



**Gloucester
City Council**

Planning Committee

Meeting: Tuesday, 12th May 2015 at 5.30 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

****PLEASE NOTE EARLIER STARTING TIME****

Membership:	<p>Cllrs. Taylor (Chair), Lewis (Vice-Chair), Noakes, Hilton, McLellan, Smith, Hobbs, Hanman, Ravenhill, Dee, Mozol, Toleman and Chatterton</p> <p style="text-align: center;">PLEASE NOTE THAT ATTENDANCE MAY VARY PENDING THE OUTCOME OF THE LOCAL ELECTIONS ON 7 MAY 2015</p>
Contact:	<p>Anthony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk</p>

AGENDA

1.	<p>APOLOGIES</p> <p>To receive any apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST</p> <p>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.</p>
3.	<p>MINUTES (Pages 7 - 14)</p> <p>To approve as a correct record the minutes of the meeting held on 7 April 2015.</p>
4.	<p>COMMUNITY INFRASTRUCTURE LEVY - PRELIMINARY DRAFT CHARGING SCHEDULE</p> <p>To receive the report of the Cabinet Member for Regeneration and Culture.</p> <p>PLEASE NOTE: This report will be published as a supplement to the agenda when it is available.</p>
5.	<p>RIDGE AND FURROW PUBLIC HOUSE, GLEVUM WAY - 14/01220/FUL (Pages 15 - 52)</p>

	<p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
6.	<p>1 POPLAR CLOSE - 15/00301/COU (Pages 53 - 62)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
7.	<p>1 ALBION STREET - 15/00219/FUL (Pages 63 - 72)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
8.	<p>AREA 4B1 ON FRAMEWORK PLAN 4, KINGSWAY, FORMER RAF QUEDGELEY - 14/01477/REM (Pages 73 - 84)</p> <p>Application for Determination.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
9.	<p>SECTION 106 PLANNING OBLIGATIONS (Pages 85 - 88)</p> <p>To receive the report of the Development Control Manager.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
10.	<p>DELEGATED DECISIONS (Pages 89 - 106)</p> <p>Schedule of Delegated Decisions taken in the month of February 2015.</p> <p>Contact: Development Control (Tel 01452 396783)</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday 9 June 2015 at 18.00 hours.</p>

M Shields

.....
Martin Shields
Corporate Director of Services and Neighbourhoods

Date of Publication: Friday 1 May 2015

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

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.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

Recording of meetings

Please be aware that meetings may be recorded with the Mayor or Chair’s consent and this may include recording of persons seated in the Public Gallery or speaking at the meeting. Please notify a City Council Officer if you have any objections to this practice and the Mayor/Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

Copyright Notice for viewing documents via Public Access

Planning application information submitted to the Council is protected by the Copyright Acts (Section 47, 1988 Act). You may only use material which is downloaded and/or printed for consultation purposes, to compare current applications with previous schemes and to check whether developments have been completed in accordance with approved plans. Further copies must not be made without the prior permission of the copyright owner. If you link to Public Access you have acknowledged that you have read, understood and agree to the copyright and other limitations.

Gloucester City Council reserve the right to remove or not display certain planning application information for the confidentiality or other reasons.

This page is intentionally left blank



PLANNING COMMITTEE

MEETING : Tuesday, 7th April 2015

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

Officers in Attendance

Jon Sutcliffe, Development Control Manager

Joann Meneaud, Principal Planning Officer

Adam Smith, Principal Planning Officer, Major Developments

Michael Jones, Solicitor

APOLOGIES : Cllrs. McLellan, Dee and Mozol

82. DECLARATIONS OF INTEREST

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

83. MINUTES

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

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

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

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

Mr Metcalf remarked that he was pleased that Officers were able to support the application which would create a new, multi-functional, public square. It would

PLANNING COMMITTEE
07.04.15

facilitate the 'Fanzone' for the Rugby World Cup. Addressing the issue of parking, he explained that the loss of 120 car spaces had been carefully considered, but that these spaces made up only 2% of the available off-street parking spaces in the City Centre. Disabled parking would be retained within the square. Turning to the design, Mr Metcalf stated that the design had been revised to include high quality materials and that the resultant scheme would provide a square which would incorporate features of a heritage site and serve as an attractive meeting place. He did not believe that the area would attract any anti-social behaviour and that there were no such problems elsewhere in the Gloucester Quays Outlet Centre. Mr Metcalf concluded his address by pointing out that the scheme would provide a high quality public realm, sensitive to conservation issues and that it would positively contribute to the local character of the area and would help to engender confidence in the City as a whole.

