



Gloucester City Council

Planning Committee

Meeting: Tuesday, 7th April 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:	Anthony 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 7 - 20) To approve as a correct record the minutes of the meeting held on 3 March 2015.
4.	LAND AT THE DOCKS AND LLANTHONY ROAD - 14/00415/FUL (Pages 21 - 44) Application for Determination. Contact: Development Control (Tel 01452 396783)
5.	2C HARTINGTON ROAD - 15/00102/FUL (Pages 45 - 56) Application for Determination. Contact: Development Control (Tel 01452 396783)
6.	24 THE OXBODE - 14/01471/COU (Pages 57 - 64) Application for Determination. Contact: Development Control (Tel 01452 396783)

7.	<p>UNIT 4, GLEVUM SHOPPING CENTRE - 15/00206/COU (Pages 65 - 74)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
8.	<p>ST MARY DE CRYPT CHURCH, SOUTHGATE STREET - 15/00044/FUL (Pages 75 - 86)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
9.	<p>UNITS 3 AND 4 EASTERN AVENUE - 15/00133/FUL (Pages 87 - 96)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
10.	<p>LAND OFF ABBEYMEAD AVENUE - 15/00062/MOD (Pages 97 - 104)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
11.	<p>DELEGATED DECISIONS (Pages 105 - 120)</p> <p>To consider a schedule of applications determined under delegated powers during the month of January 2015.</p>
12.	<p>DATE OF NEXT MEETING</p> <p>Tuesday 12 May 2015 at 18.00 hours.</p>

M. Shields

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Martin Shields
Corporate Director of Services and Neighbourhoods

Date of Publication: Thursday 26 March 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.

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<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.
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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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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 of dwellings proposed from 101 to 85 at the former Ministry of Defence Oil Depot at

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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:

- The volume of traffic using Hempsted Lane and regular congestion on the roundabout blocking access to and from the bypass.

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- 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.

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

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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.

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.

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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.

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.

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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.

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

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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 18th 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.

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.

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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.

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.

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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.

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.

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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 Cribs 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 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.

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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.

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.

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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

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.

PLANNING COMMITTEE
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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

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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH APRIL 2015
ADDRESS/LOCATION	:	LAND AT THE DOCKS AND LLANTHONY ROAD
APPLICATION NO. & WARD	:	14/00415/FUL WESTGATE
EXPIRY DATE	:	4TH JUNE 2014
APPLICANT	:	GLOUCESTER QUAYS LLP
PROPOSAL	:	Construction of new public square, associated engineering works, canopy and hard landscaping (includes removal of existing structures, walls and railings), and works to Llanthony Road.
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises the 'square' of land currently used for car parking between The Waterways Museum and the Barge Arm East flat block, and also Llanthony Road up to its junction with Southgate Street.
- 1.2 The proposals seek to create a new public square, removing the car parking and two of the existing covered transit sheds, and extending the existing paving out along Llanthony Road.
- 1.3 In detail this comprises:
 - Re-paving of the whole area between the Museum and existing path in front of the Barge Arm east flat block, down to Llanthony Road and up to the canal inlet;
 - Retention of the existing rail tracks;
 - Retention of the existing transit shed next to the canal inlet;
 - Removal of the existing wall/railing between the Docks and Llanthony Road;
 - Creation of a curved, stepped transition from Llanthony Road into the 'events space';
 - Creation of a new ramp and linear flight of steps at the west side of the square closest to the Brewery;
 - Relocation and lighting of the existing cranes and rail truck;

- New lighting and street furniture;
- New bin store on the block in front of the museum;
- New disabled parking next to canal inlet;
- Removal of the lay by in front of The Goat Inn;
- Extension of the granite sett paving on Llanthony Road eastwards up to the junction with Church Street and slightly further westwards towards the bridge;
- New pavement surfacing up to the Southgate Street junction and extended pavement width at the junction;
- New two-bay taxi rank in top of Church Street.

- 1.4 The plans were originally considered and put out to consultation in April 2014. Unusually, following what I understand were protracted negotiations between the applicant and the Canal and River Trust, amended plans were subsequently submitted only in late January, hence the somewhat disparate two periods of public consultation on the scheme. The changes in the revised scheme include the removal of the canopy previously proposed at the southern edge of the square and relocation of the crane to the former canopy location, changes in the materials, the illumination of several retained structures, alterations to the step/ramped access to Llanthony Road, and the relocation of the disabled parking, bin store, taxi rank, seating and the water trough.
- 1.5 The application is referred to the Planning Committee at the discretion of the Development Control Manager given its scale and prominent location.

2.0 RELEVANT PLANNING HISTORY

98/00568/OUT

- 2.1 This was an outline planning application for the comprehensive redevelopment of the Docks for D2 leisure uses, A1 retail, A3 restaurants/bars and hotel development, refurbishment and conversion of warehouses for such uses including residential, office and cultural/entertainment uses, provision of public open space, landscaping and car parking, relating to the Docks area bounded by Commercial Road, Southgate Street and Llanthony Road. Permission was granted on appeal 9th February 2000.

04/00777/REM

- 2.2 This was an application for the Public Realm works 'Phase 1A', comprising the areas around Vinings, Albert and Double Reynolds Warehouses and the Mariners chapel. It was granted subject to conditions 3rd August 2004.

05/01022/FUL

- 2.3 This was an application for the Public Realm works 'Phase 1B', comprising the areas around Biddle and Shipton Warehouses, the Barge Arm flats and Albion Cottages. It was granted subject to conditions 8th November 2005.

09/00398/FUL

- 2.4 This was an application for 'Phase 2' of the Docks public realm works to the east and north of Victoria basin, including resurfacing, new terracing and

steps, erection of walls and screening structures, street furniture, lighting, planting and art features including the public art 'spear'. It was granted subject to conditions 28th July 2009.

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.

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.

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.

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.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by the prevention of unacceptable risks or adverse effects by pollution.

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.

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.

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 reasonable 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:

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

A5.a – The inclusion of tourist-orientated uses within the comprehensive redevelopment of the Docks area will be encouraged.

L3.c – The City Council will support the inclusion of leisure facilities within the Docks redevelopment.

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

FRP.1a – Flood risk

FRP.6 – Surface water runoff

FRP.10 – Noise

FRP.11 – Pollution

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

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.21 – Safeguarding of amenity

BE.23 – Development affecting the setting of a listed building

BE.29 – Development in Conservation Areas

BE.31 – Preserving sites of archaeological interest

BE.37 – Recording and preserving archaeology

TR.11 – Provision of parking for people with disabilities

TR.31 – Road safety

T.1 – Visitor attractions in the central area

Gloucester Docks Draft Planning Guidance January 2006

3.7 This document was adopted as interim planning guidance for the purposes of development control. It sets out a strategy for the continued development of the docks area following the initial phases of redevelopment. Principles include;

Preservation and enhancement of historic buildings and environment

Introducing a lively mix of uses with day round appeal

High quality architecture in an historic context

Creating a safe and attractive public realm

Improving linkages to and integration with the city centre and Gloucester Quays

Reducing the impact and use of cars

Improving pedestrian circulation and maintaining access to and along the waterside

Providing a new, high quality residential, tourism, leisure and working quarter for the city

Public realm development must take account of and respect all existing historic docks artefacts, use opportunities for interpretive materials, should be capable of hosting public art displays, and should be overlooked and well lit.

The application site area is proposed for a new public square and an enhanced approach to the museum, a hotel, residential, small business units and decked parking.

The document notes that car parking minimises development and detracts significantly from the character and amenity of the area. It should be kept to a minimum.

Gloucester Docks: Public realm strategy 2006

3.8 This sets out guidance to ensure a consistent, high quality approach, including the following;

- Use of Forest of Dean sandstone paving in untrafficked public areas between buildings away from the dock edge;
- Use of granite paving for trafficked areas;
- Use of resin bound aggregate for dock edges up to coping stones;
- Retention of historic features;
- Specified ranges of street furniture – seats, bins, lighting, signs;
- Requirement for public realm to be accessible for the disabled.

Emerging Plan

3.9 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:

SD1 – Presumption in favour of sustainable development

SD5 – Design requirements

SD9 – Historic environment
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management

- 3.10 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 The Civic Trust welcomes the proposals in principle and adds several further comments:
- The extension of the works to the Spa junction makes for a more comprehensive and satisfactory design;
 - The Llanthony Road railings must be preserved and every effort to re use them along with the iron pillars, stone troughs and Barge Arm coping stones and mooring rings;
 - There should be an archaeological watching brief;
 - The square should be distinguished from the Quays with different materials, York stone is not acceptable it should be Forest of Dean stone in terms of the historical connections;
 - The removal of the canopy is welcomed, but the square may be somewhat desolate in the winter months;
 - Lighting should be robust;
 - Revised coach parking is better;
 - Should not be any cars in the new square;
 - Regret that there is no footbridge over the Barge Arm, nor the toilets reopened.
- 4.2 The Highway Authority raises no objection.
- 4.3 The Canal & River Trust raises no objection to the revised scheme, although it is noted that the Trust may wish to discuss some minor elements of the proposal directly with the applicant in its role as landowner.
- 4.4 The Conservation Officer raises no objection subject to conditions to secure details of materials, street furniture, etc; the recording of the sheds and railings prior to removal; the storage and reinstatement of railings; details of parking controls, signage and bollards; treatment of historic features; and interpretation boards.
- 4.5 The Urban Design Officer raises no in-principle objection but makes several observations;
- The visual impact of a sea of cars changing to a public spaces will be positive;

- The boundary brick wall/railing divides two distinct areas – the Docks and Quays;
- While it is historically appropriate to mark the boundary, it is no longer necessary in functional terms, though some definition is useful;
- Neither the wall nor railings are historically associated with the use of the space but do have some local significance;
- The compensation for the removal of the Llanthony Road wall with benches and balustrade is not sufficient, but it does allow views through which is important;
- On balance the benefits of removing the physical barrier outweigh the negatives of losing this positive feature;
- Greater permeability would be created, with the area becoming more of an open space rather than a road;
- Surfacing materials need careful consideration in terms of linking to other resurfaced parts of the Docks or creating a new identity;
- The loss of parking spaces would affect the level of activity within the space – those who do would just pass through it;
- It may appear a very barren and hard landscape especially during the winter
- The extended new paving at Llanthony Road is welcome;
- The use of granite and Forest of Dean sandstone is welcome;
- The pole-mounted lights seem appropriate but their location and arrangement may need further thought;
- Ground based lighting will need to be robust in terms of vandalism and water ingress;
- The lack of a footbridge over the Barge Arm is a missed opportunity;
- Overall the scheme should provide a positive addition to the public realm and enhance the character of the area.

4.6 The Contaminated Land consultant raises no objection.

4.7 The Environmental Protection Officer raises no objection subject to conditions to limits times of construction, and to manage dust and noise.

4.8 The City Archaeologist raises no objection subject to a watching brief condition.

4.9 The Police Crime Prevention Design Advisor continues his concerns about the choice of materials and furniture in the scheme and makes several observations that he feels should be considered;

- Features to prevent skateboarders using benches;
- Features to prevent railings being misused given the 'run up' available;
- Seating and steps offer suitable features for skateboarding/BMXing;
- Railings/glazed screens should be impact resistant and quick to replace;
- Lighting levels should improve passive surveillance and reduce fear of crime;
- Diligent management and maintenance will be required;
- The glass insert under each bench should use a laminated layer in its manufacture to ensure lifespan;
- Relocating the crane could raise its profile and encourage climbing;
- New structures shouldn't inhibit CCTV use.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 131 neighbouring premises were notified, and site and press notices were published. Four representations have been received. Comments may be summarised as follows:

- Plans are exciting and the new square would benefit the area;
- Taxi rank at the end of Llanthony Road (* *since relocated*) would affect amenity of flat at Mariners' Hall;
- Delivery route in front of Barge Arm could detract from the sense of a safe pedestrianised area;
- There is insufficient parking currently for the shops bordering Southgate Street and Llanthony Road – loss of parking will have a detrimental effect on businesses;
- Customers will not be able to get near shops during events;
- Additional parking must be made available in close proximity to local businesses;
- Parking for blue badge holders should be at the eastern end of the Barge Arm (not at the furthest point from the access);
- The ramp should move to the south east corner of the square for ease of use by wheelchair and mobility scooter users;
- Blue badge holders may be prevented accessing by the bollards – would they need special permit or manned attendance?;
- If provision for blue badge holders is needed, the re-instatement of the Quays shopmobility scheme would be appropriate;
- Dependency of the Museum on the parking outside;
- Support retention of the rail track;
- The railway wagon is a museum exhibit proposed for restoration, as are the cranes;
- The lack of public toilets is contentious;
- The post box in front of the Museum is the only one for a considerable distance;
- The removal of the Llanthony Road loading bay is unfortunate as it is often used by coaches for the Museum;
- Profitability of the Museum's boat jumble will be affected by the reduced working area of the square;
- Removal of the Llanthony Road wall/railing means it would have to be secured for paid entry events;
- No flagpoles are proposed;
- Blue badge holder spaces are not wide enough;
- Wheelchair users' desire lines through the square should be considered.

5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/00415/FUL>

6.0 OFFICER OPINION

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

- Design and conservation
- Economic considerations
- Traffic and transport
- Residential amenity
- Archaeology
- Flooding

Environmental Impact Assessment

I have considered the characteristics and location of the development and the characteristics of the potential impacts and it is not considered that the proposal is EIA development and no environmental statement is required for determination.

