



## PLANNING COMMITTEE

**MEETING** : Tuesday, 7th April 2015

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

**Officers in Attendance**

Jon Sutcliffe, Development Control Manager

Joann Meneaud, Principal Planning Officer

Adam Smith, Principal Planning Officer, Major Developments

**APOLOGIES** : Cllrs. McLellan, Dee and Mozol

### 82. DECLARATIONS OF INTEREST

Councillor Toleman declared a personal interest in agenda item 8, St Mary de Crypt Church, by virtue of his membership of the Civic Trust.

### 83. MINUTES

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

### 84. LAND AT THE DOCKS AND LLANTHONY ROAD - 14/00415/FUL

The Principal Planning Officer presented an application submitted by Gloucester Quays LLP for the construction of a new public square, associated engineering works, and hard landscaping (including removal of existing structures, walls and railings), and works to Llanthony Road, on land at The Docks and Llanthony Road.

**Mr Simon Metcalf of WYG addressed the Committee in support of the application**

Mr Metcalf remarked that he was pleased that Officers were able to support the application which would create a new, multi-functional, public square. It would facilitate the 'Fanzone' for the Rugby World Cup. Addressing the issue of parking, he explained that the loss of 120 car spaces had been carefully considered, but that

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these spaces made up only 2% of the available off-street parking spaces in the City Centre. Disabled parking would be retained within the square. Turning to the design, Mr Metcalf stated that the design had been revised to include high quality materials and that the resultant scheme would provide a square which would incorporate features of a heritage site and serve as an attractive meeting place. He did not believe that the area would attract any anti-social behaviour and that there were no such problems elsewhere in the Gloucester Quays Outlet Centre. Mr Metcalf concluded his address by pointing out that the scheme would provide a high quality public realm, sensitive to conservation issues and that it would positively contribute to the local character of the area and would help to engender confidence in the City as a whole.

The Chair opened up the matter for debate.

Councillor Hobbs welcomed the application, but expressed reservations on how the disabled spaces would be accessed in view of the rising bollards which were used. He also noted the absence of parent and child spaces. The Principal Planning Officer responded that a condition was proposed to secure details of the management system to allow access to disabled parking, although it was understood generally that it would be operated by staff at the Quays Management Suite.

Councillor Hobbs questioned whether the steps would be treated in such a way to deter skateboarders as he was concerned that such use would not only damage the square but also pose hazards to vulnerable people. The Principal Planning Officer said that this was not specifically addressed in the application, although it might be possible to incorporate measures such as notches on the steps as a deterrent.

Councillor Lewis concurred with Councillor Hobbs' comments on skateboarders, but said that ultimately the solution was to manage it properly, and added that he considered the square would be an attractive place for people to meet and that he looked forward to the events that would be held there.

The Chair stated that he was relaxed about the loss of parking and that the cars made the area look messy at the moment. He considered that the space should work going forward, but that attention needed to be given to the prospect of use by skateboarders in the materials.

Councillor Toleman queried whether there would be any parking for Waterways Museum staff. The Principal Planning Officer confirmed that there would not.

Councillor Chatterton requested that the works be phased in such a way to avoid major disruption and public safety issues during key events planned in the Docks such as the Tall Ships and Food Festivals. The Principal Planning Officer stated that this could be addressed through additional conditions on the consent.

Councillor Hilton highlighted a representation in paragraph 5.1 of the report regarding concerns that there was no toilet provision and asked if this point had been addressed in the application. The Principal Planning Officer stated that this was not included in the application.

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Councillor Hilton queried whether the post box was being removed. The Principal Planning Officer noted that he was not aware of proposals for its removal and assumed that it was to be retained. The Principal Planning Officer indicated that the matter could be addressed through the condition regarding retained features. Councillor Hilton suggested that the post box might be relocated to the other side of the Barge Arm to ease access to it for Royal Mail.