The Chair opened up the matter for debate.

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

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

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

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

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

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

Councillor Hilton highlighted a representation in paragraph 5.1 of the report regarding concerns that there was no toilet provision and asked if this point had

PLANNING COMMITTEE
07.04.15

been addressed in the application. The Principal Planning Officer stated that this was not included in the application.

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

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

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

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

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

Mr David Keyte addressed the Committee in support of the application

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

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

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

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

PLANNING COMMITTEE
07.04.15

would be overbearing. Ms Houlton expressed concerns regarding parking and access and pointed out that there was asbestos in existing buildings and that residents were concerned about how this would be removed.

The Chair opened up the matter for debate.

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

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

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

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

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

Councillor Hanman remarked that he accepted the Officers' conclusions.

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

86. 24 THE OXBODE - 14/01471/COU

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

The Chair opened up the matter for debate.

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

PLANNING COMMITTEE
07.04.15

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

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE
07.04.15

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

The Chair opened up the matter for debate.

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

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE
07.04.15

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

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

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

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

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

Councillor Chatterton welcomed the proposal.

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

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

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

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

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

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

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

The Principal Planning Officer presented an application submitted by the Police and Crime Commissioner Gloucestershire for the variation of a Section 52 Legal

PLANNING COMMITTEE
07.04.15

Agreement under planning permission 10727/01/OUT to remove the restriction which allocates the site for a police station and to then use the site for community purposes on land off Abbeymead Avenue.

The Chair remarked that this was a pragmatic solution.

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

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

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

91. DELEGATED DECISIONS

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

RESOLVED that the schedule be noted.

92. COUNCILLOR RAVENHILL

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

93. DATE OF NEXT MEETING

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

Time of commencement: 18:00 hours

Time of conclusion: 20:10 hours

Chair

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	12TH MAY 2015
ADDRESS/LOCATION	:	RIDGE AND FURROW PUBLIC HOUSE, GLEVEUM WAY
APPLICATION NO. & WARD	:	14/01220/FUL ABBEY
EXPIRY DATE	:	17TH OCTOBER 2014 (EXTENDED TO 9TH JANUARY 2015)
APPLICANT	:	WM MORRISONSSUPERMARKETS PLC
PROPOSAL	:	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, CANOPY, FORECOURT, JET CAR WASH, FUEL STORAGE TANKS, ALTERATION TO BOUNDARY TREATMENT AND ASSOCIATED ACCESS ARRANGEMENT. (AMENDED SCHEME.)
REPORT BY	:	CAROLINE TOWNLEY
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to a corner plot of land located on the northern side of Abbeymead Avenue at its junction with Glevum Way. The site is currently occupied by the Ridge and Furrow Public House and is located adjacent to the District Centre. The Public House has recently closed and is no longer trading.
- 1.2 The site is bounded to the north by the medical practice and associated car park, an area of vacant land to the east with the watercourse and residential properties beyond. The southern boundary is adjacent to Abbeymead Avenue and the western boundary is formed by Glevum Way. The Morrison's store and other retail properties are located to the west of the site.
- 1.3 The site is currently accessed from Glevum Way with a car park located to the rear of the building.