Design and conservation

6.2 The proposals, with the use of a good quality paving that relates well to the existing resurfacing, would improve the appearance of the area over and above the current sea of car parking, and would be more respectful to the surroundings buildings including the listed Waterways Museum building that fronts this area. Some alterations have been made following Officers' and the Civic Trust's comments about the materials (e.g. the use of Forest of Dean sandstone), however I recommend that approval of samples is conditioned, which should allow us to ensure a quality and suitable product is used.

6.3 However the scheme will, I fear, result in extended periods between events and particularly in winter months in being a rather open and 'windswept' space, which is a weakness of the earlier public realm works between the Barge Arm flats and Victoria Basin. This is similarly a concern of the Conservation Officer, who would prefer the retained equipment to be more central, and also of the Urban Design Officer and Civic Trust. Nevertheless this is a somewhat inevitable result of seeking to provide for an event space with flexibility for temporary structures and gatherings of large numbers of people in an unimpeded manner.

6.4 The sheds within the car park comprise of cast iron columns and wall plates, although the timber of the roof structure is relatively modern. The iron elements were moved here as part of the previous reworking of the square for the opening of the waterways museum in 1988; they were salvaged when the former timber yard was dismantled. The sheds do add character to the area, although they are not of great historic or architectural interest.

6.5 The removal of the sheds would lead to a loss of the industrial character, however one shed would be retained at the north edge, which mitigates the impact, and their removal would reveal views of other local historic buildings. There is no in-principle objection to the loss of two of the sheds from the Conservation Officer.

- 6.6 The demolition of the existing wall/railing at Llanthony Road would remove the historic boundary definition enclosing the Docks area and dividing it from Bakers Quay to the south. The railings here are also salvaged and it is widely held that they came from the site of the Gloucestershire Royal Infirmary on Southgate Street although historic photographs place this is some doubt. I agree however with the Urban Design Officer that the improvements in terms of permeability in a south westerly direction and during events would be of benefit, and outweigh the modest harm that would accrue to the Conservation Area, particularly where the definition of this boundary would be marked by new stone benches on that alignment on the one side, and balustrades on the other next to the ramp and steps. I consider this replacement is necessary to define what is a historic boundary between the square and road. There is no in-principle objection from the Conservation Officer under these terms.
- 6.7 As the railings and the cast iron shed supports were salvaged and are of some historic significance, a condition is recommended to require that they are removed carefully and kept for re-use.
- 6.8 The proposed street furniture appears from the supporting material to be of a good quality and while not the specific items referred to in the Docks public realm guidance, looks like it would blend well with the existing range, using a mix of timber and stone.
- 6.9 The area next to the dock edge would use a resin bound gravel in line with that suggested in the Council's public realm guidance, with the mooring rings, etc retained and moulded around. As an historic area an interpretation board has been requested however the applicant does not want to do this.
- 6.10 Concerns have been raised by the Police about misuse of the area. The area would effectively be operated as part of the Quays management arrangements and there is little evidence of such anti social behaviour in the existing area. The square would be well overlooked from residential and commercial premises. The applicant notes that the materials can be easily cleaned and designed to withstand potential damage. Blister paving would also likely deter some skateboarder use of the steps.
- 6.11 While the loss of the boundary wall would be of minor detriment, a number of other historic features including the rail tracks would be retained, and the overall result would be an enhancement of the appearance of the Conservation Area and it would also enhance the setting of the listed building and so accords with the duties under the Act.

Economic

- 6.12 The square provides the direct approach to the Waterways Museum, Gloucester Brewery and former Coots Bar (being renovated for JD Weatherspoon), as well as a route to the Quays leisure area and the Barge Arm café's frontage. The works are likely to make this approach more attractive and reveal the presence of these businesses more. The resulting public square would create a better environment for events and would likely have a beneficial effect in terms of economic development.

- 6.13 Concerns have been raised that the loss of the parking would adversely affect local businesses. While the relative ease of finding a car parking space closest to certain business might be slightly reduced, the analysis shows that there is capacity locally, and there are several alternative public car parks in the vicinity. The overall result of the proposals in economic terms is likely to be positive in my view.

Traffic and Transport

- 6.14 The proposal would result in the removal of the existing surface car parking provision of 120 spaces.
- 6.15 A survey of the approximately 5,520 off-street public car park spaces within the City Centre has been undertaken, which indicates that the site provides about 2.2% of the off street parking provision. The site, Southgate Moorings and Gloucester Quays car parks operate with spare capacity, with the latter two able to accommodate the 'loss' at the site. Spare capacity is also available further afield within the City Centre. Given the demand for parking by different people, there will be some degree of commuter parking during weekdays balancing with event visitor parking at weekends.
- 6.16 It is of note that the transport consultant observed that while the road network appeared stressed, there appeared to be no issue in terms of the displaced parking resulting from the Victorian Market in December 2013.
- 6.17 Vehicular access for servicing and emergencies will be from Southgate Street via a bollard entry system controlled by automatic number plate recognition and linked to the Quays management suite. Service vehicles for the Waterways Museum, Brewery and former Coots bar would approach via this route and then turn in front of those buildings to exit along the same route. This would involve reversing large vehicles within the public square and although the Highway Authority does not object given it does not impact directly on the highway, they highlight this as a significant risk of conflict. In the interests of public safety I recommend that a management plan is sought by condition.
- 6.18 Access to the square off Llanthony Road will be closed off although emergency access will still be possible by demounting bollards. The proposal does not directly affect the existing bus gate at Llanthony Road; the existing driving prohibitions will remain across the bridge. Vehicles using Merchants Road and High Orchard Street to the south will continue to turn right onto Llanthony Road and out onto Southgate Street.
- 6.19 The extended new paving along the highway is not objectionable in principle to the Highway Authority – indeed they consider that replacing the look of a formal carriageway and increase to pedestrian priority would introduce more caution and potentially reduce speeds. The road is anyway far less used now with the restrictions on access across the bridge.
- 6.20 The taxi rank has been relocated into the top of Church Street providing for two taxis. Outside the planning system there is a separate traffic regulation

order process for the taxi rank and there is no guarantee of its success. However the Highway Authority has confirmed that there is no highway objection to this new location and arrangement.

- 6.21 The Canal & River Trust was keen to retain disabled parking within the square close to the museum and this is achieved. Three disabled spaces are there currently; the scheme proposes four. The Highway Authority has confirmed that the dimensions comply with those outlined in Manual for Gloucestershire Streets
- 6.22 Overall no objection is raised in highways terms – the proposal would not lead to a severe residual impact on the highway.

Residential Amenity

- 6.23 The area is already used for sporadic events through the year and this would continue. The proposal is likely to reduce the number of vehicle movements in front of the flats, and the works ought to make a more pleasant environment in terms of their immediate surroundings.
- 6.24 The relocation of the taxi rank further away from the residential premises is beneficial in terms of amenity. No further objection has been received to the new location, which is what was suggested by the objector.
- 6.25 With suitable conditions to control times of construction, and noise and dust management, I do not consider that the works would have any significant adverse impact on the amenities of local residents.

Archaeology

- 6.26 This is an area of some archaeological potential. It is unlikely that pre 19th century archaeology would be present and if so truncated by more recent development. Furthermore the works are likely in the main to be fairly shallow. Nevertheless there is potential for encountering remains of importance, notably uncovering industrial remains - remnants of tramways and buildings, etc. Excavations have previously found a number of railway tracks beneath the current surfacing at in the vicinity. The imposition of the recommended watching brief condition is considered reasonable. With this, no objection is raised in archaeological terms.

Flooding

- 6.27 The flood zone around the Docks partially encroaches into the application site. However given the nature of the proposal I do not consider the sequential test to be of assistance here and do not consider there to be any overriding flood risk concerns. The Docks is a controlled body of water.

Phasing

- 6.28 With the Rugby World Cup approaching, the works are proposed to be phased with a first phase comprising the removal of the two sheds and any resultant making good of the surface. This would grant the space to allow for spectators, large screens, etc. After the World Cup the remainder of the works

would be implemented. Conditions are therefore drafted to allow for this eventuality.

Human Rights

- 6.29 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.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.
- 7.2 The application would create a significant shift in the appearance of this area, changing from a part-covered surface car park to an open public space, with enhanced surfacing and less enclosure. While the removal of the sheds and Llanthony Road wall/railing would detract somewhat from the character and appearance of the Conservation Area, the overall effect is likely to be an enhancement. This is similarly the case with economic considerations. The loss of the parking spaces is shown to be tolerable in terms of alternative car parks. With suitable controls over the demolition/construction phase, no significant harm is likely to the amenities of local residents.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That planning permission is granted subject to the following conditions.

Condition

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

The development hereby permitted shall be carried out in accordance with the approved plans referenced;

A CT OSG 00 GA 101 Rev. P14 – Proposed Plan – Orchard Square (rec. 26th February 2015)

A CT OSG 00 GA 102 Rev. P06 – Proposed Plan – Southgate St / Llanthony Rd junction (rec. 21st January 2015)

A CT OSG 00 21 107 Rev. P02 – Proposed disabled ramp plan and elevation (rec. 21st January 2015)

A CT OSG 99 21 101 Rev. P05 – Proposed Section A-A (rec. 21st January 2015)

A CT OSG 99 21 102 Rev. P04 – Proposed section B-B (rec. 21st January 2015)

A CT OSG 99 21 103 Rev. P04 – Proposed Section C-C (rec. 21st January 2015)

A CT OSG 99 21 106 Rev. P02 – Proposed section D-D (rec. 21st January 2015)

Reason

To ensure that the works are undertaken in accordance with the approved plans.

Condition

Surfacing materials shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation.

Reason

To ensure that the materials are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition

Items of street furniture (including benches, lighting [pole-mounted, uplighting and feature lighting], walls, bollards, balustrades, bin stores, signage associated with activities [taxi rank, disabled parking, etc]) shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation. Details of the pole mounted lighting shall include a plan of their arrangement and resultant light levels across the site. Details of ground mounted lighting shall include details of their fixing and maintenance in respect of vandalism, water ingress or other damage.

Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

No works shall be undertaken to the railway tracks or any other retained features such as mooring rings until a Methodology for their retention/reinstatement (including provisions to make the track and adjoining materials resilient to vehicle movements and turning across them) has been submitted to and approved in writing by the Local Planning Authority. Works to the railway tracks and other retained features shall take place only in accordance with the approved Methodology.

Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

Prior to the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6th March 2013) the applicant, or their agents or successors in title, shall undertake a photographic record of those sheds and provide that record to the City Council for appropriate archiving and public dissemination of the findings.

Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

Condition

Prior to the removal of the wall and railings at Llanthony Road the applicant, or their agents or successors in title, shall undertake a photographic record of them and provide that record to the City Council for appropriate archiving and public dissemination of the findings.

Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

Condition

Where proposed for removal, the iron columns of the existing sheds and the railings to the Llanthony Road boundary shall be carefully removed (by hand where necessary) to minimise damage and keep them intact, and shall be stored after removal in a secure location to be notified to the Local Planning Authority.

Reason

To provide for the reuse of heritage features to be lost in the proposals as proposed in the application, in the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

The date of commencement of development shall be notified to the Local Planning Authority in writing. The two relocated cranes (proposed in front of the Waterways Museum and adjacent to Llanthony Road) and the rail truck (proposed on the retained track through the centre of the square) shall be installed on site within 12 months of the commencement of development and shall be retained unless otherwise agreed to in writing by the Local Planning Authority.

Reason

These retained and relocated structures make a key contribution to the visual appearance of the development, following the removal of canopy from the scheme, adding interest to the proposal where between events the area would otherwise be left bare. As such their delivery is crucial to the success of the

scheme in design and conservation terms, according with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 and 131 of the NPPF

Condition

No development other than the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6th March 2013) and subsequent making good shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme shall provide for archaeological monitoring and recording (a 'watching brief') during ground works related to the development proposal, with the provision for appropriate archiving and public dissemination of the findings.

Reason

The proposed development site has potential to include significant elements of the historic environment. If present and revealed by development works, the Council requires that these elements will be recorded during development and their record made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

Condition

No development other than the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6th March 2013) and subsequent making good shall take place until drainage plans for the disposal of surface water have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

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 SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100 and 103 of the NPPF and Policies FRP.1a, FRP.6 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 and the NPPF.

Condition

Construction and demolition work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to

1300 hours on Saturdays 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

In the interests of protecting the amenities of local residents in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework and Policies BE.21, FRP.10 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002.

Condition

No development other than the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6th March 2013) and subsequent making good shall commence until a scheme for the management of noise and dust from the construction process shall be submitted to and approved in writing by the Local Planning Authority and development shall be undertaken only in accordance with the approved scheme.

Reason

In the interests of protecting the amenities of local residents in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework and Policies BE.21, FRP.10 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002.

Condition

Prior to the commencement of the installation of new surfacing materials, a Management plan for delivery and servicing vehicles shall be submitted to and approved in writing by the Local Planning Authority. This shall provide measures to ensure the safety of pedestrians utilising the square during delivery visits (notably to take account of the required reversing manoeuvre) and provisions if the delivery vehicle is temporarily blocked from entering the site (by an event or otherwise). Deliveries and servicing taking place on the site shall be conducted only in accordance with the approved Management plan.

