



## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 3rd March 2015

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

### **Officers in Attendance**

Jon Sutcliffe, Development Control Manager

Michael Jones, Locum Solicitor

Adam Smith, Principal Planning Officer, Major Developments

Bob Ristic, Senior Planning Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllr McLellan

### **69. DECLARATIONS OF INTEREST**

Councillor Chatterton declared a prejudicial interest in agenda item 7. Pirate Shop, Victoria Basin, by virtue of his position at The Soldiers of Gloucestershire Museum.

Councillor Toleman declared a prejudicial interest in agenda item 7 as a member of the Docks Stakeholder Group.

### **70. MINUTES**

The minutes of the meeting held on 3 February 2015 were confirmed and signed by the Chair as a correct record.

### **71. FORMER MOD OIL DEPOT, HEMPSTED LANE - 12/00725/OUT**

The Senior Planning Officer presented his report which detailed an outline application for residential development of up to 85 dwelling units with means of access and public open space. (Appearance, landscaping, layout and scale reserved for future consideration) – Revisions include the reduction in the number

**PLANNING COMMITTEE**  
**03.03.15**

of dwellings proposed from 101 to 85 at the former Ministry of Defence Oil Depot at Hempsted Lane. He drew Members' attention to the additional representations contained in the late material.

**Patrick Downes, for the applicant, addressed the Committee in support of the application.**

Mr Downes thanked Members for the opportunity to address the Committee and stated that the site had an extensive brownfield history. Members' concerns had been discussed with Council Officers and dealt with. The number of dwellings proposed had been reduced significantly from 101 to 85.

The viability of the development had been assessed by Council Officers including the Section 106 obligations, the public open space which would benefit the local community and seven affordable housing units had been offered.

He noted that viability was a relevant planning consideration in the National Planning Policy Framework. He advised that the landscape character of the site had been reviewed as part of the evidence base of the Joint Core Strategy and had been classified as being of low sensitivity.

He stated that concerns regarding the pedestrian access to Honeythorn Close had been addressed and the viability package was based on current market conditions, accordingly, the applicant was prepared to accept a shorter period for implementation of the development.

**Chris Stock, speaking on behalf of local residents, addressed the Committee in opposition to the application.**

Mr Stock referred to the Council's current consultation on the Statement of Community Involvement which stated that the Council accepts that local people have local knowledge and can provide a useful insight into local matters. He stated that the local insight was that approval of this particular application would be wrong. Local people were not against the development of this brownfield site and would prefer that to development of Greenfield such as that on land to the east of Hempsted Lane.

Residents believed that the current proposal was overdevelopment and noted that the reasons had been clearly explained in the 137 representations in response to this application.

He believed that the proposal contained too many units and would create a cramped appearance that would be out of character with existing housing development in the locality. He believed that the proposal would encroach upon the setting of the listed Newark House and referred to Council guidance that had indicated that the site would be suitable for up to 30 units, which local residents accepted as a reasonable and balanced position.

He referred to the major impact on local infrastructure, including:

**PLANNING COMMITTEE**  
**03.03.15**

- The volume of traffic using Hempsted Lane and regular congestion on the roundabout blocking access to and from the bypass.
- No account has been taken of traffic generated by other recently approved developments.
- An enlarged school would be attractive but there are existing problems with parking, access and egress.
- Parts of the village continue to experience problems with the foul water sewerage system which would be added to by this development.
- Opening up pedestrian access to Honeythorn Close would have an adverse impact on the adjoining properties. The need for a barrier to prevent vehicular access was questioned if the access was pedestrian only.

Mr Stock noted that the Council was under pressure to secure a 5 years plus 5 per cent land supply and that this development would be attractive to the Council as it could be delivered in the short term.

He stressed that residents were not trying to stop development from happening but were trying to stop a flawed development happening in the wrong place, at the wrong time and for the wrong reasons.

The Chair questioned the proposed pedestrian access through Honeythorn Close and he was advised that the access would provide a dry access in times of flood and the barrier was to prevent mopeds or similar vehicles using the access.