- 1.4 The application proposes to demolish the existing public house and to erect a petrol filling station to include a sales kiosk, 6 no. fuel pumps, forecourt, above ground fuel tanks, jet car wash and staff parking.
- 1.5 The proposed sales kiosk would have a total gross floor area of 102 sq m and will sell motoring related goods together with a small range of essential grocery items.
- 1.6 The proposed jet car wash area would be located to the west of the kiosk. It is proposed to provide a staff parking area with 4 spaces to the north east of the site.
- 1.7 The two fuel tanks would be located adjacent to the southern boundary of the site to the rear of the proposed jet wash facility and sales kiosk and would front Abbeymead Avenue. The proposed tanks include one 120,000 litre petrol tank and one 120,000 litre diesel tank. Both tanks are double skinned and would be secured by 2 metre high palisade fencing.
- 1.8 The proposed diesel tank would measure 4 metres in height, 12 metres in length and be 4 metres wide. The petrol tank would measure 3.65 metres in height, 15 metres in length and 3.65 metres in width. A 2 metre high palisade fence is proposed around the tank together with new planting.
- 1.9 Access is proposed from the existing access point from Glevum Way with a one way system proposed within the site for all traffic.
- 1.10 It is intended that the petrol filling station would be open 24 hours a day, 7 days a week. The proposed opening hours for the car wash and jet washes being 07.00 to 23.00.
- 1.11 Officers advised the Applicant that the application would be reported to the March 2015 Planning Committee but it was deferred at the request of the Applicant to allow them to reconsider elements of the scheme including the siting of the fuel tanks. The Applicants have, however, now submitted an appeal on the grounds of non-determination. The application can now not be determined by the City Council but is brought to Committee to establish its view on the application and the decision it would have made. This will form the basis of the Council's case for the appeal. At the current time the Appellant has requested that the appeal be dealt with by way of the written procedure.
- 1.12 The appeal submission includes revised plans amending the extent of the proposed palisade fencing enclosing the fuel storage tanks to create an enclosure and the inclusion of security bollards on the outside of this enclosure. This amendment has also resulted in both the fuel tanks and palisade fencing being sited further forward closer to Abbeymead Avenue. The Agent has indicated that these measures have been put forward as an additional form of safety mitigation to address the comments of consultees. The Agent has suggested that *"Given the minor nature of these alterations it is considered appropriate that they be made through the appeal process, as they do not materially alter the nature of the proposed"*.

1.13 On the basis that these plans have not been submitted as part of the planning application and therefore not consulted upon, I consider that the Committee can only consider the originally submitted plans. It is suggested that if after further consultation as part of the appeal process, the Consultees confirm that these amendments address their concerns Officers advise the Inspector accordingly.

2.0 RELEVANT PLANNING HISTORY

2.1 Outline planning permission was granted on 6th May 1975 for comprehensive residential development and associated shopping amenities (Ref. P/1323/73).

2.2 An application for approval of reserved matters was subsequently granted on 12th March 1981 for the layout of the shopping centre and pub with associated car parking and service areas (Ref. P/4167/80). A further permission was granted in 1984 for the construction of additional car parking, improvements to Glevum Way and alterations to the existing loading bay.

2.3 Outline permission was granted to Safeway on 5th March 1996 for an extension to their existing store (Ref. 95/00598/OUT). The outline permission was for a 4,180 square metre extension with approval to siting and access. This extension was proposed to be located on the northern, eastern and southern sides of the existing store.

2.4 A full planning application was received on 24th November 1999 for the redevelopment of the site for a new foodstore, 6 retail units, associated car parking, landscaping, off site petrol filling station and associated highway works. Following the submission of various amended plans planning permission for this proposal was granted on 6th May 2000, (Ref. 99/00313/FUL).

2.5 A further application for the redevelopment of New Foodstore (A1) and 6 A1 (Retail) or A2 (Financial and Professional Services) Units associated Parking, Landscaping, the erection of Petrol Filling Station, Car Wash and associated Highway Works was submitted in August 2002 (ref. 02/00690/FUL). This application was reported to Planning Committee on 8th October 2002. Following the receipt of amended plans and the completion of a Section 106 Agreement to secure the implementation of a travel plan planning permission was subsequently granted on 19th September 2003.

2.6 The proposed petrol filling station included in the above applications was to be located on the vacant land to the east of the current application site. Part of this site had been previously reserved for a library with an alternative library site having been provided adjacent to the community centre car park. The proposed petrol filling station was to be accessed directly off Abbeymead Avenue with pedestrian access adjacent to the medical practice. It was intended that the proposed petrol station would be open 24 hours.

2.7 A further application was submitted by Morrison Supermarkets Plc in 2004 for a new foodstore and 5 retail units with associated car parking, servicing and

alterations to access road (ref. 04/01094/FUL). The application was reported to Planning Committee on 2nd November 2004 and planning permission was granted on 6th May 2005.