Reason

The delivery arrangements propose that vehicles traverse and stop within the public area. The condition is necessary in the interests of highway safety, in accordance with Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 32 and 35 of the NPPF and Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition

Prior to the installation of any new bollards, details of an access management system to allow access to the spaces within the square for disabled persons' vehicles shall be submitted to and approved in writing by the Local Planning Authority. The access management system shall thereafter be employed at all times unless otherwise agreed to in writing by the Local Planning Authority.

Reason

To permit access to the parking spaces in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 57 and 58 of the NPPF, and Policy BE.6 of the City of Gloucester Second Deposit Local Plan 2002.

Notes

It is recommended that early discussion is undertaken with the Highway Authority regarding the use of setts within the adopted highway.

The new taxi rank would be subject to a Traffic Regulation Order as a separate process.

Every effort should be made to supply the deliveries management plan to tenants of properties needing to be serviced off the new public square.

It is recommended that Amey Gloucestershire is contacted on 08000 514514 to discuss whether the development will require traffic management measures on the public highway.

The development will involve works to be carried out on the public highway and the developer is required to enter into a legally binding highway works agreement (including an appropriate bond) with the County Council before commencing those works.

The applicant/developer is advised to contact Desmond Harris on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust".

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

14/00415/FUL

Land At Llanthony Road
Gloucester

Planning Committee 07.04.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7TH APRIL 2015**

ADDRESS/LOCATION : **2C HARTINGTON ROAD, GLOUCESTER.**

APPLICATION NO. & WARD : **15/00102/FUL
MORELAND**

APPLICANT : **MR NEIL THOMAS**

PROPOSAL : **DEMOLITION OF EXISTING BRICK
GARAGES ON SITE TO BE REPLACED
WITH 2 NEW SINGLE BED DWELLINGS ON
LAND ADJACENT TO 2C HARTINGTON
ROAD.**

REPORT BY **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **1 SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is brought before the Planning Committee at the request of Ward Councillor Terry Pullen.
- 1.2 The application site is located approximately 40 metres to the southeast of the junction between Bristol Road and Hartington Road. The site is located upon the southern side of the street, adjacent to no.2c Hartington Road, which previously formed the rear wing to no.203 Bristol Road and has since been subdivided into flats, forming 2a to 2c Hartington Road.
- 1.3 The application site is presently occupied by a pair of flat roof brick built garages, a flat roof storage building and area of hard-standing set under an open canopy area, behind a pair of timber gates.
- 1.4 The site measures approximately 17.1 metres in width and 7.2 metres in depth. To the south-eastern side of the site is a private road which provides access to garages and parking spaces serving properties at Bristol Road.
- 1.5 The application seeks planning permission to replace the existing structures at the site with a pair of semi-detached 1 no. bed dwelling houses. The proposed dwellings would be of a 'modern' design, with a mono-pitch roof and would have a render finish to the front and end elevations, with brickwork and grey cladding to the rear.

- 1.6 The properties would be set back from the street by approximately 1.3 metres and would extend up to the rear (south-western) boundary of the site. Each of the dwellings would benefit from a single integral garage which would also provide bicycle storage.
- 1.7 The dwellings would be laid out with a bedroom and bathroom on the ground floor and a kitchen diner to the first floor. The first floor would incorporate high level windows to the rear elevation with Juliet Balconies and hall way windows to the front elevation.
- 1.8 While neither of the dwellings would benefit from a garden space, the proposal would have an area to the rear of the north-western elevation for the storage of bins away from the street.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The most recent planning history for the site is set out below:

14/00981/FUL - Demolition of existing brick garages on site to be replaced with 2no. single bed dwellings on land adjacent to 2C Hartington Road – Withdrawn

95/00642/CON - Conversion of first floor and part ground floor to form 4 no residential units - Grant - 1995

11240/01 - Change of use from flat on first floor to hairdressers, clothes shop and ancillary store - Refuse 1992 - Appeal Allowed - 1993

P/876/75 - Erection of double private garage - Grant - 1975

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 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.

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 From the Second Stage Deposit Plan the following policies are relevant:

Policy H.4 – Housing Proposals on Unallocated Sites
Policy BE.7 - Architectural Design
Policy BE.21 – Safeguarding of Amenity
Policy TR.31 – Road Safety

3.5 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 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 PUBLICITY AND REPRESENTATIONS

4.1 The occupiers of 15 neighbouring properties were notified of the application by letter and a site notice was also posted.

4.2 In response to the consultation the council has received four letter of objection.

4.3 The comments raised are summarised below:

- Existing garages on the proposed site were built as a result of planning conditions imposed on the conversion of 201A & B Bristol Road from shop to flats.
- Why can this now just be forgotten - these are linked to previous permission
- Regularly suffer obstruction of garage opposite site.
- Will applicant keep garage access clear during demolition & construction?
- Are proposed garages actually big enough for a car?
- Garages wont be used for parking (due to problems accessing them)
- Will more likely be used for storage therefore potentially placing a minimum of two additional vehicles onto a road
- Most households have two or more cars, many have vans as well
- Parking in area has always been difficult
- Narrow street not suitable for further traffic
- Need to look at existing parking at 10.00pm - not during the daytime when everybody is at work
- Disruption during demolition / building
- Large vehicles regularly get 'stuck' at the top of Hartington Road which is a one way street
- Will the building works encroach onto the pavement, where will skips be kept
- Hours of construction should be restricted to minimise impacts on residents
- Quantity of Asbestos cement roofing on site
- Would overlook gardens
- Lack of gardens for residents
- New development would not blend with Victorian/Edwardian properties
- Will stand out and take away historic value of street.

4.4 Ward Cllr Terry Pullen, has requested this application be brought before the planning committee and has made the following comments:

- I am concerned about parking as this development is in an area that already has a parking problem and is close to junction with Bristol Road.
- However, I feel that this development would improve what is an untidy and run down part of Hartington Road.
- If it is not used for residential purposes then it would either continue to be an 'eyesore' or could be used for other less suitable purposes.
- Decision would be best made by planning committee.

4.5 Gloucestershire Highways – No objections.

4.7 Severn Trent Water – No objections

4.8 The full content of all correspondence on this application can be viewed online via the Councils website at:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00102/FUL>

5.0 OFFICER OPINION

5.1 The main issues in the consideration of this application are:

- Character and Design
- Neighbouring amenities
- Highway impact

Character and Design

5.2 The application site is located within a traditional Victorian suburb of the City, which is predominantly residential in character, particularly to the eastern side of Bristol Road.

5.3 The application site provides a transition and 'gap' in the street scene formed between the end of the terraced properties on Hartington Road and the rear of properties at Bristol Road. This separation and spacing is a characteristic of the site as well as the wider area is defined by these transitional gaps which serve to provide relief within the street scene, and promote a more open and spacious character and appearance to the area, particularly close to the junctions between streets.

5.4 The redevelopment of the site, which is presently occupied by low level structures, with a new substantially larger building, which would be taller than the existing rear wing to 203 Bristol Road (now 2a-c Hartington Road) would serve to erode the existing open character to this part of the road to the detriment of the character and appearance of the area.

- 5.5 Hartington Road is characterised by pairs of attractive bay fronted brick built properties with sash type windows, forming a traditional, harmonious appearance and rhythm to the street.
- 5.6 While it is accepted that in some instances a 'modern' building may compliment an area, it is my opinion that this would not be the case with the current proposal which is of a rather confused architectural form and materials palette which fails to provide any reference to or harmonise with the existing attractive street scene.
- 5.7 The proposed development would occupy the entirety of the site, save for an area retained for the storage of bins.
- 5.8 Paragraph 6.22a of the Second Deposit City of Gloucester Local Plan (2002) advises that development will need to provide adequate garden spaces, setting out appropriate areas on the basis of the number of bedrooms provided. In the instance of a one bedroom property the suitable garden area to serve that dwelling would be 40 square metres, with a minimum area of 10 square metres designed as a 'private area' not overlooked from adjoining properties.
- 5.9 This approach to provide/protecting amenity is emphasised at Paragraph 17 of the Framework which advises that planning should '...seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...'
- 5.10 The proposal would provide no garden space for future occupiers accordingly the application represents an unacceptable overdevelopment of the site and would result in unacceptable living conditions for future occupiers.
- 5.11 The applicant proposes that on site garden space is not necessary as there are plentiful amenity areas in the locality. I do not consider this the case, particularly as the Lannett playing field some 700 metres to the northeast and the nearest access point to the canal towpath is some 700 metres to the southwest. Accordingly these public areas are not close enough to meet the reasonable day-to-day amenity needs of the occupiers, particularly when considered with the absence of any on site amenity areas, deprive future occupiers of even the most basic space for purposes such as sitting out, 'entertaining' or drying clothes.

Neighbouring Amenities

- 5.12 The proposal would replace a series of ramshackle outbuildings visible from Hartington Road and across the open rear garden areas to properties Bristol Road.
- 5.13 The proposed building would be sited adjacent to the boundary with no. 205 Bristol Road. While this property has a relatively long garden, the garden is very narrow with a width of between 3 and 4 metres. The area to the immediate rear of that dwelling is laid out as a lawn and is already dominated

by the 2 storey elevation to nos. 2a-c Hartington Road. The proposed development would further compound this situation by introducing a further sense of enclosure.

- 5.14 The garden area to no.205 immediately adjacent to the application site is tended to and used as a 'vegetable' patch and seating area. It is evident that the occupier of this property derives significant pleasure from the garden which would be dominated by the proposed dwellings.
- 5.15 While it is noted that the rear elevation of the proposed building would be lower than the front, the development would be significantly higher than the existing structures at the site and would result in an unacceptable overbearing effect upon the garden to no.205, and 207 Bristol Road.
- 5.16 Hartington Road runs at approximately 70 degrees to Bristol Road and as a result the rear elevations to the terrace of properties at Bristol Road are skewed towards the existing wing at 2a-c Hartington Road and the application site beyond.
- 5.17 Viewing the application site from the immediate rear of these properties it is particularly evident that the cumulative effect of the existing 2 storey wing to 2a-c Hartington Road and the proposed new dwelling would result in an unacceptable overbearing effect and sense of enclosure to nos.203a, 205 and 207 Bristol Road to the detriment of the living conditions of the occupiers of those properties.

Highway Impacts

- 5.18 The impacts of the development have been assessed by the County Council Highways Officer who has raised no objections to the development and advised that Hartington Road is a Class 4 highway, with a one way carriageway and is subject to a posted speed limit of 20mph.
- 5.19 The carriageway provides on street parking, with parking restrictions at the junction of Bristol Road.
- 5.20 The proposed development would generate a trip rate of 5 vehicle movements per dwelling and 1 of those trips would be during the peak hour. This is not considered to be a significant increase in traffic.
- 5.21 Given presence of the existing site access and the absence of any recorded incidents in close proximity to Hartington Road at its junction with Bristol Road or Gladstone Road, the impact upon highway safety would be severe
- 5.22 Residents have commented that the application site was intended to provide parking for the adjoining flats. I have reviewed the file for application no. 95/00642/CON, while there is a file note that members were satisfied with the provision of four off street parking spaces (on the land which presently forms the application site) there is no condition on the associated permission to require this area to be retained for that purpose.

- 5.23 The application site is in separate ownership to the adjoining flats which do not benefit from the use of the garage spaces. The proposed development would therefore not result in any actual displacement of vehicles onto the highway.
- 5.24 The proposed dwellings would provide garage spaces albeit only suitable for smaller vehicles and further on street parking would be available on street in front of the current gateway and garage doors to the outbuildings at the site.
- 5.25 The National Planning Policy Framework is explicit at Paragraph 32 that '...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.26 Accordingly and considering that as a result of the nature of accommodation being proposed and the inclusion of integral garages the proposal would not result in a severe impact on the highway network.

Other Matters

- 5.27 In terms of housing need, the 2014 Gloucester City Housing Monitoring Report evidences that over the past 23 years the city has delivered on average 582 dwellings per annum. The submitted Gloucester, Cheltenham and Tewkesbury 'Submission Version' Joint Core Strategy (Nov.2014) has a requirement for the city to deliver 565 dwellings per annum (2011-2031). The Joint Core Strategy Housing Background Paper (Nov 2014) demonstrates that the city has a 5 year plus 5% housing land supply as required by paragraph 47 of the NPPF.
5. As a result the proposed dwellings are not needed to meet the councils housing targets particularly as the benefits of the proposed dwellings would not outweigh the harm and identified above and the clear conflict with planning policy.

6.0 CONCLUSIONS

- 6.1 While there is no objection in principle to the redevelopment of the site, it is evident from the application that the site is of an insufficient size to accommodate two dwellings and achieve a good standard of amenity for all existing and future occupants of land and buildings as well as those of the occupiers of adjoining properties.
- 6.2 Furthermore the scale and design of the building would be incongruous and detrimental to the character and appearance of the area and would result in an unacceptable overbearing impact to neighbouring properties.
- 6.3 For the reasons cited above, the proposed development is considered to be unacceptable and contrary to Paragraphs 17, 56, 58 and 64 of the National Planning Policy Framework and Policies BE.21, H.4, H7 & H.13 of the Second Deposit City of Gloucester Local Plan (2002).

- 6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.
- 6.5 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 and use land buildings 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.