Councillor Lewis stated that development of the site was expected and did not believe that the proposal was overdevelopment. He referred to the proposed public open space which was not presently available to the community.

The Chair referred to the section 106 obligation for education and noted that although the proposed density was higher than the surrounding area he did not believe that it was overdevelopment. He expressed concerns regarding the number of affordable housing units to be provided but accepted that contamination issues affected the viability of the proposal. He believed that the public open space would benefit the people of Hempsted.

Councillor Hilton questioned whether the revised proposal was a reduction in density as well as in number of dwellings proposed. He noted that the proposed road would facilitate potential further development of the site.

The Senior Planning Officer advised that the reduction from 101 to 85 units was on the same site area. He explained that there were concrete silos on part of the site and the cost of removal would be prohibitive and that part of the site would encroach on the setting of Newark House. He also confirmed that the pedestrian access would provide a dry route for pedestrians when other routes were unavailable due to flooding.

**PLANNING COMMITTEE**  
**03.03.15**

Councillor Chatterton referred to the density of development and traffic. He asked if the traffic analysis had taken account of developments approved but not yet implemented. He was advised that the analysis dated January 2014 had taken into account commitments but noted that the National Planning Policy Framework required a severe traffic impact to support a refusal.

Councillor Toleman believed that the site was in need of development and that current application represented a great improvement on the original proposal for 152 dwellings. He had been surprised that the previous refusal had not been taken to appeal and believed that refusal of the current application would result in the Council facing costs in the event of an appeal.

**RESOLVED that the Head of Planning be authorised to grant planning permission subject to the conditions in the report and the satisfactory and timely completion of a Section 106 Agreement in respect of the Heads of Terms detailed in the report.**

**72. 10, SILVERDALE PARADE, HILLVIEW ROAD, HUCCLECOTE - 14/01414/COU**

The Senior Planning Officer presented his report which detailed an application for the change of use to hot food takeaway (Use Class A5) plus associated minor external alterations at Unit 10, Silverdale Parade, Hillview Road, Hucclecote.

He drew Members' attention to the representation contained in the late material and advised that the premises did not have the benefit of policy protection.

**Sarah Butterfield of Alliance Planning on behalf of the Applicant, addressed the Committee in support of the application.**

Ms Butterfield thanked Members for the opportunity to address the Committee and advised Members that the Applicant operated over 100 similar units across the country. Only pizzas, side orders, drinks and desserts would be served.

She noted that the statutory consultees had raised no objection subject to appropriate conditions and advised that the Applicant appreciated the concerns expressed by local residents and had submitted a noise management plan. She confirmed that all staff would receive training on the need for the plan.

She confirmed that pizzas would be the only food prepared on site and the only equipment used would be a conveyor oven which would not generate smells.

She drew Members' attention to the additional information provided by the applicant at paragraphs 5.4 and 5.6 of the report and that the Highways Officer had raised no objection.

Councillor Wilson, as Ward Member, expressed his astonishment at the lack of a highways objection and he questioned how many times highways officers had visited the site which he stated was always congested. He explained that lorries blocked Foxwell Drive and cars were constantly arriving at and leaving the Parade.

**PLANNING COMMITTEE**  
**03.03.15**

He stated that the Applicant had indicated that 63 per cent of the unit's output would be delivered to customers and he questioned how this could be done if there were no parking spaces for delivery vehicles.

Councillor Wilson noted that the applicant had requested hours of operation closing at midnight when the other late opening business, the Co-operative store closed at 10.00pm. He believed that this would go beyond the inconvenience to be expected in a lively vibrant community. The proposed extraction unit was only feet from the nearest house and he asked Members to listen to local opinion as the infrastructure necessary was not there. He believed that the application could be refused on the grounds of inadequate parking, highway safety, traffic impact and the noise associated with the extraction unit.

Councillor Chatterton referred to a similar application in Stroud Road when the Committee had been assured that there would be no problems which was certainly not the case eight months after planning permission had been granted. He had written to the Highways Department in July requesting that they look carefully at these applications as the National Planning Policy Framework required impact to be severe on residential properties before refusal could be justified under the Framework.