- 2.8 An application for the demolition of the Ridge and Furrow Public House and the erection of a petrol filling station to include sales kiosk, canopy, 6 no. fuel pumps, forecourt, underground fuel tanks, carwash, alterations to boundary treatments and associated access arrangements was originally submitted in May 2013 (ref. 13/00557/FUL). This application was on the agenda to be considered by Planning Committee on 4th February 2013 but was deferred on the advice of Officers following the submission of late material. The Environment Agency subsequently requested additional information in relation to the groundwater depth to demonstrate whether the proposals would have any impact upon controlled waters. Additional information was received from the applicants' consultants in May 2014 which indicated that groundwater is present on the site at relatively shallow depths which would result in the base of underground storage tanks being partially below the monitored groundwater levels. This indicated that the proposal would involve the storage of fuel within the water table and present an unacceptable pollution risk to ground water and on this basis the Environment Agency raised an objection to the planning application.
- 2.9 The Environment Agency agreed in principle to the use of partially underground tanks with tertiary containment with the base of the tertiary containment beneath the doubled skinned tanks to be located above the water table. Alternatively the Agency advised that if this approach was not desirable that an above ground storage solution could be explored on the site. This application was withdrawn on 3rd November 2014 following the submission of the current application.

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 1983 and 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:

BE.7 – Architectural Design
BE.21- Safeguarding of Amenity
TR.31 – Highway Safety
CS.1 – Protection of Community Facilities

The Glevum Way Shopping Centre is identified as a District Centre in the First and Second Stage Deposit Local Plan (June 2001 and August 2002). The policies seek to strengthen the role of district centres by permitting new retail development of an appropriate scale and type, provided that it would not have an unacceptable impact on Blackfriars and the Primary Shopping Area.

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 CONSULTATIONS

4.1 **Gloucestershire County Council (Highways)** – The development proposal is similar to the previous application (13/00557/FUL) to which the Highway Authority recommended no objection. The current application is an amendment to the previous submission with the alteration of the positioning of the fuel tanks from underground to above ground.

The applicant undertook in depth discussions and agreed the scope of the Transport Assessment (TA) with the Highway Authority under the previous

application and has submitted a revised TA in support of the current application reflecting the changes to the positioning of the tanks. The revised TA has been carried out in accordance with Planning Practice Guidance and adequately deals with the transport impacts of the proposed development.

The Highway Authority has concluded that the proposed development provides a safe and suitable access and that residual cumulative impact on the adjacent transport network is not severe in accordance with Paragraphs 32 and 35 of the NPPF. On this basis no highway objection is raised subject to conditions.

- 4.2 **Environment Agency** – No objection raised to the application but make the following comments:

Protection of Controlled Waters

The Environment Agency objected to the proposals submitted under application 13/00557/FUL. This scheme comprised underground storage tanks (USTs).

In the last email correspondence to you (dated 19 June 2014) the Agency advised:... ‘The additional monitoring carried out in April-May 2014 indicates that groundwater is present on the site at relatively shallow depths. The investigation finds that, based on a top tank level of 1.0m below ground level (bgl) and a 2.5m external tank diameter, the base of the underground storage tanks would be between 0.9m and 3.1m below the groundwater levels monitored in the boreholes. This would indicate therefore that the proposal would involve the storage of fuel within the water table. This would conflict with our position statement D3 within GP3 and present an unacceptable pollution risk to groundwater contrary to the advice at paragraph 109 of the NPPF.’

The EA concluded:... ‘We would also request at this stage that an improved conceptual model depicting groundwater depths and tank positioning is submitted, as Figure 1. Conceptual Ground Model (Source: GA report, 2014) is unclear and the axis cannot be interpreted. Alternatively, if the above suggested approach is not desirable, an above ground storage solution should be explored on the site.’

National guidance on the storage of potential pollutants is set out in the EA’s GP3 guidance (Groundwater Protection: Policy and Practice, 2013).

The EA has confirmed that the revised application for an above ground storage solution addresses the principle concerns raised and the proposal accords with policies D2 and D3 within GP3.

The EA has, however, queried whether tertiary containment is proposed. Plan PL_08 (dated 09.09.14) is not sufficiently detailed in this regard. Under current legislation the Above Ground Storage Tanks (ASTs) should be banded. The EA advises that if the City Council is minded to grant planning

permission the provision of tertiary containment should be secured via condition, or revised plans submitted.

Pollution Prevention

All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6 minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance in order to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:

- i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
- ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the 'shut' position.