7.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

- 7.1 That planning permission is refused planning permission for the following reason:

Reason for Refusal

The application site forms an important transition space between two streets and is part of the traditional Victorian 'street block' character. The proposed development would be of a poor design which would erode this gap in the street and would fail to harmonize with the locally distinctive character and architectural quality of the surrounding area. The building would appear visually incongruous within the street scene and would provide a poor level of amenity for the future occupiers. Furthermore the scale and proximity of the development in relation to the site boundaries would constitute an unacceptable overdevelopment of the site and would be overbearing to nos.203a, 205 and 207 Bristol Road, and to the detriment of the living conditions of the occupiers of those properties. The proposal is therefore contrary to advice contained within Paragraphs 17, 56, 58 and 64 of the National Planning Policy Framework and Policies BE.21, H.4, H7 & H.13 of the Second Deposit City of Gloucester Local Plan (2002)

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant National and Development Plan Policies, and the fundamental issues of principle could not be resolved through further negotiation.

Decision:

Notes:

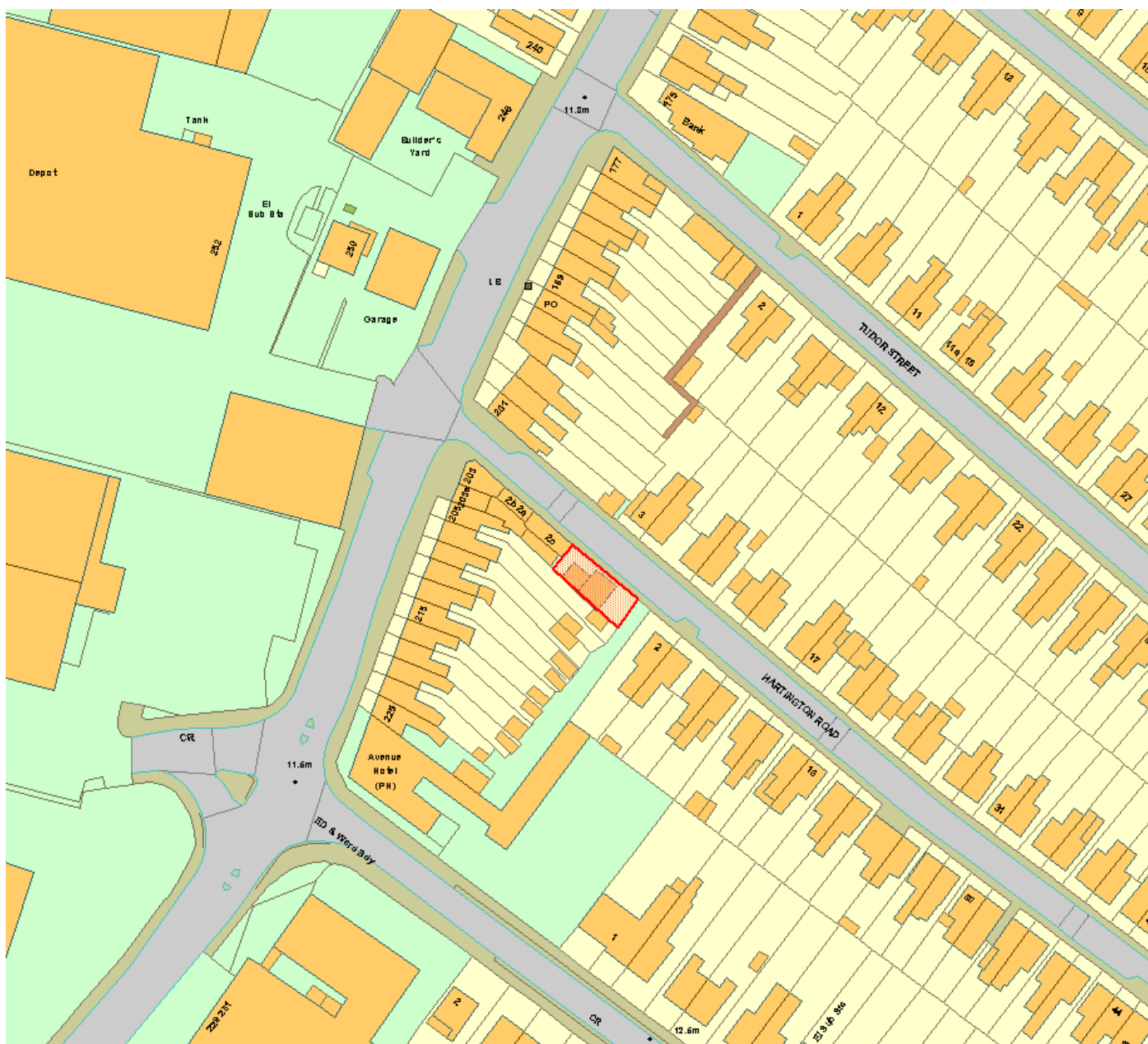
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Person to contact: Bob Ristic
(Tel: 396822)

15/00102/FUL

2C Hartington Road
Gloucester
GL1 5TJ
Planning Committee 07.04.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7TH APRIL 2015**

ADDRESS/LOCATION : **24 THE OXBODE, GLOUCESTER.**

APPLICATION NO. & WARD : **14/01471/COU
WESTAGET**

APPLICANT : **CORAL RACING LIMITED**

PROPOSAL : **PROPOSED CHANGE OF USE FROM
CLASS A1 (SHOP) TO CLASS A2
(FINANCIAL & PROFESSIONAL SERVICES)
TO INCLUDE NEW SHOPFRONT; 2 NO AIR
CONDITIONING CONDENSER UNITS TO
REAR ELEVATION; 2 NO. SATELLITE
DISHES TO FLAT ROOF AT REAR.**

REPORT BY **BOB RISTIC**

NO. OF APPENDICES : **1 SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is brought before the Planning Committee as it entails a change of use to Class A2(c) and therefore falls outside of the councils scheme of delegated powers.
- 1.2 The application property is located at no.24 The Oxbode, a mid terrace shop unit fronting onto The Oxbode and backing onto New Inn Lane.
- 1.3 The application property is presently vacant and this application seeks planning permission to change the use of the shop unit to a betting office.
- 1.4 The application would also entail the installation of a replacement shop front, the installation of 2 no. roof mounted satellite dishes and 2 no. air conditioning units.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The most recent planning history for the site is set out below:

.14/01472/ADV - Illuminated fascia and projecting sign to front elevation - Grant

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 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.

- 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 From the Second Stage Deposit Plan the following policies are relevant:

Policy S.8 – Changes of Use in the Primary Shopping Area
Policy BE.11 – Shopfronts, Shutters and Signs
Policy BE.21 – Safeguarding of Amenity
Policy BE.29 – Development within Conservation Areas

- 3.5 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 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 PUBLICITY AND REPRESENTATIONS

- 4.1 The occupiers of four neighbouring properties were notified of the application by letter. A site notice and press notice was also posted.
- 4.2 There have been no representations.
- 4.3 Conservation Officer – No objections to the amended plans.
- 4.5 Planning Policy Officer – No objections
- 4.6 The full content of all correspondence on this application can be inspected online via the Councils website at:
<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01471/COU>

5.0 OFFICER OPINION

- 5.1 The principle considerations in the determination of this application relate to conformity with planning policy and the impact upon the City Centre conservation area.

Planning Policy

- 5.2 The NPPF seeks to provide sustainable development via a development plan led system. It sets out that local planning authorities should recognize town centres as the heart of their communities and pursue policies to support their vitality and viability. They should also promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.
- 5.3 The application site is not allocated for any particular use in the Second Deposit City of Gloucester Local Plan (2002). The site is however located within the Primary Shopping Area (PSA) and a Conservation Area.
- 5.4 Given the proposal relates to the change of use of a unit from A1 to A2, Policy S.8 'Changes of Use in the Primary Shopping Area' applies. It sets out the criteria for the assessment of such applications, requiring units to have been vacant/marketed for a reasonable period of time, seeks a minimum percentage of A1 units along streets and seeks no more than two non-A1 units adjacent to one another.
- 5.5 Additionally it also allows for changes of use where these criteria are not met, and where it can be demonstrated the proposal would sustain and enhance the vitality and viability of the city centre.
- 5.6 It is noted that until earlier this year there were three vacant properties within the street. The former Jessops Store has only recently been occupied by a recruitment agency after being vacant for a number of years. In addition to the unit subject of this application, the former Jonathan James jewellers store remains vacant.
- 5.7 The applicant has advised that a marketing agent was instructed in May 2012 to promote the site before it was vacated by Oswald Bailey. It has since been apparent that there is little or no interest in the property other than by charity shops seeking short term lets, with the property being briefly occupied by the YMCA shop. The proposal therefore meets the requirement for the property to have been marketed.
- 5.8 A street survey along the southern side of The Oxbode has been undertaken. It demonstrates that, the change of use of this unit from A1 to A2 would not result in less than 70% A1 retail units along this side of the street being used for non-retail purposes, nor would it result in more than two non-A1 uses next to each other and complies with policy S.8.
- 5.9 Accordingly it is considered that the proposed change of use would comply with the relevant policy and would bring back into use a vacant property which would in turn sustain the vitality and viability of the Primary Shopping Area.

Impact on Conservation Area

- 5.10 The application also proposes a replacement shop front which would be coloured dark blue. The proposed design has been amended at the request of

the City Conservation Officer and there are no objections to the proposed alteration which would improve the appearance of the building.

- 5.11 The application also proposes two satellite dishes to the main roof of the property and two air conditioning units to the roof of the single storey rear wing.
- 5.12 Considering the sensitive siting of the application property, within the City Centre Conservation area, the siting of the roof mounted Satellite dishes will require further consideration in order to ensure that they are sited as discretely as possible. The final position can be controlled by an appropriately worded condition in order to preserve the character and appearance of the conservation area.
- 5.13 The proposed air conditioning units have been re-designed from being 'wall mounted' directly adjacent to new Inn Lane to being roof mounted. While this has considerably reduced the visual impact the units would still be visible from New Inn Lane and accordingly I consider it reasonable to secure an enclosure to screen the units, by way of a condition.

6.0 **CONCLUSIONS**

- 6.1 The application would bring back into use a vacant unit within the primary shopping area and City Centre Conservation Area. It is considered that subject to compliance with conditions the proposal would sustain the vitality and viability of the primary shopping area and preserve the character and appearance of the Conservation Area. Accordingly, the proposal would comply with Policies S.8 BE.21 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.
- 6.3 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 and use land buildings 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.
- 6.4 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

6.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

- 6.1 That planning permission is granted with the following conditions to be applied:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

The development hereby permitted shall be carried out in accordance with the submitted application form, supporting information and approved (amended) drawing nos.COR1746/PLN01C and COR1746/SP01B received by the Local Planning Authority on 11th March 2015 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).

Condition 3

Notwithstanding the submitted drawings, the precise location of the satellite dishes shall be submitted to and approved in writing by the Local Planning Authority. The dishes shall be installed in accordance with the approved details prior to the commencement of the use hereby permitted and shall be similarly maintained thereafter.

Reason

The location of the satellite dishes will require further consideration in order to preserve the character and appearance of the City Centre Conservation area and in accordance with policy BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Notwithstanding the submitted drawings, details of a means of enclosure to the air conditioning units shall be submitted to and agreed in writing by the Local Planning Authority. The enclosure shall be installed in accordance with

the approved details prior to the commencement of the use hereby permitted and shall be similarly maintained thereafter.

Reason

To preserve the character and appearance of the City Centre Conservation Area and in accordance with policy BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

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Person to contact: Bob Ristic
(Tel: 396822)

14/01471/COU

24 The Oxebode
Gloucester
GL1 1SA

Planning Committee 07.04.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7th APRIL 2015
ADDRESS/LOCATION	:	UNIT 4 GLEVUM SHOPPING CENTRE GLEVUM WAY GLOUCESTER
APPLICATION NO. & WARD	:	15/00206/COU ABBEY
EXPIRY DATE	:	11th APRIL 2015
APPLICANT	:	CORAL RACING LTD
PROPOSAL	:	PROPOSED CHANGE OF USE FROM CLASS A1 (SHOP) TO CLASS A2 (FINANCIAL & PROFESSIONAL SERVICES) TO INCLUDE ALTERATIONS TO SHOP FRONT; INSTALLATION OF 2 NO. AIR CONDITIONING CONDENSER UNITS AND 2 NO. SATELLITE DISHES TO REAR ELEVATION
REPORT BY	:	FIONA RISTIC
NO. OF APPENDICES/ OBJECTION	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south of Morrissons in a parade of five units. Four are currently occupied by Sue Ryder (A1), Ruby Chinese and Indian Spice garden restaurant (A5), Taylors Estate Agent (A2) and Lloyds Pharmacy (A1). The application site is currently vacant and was last used by Diamond Cut hairdressers. The unit has been vacant since January 2015. All the units are part of Glevum Shopping Centre which is within Abbeydale District Centre.
- 1.2 This application is to change the use of the unit at ground floor level from a shop (A1) to Class A2 (Financial and Professional). The application also seeks permission for alterations to the shopfront, together with the installation of two air conditioning condenser units and two satellite dishes to the rear elevation. Although the applicant seeks consent for open A2 at the property the proposed use is a licensed betting office. The unit would be open from 8am to 10pm seven days

per week and would employ 2 full-time and 4 part-time members of staff.

2.0 RELEVANT PLANNING HISTORY

- 2.1 15/00207/ADV-Erection of internally illuminated fascia sign and projecting sign – pending decision

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 (NPPF) has been published and is also a material consideration.

- 3.2 For the purposes of making decisions, the NPPF 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 NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

- 3.3 The policies within the 1983 Local Plan and existing County Structure Plan remain the statutory adopted policies for the City and policies within the 2002 Local Plan are a material consideration where they are consistent with the NPPF.

- 3.4 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document 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.