Councillor Noakes agreed with Councillor Wilson and stated that the traffic was horrendous twenty years ago. She noted that the premises were previously used as a wool shop which had closed at 5.00pm. She noted that takeaway food was available on the main road and that this proposal was in the wrong location.

Councillor Hilton believed that Hucclecote was well served by takeaways and had a suitable car park but the proposal was in the wrong location. It was close to residential properties with horrendous traffic and parking difficulties. He noted that the proposed delivery vehicles would add to the congestion and the proposal would have a negative impact on adjacent businesses.

Councillor Hobbs concurred with previous speakers especially in respect of noise from the extraction unit. He believed that the illustrations provided had demonstrated the parking problems. He was advised that the noise management plan would cover delivery vehicles including mopeds and similar vehicles.

Councillor Brown stated that he had lived in Hucclecote for 25 years and expressed concerns regarding noise and smells from the extraction system. He advised that he always cycled to Silverdale Parade due to the traffic and parking difficulties and he urged Members to refuse the application which added nothing to Hucclecote.

The Chair believed that the residual impact of the parking would be severe.

The Solicitor referred Members to paragraph 5.19 and noted that the premises could revert to unrestricted Class A1 use. He asked Members to consider carefully the implications of 'fall back' use and he advised Members that Planning Inspectors would expect evidence of a severe residual impact if the application was refused on highway grounds given the lack of objection from the Local Highways Authority.

**PLANNING COMMITTEE**  
**03.03.15**

Councillor Chatterton questioned the lack of objection from Environmental Health if the premises were so close to residential property. He was advised that the Applicant had provided a detailed specification of the equipment to be used and the filtration was sufficient not to impact on the residential properties.

Councillor Smith noted that people would not come to the premises at set times and there would inevitably be peaks and troughs of demand resulting in severe cumulative impacts.

The Solicitor advised that in circumstances where Members were not prepared to accept the recommendation of their Officers and there had been no objections from statutory consultees the Council would be placed at risk. He advised that they should be assured of substantive evidence and noted that parking was more difficult to prove than detriment to amenity as it was covered by other legislation. He advised Members to have regard to the implications of 'fall back' use and to the risks of the Council incurring costs.

Councillor Lewis believed that local residents were the evidence the Council needed and the Committee should make a stand in an area already known for traffic problems.

The Development Control Manager suggested two reasons for refusal, against his recommendation, which Members accepted and it was

**RESOLVED that the application be refused for the following reasons:**

1 The proposed change of use, by virtue of the proximity to dwelling houses would result in a detrimental impact upon the amenities of the occupiers of those properties, contrary to Policy BE.21 of the Gloucester Second Stage Deposit Local Plan 2002 by virtue of noise and disturbance.

2 The proposed change of use would have a residual, cumulative impact which would be severe and contrary to paragraph 32 of The Framework in terms of its transport impacts.

**73. 19, SCOTT AVENUE - 14/01230/COU**

The Senior Planning Officer presented his report which detailed an application for the change of use from care home to 12 one bedroom flats at 19, Scott Avenue.

He drew Members' attention to the five off-street parking spaces to be provided to the rear of the site and that provision had been made for a caretaker/supervisor on site at the Officer's suggestion to address concerns regarding potential anti-social behaviour.

Councillor Lewis supported the application which would provide a welcome safety net and bring the building back into use.

Councillor Noakes was advised that Condition 5 required a management plan for the duration of the use.

**PLANNING COMMITTEE**  
**03.03.15**

The Development Control Manager clarified that the purpose of the management plan was to provide a means to restrict any adverse impacts of the development. While the submitted plans show a manager's flat, the precise management details would depend upon who managed the property and would be best controlled by condition.

The Senior Planning Officer informed Members that the applicant had named but not yet signed up with a Housing Association as a potential tenant of the property.

Councillor Dee supported the need for a supervisory presence in the property.