Fuel Storage

All above ground fuel storage tanks should comply with current guidelines. Domestic oil storage over 3,500 litres and oil storage containers larger than 200 litres used for business purposes must be banded under the Control of Pollution (Oil Storage) (England) Regulations 2001.

Further guidance is available at:

PPG3: Choosing and using oil separators

PPG7: Operating refuelling sites

PPG13: Vehicle washing and cleaning

- 4.3 **Gloucestershire Constabulary** – An objection was originally submitted to the application by the Counter Terrorism Security Officer based on the concern that the fuel in the above ground tanks could easily be accessed above ground making them more susceptible to significant leakage or fire due to theft, criminal damage or potential terrorism intent.

Concerns were also raised in relation to the vulnerability of the tanks being sited so near to the roadway and prone to potential ramming by any vehicle coming off the road at speed as a result of an accident or intentional attack. Concern was also expressed that the proposed two metre palisade fence line together with some organic screening would be insufficient to protect the tank installation from such an event whether it be accidental or intentional due to the potential run up speeds that could be attained prior to impact.

Having reviewed the submitted specifications of the proposed tankage no in principle objections are now raised to the use of above ground fuel tanks provided that the associated bunding is sufficient in capability according to the Petroleum Licensing Officer's requirements.

However, it is still considered that the proposed siting of the fuel tank installation adjacent to the public highway, without suitable vehicle mitigation, may pose a latent and unnecessary risk in the event of a vehicle successfully impacting the tanks themselves.

It is the Counter Terrorism Security Officer's view that the overall site security and aesthetics would benefit from the tank installation being relocated with suitable vehicle mitigation bollards installed in addition to the proposed palisade fencing. Such a relocation would lessen the visual impact and significantly reduce hostile vehicle run up to the tanks themselves.

In light of the information submitted in relation to the proposed tank specification Gloucestershire Constabulary's original objection to the use of above ground fuel tank installations has been withdrawn. However, it is recommended that the fuel tanks be moved and proper hostile vehicle mitigation measures be installed.

- 4.4 **Petroleum Officer** - Gloucestershire County Council is the Petroleum Enforcing Authority under the Petroleum (Consolidation) Regulations 2014 with this function being carried out by the Trading Standards Service.

No petrol may be kept at a dispensing premises unless a valid storage certificate is in force. A person wishing to store petrol at a dispensing premises must apply to the Petroleum Enforcing Authority for a storage certificate. The petrol enforcing authority will grant a petrol storage certificate where it is satisfied that the containment system for petrol at the dispensing premises, including storage tanks, pipework and dispensers, may reasonably be used to store petrol and would not create an unacceptable risk to the health and safety of any person. This is in addition to planning permission.

The Petrol Enforcing Authority will assess the containment system in accordance with the publication, "Design, construction, modification, maintenance and decommissioning of filling stations" often referred to as the Blue Book.

In a typical petrol filling station, the fuel tanks are located underground. There are various advantages in doing this but also this brings disadvantages. The main disadvantage is the risk of environmental damage from leaks. There is a risk that petrol tanks can leak and this is certainly a problem with single skinned tanks. However, any new development would require double skinned tanks with leak detection, where the space between the two skins of the tank is monitored. Should a skin fail, the leak detection system should detect this before fuel is lost. The main advantage in locating tanks below ground is that they are "out of harm's way" reducing the risk of malicious or impact damage. Currently, all petrol tanks on retail petrol filling stations in Gloucestershire are located underground.

In relation to above ground tanks, the Blue Book comments "above ground tanks are normally only used at filling stations for the storage of high flashpoint fuels [such as diesel] and have the advantage of being easily inspected for corrosion or other forms of degradation or impact damage. They should be provided with secondary containment (or a bund) to contain any leakage of fuel, including any spillage that may occur during delivery".

In relation to above ground tanks for petrol, there is no European Standard as there is for underground tanks. Instead, tanks should meet the requirements of UL 2085 and provide 2 hours fire resistance. Where above ground tanks are being considered, the Blue Book states that an assessment should be carried out to identify the hazards and quantify the risks arising from or associated with

- Fire and explosion
- Emergency venting
- Environmental pollution
- Spill containment
- Leaks
- Pumped deliveries
- Security
- Attempted theft
- Impact damage
- Malicious damage
- Maintenance, repair and replacement of ancillary equipment
- Operation
- Decommissioning

The location of petrol tanks above ground is very unusual and the above assessment will need to balance the environmental considerations with fire and explosion considerations.