3.5 RELEVANT DEVELOPMENT PLAN POLICIES:

- BE.21 – Safeguarding of amenity
- TR.31 – Road safety
- FRP.10 – Noise
- BR.6 – Access for all
- BE.11 – Shopfronts, Shutters and Signs
- TR.9 – Parking standards

S.13 – Changes of use in District and Local Centres

- 3.6 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 *Highways* – Unit 4 Glevum Shopping Centre is adjacent to a Class 4 highway with footways and street lighting and the carriageway is two way working. The area is subject to a speed limit of 30 mph. There are no proposed alterations to the existing access. I can confirm I have researched the recorded accident data and there are no recorded incidents at this location. There is adequate parking at the shopping centre, with no proposed changes. The majority of trips to the establishment will be on foot. Therefore I raise no highway objections to this application
- 4.2 *Environmental Health* -. The main concern is in relation to noise from the air conditioning unit. Recommend approval subject to the following conditions being attached:
- Noise level condition
 - Hours of construction
 - No power tools or machinery at a certain time

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 A Site Notice was erected and 8 neighbours were notified by letter – no comments have been received.

The plans and comments can be viewed with the attached link <http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00206/COU>

6.0 OFFICER OPINION

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.
- 6.2 The main issues with this application are retail issues in relation to policy S.13 of the second deposit local plan, highway issues, impact on

the amenity of neighbouring properties and noise issues. I will deal with these issues in turn.

6.3 Highway Issues

The County Highways Engineer has assessed the application and as there is adequate parking at the shopping centre there is no objection to the proposal from the highways engineer.

6.4 Noise

The proposal includes the installation of two air conditioning units at the rear. There is no objection from Environmental Health subject to the imposition of a condition limiting levels associated with the units. They have also recommended a condition on the hours of construction and restrictions on the times using power tools and machinery to safeguard the amenity of residents.

6.5 Impact on neighbouring amenity

The unit is located in a commercial parade with the nearest residential properties being to the rear of the unit separated by a staff car park. Given this separation it is not considered that the change of use would significantly affect the amenity of any residential properties. With the recommended noise conditions from Environmental Health it is not considered that the air conditioning units would harm the amenity of the neighbours. There are a variety of other air conditioning units and satellite dishes on the rear of the shop units facing the car park so they would not appear overly prominent in this commercial context.

6.6 Retail issues

The site is located in the Abbeymead District Centre so the relevant policy is S.13 (Changes of use in District Centres). This has 4 criteria relating to the loss of A1 shops. It states that the conversion will only be permitted where:

1. The proportion of non-retail uses on the ground floor of properties in the centre is below 30% and
2. The proposal would not result in a continuous group of more than two non-retail uses and
3. The property is vacant and the developer is able to demonstrate that the property has been marketed unsuccessfully for a reasonable period of time **or**
4. The developer is able to demonstrate that the proposal would sustain and enhance the vitality and viability of the centre

6.7 Dealing with the criteria in order, if the parade contains 6 units including Morrisons then there are 67% A1 uses. With the conversion of the unit to A2 then it becomes 50% of the units being A 1. Therefore the parade as it currently stands does not meet criteria 1 of being less than 30% non A1. If you look at floor space as opposed to retail unit numbers then 94% of the space is A1 with only 2% being in class A2. This will increase to 4% of the whole if the consent is granted. It can be argued that the dominance of Morrisons ensures the health of this

District Centre despite the proposed change of use and it cannot be looked at in the same way as a parade not containing a large dominant A1 use. The presence of Morrisons ensures that the centre is predominantly A1 use.

- 6.8 In terms of criteria 2, there are currently 2 non A1 uses adjoining each other (Ruby Chinese/Indian Spice Garden (A5) and Taylors Estate Agents (A2). This change of use would lead to three non A1 uses adjoining therefore not meeting this criteria.
- 6.9 In terms of criteria 3 the hairdressers has recently closed so although currently vacant it hasn't been vacant for what we normally term a reasonable period of time and no marketing information has been supplied to support the application. The agent does highlight that previous A1 tenants have struggled to trade successfully in this location.
- 6.10 Despite the above, the policy does have criteria 4 which if proven can carry weight and allow approval of a change of use even if it fails the other criteria. This criteria is that the proposal would sustain and enhance the vitality and viability of the centre. It is argued that the use of the premises as a licenced betting office will generate significant levels of footfall and hence vitality and viability in a centre, benefiting the centre as a whole. The applicant has submitted footfall data from two other comparable centres demonstrating that the footfall from the betting shop was the second highest of the shops listed. They have also submitted an appeal decision which shows that uses within class A2 can attract a high number of users and therefore be beneficial to the vitality and viability of town centres and can result in a number of linked visits to other units in the centre.
- 6.11 It is acknowledged that given the age of the local plan policy consideration must be given to how the policy will evolve for the future City Plan. The policy team have confirmed that future of the policy is likely to be less prescriptive but still protect retail centres. The NPPF (paragraph 23) states that "*local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres*". It must also be noted that the NPPF states that "*where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*" (paragraph 14)
- 6.12 Conclusion
It is acknowledged that the proposal does not meet all the criteria in policy S.13 of the Second Deposit Local Plan. However it is considered that given the submitted footfall data and appeal decisions it can be argued that the proposal will improve the vitality and viability of the

district centre especially as the unit is currently vacant. Furthermore the footfall for a betting shop is likely to be greater than a hairdresser. It is also argued that given the size and dominance of Morrisons the health of this retail parade will not be affected by a change of use of this unit. With the suggested noise conditions from Environmental Health it is not considered that the proposal would affect the amenity of the neighbouring properties and there are no highway issues raised by the proposal.

6.13 It is therefore recommended that the application is granted.

7.0 RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

7.1 That permission be granted with the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

The development hereby permitted shall be carried out in accordance with the application form, planning statement, drawing numbers COR1788/SP01 A, COR1788/AS01 A and COR1788 PLN01 rev A received by the Local Planning Authority on 13th February 2015 and 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).

Condition 3

Noise associated with plant and machinery incorporated into the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5db below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002)

Condition 4

No construction shall take on the premises before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No power tools or machinery shall be used on the site, other than portable hand tools between 08:00 and 08:30hrs Monday – Friday or between 08:30 and 09:00hrs Saturdays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

National Planning Policy Framework Compliance

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council’s website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

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Person to contact: Fiona Ristic
(Tel: 396716)

15/00206/COU

Unit 4
Glevum Shopping Centre
Glevum Way
Gloucester
GL4 4BL

Planning Committee 07.04.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7th APRIL 2015
ADDRESS/LOCATION	:	ST MARY DE CRYPT CHURCH, SOUTHGATE STREET, GLOUCESTER
APPLICATION NO. & WARD	:	15/00044/FUL WESTGATE
EXPIRY DATE	:	6th MARCH 2015
APPLICANT	:	RICHARD WEBB, GLOUCESTER CITY COUNCIL
PROPOSAL	:	REFURBISHMENT/REPAIRS TO EXISTING STONE BOUNDARY WALLS AND REINSTATEMENT/ INSTALLATION OF RAILINGS TO BOUNDARY OF CHURCH
REPORT BY	:	FIONA RISTIC
NO. OF APPENDICES/ OBJECTION	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is located to the south-east of Southgate Street. The building is St Mary De Crypt Church which is a designated heritage asset and is grade 1 listed. It dates from the 12th Century. The school room dates from 1539 and is grade 2*. The site is located within the City Centre Conservation Area. The churchyard is in council ownership and the proposal is to repair and refurbish the current stone boundary wall and reinstate the historic railings in a traditional form. The present Heritage Lottery funded Southgate Street Townscape Heritage Initiative scheme proposes to enclose the churchyard with traditional railings to create a safe and secure environment which also retains managed public access.

1.2 The churchyard is identified as positive open space within the townscape appraisal map and is one of the only areas of green space within the conservation area. The proposed railings are based on historical research which the archive photos demonstrate. The proposal includes new gates to be installed. These will match the reinstated railings. It is proposed that neighbourhood management would lock the gates from dusk until dawn.

2.0 RELEVANT PLANNING HISTORY

- 2.1 97/00617/FUL-Installation of 3 dormer windows at rear – granted – 20/11/97
97/00591/LBC-Re-instatement of 3 no. dormer windows at rear of schoolroom. – granted – 20/11/97
96/00581/FUL-Change of use to restaurant and open area seating and single storey
Extension – granted – 10/03/97
96/00580/LBC-Internal alterations to old schoolroom, single storey extension and railings. - granted – 10/03/97
94/03216/LBC - Reglazing of leaded light windows and provision of wire guards - withdrawn

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 (NPPF) has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the NPPF 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 NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 3.3 The policies within the 1983 Local Plan and existing County Structure Plan remain the statutory adopted policies for the City and policies within the 2002 Local Plan are a material consideration where they are consistent with the NPPF.
- 3.4 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document 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.

3.5 **RELEVANT DEVELOPMENT PLAN POLICIES:**

BE.21 – Safeguarding of amenity

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

BE.29 – Development within Conservation Areas

TR.31 – Road safety

- 3.6 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 *Highways*

St Mary de Crypt is located on the edge of the main shopping centre; there is street lighting and a network of pedestrian routes. The site is adjacent to a Class 4 and Class 3 highway. The proposal will not incur vehicular trips. No objection is raised subject to a condition requiring a construction method statement.

4.2 *Conservation*

St Mary de Crypt is a designated heritage asset, Grade I listed dating from the 12th century and is one of the most significant historical assets in Gloucester. The School room dates from 1539 and is Grade II*, the school was founded by Joan Cooke and later used as a Sunday school founded by Robert Raikes. The Church, school room and associated church yard occupies a prominent location on the corner of Greyfriars Lane and Southgate Street.

- 4.3 The site is located within the City Centre Conservation Area; this was reviewed in September 2007. The updated Conservation Area Appraisal and Management Recommendations were adopted in as interim planning guidance. The church yard is identified as positive open space within the townscape appraisal map and is one of the only areas of green space within the conservation area.

- 4.4 The church yard is in City Council ownership and the proposals to repair and refurbish the current stone boundary wall and reinstate the historic railings in a traditional form are welcomed. The present Heritage Lottery Funded Southgate Street Townscape Heritage Initiative (THI) scheme proposes to enclose the church yard with traditional railings to create a safe and secure environment which also retains public access but this will be managed. It is important that this green space is enhanced, enjoyed and managed for use by the City's residents and visitors to the city, as well as, part of any use which is created through the Discover DeCrypt scheme currently being developed.

- 4.5 It is important that any works are undertaken in a traditional manner and utilise traditional materials, Planning Policy Statement 5 Planning for the Historic Environment Guidance notes state – “...*The fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair...*” Therefore a condition is required to ensure that all of the works are agreed in advance of taking place, this should be in the form of a method statement from the contactor appointed. The contractor should have knowledge and experience of dealing with designated assets and traditional materials.
- 4.6 The proposed railings are based on historical research, which the photograph from Gloucestershire Archives, demonstrates in-situ. The railings will need to be a precise replica of these original railings identified. Further detailed information will be required via condition prior to works commencing.
- 4.7 *Section 66 of the planning (listed Buildings and Conservation Areas) Act 1990 states that development which affects a listed building or its setting, the local authority “shall have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possess”. Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 states that where an area is designated as a conservation area “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area”.*
- 4.8 The National Planning Policy Framework (NPPF) paragraph 131 in relation to the historic environment states that in determining planning applications, local planning 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; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.9 The recently published Joint Core Strategy (draft July 2014), has been produced in partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, and sets out a planning framework for all three areas. Policy SD9 in the Joint Core Strategy concerns the historic environment –
- *The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy.*

- *Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.*
- *Designated and undesignated heritage assets, and their settings, will be conserved and enhanced as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.*
- *Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.*

4.10 *English Heritage*

The Church of St Mary de Crypt is a Grade I listed Church in the centre of Gloucester. The Church was first recorded in the C12; however the existing structure mainly dates back to C14 with later alterations visible in the fabric from the C15 and C16. Some earlier fabric appears to have been incorporated into these later works. Extensive restoration works were undertaken on the building in the mid C19 by SW Daukes and JR Hamilton and subsequent restoration works continued into the C20.

- 4.11 The church sits within a prominent position just off Southgate Street in the centre of the City. Its heritage significance relates to the survival of early fabric, together with the development and alteration of the church alongside that of the city of Gloucester. The church also has historical value through its association with national figures such as Robert Raikes, founder of the Sunday School Movement, who was baptised in the church and George Whitefield, one of the founders of Methodism, who spoke his first sermon from the church pulpit. The communal value of the church is evidenced by the continuing investment in the building, which clearly continues today.
- 4.12 This application proposes the refurbishment and repair of the existing stone boundary walls and reinstatement/installation of railings to the boundary of the church grounds. The scheme to improve the visual aesthetics of the boundary wall around this important heritage asset is considered positive and will improve the way in which the building and its surrounding area functions.
- 4.13 While the general principle of reinstatement is considered acceptable,

and indeed positive, the application as submitted is relatively light in detail. We would therefore request further details regarding the construction methods and design of the railings and further details regarding the materials to be used in the reconstruction of the pillar identified in Elevation F-F.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.14 *Environmental Health*

No issues to raise and therefore no objection to this application

4.15 *Civic Trust*

The panel fully endorses this project as part of the town heritage scheme which will begin the restoration of the environs of one of the city's finest medieval churches to its appearance 100 years ago. It will improve the appearance of the church from Southgate Street and provide an upgraded access to the redeveloped "Technical College" site.