Councillor Hanman asked if Llanthony Road could be closed entirely as he was concerned that drivers would continue to try to access the square for parking. The Principal Planning Officer explained that this would need to stay open to allow vehicles to exit from Merchants Road and High Orchard Street.

**RESOLVED: That Planning Permission be granted subject to: the conditions in the report; the addition of conditions requiring measures to minimise disruption to events taking place in the Docks area and to maintain public safety during the works; adding a provision to address the retention/reinstatement of the post box into the condition about retained features; and to note the concerns for measures to deter skateboarding when approving materials.**

**85. 2C HARTINGTON ROAD - 15/00102/FUL**

The Development Control Manager presented an application submitted by Mr Neil Thomas for the demolition of existing brick garages on site to be replaced with two new single bed dwellings on land adjacent to 2c Hartington Road. The application had been brought before Planning Committee at the request of Ward Councillor Terry Pullen. The recommendation of the Head of Planning was to refuse planning permission.

**Mr David Keyte addressed the Committee in support of the application**

Mr Keyte said that should the site not be used for residential purposes it would continue to fall into a state of dilapidation and there was the danger that it could be used for other unsuitable purposes as referred to by Ward Councillor Terry Pullen.

Mr Keyte acknowledged the concerns of Officers, but pointed out that it was a tight and difficult site and that although the design was modern, it was a good one and that a 'pastiche of Victoriana' would not be suitable. Mr Keyte did not consider that the scheme was out of character or overbearing and added that the advantages of the proposal outweighed the disadvantages.

**Ms Sharon Houlton addressed the Committee as an objector to the application**

Ms Houlton stated she was representing the concerns of local residents who did not consider their homes to be 'tired' or 'dilapidated' and that the proposal would be out of keeping with the character of the Victorian street. Most residents were not opposed to a residential use for the site, but considered that a two storey dwelling would be overbearing. Ms Houlton expressed concerns regarding parking and

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access and pointed out that there was asbestos in existing buildings and that residents were concerned about how this would be removed.

The Chair opened up the matter for debate.

Councillor Smith expressed reservations about the design which she considered to be out of keeping with the character of the street and said that a one storey development might be more acceptable.

The Chair commented that he found the design attractive, but agreed that it was not right for the street and that it was overbearing.

Councillor Hobbs echoed the comments of the Chair and Councillor Smith. He added that he did not object to the principle of a new build or to the fact that it was different, but his main concern was that the proposal would be overbearing and would impact on the visual amenity of residents.

Councillor Toleman queried whether Officers had liaised with the applicant to produce a better design. The Development Control Manager responded that Officers did not object to the redevelopment of the site in principle and referred Councillor Toleman to the previous planning history as detailed in paragraph 2.1 of the report.

Councillor Toleman asked about the viability of proposing anything else for the site other than the two dwellings proposed. The Development Control Manager indicated that Officers did not get involved in viability issues.

Councillor Hanman remarked that he accepted the Officers' conclusions.

**RESOLVED: That planning permission be refused in accordance with the reasons set out in the report.**

**86. 24 THE OXBODE - 14/01471/COU**

The Development Control Manager presented an application submitted by Coral Racing Limited for a proposed change of use from Class A1 (shop) to Class A2 (financial and professional services) to include new shopfront; two air conditioning condenser units to rear elevation; two satellite dishes to flat roof at rear at 24, The Oxbode.

The Chair opened up the matter for debate.

Councillor Hilton expressed concern about the number of betting shops springing up across the City and commented that this factor as well as the prevalence of takeaways and Pound Shops did little to enhance the reputation of the City Centre. Councillor Hilton questioned whether the Council had any policies on this matter. The Development Control Manager replied that he had addressed the relevant policy during his introduction and that A2 was an appropriate City Centre use. There was no national policy relating to the concentration of betting shops. He advised Members to look at the application in the context of retail and planning

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policy and referred to the Portas review in relation to wishes to see productive centres. He concluded that Members could review a future policy when drawing up the local plan for the City Centre retail uses.