Councillor Toleman was advised that five was the maximum number of usable parking spaces that could be fitted on the site and it was not expected that all occupiers would have motor cars.

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

**74. PIRATE SHIP, VICTORIA BASIN, THE DOCKS - 14/01377/FUL**

Councillors Chatterton and Toleman, having declared interests, withdrew from the meeting for the consideration of this application.

The Principal Planning Officer presented his report which detailed an application for the stationing of a replica galleon with mast and sail at the dockside and use as café, erection of bin store and ramp to pontoon and works to dockside barrier at Victoria Basin, The Docks.

He drew Members' attention to the late material which contained a representation from the Canal and River Trust and a representation in support of the application.

**David Howard, the Applicant, addressed the Committee in support of the application.**

Mr Howard circulated illustrations of the finishes proposed for the galleon. He advised that he was aiming to create an 18<sup>th</sup> century ambience with oil paintings, telescopes and similar objects. There would be a puppet theatre, a children's' area and an outdoor area on the upper deck.

He anticipated good media coverage of the attraction which brings visitors from outside the City. The development would create jobs including puppeteers, catering staff and opportunities for students from Gloucestershire College. Dependent on seasonal variations Mr Howard anticipated employing 6 – 12 part-time staff.

He had experience of running a tourist operation on the Kennet and Avon Canal and British Waterways had been supportive. He noted that the Canal and River Trust and British Waterways Marinas had originally supported the proposals.

**PLANNING COMMITTEE**  
**03.03.15**

He noted the success of the Tall Ships visits and Pirate Week and expected that schools, nurseries and charities would benefit from the galleon.

**Greg Moger, representing 41 boat owners and seven residents, addressed the Committee in objection to the application.**

Mr Moger expressed concerns regarding the impact the structure would have on the beautiful historic Docks area. He did not consider it to be a ship and believed that it would demean the area and dominate the gateway to the Docks.

He objected to the layout and designs and criticised the lack of detail accompanying the application. There would be a negative impact on boat owners using the moorings and residents who already suffered trespassers and trophy hunters on the pontoons.

He concurred with the Canal and River Trust and believed that the galleon would be a danger to navigation.

He expressed concerns relating to the safety of children as there only limited means of rescue.

He believed that granting consent to this application would open Pandora's Box and encourage applications with an impact similar to that of the former Golden Egg on Kings Square.

He noted that the Civic Trust were not now supporting the application and that the Canal and River Trust were withdrawing the lease of the basin from British Waterways Marinas from 1 April 2015.

Councillor Hilton noted that no drawings had been presented with the application to enable Members to assess the impact on the Conservation Area or Britannia Warehouse. He did not believe that the Pirate theme was relevant to the history of the Docks and expressed concerns regarding access to the pontoons. He was not totally opposed but could not support the proposal on the basis of the information provided.

Councillor Hobbs believed that the proposal would detract from the historic setting and visitors liked to see the area as it was in the past.

Councillor Smith welcomed the application and noted that the historic docks did not have designer shops or car parks in the past. She noted that the docks became alive during the special events such as markets and fireworks and that the Docks were for everyone not just boat owners. The Docks needed a proposal like this.

Councillor Lewis believed that the galleon would be fun but questioned whether the proposed location was appropriate.

The Chair thought the proposal would be fun and we could be too fussy about the area. He was happy with the external appearance but expressed concern at the lack of illustrations. He noted that the Docks was a mixed use area.



**PLANNING COMMITTEE**  
**03.03.15**

Councillor Brown expressed his disappointment at the lack of illustration but believed that the development was not in keeping with the historic Docks.

Councillor Dee did not wish to see the galleon in either of the main basins. He also wanted to see the finished ship.

Councillor Lewis asked if the Committee could consider an alternative location and was advised that Members were required to consider the application before them although there could be future applications for alternative locations.

Members were advised that the application could be deferred for further information.