4.16 *Urban Design*

No objection

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 A Site Notice was erected and a press notice issued and 26 neighbours were notified by letter – 1 letter of objection has been received from Café Rene with the following points –

"We would like to raise an objection to the fencing and lockable gates for the area - we are big supporters of open spaces and can not see any benefit of closing off the area and especially locking it at night time.

The new housing development has left a large area of open space facing onto to the Greyfriars area so it would seem counter productive to then close off this side.

The stonework on the Greyfriars Road is very positive and we are highly supportive of that work especially as it involves the local colleges and improving the existing masonry."

- 5.2 One letter of support has been received from the rector of St. Mary de Crypt with the following points –

It is crucial to enhance this important area of Gloucester. The street needs to be safe, attractive and economically vibrant. Enhancing the locality will give confidence in the area to visitors, tourists and residents. Putting the railings around the churchyard will ensure that a

green-space is maintained within a central urban area. Aware of the increase in visitor numbers to the church since the opening of the linkage scheme. The THI proposals will add to the regeneration of this area.

Details of the application can be viewed online at:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00044/FUL>

6.0 OFFICER OPINION

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.
- 6.2 The aim of this application is to improve the visual aesthetics around the churchyard which would protect this green space and in turn enhance the Conservation Area. The suggested works link back to historic photos of the churchyard. With the conditions recommended by the Conservation Officer it is considered that the correct standard of work could be achieved. It is considered that the proposal would enhance the appearance of the Conservation Area and the setting of this listed building.
- 6.3 One objection has been received from the nearby Café Rene with the main concern being the locking of the gates from dusk till dawn thereby preventing access to the churchyard after dusk. The locking of the gates should ensure a safer environment and reduce litter etc from being dropped. It also means the churchyard can be used for school groups during the day as and when necessary. It is therefore considered that this would not be a reason to refuse permission.
- 6.4 It is considered that the proposal enhances the setting of the Listed Building and the appearance of the Conservation Area. It is therefore recommended that the application is granted.

7.0 RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

- 7.1 That permission be granted with the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

The development hereby permitted shall be carried out in accordance with the application form, drawing numbers 000-01,02, 100-01 D and 100-02 A received by the Local Planning Authority on 9th January 2015 as well as a method statement received 11th February 2015 and 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).

Condition 3

No 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. specify the intended hours of construction operations;
- vi. 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 4

No development shall take place until details or samples of materials to be used externally 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

To ensure that the materials do harm the setting of the listed building or the character of the Conservation Area in accordance with policies BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) Design of the railings from specialist contractor appointed
- (b) Further details regarding the materials to be used in the reconstruction of the pillar identified in Elevation F-F.

Reason

To safeguard the character and appearance of this building of architectural and historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

A method statement shall be submitted to and agreed in writing by the Local Planning Authority before construction commences. This shall include the proposed materials, details on the installation of the new railings and the mix of lime mortar.

Reason

To safeguard the character and appearance of this building of architectural and historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

National Planning Policy Framework Compliance

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

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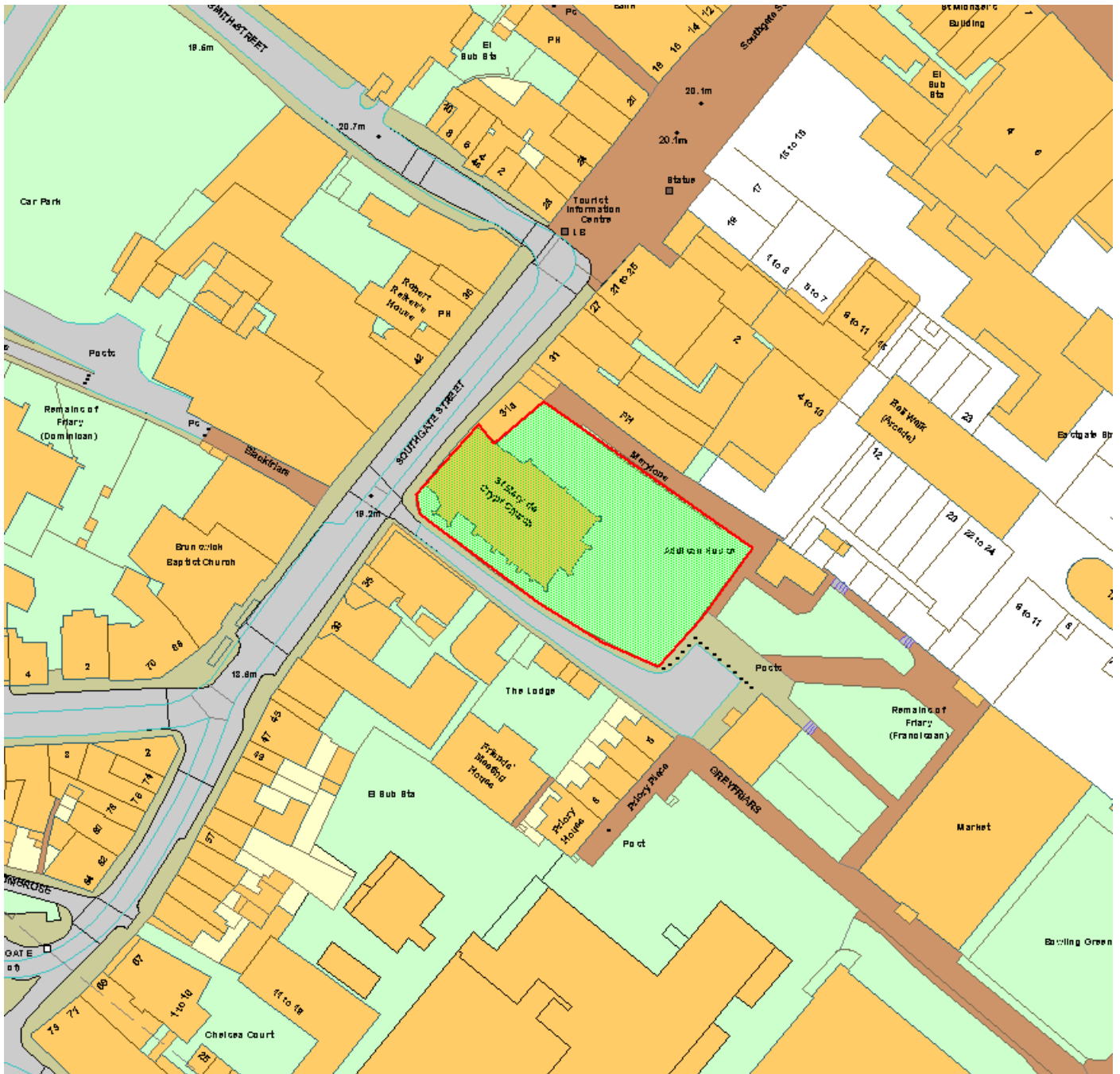
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Person to contact: Fiona Ristic
(Tel: 396716)

15/00044/FUL

St Mary De Crypt Church
Southgate Street
Gloucester
GL1 1TP

Planning Committee 07.04.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH APRIL 2015
ADDRESS/LOCATION	:	UNITS 3 AND 4 EASTERN AVENUE, GLOUCESTER
APPLICATION NO. & WARD	:	15/00133/FUL BARNWOOD
APPLICANT	:	THREADNEEDLE PROPERTY INVESTMENTS
PROPOSAL	:	REVISED HYBRID PLANNING APPLICATION 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 A 185.8 SQUARE METRE MEZZANINE FLOOR FOR NON TRADING PURPOSES WITHIN RECONFIGURED UNIT 4.
REPORT BY		JOANN MENEAUD
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to two units on the Eastern Avenue Retail Park – unit 3, currently vacant but formerly occupied by Allied Carpets and unit 4 currently occupied by Harveys. The units are set between Currys and Carpetright.
- 1.2 In November 2014 planning permission (14/00316/FUL) was granted for the reconfiguration of Units 3 and 4, the installation of a new mezzanine floor within unit 4 including restrictions on the goods that could be sold from the units.
- 1.3 This application is a revised proposal to the November permission, proposing amended floor areas to the two units, the provision of a larger mezzanine floor within unit 4 and again applying restrictive conditions upon the range of goods that can be sold from the units. The proposed works are to facilitate the

occupation of Unit 4 by Iceland, there is no prospective occupier for unit 3 at the moment.

2.0 RELEVANT PLANNING HISTORY

2.1 53102/01/OUT Outline permission for Class A.1 (non-food) retail development comprising 5713 square metres [61,500 sq.ft gross] with all matters reserved.

Non determination appeal submitted and appeal allowed on 16.09.1994
This permission was implemented.

94/05211/REM Approval of Reserved Matters for the erection of building comprising 4 no. Class A1 (non-food) retail units
Granted 16.02.1995 (Permission was not implemented).

95/00016/REM Approval of Reserved Matters for Erection of building comprising of 5 no. Class A1 (non-food) retail units.
Granted 16.02.1995

11/00774/FUL Amalgamation of Units 3 & 4 including external works and alteration to car parking. Permitted 28.7.2011.

11/01324/LAW Units 3 and 4 Certificate of lawfulness for unrestricted retail sale of goods within Class A1. Non determination appeal submitted but withdrawn

12/00672/LAW Use of units 3 and 4 for unrestricted retail sales. Lawful Development Certificate granted 27th July 2012

14/00316/FUL - Hybrid planning application for the variation of conditions 7 and 8 of planning permission 53102/01/out to enable the reconfiguration of unit 3 (1279sqm) and unit 4 (459sqm), removal of mezzanine within unit 4 and to extend the goods to be sold from the resultant units, together with the provision of a new 57.6 sqm mezzanine floor for non trading purposes within reconfigured unit 4 (total of 516sqm). Permitted 3rd November 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 From the Second Stage Deposit Plan the following policies are relevant:

Policy BE21 – Safeguarding of amenity

Policy TR31 – Road safety

Policy S4a – new retail development outside designated centres

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 Submission Document which was submitted to the Planning Inspectorate in November 2014. Policies in the 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 Upon 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 PUBLICITY AND REPRESENTATIONS

4.1 The application has been advertised with a site notice and individual letters have been sent to neighbouring properties. No comments have been received.

4.2 The full content of all correspondence on this application can be inspected online via the Councils website at the following link or at the reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://glcstrplnng12.co.uk/onlineapplications/applicationDetails.do?activeTab=externalDocuments&keyVal=NIXNAAHMC0000>

5.0 OFFICER OPINION

5.1 In November last year permission was granted for the reconfiguration of the two units together with the application of the conditions restricting the goods that could be sold from them. A copy of the report from the November committee can be read at the following link:

<http://democracy.gloucester.gov.uk/documents/g5472/Public%20reports%20pack%2007th-Oct-2014%2018.00%20Planning%20Committee.pdf?T=10>

5.2 This application is a revised proposal to the November permission, proposing amended floor areas to the two units, the provision of a larger mezzanine floor within unit 4 and again applying restrictive conditions upon the range of goods that can be sold from the units. The proposed works are to facilitate the occupation of Unit 4 by Iceland, there is no prospective occupier for unit 3 at the moment. These changes are required as Iceland require a larger store than previously permitted.

5.4 In making a comparison between what has been approved and what is now proposed:

- Unit 3 was to be increased from 929 to 1279sqm.
An increase from 929 to 1119 sqm is now proposed
- Unit 4 was to be reduced from 929 to 579 at ground floor with 459 sqm used for retail floor sales area. The existing mezzanine in unit 4 was to be removed and a new mezzanine of 57 square metres was to be installed.
A reduction from 929 to 743sqm is now proposed together with a new mezzanine of 185sqm. As previously proposed the new mezzanine would not be used for trading purposes but solely for storage and staff related purposes.

5.5 Under the November permission the following goods were permitted to be sold:

Unit 3;

- Carpets
- Furniture
- Electrical goods
- DIY maintenance and improvement for the home, garden and car.
- Household goods
- Home furnishings
- Health and beauty products

- Toys and games
- Baby products
- Seasonal products (including Christmas decorations)
- Ancillary ambient food and drink products (up to 30% of floor area)

Unit 4

- Carpets
- Furniture
- Electrical goods
- DIY maintenance and improvement for the home, garden and car.
- Food for the consumption off the premises

This application does not propose any changes to the range of goods that can be sold from the units, as previously permitted and as detailed above.

- 5.6 Essentially the changes proposed within this application relate to the position of the internal wall subdividing the two units and the installation of a larger mezzanine floor within unit 4 to serve the proposed Iceland store. The use of the proposed mezzanine will again be restricted to use for storage and staff facilities.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.

As set down within national and local policies the main consideration with this application for retail development, is an assessment of the proposal upon the vitality and viability of the city centre. My consideration of the earlier application looked in detail at issues relating to the requirement for a sequential test for retail proposals in out of centre locations and the lawful development certificate that allows unrestricted retail sales from the units. I concluded that the proposal to subdivide the units and re-instate the previously applied bulky goods conditions, albeit with a widened range of goods, would be less harmful to the city centre than an unrestricted A1 use.

As with the previous application, the lawful development certificate has to be given significant weight in the assessment of the application and it warrants a different approach to other applications seeking to vary bulky goods conditions at other premises. The works now proposed are considered to be a minor change to the November permission and taking into account the provisions within that earlier permission, I consider that these proposals are acceptable and would not have an adverse impact upon the vitality and viability of the city centre.

Human Rights

- 5.7 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 and use land buildings 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.

