



PLANNING COMMITTEE

MEETING : Tuesday, 12th May 2015

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Noakes, Hilton, Hobbs, Toleman, Chatterton, Brown (substitute for Councillor McLellan) and Hansdot (substitute for Councillor Smith)

Officers in Attendance

Anthony Wilson, Head of Planning
Jon Sutcliffe, Development Control Manager
Caroline Townley, Principal Planning Officer
Caroline Ansell, Conservation Projects Officer
Claire Haslam, Neighbourhood Planning Officer,
John Baker, Consultant, Peter Brett Associates
Michael Jones, Solicitor
Atika Tarajiya, Democratic Services Officer (Secretary)

APOLOGIES : Cllrs. McLellan, Smith, Hanman and Dee

94. CHANGE TO AGENDA RUNNING ORDER

The Chair agreed to vary the running order in view of the public interest and registered speakers.

95. DECLARATIONS OF INTEREST

Councillor Toleman declared a non-prejudicial interest in item 7, 1 Albion Street, by virtue of his role as Councillor of Westgate ward.

96. MINUTES

The minutes of the meeting held on 7 April 2015 were confirmed and signed by the Chair as a correct record.

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97. COMMUNITY INFRASTRUCTURE LEVY - PRELIMINARY DRAFT CHARGING SCHEDULE

Planning Committee considered the report of the Cabinet Member for Regeneration and Culture seeking endorsement of the Community Infrastructure Levy-Preliminary (CIL) Charging Schedule for public consultation purposes.

The Head of Planning introduced John Baker, Consultant from Peter Brett Associates, who outlined the main areas of the report and advised that public consultation was being sought on the proposed CIL rates. He explained that the CIL differed from the S106 process in that it was intended to be used for general infrastructure contributions and had a wider remit than that of the s106 which was subject to tighter controls following the introduction of new government regulations in April 2015. He advised that works carried out on the infrastructure from the CIL proceeds would support the Joint Core Strategy (JCS).

The Head of Planning remarked that they were in the preliminary stages and further work on the viability and characteristics of developments would continue and could affect future CIL rates. He commented that public consultation would most likely generate interest from developers and the CIL rates would be revised if required following on from this.

The Chair opened up the matter for debate.

In response to Councillor's Lewis query regarding neighbourhood groups' use of CIL funds, the Head of Planning explained that these groups would be expected to spend the money on the proposals put forward in an approved Neighbourhood Plan, if present, and would be eligible for 25% of the CIL receipts. If no plan was present they would need to justify the requirement for the funds and would be eligible for 15% of the CIL proceeds and this would be capped at £100 per dwelling in the development.

The Chair questioned if the neighbourhood groups would be subject to restrictions on how the CIL funds were spent, like those placed on the local authority. John Baker reported that they were not bound by any legislative guidelines but that work was being carried out by the three JCS authorities on governance arrangements in this regard.

Councillor Lewis questioned when the Council would be in a position to start charging these rates on new developments. The Head of Planning stated that this would be once the provisional CIL rates were approved and planning permission granted on new developments. He explained that a charging notice would then be issued to the developers.

RESOLVED: That the preparation of the Preliminary Draft Charging Schedule for public consultation purposes which incorporates the proposed CIL rates outlined in section 12 of the report be endorsed.

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98. RIDGE AND FURROW PUBLIC HOUSE, GLEVUM WAY - 14/01220/FUL

The Principal Planning Officer presented an application submitted by WM Morrison Supermarkets PLC for the demolition of the Ridge and Furrow Public House and the erection of a petrol filling station to include new sales kiosk, 6 no. fuel pumps, and forecourt above ground fuel tanks, jet car wash and staff parking. She referred to the late material submitted by Mr Staddon on behalf of the Ridge and Furrow Campaign Group commenting that no change had been proposed to the recommendations following this.

The Principal Planning Officer explained that the item had been deferred from the March 2015 Planning Committee at the request of the applicant, who then submitted an appeal on the grounds of non-determination. She advised that the application would now be decided by the Planning Inspectorate and the application had been brought to this Committee to consider what decision would have been made, as this would form the basis of the appeal. She also made reference to paragraph 7.5, to revise the date, which should read 12 February 2015.

Councillor Gravells of Abbey ward addressed the Committee as an objector to the application.

Mr Gravells stated that the Ridge and Furrow Public House was at the heart of the community and a place where residents came to socialise. He reported that whilst out canvassing it was clear that many Abbey residents felt very strongly opposed to the demolition of the pub, which had been listed as a community asset. He stated that the plans for the petrol filling station would be detrimental to the visual impact of the area and cause serious safety concerns.

Councillor Gravells reflected that the local Morrisons supermarket had a community focus and served the residents well but the corporate head office cared little for the local community and refused his invitations to meet and discuss the matter. He commented that a notice of motion that he had submitted to Council on 27 March 2014 had attracted cross party support and was designed to protect Public Houses.

Phillip Staddon of PJS Solutions on behalf on the Save The Ridge and Furrow Campaign Group addressed the Committee as an objector to the application.