**RESOLVED that the application be deferred to await further information to enable the Committee to assess the impact of the development on the Conservation Area.**

**75. UPPER DECK, GLOUCESTER QUAYS OUTLET CENTRE - 14/01400/COU**

The Principal Planning Officer presented his report which detailed an application for the change of use of the Upper deck of factory outlet Centre (Over central core of units) to Use Class A1 for Antiques Centre at Gloucester Quays Outlet Centre.

He drew Members' attention to the representations contained within the late material.

**Simon Metcalf, on behalf of the Applicant, addressed the Committee in support of the application.**

Mr Metcalf advised Members that without this application the future of the Antiques Centre would be uncertain. The move would provide an Antiques Centre on one level reducing overheads for the Antiques Centre.

He accepted the concerns of the traders at the present centre and assured Members that the Applicant was committed to support the Centre.

He believed that the slightly larger floor area would present a long term opportunity for the continued presence of the Antiques Centre in the Docks. The proposal would improve the accessibility and servicing of the Upper Deck.

He noted that Gloucester Quays had invested large sums in the City and would welcome Members' support.

**Minette Lane, a trader at the Antiques Centre, addressed the Committee in objection to the application.**

**PLANNING COMMITTEE**  
**03.03.15**

Ms Lane advised Members that her family had traded full time at the Antiques Centre for over 30 years and were therefore well placed to represent the concerns of tenants.

She stated that they were not resistant to change but believed the present location of the Centre provided a link between the historic City and the modern shopping mall. The proposed relocation would remove the Centre's shop window to passing trade and leave All Saints stranded uncomfortably as the only evidence of retail activity in the whole street.

Should the Centre be moved its only neighbour would be a dark and depressing multi-storey car park. She expressed concerns that thousands of visitors would have to negotiate two lanes of car park traffic which presented a safety hazard.

She believed that the proposals would result in a flagship retail shop with no shop window - a tourist attraction hidden from tourists, no safe access for visitors, and no mention of temperature controls under the glass roof of the Upper Deck. There was only a vague suggestion of an escalator access from the ground floor.

She noted that problems had been experienced moving large items of furniture to Antiques Fairs that had been held on the Upper Deck previously.

She believed that the current location gave Gloucester an advantage over Cribbs Causeway and was the reason scores of coach-loads of visitors from Wales preferred to visit the Quays.

The Chair asked if escalators were part of the application and was advised that there was no guarantee that they would be provided unless required explicitly in the decision and planning permission would not be required to install them inside a building.

Councillor Lewis believed that the proposal would not be viable without escalators and asked what provision would be made for stallholders, asking to see a layout. He was advised that some indicative plans had been submitted but the Council could not exercise control over the stall layout. He wished to have a condition requiring the escalator to be installed.

The Development Control Manager advised Members that the imposition of a condition requiring escalators would require demonstration that the application would be unacceptable without them. He noted the need to differentiate between commercial needs and planning needs.

The Chair was advised that a proposed condition on the sale of goods prevented 'open' Class A1 retail.

Councillor Smith was in favour but felt the escalator was essential and requested a condition to require it. She also suggested an advisory note recommending that a vacant unit be used to direct visitors to the Upper Deck.

Councillor Dee noted that it was not the function of the Committee to ensure the survival of the Antiques Centre. He noted that the application would bring a large

**PLANNING COMMITTEE**  
**03.03.15**

space into use and he was confident that the Applicant would not produce anything tacky. He also felt it was important that the escalator went in.

Councillor Noakes believed that the application would bring more people into the Quays and would be the best option for the retention of the Antiques Centre.

Members confirmed that they required a condition for the provision of escalators to be installed prior to the commencement of the use.

**RESOLVED that planning permission be granted subject to the conditions in the report and an additional condition requiring the installation of escalators prior to commencement of the use.**

**76. BUILDING P, GLOUCESTER QUAYS OUTLET CENTRE - 14/01398/COU**

The Principal Planning Officer presented his report which detailed an application for change of use of first and second floors and part of ground floor (for access only) of Building P (currently occupied by the Gloucester Antiques Centre) to offices (Use Class B1) at Gloucester Quays Outlet Centre.