6.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

6.1 That planning permission is granted with the following conditions to be applied:

Condition 1

The development hereby permitted shall be carried out strictly in accordance with the submitted details and drawings (drawing numbers to be inserted) and 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).

Condition 2

The retail unit 3 as detailed on the proposed plan (drawing number to be inserted) shall be used only for the sale of

- Carpets
- Furniture
- Electrical goods
- DIY maintenance and improvement for the home, garden and car.
- Household goods
- Home furnishings
- Health and beauty products
- Toys and games
- Baby products
- Seasonal products (including Christmas decorations)
- Ancillary ambient food and drink products (up to 30% of floor area)

and any other goods ancillary to those permitted uses and for no other purpose without the prior permission of the City Council.

Reason

To define the terms of the permission, in accordance with the submitted details, and to protect the vitality and viability of the City Centre in accordance with the principles of Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

Condition 3

The retail unit 4 as detailed on the proposed plan (drawing number to be inserted) shall be used only for the sale of

- Carpets
- Furniture
- Electrical goods
- DIY maintenance and improvement for the home, garden and car.
- Food for the consumption off the premises

and any other goods ancillary to those permitted uses and for no other purpose without the prior permission of the City Council.

Reason

To define the terms of the permission, in accordance with the submitted details, and to protect the vitality and viability of the City Centre in accordance with the principles of Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

Condition 4

With the exception of the works hereby granted to unit 4 as detailed on the submitted plan (drawing number to be inserted), no works to provide subdivision or create further units of less than 929 square metres gross floor area shall be undertaken without the prior permission of the Local Planning Authority.

Reason

To enable control over any future sub-division of the units in order to protect the vitality and viability of the City Centre in accordance with the principles Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

Condition 5

The proposed mezzanine floor to be installed within unit 4 as detailed on the submitted drawing (drawing number to be inserted) shall not be used for retail sales but shall be used solely for storage and ancillary accommodation.

Reason

To enable control over any future alterations and/or increased floor space to the units in order to protect the vitality and viability of the City Centre in accordance with the principles Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

Condition 6

No mezzanine floors shall be created within the buildings as shown on drawing 8969 01 revision c site location plan dated June 11, other than the

mezzanine floor as detailed on the submitted plan (drawing number to be inserted) without the prior permission of the Local Planning Authority.

Reason

To enable control over any potential increase in floor area in order to protect the vitality and viability of the City Centre in accordance with Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

Decision:

Notes:

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Person to contact: Joann Meneaud
(Tel: 396787)

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15/00133/FUL

Units 3 - 4
Eastern Avenue Retail Park
Eastern Avenue
Gloucester
GL4 3EA

Planning Committee



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH APRIL 2015
ADDRESS/LOCATION	:	LAND OFF ABBEYMEAD AVENUE
APPLICATION NO. & WARD	:	15/00062/MOD ABBAY WARD
EXPIRY DATE	:	10TH MARCH 2015
APPLICANT		POLICE AND CRIME COMMISSIONER GLOUCESTERSHIRE
PROPOSAL	:	VARIATION OF SECTION 52 LEGAL AGREEMENT UNDER PLANNING PERMISSION 10727/01/OUT TO REMOVE THE RESTRICTION THAT ALLOCATES THE SITE FOR A POLICE STATION AND FUTURE USE OF LAND FOR COMMUNITY PURPOSES SPECIFICALLY DEFINED AS HEALTH CENTRES, SURGERIES, SCHOOLS, COLLEGES, COMMUNITY CENTRES, MEETING HALLS, LIBRARIES, PLAYGROUPS, AREAS OF OPEN SPACE AND YOUTH PROVISION.
REPORT BY		JOANN MENEAUD
NO. OF APPENDICES/	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the North of Abbeymead Avenue to the East of the Ridge and Furrow Public House and to the West of residential development in Staunton Close. It is located adjacent to the uncompleted road junction used informally as a lay-by off Abbeymead Avenue. The site comprises a natural "field" area, with a row of established trees to its boundary with Abbeymead Avenue and the River Twyver to its eastern boundary.
- 1.2 The site is subject to an existing Legal Agreement that was put in place when the development of this part of Abbeymead was granted in February 1986. The Agreement allocated this site for the provision of a police station and the land was put within the control of Gloucestershire County Council. In 1991 the ownership of the land was transferred to Gloucestershire Police Authority.

- 1.3 This application seeks to vary the legal agreement to remove the restriction that allocates the site for a police station and to then use the site for community purposes.

2.0 RELEVANT PLANNING HISTORY

2.1 12/00868/MOD

Variation of section 52 legal agreement dated February 1986 under planning permission 10727/01/OUT and supplemental deed of variation dated 15th March 2001 to remove the restriction that allocates the site for a library.
Granted March 2015

09/00662/MOD

Variation of section 52 legal agreement under planning permission 10727/01/OUT to remove the restriction that allocates the site for a police station
Application withdrawn

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 Relevant policies in the Second Deposit Local Plan 2002 are:

Policy CS1 – Protection of Community Facilities
Policy CS2 Provision of New Community Facilities
Policy CS.4 – New Police Station and library at Abbeymead
Policy FRP1a - Development and Flood Risk

- 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 Submission Document which was submitted to the Planning Inspectorate on

20th November 2014. Policies in the Joint Core Strategy submission document 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 Upon 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 PUBLICITY AND REPRESENTATIONS

4.1 The application has been advertised with a press notice and site notice and individual letters sent to 32 neighbouring properties. No letters of representation have been received.

4.2 The full content of all correspondence on this application can be inspected online via the Councils website at the link below, or at the reception, Herbert Warehouse, The Docks, Gloucester.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00062/MOD>

5.0 CONSULTATIONS

5.1 Highway Authority – No highway objection. Any future community development would need to demonstrate safe and suitable access as well as adequate parking and turning facilities.

5.2 City Archaeological Officer - The site has the potential to be of significant archaeological interest. Any future development of the site would need to be the subject of archaeological investigation that should be undertaken before any proposals for development are considered.

6.0 OFFICER OPINION

6.1 As part of the original permission for the development of the Abbeymead residential area, in 1986, this site and adjoining land, was allocated within the legal agreement for the provision of a library and police station. These facilities were then subsequently identified as commitments within the City of Gloucester Second Deposit Local Plan 2002. However neither of these facilities have been provided.

6.2 This application seeks to vary the legal agreement to remove the restriction that allocates the site for a police station and then to use the site for community purposes. Supporting information submitted with the application states the land has become surplus to the original purpose and there is no requirement for an operational police station in this location and specifically:

“due to changes in the policing landscape, the Constabulary has had to adopt a new model for the County. This is based around all officers brigading at central points. For the city this will be the existing police station at Barton Street. The land at Abbeymead Avenue is not of sufficient size to enable a police station to be built that is big enough to accommodate these officers.” In addition they state that the site’s development potential is heavily constrained by flooding, the presence of badgers and setts and tree preservation orders at the periphery of the site.

6.3 In considering the future use of the site, the Police state:

“if the requested modification is approved then the PCC Gloucestershire intends to gift the site at nil consideration to an appropriate local group for community use, to be selected through a competition. It is intended to use the bidding process in place for all projects funded by PCC Gloucestershire and the site be advertised using local media releases.”

6.4 The wider site is formally allocated within the local plan, under policy CS4, as “land reserved for a new library and police station”. Other policies within the local plan seek to protect community facilities. In particular policy CS1 states that as a general principle, permission will be refused for proposals that lead to the loss of community facilities, unless the facility is being replaced or alternative provision is being provided, or the facility is not in use or there is a surplus of such facilities in the local area. Whilst this policy is not directly applicable to this proposal, in that it relates to existing community facilities, it does set down the criteria to consider for proposals resulting in the loss of community facilities. The National Planning Policy Framework also recognises and promotes the provision of facilities to meet the needs of the community that it serves.

6.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.

- 6.6 Members will recall a recent application submitted by Gloucestershire County Council to vary the legal agreement in relation to the neighbouring land that was allocated for a library. The County Council stated that following their Cabinet decision in April 2012 relating to the provision of library services, there was no longer a requirement for a library in this location. The variation was granted subject to the future use of the land being for community purposes (specifically defined as health centres, surgeries, schools, colleges, community centres, meeting halls, libraries, playgroups and areas of open space) and any proceeds from the sale of the land being re-investing into the nearest libraries in Matson and Hucclecote.
- 6.7 I consider that this application in relation to the police station, should result in a similar response to grant the variation. The provision of the library and police station were required from a legal agreement, now almost thirty years old, neither facility has been provided, there is no prospect of them being provided and the land has remained unused. Supporting information from the police states the reasons why a police station would not now be built on the site and these are accepted as sufficient justification.
- 6.8 However it is also important to remember that this land was originally provided by the developers of Abbeymead for community facilities and if these facilities are not to be provided, it is still important that the land is retained for the benefit of the community. I note the proposal by the Police to gift the land to a local group following a selection process and consider that this would secure a future community use. The proposed definition of community use with this application follows the definition agreed with the County application but with the addition of “youth provision”.
- 6.9 It should also be noted that the potential of this land to be built upon is severely restricted by a number of constraints particularly given that a significant proportion of the site lies within Flood Zones 2 and 3.
- 6.10 In conclusion I do not consider that there is any planning reason to object to the variation of the Legal Agreement to remove the restriction that allocates the site as a police station with appropriate safeguards to ensure that the land is “gifted” and it is secured in perpetuity for community purposes.

Human Rights

- 6.11 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 and use land and buildings in accordance with planning permission and the rights under Article

8 of adjacent occupiers. The issues raised by neighbours have been carefully considered and together with the measures required by and restricted by the conditions to be attached to the permission, the decision to grant permission is considered to be an acceptable balance between the presumption in favour of development and restricting the visual presence of the pole upon surrounding properties.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

7.1 To grant approval to the variation of the Legal Agreement with clauses to ensure that the land is “gifted” and it is secured in perpetuity for community purposes.

Decision:

Notes:

.....
.....

Person to contact: Joann Meneaud
(Tel: 396787)

15/00062/MOD

**Site RS2 GCC Land
Abbeymead Avenue
Gloucester**

Planning Committee 07.04.2015



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CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

Tuesday, 7st April 2015

DELEGATED DECISIONS

1st –31st January 2015

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

14/01339/TCM

BOBR

Communication Station (O2) Junction Of Stroud Road & Tuffley Lane Gloucester

Prior approval for siting and appearance of a replacement 15 metre telecom pole and ancillary cabinets.

GATCMZ 08/01/2015

Abbey

14/01402/FUL

EMMABL

4 Staunton Close Gloucester GL4 4SA

Erection of single storey extension on south-western elevation to replace existing conservatory

G3Y 27/01/2015

14/01388/FUL

CARLH

12 Thrush Close Gloucester GL4 4WZ

Erection of single storey side and rear extension

G3Y 29/01/2015

14/01320/FUL

CARLH

29 Ashton Close Gloucester GL4 5BP

Erection of a two storey and single storey rear extensions

G3Y 07/01/2015

14/01421/FUL

FEH

Abbeyle Community Centre Glevum Way Gloucester GL4 4BL

Creating a secure play area with tarmac finish and 2m high colour coated mesh fencing with gates . Also creating a public play area with tarmac finish and markings for games.

G3Y 28/01/2015

Barnwood

14/01409/TPO

JJH

Trees Fronting 20,21 And 22 The Larches Gloucester

1. Poplar tree between no.22 no.20 The Larches - Pollard at 4.5m. 2. Poplar tree between pavement no 22 - Fell.

TPREF 28/01/2015

15/00040/LAW

EMMABL

4 Grovelands Gloucester GL4 3JF

Erection of single storey front, rear and side extensions

RET 14/01/2015

15/00144/CONDIT

65 St Lawrence Road Gloucester GL4 3QT

Discharge of condition 9 (samples of materials)

ALDIS 30/01/2015

14/01266/FUL

EMMABL

2 Castleton Road Gloucester GL4 3GB

Erection of single storey side extension

G3Y 09/01/2015

14/01373/ADV

BOBR

Abbeymead Avenue Roundabout Gloucester

4 no. non-illuminated signs (to display roundabout sponsor name)

GFY 08/01/2015

Barton & Tre

14/01150/FUL

EMMABL

29 Conduit Street Gloucester GL1 4XF

Erection of single storey side and rear extension

G3Y 09/01/2015

14/01343/FUL CARLH

35 Ryecroft Street Gloucester GL1 4LZ

Single storey rear extension for the welfare of a disabled occupant

G3Y 09/01/2015

14/00792/FUL EMMABL

146 - 152 Barton Street Gloucester GL1 4EN

Subdivide existing floorspace of 1 no. retail unit into 3 no. retail units, and installation of 1 no. access door in shopfront

G3Y 09/01/2015

14/01413/TPO JJH

Tredworth Infant School Victory Road Gloucester GL1 4QF

T2-T4 (hornbeam) - reduce 40%. T1 (hornbeam) 30% reduction.