Mr Staddon remarked that that there were a number of planning aspects that were cause for concern, primarily the above ground fuel tanks which were a safety hazard and would adversely affect the overall appearance of the area. He stated that the application should be rejected in principle, as there was no requirement for a filling station at a site listed as a community asset. He commented that the applicant had shown little evidence of marketing the site to test its viability. He requested that these be included as an additional reason for refusal referencing the late submission of material.

Mr Staddon reported that many residents felt this to be a very controversial decision and felt that an appeal by way of written representations as requested by the applicant would not be appropriate. He requested the Committee ask the Planning Inspectorate for an Informal Hearing to allow representations for members of the local community.

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The Chair opened up the matter for debate.

The Chair reported that he felt the plans would have a harmful visual impact on the area. He commented that the proposals set out at the appeal could be resisted on the basis of the relevant policies in the National Planning Policy Framework (NPPF) and welcomed the recommendations put forward by Mr Staddon. He agreed on the principle of arranging an appeal to be heard at an informal hearing to allow community representation.

Councillor Hilton thanked Councillor Gravells and Mr Staddon for their representations in objecting to the proposed development. He reflected that the pub served a very large area and voiced his serious concerns regarding the lack of market research. He commented that it was very unusual to have above ground fuel tanks, which would be large and have a significant adverse impact on the surrounding area. He requested that a public hearing be requested to decide the appeal.

Councillor Chatterton highlighted the distance of the hostile mitigation barriers on the current plans advising that they did not meet the Counter Terrorism Security Advisor's requirements and could therefore be additional grounds for refusal. He also stated that the Ridge and Furrow was a social venue that was accessed by families and voiced his concerns regarding safety. The Principal Planning Officer concurred that the hostile mitigation barriers did not meet the minimum requirement.

Councillor Noakes expressed her dissatisfaction with the applicant's handling of the application process, preventing the City Council from determining the application. She commented that the Ridge and Furrow also catered for Barnwood residents and concurred with Mr Staddon's recommendations and request for a public hearing into the appeal.

In response to Councillor Lewis query regarding the various modes of appeal, the Development Control Manager explained that written representations would be straight forward and the Planning Inspectorate would consider the representations already received concerning the application and the local objectors would be given a further chance to comment to the Inspectorate once the appeal was registered. He advised that an Informal Hearing would be a public meeting where representations could be made to the Planning Inspector. He advised that a Public Local Inquiry was adversarial and costly in nature and would have a strong legal focus where robust evidence would need to be presented. The Principal Planning Officer advised the Committee that it would be the decision of the Planning Inspectorate which mode of appeal would apply.

Councillor Lewis welcomed the idea of an informal hearing, to allow representatives a chance to comment on the proposals. He stated that the proposals for a petrol filling station should be rejected in principle.

The Principal Planning Officer advised that the applicant's decision to appeal on the ground of non-determination could not be used as a reason for refusal. The Planning Officer explained that the Council's Interim Planning Policy Statement on

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Public Houses was not a formally adopted Planning Policy and would hold limited weight.

The Principal Planning Officer reported the consideration of The Ridge and Furrow as an asset of community value under the Localism Act 2011 could be a material planning consideration, and the weight to be attached to it would be a matter for the decision taker.

The Chair moved to accept the points put forward by Mr Staddon as detailed in the Late Material report but removing the reference to “an unneeded and undesirable petrol filling station. This was seconded by Councillor Lewis.

RESOLVED: That the City Council’s position in relation to the appeal is that an Informal Hearing should be requested and the appeal should be dismissed for the following reasons:

- 1. By virtue of their scale, appearance and prominent siting adjacent to Abbeymead Avenue, the proposed above ground fuel tanks together with the associated external infrastructure and palisade fencing would appear unduly incongruous and would have both an unacceptable and harmful impact on the visual amenities of the street scene and character of the area as a whole. The proposal is therefore contrary to Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002) and paragraphs 56 and 64 of the National Planning Policy Framework.**
- 2. Insufficient information has been provided by the Applicant to satisfy the Local Planning Authority that the above ground fuel tanks will be adequately protected from potential accidental or intentional damage by vehicles contrary to paragraph 58 of the National Planning Policy Framework.**
- 3. The proposal would involve the destruction and permanent loss of a much valued community pub, which is an integral part of the District Centre that serves the local community, and its replacement with a petrol filling station. The community pub has played a significant role in the cultural and social life of the area, and has made a significant and positive contribution to the well-being of the local community. The pub which, has been listed as an Asset of Community Value, has not been marketed to demonstrate that it cannot continue as a viable business to fulfil its longstanding community role. Accordingly, the loss of this pub, along with its recreational, dining, children’s play area, performance space, sporting facilities and general social, meeting and interaction facilities, would undermine and be harmful to the local community’s cultural and social well-being and would reduce the community’s ability to meet its day to day needs. For all of these reasons, the proposal seriously conflicts with the principles of sustainable development and, in particular, with paragraphs 7, 69 and 70 of the National Planning Policy Framework and with the Council’s emerging interim Planning Policy Statement on Public Houses.**

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It is further resolved that delegated powers be given to the Development Control Manager to amend or withdraw the second reason subject to further advice from Consultees in relation to the amended plans submitted as part of the planning appeal.