4.5 **Fire Safety Enforcement Team** – Although not the preferred option the use of external (above ground) tanks are acceptable providing that the guidance

set out in the 'Petroleum Filling Stations Guidance on Managing the Risks of Fire and Explosion' (The Red Guide) and the 'Dangerous Substances and Explosive Regulations' 2002 (DSEAR) are followed.

Within the red guide there are a number of areas noted that will need due consideration for any new installation of stored petrol, especially those that are above the ground. These being:

- Section 6 managing the risk (pg 19) – The risks to the public and the environment need to be carefully considered with an appropriate risk assessment in place.

This will need to consider a number of areas including the method and capacity of storage, the number of vehicles passing near the site (especially from Abbeymead Avenue) and any potential vandalism.

With the latter the added risk to vandalism associated with above ground storage will need to be considered.

- Section 7 emergency procedures (pg 31 & 32) – This takes into account the external factors such as a vehicle crashing into an installation. The added risk of an above ground tank will need to identify control measures to mitigate the likelihood of this taking place, especially taking into account the number and size of vehicles that use Abbeymead Avenue and its proximity to the storage tanks.

It is noted that 2m palisade fencing is being erected around the tanks, but the protection they offer against a heavy goods vehicle is questionable and therefore other options such as heavy duty bollards should be considered.

- Section 8 storage (pg 55) – It states that when residential areas are in close proximity to the tanks additional control measures need to be in place to protect the nearby residents and the immediate environment. As mitigation it is expected that the storage tanks will provide a higher standard of containment due to the close proximity of residential areas and any leaks should be either protected by a bund or have appropriate drainage interceptors.

Finally under section 8 it also identifies that the immediate risk of fire and explosion from a leak from an above ground tank is greater than from an underground tank and states where tanks are installed, or are planned to be installed, above ground, an assessment should be carried out to determine the risks from the unloading process, a leak of petrol from the tank, a fire or explosion, site traffic arrangements which could lead to a vehicle colliding with the tank, other types of impact, and vandalism.

- 4.6 **Worcestershire Regulatory Services (Contaminated Land Advisors)** – The site investigation report has identifies significantly elevated levels of zinc to be present on site within sub-base materials. It is proposed that this material should be redistributed beneath areas of hardstanding and not used in landscaped areas so as to protect end users and vegetation on the site. No

objection is raised subject to the inclusion of the standard land contamination condition.

- 4.7 **Environmental Protection Officer** – No objection is raised to the application subject to the inclusion of conditions.
- 4.8 **City Archaeology** – The application site has some archaeological sensitivity. Previous archaeological investigations to the west and north have recovered finds of prehistoric and Roman date. The site is also located c.40m to the west of the known site of a medieval watermill. In view of the archaeological potential of the site it is recommended that a programme of archaeological mitigation should be undertaken so as to record any archaeological remains and finds which may be adversely affected by the proposed development. To facilitate this a condition is recommended.
- 4.9 **City Council's Drainage Engineer** – No objections subject to conditions.
- 4.10 **Urban Design Officer** – No objection to the proposed use or the siting of the pumps, canopy, kiosk or jet car wash. The proposed 4 metre high fuel tanks are proposed to be positioned adjacent to the roundabout on the most visually prominent position. The Urban Design Officer objects to the siting of the fuel tanks as a result of the potentially dominant visual impact on the character of the area. It is considered that the combination of the tanks, 2 metre high palisade fencing and structural and access frameworks between and above the tanks would form a significant character impact issue.

It is not considered that that the introduction of the proposed fuel tanks will either protect or enhance the character of the area and the Urban Design Officer considers that the proposal is in conflict with policies in both the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.

- 4.11 **Landscape Officer** – The fuel tanks are proposed on the most prominent part of the application site and the visual impact of siting these tanks here is likely to be very significant. Coupled with a 2 metre high steel palisade fence surrounding the tanks above-ground pipework associated with the tanks and an 8m high light column, the frontage to the proposed development would be extremely 'industrial' and unattractive to pedestrians and residents passing the site. Also behind this would be the high PFS canopy, jet wash area and kiosk building. The tanks and palisade fence should be coloured green or black to minimise the visual intrusion.