TPDECS 08/01/2015

Elmbridge

14/01355/FUL CARLH

49 Merevale Road Gloucester GL2 0QX

Erection of single storey rear extension; car port to side elevation, with a covered area to its rear; and roof extension to existing porch

G3Y 13/01/2015

14/01256/FUL EMMABL

13 Orchard Road Gloucester GL2 0HX

Single storey extension to side and rear to create family room

G3Y 09/01/2015

15/00007/FUL EMMABL

37 Merevale Road Gloucester GL2 0QX

Erection of two storey side and rear extension

RET 12/01/2015

14/01271/COU
51 Barnwood Road Gloucester GL2 0SE
Change of use from doctors surgery to residential.
G3Y 12/01/2015

14/01092/LAW
22 Armscroft Crescent Gloucester GL2 0SU
Loft conversion incorporating roof extension on side and rear elevations, and the installation of 2 no. windows on rear elevation at second floor level
LAW 30/01/2015

14/01437/FUL
190 Cheltenham Road Gloucester GL2 0JR
Two storey side extension
WDN 29/01/2015

14/01329/FUL
91 Lavington Drive Gloucester GL2 0HR
Removal of existing single storey rear extension; erection of extension to first floor, and single storey rear extension.
G3Y 16/01/2015

Grange

14/01396/FUL
7 Nympsfield Road Gloucester GL4 0NL
Single storey front extension
G3Y 16/01/2015

14/01345/FUL
49 Randwick Road Gloucester GL4 0NH
Erection of a two storey rear extension with dormer window, single storey side extension, and extension of existing dropped kerb.
G3Y 13/01/2015

Hucclecote

14/01131/FUL

EMMABL

28 Elmgrove Road Gloucester GL3 3RH

Erection of attached two storey dwellinghouse in existing side garden area of 28 Elmgrove Road, provision of new driveway towards front of site to allow off road parking for existing dwellinghouse and existing driveway towards rear of site to provide parking spaces for proposed dwellinghouse

G3Y 23/01/2015

14/00884/FUL

FEH

27 Hillview Road Gloucester GL3 3LG

Two storey rear extension and new window in side of original house

G3Y 09/01/2015

15/00057/LAW

EMMABL

2 Trajan Close Gloucester GL4 5EZ

Erection of single storey rear extension

NPW 22/01/2015

14/01260/FUL

EMMABL

31 Dinglewell Gloucester GL3 3HW

Erection of single storey front extension (resubmission to alter scale and form of single storey front extension refused under planning application reference 14/00723/FUL)

G3Y 09/01/2015

Kingsholm &

14/01351/ADV

FEH

Tewkesbury Road Roundabout Gloucester

Erection of 4 non-illuminated freestanding signs

GFY 08/01/2015

14/01094/CONDIT

FEH

High School For Girls Denmark Road Gloucester GL1 3JN

Discharge of conditions 3, 4, 8, 9, 10, 11 and 12

PADIS 30/01/2015

14/01321/TPO

JJH

29 Tewkesbury Road Gloucester GL2 9AY

Beech tree - Fell. Reasons: 1. Pigeon droppings from the end March to end October. 2. Leaf pods during April to early May. 3. Beech flowers during May which stick to windows, doors and vehicles. 4. An abundance of beech nuts during September to October. 5. Complaints from the public in respect of the nuts on the public path/cycle path. 6. Leaf fall from October to December. 7. 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. 8. Damage to our retaining boundary wall, which has been caused by roots of the beech tree.

TPREF 23/01/2015

14/01265/CONDIT

EMMABL

102 Deans Way Gloucester GL1 2QD

Discharge of condition no. 3 (external materials) and 4 (boundary treatments) of planning application reference number 14/00834/FUL

ALDIS 07/01/2015

15/00001/TRECON

JJH

144 London Road Gloucester GL2 0RS

T5 (Beech) - crown lift to 3.5m, crown thin by 20%. T6 (False Acacia) - Fell and replant. T7 (Black Mulberry). T9 (False Acacia) - Crown lift to 3.5m, Clear streetlight by 1.5m. T10 (False Acacia) - Crown lift to 2.5m. T11 (Holly) - Crown lift to 3.5m. T12 (Horse Chestnut) Crown lift to 3.5m. T16 (Deodar) - Fell (dead tree). G1 (Ash and Holly) - crown lift to 3.5m. All other works do not require permission.

TCNOB 29/01/2015

15/00008/TRECON

JJH

2 Alexandra Road Gloucester GL1 3DR

T5 (Apple) - Crown lift to 1.5m, formative prune. T6 (Apple) - Formative prune, crown lift to 1.5m. T8 (Yew) - Clear GPO cables by 1.5m, sever ivy (remove to 2m above ground level), crown lift to 3.5m.

TCNOB 29/01/2015

14/01250/FUL

EMMABL

13 Newland Street Gloucester GL1 3PA

Installation of 2 new windows at first floor level on rear elevation (retrospective application)

NPW 16/01/2015

14/01298/FUL

CARLH

72 Henry Road Gloucester GL1 3DY

Single storey side and rear extension to provide kitchen and reception room

G3Y 14/01/2015

14/01348/ADV

BOBR

Cheltenham Road Roundabout Gloucester

4 no. non-illuminated roundabout signs (to display roundabout sponsor name).

GFY 16/01/2015

14/01362/ADV

FEH

Estcourt Road Roundabout Estcourt Road Gloucester

rection of two non illuminated freestanding signs on roundabout

GFY 08/01/2015

14/01249/FUL

EMMABL

11 Newland Street Gloucester GL1 3PA

Formation of roof terrace at first floor level on rear elevation (retrospective application)

NPW 16/01/2015

Longlevens

14/01349/CONDIT

CJR

University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW

Discharge of conditions 3 (materials), 5 (drainage), 6 (landscaping) and 8 (car park management scheme) of planning permission ref. 14/00882/FUL.

ALDIS 28/01/2015

15/00017/COU

FEH

125 Cheltenham Road Gloucester GL2 0JQ

Change of use from commercial to residential

RET 19/01/2015

14/01336/FUL

EMMABL

13 Rodney Close Gloucester GL2 9DG

Erection of conservatory on side elevation towards rear of dwellinghouse

G3Y 14/01/2015

Matson & Ro

14/01364/ADV

BOBR

Cotteswold Road Roundabout Cotteswold Road Gloucester

5 no. non-illuminated signs displaying the names of the 'roundabout sponsor'.

WDN 23/01/2015

14/01399/TPO

JJH

Tesco Express Eastern Avenue Gloucester GL4 6QS

G1 5 no. Alder trees - Crown Reduce by 2 metres. Ensure canopy is 1.5m clear of neighbouring house and PFS roof.

TPDECS 07/01/2015

14/01272/TCM

EMMABL

Communication Station (Vodafone) Painswick Road Gloucester

Prior approval for siting and appearance of a 15 metre high telecom pole and ancillary cabinets to replace existing equipment.

GATCMZ 08/01/2015

15/00056/FUL FEH

Former 296 Painswick Road Gloucester GL4 5DE

Erection of 4 no. units with associated hard and soft landscaping.

RET 22/01/2015

15/00088/FUL FEH

47 Marlstone Close Gloucester GL4 6ES

Erection of conservatory to the rear of the property

RET 20/01/2015

14/01369/ADV BOBR

Painswick Road Roundabout Painswick Road Gloucester

4 no. non-illuminated roundabout signs (to display roundabout sponsor name).

GFY 08/01/2015

Moreland

14/01243/ADV EMMABL

Frampton Corner Seymour Road Gloucester

Erection of 1 no. freestanding non-illuminated single sided notice board

GFY 08/01/2015

14/01302/FUL BOBR

Former 68 Weston Road Gloucester GL1 5AX

Construction of detached bin store to front. (AMENDED DESIGN AND POSITION TO BIN STORE).

G3Y 12/01/2015

15/00003/LAW CARLH

26 Hartland Road Gloucester GL1 4RS

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

RET 08/01/2015

14/01304/FUL

EMMABL

98 Seymour Road Gloucester GL1 5HH

Demolition of existing single storey rear extension and rear conservatory and erection of single storey rear extension, loft conversion incorporating new roof covering, installation of 1 no. rooflight on front elevation roofslope and dormer window on rear elevation roofslope, and installation of 1 no. first floor level window on side elevation of original dwellinghouse

G3Y 21/01/2015

14/01381/FUL

FEH

The Lunchbox 177 Bristol Road Gloucester GL1 5TQ

Demolition of existing single storey buildings. Proposed construction of a coach house to provide a residential property. Reinstatement of the brick boundary wall and construction of car parking

G3Y 20/01/2015

Podsmead

14/01418/PDE

CARLH

61 Podsmead Road Gloucester GL1 5PB

Single storey rear extension measuring 4000mm in depth, 2950mm in height to the eaves and 3000mm in height to the ridge of the flat roof.

ENOBJ 07/01/2015

Quedgeley Fi

14/01247/ADV

FEH

Telford Way Roundabout Telford Way Quedgeley Gloucester

Erection of 4 non-illuminated freestanding signs

GFY 08/01/2015

14/01371/ADV

CARLH

Unit 19 Kingsway Local Centre Thatcham Avenue Kingsway Quedgeley Gloucester

Erection of 2no. internally illuminated fascia signs and 1no. internally illuminated projecting hanging sign

GFY 28/01/2015

14/01419/FUL

FEH

Brooklyn Villa Naas Lane Quedgeley Gloucester

Variation of condition 2 of permission number 12/00298/FUL (Extension to existing garage/workshop to create garage and workshop above) to change the approved plan from 8482/02/P/06 Rev A received 30/05/12 and replace with 8482/02/P/06 Rev B to add rooflights to workshop roof and infill rear corner

G3Y

08/01/2015

14/01384/DCC

JOLM

Kingsway Primary School Valley Gardens Kingsway Quedgeley Gloucester GL2 2AR

Proposed Pre School Unit

OBS

07/01/2015

15/00117/TPO

JJH

Land To East West Of A38 And Naas Lane Quedgeley Gloucester

Tree removal works to enable allotments as per plan 1003/6131

TPDECS

30/01/2015

Quedgeley S

14/01213/FUL

BOBR

40 Kestrel Gardens Quedgeley Gloucester GL2 4NR

Erection of detached house and associated parking.

REFREA

12/01/2015

14/01312/COU

FEH

Pavilion 2 Olympus Park Quedgeley Gloucester GL2 4NF

Change of use from Class B1 to Class B2 (General Industrial)

G3Y

13/01/2015

Tuffley

14/01412/FUL

CARLH

St Peters High School Stroud Road Gloucester GL4 0DD

New glazing and external refurbishment of existing Design and Technology Building.

G3Y 30/01/2015

14/01157/ADV

EMMABL

St Barnabas Roundabout Stroud Road Gloucester

5 non-illuminated advertisements on roundabout to display sponsor's name

WDN 21/01/2015

Westgate

14/01056/FUL

EMMABL

Former 26 Worcester Street Gloucester GL1 3AA

Variation of conditions 2 and 6 of planning permission reference 12/01133/CON, to forego the requirement to implement the approved landscaping scheme and to erect 2.4 metre high timber hoarding, onto which full height and full width graphics incorporating historic images/information would be applied, along the perimeter of the site, on a temporary basis for a period not exceeding 12 months.

GP 13/01/2015

14/01258/JPA

FEH

19 - 21 Brunswick Road Gloucester GL1 1HG

Prior approval for change of use from offices (B1a) to flats (C3)

AAPRZ 08/01/2015

14/01468/CONDIT

ADAMS

Former Gloscat Brunswick Road Gloucester

Amended submission of piling details under Condition 44 of permission ref. 13/00537/FUL

ALDIS 05/01/2015

14/01141/FUL	CARLH
150-152 Southgate Street Gloucester GL1 2EX	
Various external improvement works to front and rear elevations	
G3Y	08/01/2015
14/01301/COU	BOBR
18 The Oxebode Gloucester GL1 1RZ	
Change of use from retail (Class A1) to financial and professional services (Class A2) on the ground and first floor.	
G3Y	20/01/2015
14/01408/TRECON	JJH
Imperial Chambers 41-47 Longsmith Street Gloucester GL1 2HT	
Maple (to rear) - crown raise reduce by 30%	
TCNOB	08/01/2015
14/01327/FUL	EMMABL
The Westgate 56 Westgate Street Gloucester GL1 2NF	
Erection of 2 no. retractable awnings above ground floor level windows on front (south-west) elevation	
REF	20/01/2015
14/01328/LBC	EMMABL
The Westgate 56 Westgate Street Gloucester GL1 2NF	
Erection of 2 no. retractable awnings above ground floor level windows on front (south-west) elevation	
REFLBC	20/01/2015
14/01335/COU	CARLH
Unit 2 Cotswold Edge Business Park Hempsted Lane Gloucester GL2 5WZ	
Change of Use from B2 to D2 for the personal training of martial arts	
G3Y	13/01/2015

14/01253/CONDIT

BOBR

13 Cromwell Street Gloucester GL1 1RE

Discharge of Conditions 3 & 4 of Permission no.11/01131/REP for Demolition of existing rear extensions at 13 & 15 Cromwell Street and the development of 4 studio 'assisted apartments' within a new building fronting St Michael's Square & associated parking.

ALDIS 05/01/2015

14/01383/FUL

BOBR

9 Albion Street Gloucester GL1 1UE

Solar panels to front side and rear roof slopes.

RET 12/01/2015

14/00902/LBC

EMMABL

Gloucester Library Brunswick Road Gloucester GL1 1HT

Replacement of existing glazed roof above lightwell with a slate roof covering, and installation of 12 no. rooflights (retrospective application).

GOSG 12/01/2015

14/01407/TRECON

JJH

2 Brunswick Square Gloucester GL1 1UL

Holly & flowering cherry on frontage - remove & replace

TCNOB 08/01/2015

14/00903/LBC

EMMABL

Gloucester Library Brunswick Road Gloucester GL1 1HT

Installation of replacement windows and cills at first floor level on north-east elevation

GOSG 12/01/2015

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