10/2014
14/00914/FUL G3Y Erection of rear garden timber structure for games room (retrospective) 156 Reservoir Road Gloucester GL4 6SA	CARLH	06/10/2014
14/01021/FUL GP Re-build of an existing garage (retrospective) 2 Rissington Road Gloucester GL4 0HP	GAJO	23/10/2014
14/01088/FUL G3Y Erection of two storey side extension (resubmission of application reference 14/00467/FUL to change the external facing materials on the side and rear elevations only from brick to render) 27 Fox Elms Road Gloucester GL4 0BG	EMMABL	30/10/2014
14/01081/ADV GFY Erection of 2no. non illuminated signs (RETROSPECTIVE) The Co-operative Food 110 Finlay Road Gloucester GL4 6TF	CARLH	22/10/2014
14/00955/FUL G3Y Two storey rear extension 6 Pembury Road Gloucester GL4 6UE	CARLH	07/10/2014

Westgate

14/00766/FUL G3Y Conversion of office building to 15 no. flats and retail shop (including external alterations). 37 - 41 Southgate Street Gloucester GL1 1UA	BOBR	28/10/2014
14/01137/TRECON TCNOB 8no Yew trees on Brunswick Road Frontage - reduce by 20%.	JJH	27/10/2014

Christ Church Brunswick Road Gloucester GL1 1JS

14/01085/TRECON

TCNOB J JH 27/10/2014

Fell 47 trees as per plan Afla ltd plan 581_002C. Reasons - 1) New Care Home, 2) open up views into park, 3) Poor tree health, 4) long term landscape improvements. Tree replacement planting to be undertaken as per Afla ltd plan 581_001E

Land At The Junction Of Trier Way And 161 Southgate Street Gloucester GL1 1XE

14/01014/LBC

G3L FEH 14/10/2014

Change of use from existing redundant treatment area to provide domestic apartment within basement and provision of window and lightwell to front wall.

24 Clarence Street Gloucester GL1 1DP

14/01013/FUL

G3Y FEH 14/10/2014

Change of use from existing redundant treatment area to provide domestic apartment within basement and provision of window and lightwell to front wall.

24 Clarence Street Gloucester GL1 1DP

14/00987/FUL

REF ADAMS 23/10/2014

Change of use of land for, and stationing of facilities for, a Hand Car Wash and Valeting facility

Land Situated On West Side Of St Oswalds Road Gloucester

14/00875/FUL

G3Y ADAMS 07/10/2014

Erection of 4 no. box folding awnings to ground floor windows in west elevation Unit A1 & A2 The Barge Arm The Docks Gloucester GL1 2DN

14/00495/FUL

G3Y EMMABL 14/10/2014

Compound comprising 10 no. generators within container units, 5 fuel tanks, 5 transformers, 2 no. containers to house switchgear and installation of photovoltaic system, all to be installed within an enclosure

Peakgen Power Ltd Sudmeadow Road Gloucester

14/01045/FUL

G3Y CARLH 14/10/2014

Proposed green wall to South Elevation of Longsmith Street Car Park National Car Parks Ltd Longsmith Street Gloucester GL1 2HH

14/00960/ADV

REFREA FEH 14/10/2014

Retention of 1 non illuminated fascia sign and 1 non illuminated hanging sign 1 St Michaels Buildings Eastgate Street Gloucester GL1 1PD

14/01146/TRECON

TCNOB J J H 27/10/2014
Norway Maple on corner of Westgate Street _ Upper Quay Street - Fell _
replace.

Upper Quay Street Adj Shire Hall Westgate Street Gloucester

14/00946/LBC

G3L ADAMS 13/10/2014

Internal and external works to Grade 2 listed building comprising erection of conservatory to rear and reinstatement of gallery to hall

Mariners Hall 1 Llanthony Road Gloucester GL2 5QT

14/00945/FUL

G3Y ADAMS 13/10/2014

Erection of conservatory to rear of property

Mariners Hall 1 Llanthony Road Gloucester GL2 5QT

14/00778/FUL

G3Y ADAMS 07/10/2014

Use of land for car parking and vehicular access from service yard off Spread Eagle Road

Land At Market Parade Gloucester

14/00899/ADV

GFY ADAMS 17/10/2014

Existing painted signs to external elevations reading 'National Waterways Museum' to be repainted to read 'Gloucester Waterways Museum', existing shaded font to be replaced to match plain font of 'Llanthony Warehouse' signs below, 'Llanthony Warehouse' signs repainted all as existing. 1 no. internally illuminated sign and 3 no. externally illuminated hanging signs set behind glazing of new entrance lobby (existing fascia sign to be removed)

National Waterways Museum The Docks Gloucester GL1 2EH

14/00898/LBC

G3L ADAMS 17/10/2014

External works to Grade 2 listed building. New glazed entrance lobby to replace existing, new glazed barrier to quayside, resurfacing inside and outside entrance lobby, repainting of painted high level signage to walls and replacement of high level floodlights, 3 no. externally illuminated hanging signs and 1 no. internally illuminated hanging sign behind glazing of new entrance lobby

National Waterways Museum The Docks Gloucester GL1 2EH

14/00897/FUL

G3Y ADAMS 17/10/2014

External works to Grade 2 listed building comprising new glazed entrance lobby to replace existing, new glazed barrier to quayside, resurfacing inside and outside entrance lobby, repainting of painted high level signage to walls and replacement of high level floodlights.

National Waterways Museum The Docks Gloucester GL1 2EH

14/01078/COU

G3Y

CARLH

30/10/2014

Change of use of part of Restaurant (A3) to Residential (C3)

32 Clarence Street Gloucester GL1 1DP

14/00853/FUL

G3Y

ADAMS

13/10/2014

Proposed ground floor extension, refurbishment including external alterations and change of use of ground and first floor to A4 public house use including use of land at dockside and to front of property as a beer garden

Coots Cafe Bar The Docks Gloucester GL1 2EH

14/00935/FUL

G3Y

ADAMS

09/10/2014

Change of use of land from highway and circulation areas to mixed use as highway, circulation areas and outdoor seating associated with adjacent unit.

Gloucester Quays Unit 71 Llanthony Road Gloucester

14/00901/ADV

GFY

CARLH

08/10/2014

Replacement window vinyls (9no) to McColls

Martin McColl Unit B The Barge Arm The Docks Gloucester GL1 2DN

Decision Descriptions Abbreviations

AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
G3L:	Grant Listed Building Consent for a period of 3 Years
G3Y:	Grant Consent for a period of 3 Years
GA:	Grant Approval
GATCMZ:	Grant approval for telecommunications mast
GFY:	Grant Consent for a period of Five Years
GLB:	Grant Listed Building Consent
GLBGOS:	Grant Listed Building Consent subject to Government Office of South West clearance
GOP:	Grant Outline Permission
GOSG:	Government Office of South West Granted
GP:	Grant Permission
GSC:	Grant Subject to Conditions
GTY:	Grant Consent for a period of Two Years
GYO:	Grant Consent for a period of One Year
LAW:	Certificate of Law permitted
NOB:	No objections
NOS96	No objection to a Section 96 application
NPW:	Not proceeded with
OBJ:	Objections to County Council
OBS:	Observations to County Council
PER:	Permission for demolition
RAD:	Refuse advert consent
REF:	Refuse
REFLBC:	Refuse Listed Building Consent
REFREA:	Refuse
REFUSE:	Refuse
RET:	Returned
ROS96	Raise objections to a Section 96 application
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn

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