Councillor Hobbs reflected that it was disappointing that another retail use could not be found for the site, particularly as the application only sought use for the ground floor. Turning to paragraph 5.8 of the report, Councillor Hobbs requested exact figures to demonstrate how the change of use would not result in more than 30% A1 retail units being used for non-retail purposes. The Development Control Manager responded that he was unable to present precise figures but he assured Councillor Hobbs that the change of use would be below the 30% threshold. Councillor Hobbs indicated that he was not satisfied with this answer and requested verification of the figures.

Councillor Chatterton queried whether the 30% included vacant units. The Development Control Manager responded that vacant premises formerly in use as retail shops were included in the calculations as A1 uses.

The Chair commented that there were no planning policy grounds on which to turn the application down.

Councillor Lewis reflected that it was unfortunate that after 3 years of trying to market the site the only interest was from a bookmaker and suggested that Members should approve the application subject to verification of the 70% calculation by the Chair and Vice-Chair under delegated powers.

Councillor Hobbs sought assurance that Coral Racing Limited would not install metal shutters. The Development Control Manager indicated that the company would need to submit a separate planning application should this be their intention.

**RESOLVED: That planning permission be granted subject to the conditions in the report and subject to verification of the 70% calculation by the Chair and Vice-Chair acting under delegated powers.**

**87. UNIT 4, GLEVUM SHOPPING CENTRE - 15/00206/COU**

The Development Control Manager presented an application submitted by Coral Racing Limited for the change of use from Class A1 (shop) to Class A2 (financial and professional services) to include alterations to shop front; installation of two air conditioning condenser units and two satellite dishes to rear elevation at Unit 4, Glevum Shopping Centre, Glevum Way.

The Development Control Manager advised Members that there was no information that the unit had been marketed. He drew to Members' attention the dominance of Morrisons in the vicinity and the fact that despite the scheme's failure to meet the first 3 criteria of policy S.13 the applicant maintained that it met the 4<sup>th</sup> criteria relating to sustaining and enhancing the vitality and viability of a district centre. In view of this, the Development Control Manager's recommendation was to approve the application, subject to the conditions outlined in the report. He also drew

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Members' attention to a typing error in paragraph 3.5 of the report, where reference to Policy BR6 should read BE6.

The Chair opened up the matter for debate.

Councillor Ravenhill pointed out that district centres were intended to provide shopping facilities and noted that several shops in the area had been turned into financial institutions and estate agents. He commented that the proposed opening hours for the unit could lead to increased anti-social behaviour in the car park. Councillor Ravenhill added that plans to build a 24 hour filling station on the site of the current Ridge and Furrow Public House would be further detrimental to the local residents. Councillor Ravenhill declared that he would not support the application.

Councillor Chatterton sympathised with Councillor Ravenhill's comments and added that he did not consider that compliance with criteria 4 of S.13 was sufficient reason to grant the application, particularly as the unit had not been marketed. He suggested that the application should be refused.

The Development Control Manager advised Members that there was no link between the lack of marketing evidence and criteria 4 of S.13.

Councillor Wilson concurred with Members' comments and said that the Committee had a responsibility to the community and suggested that there might be some way to delay the application to allow an alternative use to be found for the site.

Councillor Smith agreed with Councillor Ravenhill's comments and listed the businesses which were currently operating in the district centre. She disputed that the centre would be enhanced by the provision of a betting shop and stated that the application should be rejected.

Councillor Noakes agreed with Councillor Smith's remarks and suggested that the application should be refused to allow the site to be marketed properly.

Councillor Hanman pointed out that if Coral Racing Limited was the only business to show interest that they should be allowed to trade.