99. 1 ALBION STREET - 15/00219/FUL

Councillor Hilton and Councillor Brown left the meeting before the start of this item.

The Conservation Projects Officer presented an application submitted by Ms Henrietta Lampkin for the retention of the Sash-Box UPVC windows. The Officer explained that the applicant had installed the UPVC windows within 8 months of the Southgate Street Area Article 4 coming into effect and therefore this application was retrospective.

Councillor Toleman of Westgate ward addressed the Committee in support of the applicant and took no further part in the debate or vote on the application.

Councillor Toleman explained that on this occasion the installation had not followed the normal method of fitting double glazing to be more authentic to the original style.

Councillor Toleman reflected that this development enhanced the area and contributed to its vitality. He remarked that in her report the Conservation Officer objected only to the material of the windows rather than their style. Councillor Toleman expressed concern that the sheen and glaze of the windows were referenced to and felt that this was not a viable cause for objection. He reflected that infrastructure already present in the street was not in line with the historic aspects of the area and stated that the house adjacent to No 1 Albion Street had UPVC windows that were completely out of character and the applicant had carried out the installation in order to invest in a sustainable future.

The Chair opened up the matter for debate.

Councillor Chatterton reported that he had carried out a site inspection of the property and found it difficult to distinguish between the UPVC and timber sash windows. He felt that discretion should be exercised on this occasion and concluded that he would not be able to support the Officer's recommendation.

Councillor Lewis stated that he agreed with Councillor Chatterton's comments but understood the reasons for the Officer's recommendation and the need to comply with the Section 4 Article. He felt that the installation actually improved the viability of the property and indicated that he would not support the Officer's recommendation.

The Chair remarked that he too had carried out a site inspection and felt that the quality of the workmanship was high and praised the effort gone into retaining the original style of window. He felt that single glazing was not sensible or energy efficient. He stated that he would not support the Officer's recommendation.

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Councillor Chatterton moved to vote against the Officer's recommendation and this was seconded by Councillor Noakes.

RESOLVED: That planning permission be granted to retain the sash-box UPVC windows.

100. 1 POPLAR CLOSE - 15/00301/COU

The Principal Planning Officer presented an application submitted by Mr Frank Dallimore for the proposed change of use of amenity land to residential garden and the erection of a 1.8 metre high fence. She drew Member's attention to the late material submitted by the applicant's agent which outlined details of the proposed replacement tree planting schedule. She commented that this had resulted in a revised recommendation as laid out in the late material.

The Chair opened up the matter for debate.

Councillor Hobbs expressed his approval of the revised plans, stating that they were much more sensitive to the wider community than previously submitted plans. He questioned how the Council were able to impose conditions if the applicant was not the land owner.

The Principal Planning Officer advised that the applicant had sought permission from Persimmon Homes to buy all the land in question and then submitted his planning application and would be subject to the conditions imposed.

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

101. AREA 4B1 ON FRAMEWORK PLAN 4, KINGSWAY, FORMER RAF QUEDGELEY - 14/01477/REM

The Development Control Manager advised that this item had been deferred to the next Planning meeting to be held on Tuesday 9 June 15 as requested by the applicant.

The Committee asked that a written confirmation of this request from the applicant be obtained to prevent the statutory deadline passing and prevent it being appealed before being presented to the Committee.

102. SECTION 106 PLANNING OBLIGATIONS

Planning Committee considered the report of the Development Control Manager outlining the Section 106 Planning Obligations. The Development Control Manager explained that in line with Government guidance One Legal were currently in the progress of drawing up sample model clauses to speed up the planning process. He advised that the proposal put forward in the report would be for applications where reasonable progress with any s106 obligation had not been demonstrated

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after a period of three months from the Committee's original decision. He remarked that it was unlikely that it would be required but would be useful in such instances.

The Chair reflected that it would be a useful enforcement tool and prevent unnecessary delays.

Councillor Hobbs welcomes the proposals and questioned whether additional costs incurred could be recuperated. The Development Control Manager explained that they currently recovered legal costs and would continue to do so but were not able to recover the costs of the Planning Officer's time.

Councillor Toleman queried how the proposals could enforce applicants to speed up their processes. The Development Control Manager advised that the application could be brought to Committee and there would be grounds for refusal if the s106 were not completed. He commented that there were occasions where the delay was justifiable and these would be considered.

RESOLVED: That the Development Control Manager be authorised to consider referring applications back to Committee to be reconsidered in the event of negotiations or progress with any required s106 obligation not being completed or showing demonstrable progress towards completion after a period of three month's from the Committee's original decision.

103. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of February 15.

RESOLVED: That the schedule be noted.

104. DATE OF NEXT MEETING

The Chair asked Members to note that the next meeting would take place on Tuesday 9 June 2015 at 18:00.

Time of commencement: 17:30 hours

Time of conclusion: 19:35 hours

Chair