He drew Members' attention to the additional representations contained within the late material.

**Simon Metcalf, for the Applicant, addressed the Committee in support of the application.**

Mr Metcalf advised that this application for change of use would contribute to the continued success of the Quays and of the City. It would create small office units in keeping with the mixed use aspirations for the Docks. There were no highways objections as the site was accessible by foot, motor car or public transport. It would provide high quality office space as part of the applicant's continuing investment.

**Minette Lane, a trader at the Antiques Centre, addressed the Committee in objection to the application.**

Ms Lane expressed concern that this application could represent a watering down of the visitor and tourism elements of the Docks. She believed that local people would find the provision of more offices unbelievable at a time when so many units are empty in the City. She believed that vacant office buildings such as Southgate House were holding back the regeneration of the City.

She believed that the current use of the building enhances the heritage value of the building which the applicant acknowledged.

She noted that the second floor café provided the only elevated public access vista point in the Docks complex.

She believed that the painted Gloucester Antiques Centre sign on the side of the building drew visitors into the complex. Visitors also stopped to admire the Antique Centre's window display.

**PLANNING COMMITTEE**  
**03.03.15**

She questioned whether the benefits of office use would exceed the potential loss of a valued and tried visitor attraction should the Upper deck development fail. She questioned whether 50 jobs were being created or just relocated and compared this to the 90 plus dealers and 21 staff with a proven retail track record and are being expected to shoulder the risks of re-establishing their businesses elsewhere.

The Chair noted that there were no planning issues with the application. Gloucester Quays was always a mixed use proposal.

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

**77. WINGET BOWLS CLUB, TUFFLEY AVENUE - 14/01484/FUL**

The Development Control Manager presented the report which detailed an application by Gloucester City council for the erection of a single storey building to accommodate the servicing and storage of plant and equipment used by the City Council Countryside Unit, erection of 2.1 metre high black powder coated palisade security fencing, the provision of hard standing and vehicular car parking spaces and external alterations to existing garages at Winget Bowls Club, Tuffley Lane.

He confirmed that no objections had been received from consultees and referred Members to the late material.

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

**78. IMPERIAL GATE BUSINESS PARK, CORINIUM AVENUE - 14/01163/FUL**

The Development Control Manager presented the report which detailed an application for partial demolition, alteration, extension and refurbishment of existing buildings B and C. erection of a new office building and associated car park and landscaping. Alterations to existing access, service road and parking areas at Imperial Gate Business Park, Corinium Avenue.

He drew Members' attention to the late material which contained an additional consultation response from the Highway Authority and an amended recommendation.

**RESOLVED that the Development Control Manager be authorised to grant planning permission subject to the satisfactory completion of a Unilateral Undertaking for a financial contribution of £5,000 to monitor the travel plan with the conditions set out in the report and the conditions recommended by the Highway Authority with their proposed condition ( c ) amended to reflect the revised layout plan and their proposed condition ( e ) and the proposed condition (5) within the report amalgamated into one condition.**

**79. REPRESENTATION LETTERS IN COMMITTEE REPORTS**

**PLANNING COMMITTEE**  
**03.03.15**

The Development Control Manager presented his report which considered the current practice of attaching representations to Committee reports.

He advised that paper copies of agendas and reports were produced for Officers and members of the public attending Committee and he sought Members' agreement to discontinue the practice of printing out all the representations and replacing this with the provision of a hyper link for Members to access representations.

He noted that the last six meetings had required the printing of an additional 14,500 sides of A4 paper.

He noted that when the report was written there was a potential copyright issue which had subsequently been overcome and he undertook to look at the possibility of providing a hyper link to photographs.

**RESOLVED that full copies of representations no longer be attached to paper agendas for Planning Committee meetings.**

**80. DELEGATED DECISIONS**

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

**RESOLVED that the schedule be noted.**

**81. DATE OF NEXT MEETING**

Tuesday, 7 April 2015 at 6.00pm.

**Time of commencement: 18:00 hours**

**Time of conclusion: 21:15 hours**

**Chair**