At this point, the Solicitor interceded to advise Members that should they be minded to refuse the application on the grounds that it failed to meet criteria 4 of S.13 they would need to provide evidence, should the decision be appealed. The Solicitor also pointed out that if the application were to be refused, then any subsequent appeal by the applicant might also involve an application for costs against the Council. Accordingly, the risk of a costs award should be taken into account.

Councillor Chatterton referred to the appeal decision submitted by the applicant and pointed out that district centres were different to town centres.

Councillor Smith remarked that the cumulative effect of having non retail units on the site should be argued and pointed out that even if there was increased footfall this did not necessarily add to the vitality of the centre as those visiting the betting shops might not visit the other shops.

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Councillor Lewis referred to the district shopping centre at Quedgeley where the biggest footfall was for the variety of retail units in the centre and not the betting shop.

The Solicitor cautioned Members that any decision to refuse the application should focus on the applicant's lack of information to demonstrate to the planning authority that the business would sustain and enhance the vitality and viability of the Centre.

**RESOLVED: That planning permission be refused on the grounds that the proposal fails to meet the criteria of policy S.13 of the Second Deposit City of Gloucester Local Plan (2002). In particular, insufficient evidence has been provided to demonstrate that the proposal would sustain and enhance the vitality and viability of the Centre. The proposal is therefore contrary to Policy S.13 of the Second Deposit City of Gloucester Local Plan (2002).**

**88. ST MARY DE CRYPT CHURCH, SOUTHGATE STREET - 15/00044/FUL**

The Development Control Manager presented an application submitted by Gloucester City Council for refurbishment/repairs to the existing stone boundary walls and reinstatement/installation of railings to the boundary of the Church at St Mary de Crypt, Southgate Street.

Councillor Chatterton welcomed the proposal.

**RESOLVED: That planning permission be granted subject to the conditions set out in the report.**

**89. UNITS 3 AND 4 EASTERN AVENUE - 15/00133/FUL**

The Principal Planning Officer presented a revised planning application submitted by Threadneedle Property Investments for the variation of conditions 7 and 8 of planning permission 53102/01/OUT to enable the reconfiguration of Units 3 and 4 and to extend the range of goods capable of being sold from the resultant units, along with the provision of an 185.8 square metre mezzanine floor for non-trading purposes within the reconfigured Unit 4 at Units 3 and 4, Eastern Avenue.

Councillor Noakes commented that the revision was slight and that she looked forward to seeing the store open.

Councillor Smith enquired what Iceland's intentions were regarding their store in King's Square. The Principal Planning Officer replied that Iceland intended to keep the store open.

**RESOLVED: That planning permission be granted subject to the conditions set out in the report.**

**90. LAND OFF ABBEYMEAD AVENUE - 15/00062/MOD**

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The Principal Planning Officer presented an application submitted by the Police and Crime Commissioner Gloucestershire for the variation of a Section 52 Legal Agreement under planning permission 10727/01/OUT to remove the restriction which allocates the site for a police station and to then use the site for community purposes on land off Abbeymead Avenue.

The Chair remarked that this was a pragmatic solution.

Councillor Ravenhill said it made sense to offer it for community use if the Police did not want it.

Councillor Lewis looked forward to hearing ideas from the community for its use.

**RESOLVED: That approval be granted to the variation of the Legal Agreement with clauses to ensure that the land is 'gifted' and is secured in perpetuity for community purposes.**

**91. DELEGATED DECISIONS**

Consideration was given to a schedule of applications determined under delegated powers during the month of January 2015.

**RESOLVED that the schedule be noted.**

**92. COUNCILLOR RAVENHILL**

The Chair noted that this would be Councillor Ravenhill's last attendance at Planning Committee as he was not standing as a candidate in the forthcoming local elections. The Chair thanked Councillor Ravenhill for his contribution to the work of the Committee.

**93. DATE OF NEXT MEETING**

The Chair asked Members to note that the next meeting on 12 May 2015 would start at the earlier time of 5.30 pm.

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

**Time of conclusion: 20:10 hours**

**Chair**