The landscaping strip proposed to screen the tanks and fencing would initially provide limited screening value. Once established (after 5-10 years) the tanks would probably be screened by vegetation - although Abbeymead Ave and it's pavement is notably located above the tanks and planting area, so the tanks could be visible from the road for many years. The proposed shrubs for the screening strip are a mix of evergreen and deciduous species and once established would provide suitable screening, as well as foraging and nesting sites for birds.

There is significant shrub planting proposed within the 8m sewer easement along the majority of the eastern boundary of the site. I am not sure that this would be acceptable, as generally any tree or shrub planting is opposed or restricted within an easement area by the utility companies (I assume Severn Trent in this instance). In this respect, the landscaping plan submitted is perhaps slightly misleading, in that the extensive buffer planting proposed to the eastern boundary might not be achievable, although the remaining undeveloped land to the east will provide some existing screening (unless this site is also developed). Further clarification should be sought from the applicant that this proposed planting is compliant with the ST easement restrictions.

It is not considered to be practical to retain the existing mature willow tree on the SW corner of the site. Firstly, the works required to construct the PFS forecourt would most likely have an impact on the tree roots and secondly it would be very difficult to establish any new planting under the tree canopy. As a weeping tree, there is normally very little planted under the canopies of such species. I think it would be much easier to replace the willow with a semi-mature tree or group of trees of a more appropriate species. Further tree planting along the Glevum Way frontage would be desirable.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the display of a site notice. In addition 165 neighbouring properties have been notified of the application in writing. These included all those who were notified of the original application together with those who made representations. As a result of this publicity 94 representations have been received including letters from Richard Graham Member of Parliament for Gloucester and Mr Staddon of PJS Development Solutions on behalf of the patrons and supporters of the Ridge and Furrow Public House.

5.2 The issues raised by these letters of representation can be summarised as:

Loss of Public House

- Loss of valued community facility.
- Will result in the loss of a residential property / family home.
- People can walk to the pub. No other building in the community which offers the same options or atmosphere.
- There is support for the Ridge and Furrow to reopen and there are parties interested in doing this.
- To demonstrate that they respect local opinion, Morrison's should withdraw their application and persuade Trust Inns to surrender their lease and work with speed to find a new tenant.
- Provided a social amenity with facilities not provided by others in the locale. Also served a different clientele than other public houses.
- Important that facilities are available locally.
- Pub should be revitalised not demolished.

- True community pub with bands, sports teams, family fun days with safe children's play area. Pub has been involved in fund raising for local and national charities.
- Has good disabled access.
- Name of public house is a reference to the agricultural history of this area.
- Building is a classic design and a bonus to the estate and far more appealing than a brightly lit filling station.
- Pub is listed as a "Community Asset".

Traffic / parking

- Will increase traffic congestion and volume of traffic.
- This is a residential area and PFS would encourage more traffic and noise disruption for residents.
- Located right on the roundabout making access and exit extremely hazardous for motorists which could lead to accidents.
- Cannot expect elderly people to walk uphill from Community Centre car park to doctors/vets.
- Concerned about easy access for emergency vehicles.
- Roads leading to and out of roundabout are busy junctions with two main roads leading to both Heron and Abbeymead schools. This creates extra traffic at certain times of the day and many families walk their children to school crossing roads and junctions near the location of the Ridge and Furrow.
- Site is unsuitable because the very busy roundabout with access all day to Morrison's supermarket, healthcare centre, pharmacy, community centre and vets. A garage will generate extra short visit car movements in the area as a whole. Already have difficulty crossing the road on Abbeymead Avenue and it's an area older people from Abbeymead Court have difficulty with.
- Pub car park was sometimes used as additional parking for the medical practice. Concerned about pedestrian access to the medical centre crossing the forecourt of the petrol filling station.
- Will be located between two infant and junior schools making it more hazardous for young children.
- Complicated access to proposed filling station.
- Believe linked trips with shopping in Morrison's will be minimal given stores location in the centre of Abbeydale/Abbeymead.
- Will result in more difficulty for elderly residents crossing the road.

Flood Risk

- Possible flood risk to adjacent properties following the tarmacing of large areas of flood plain allowing water to spill over the brook.
- There have been floods in the area adjacent to the site and continued problems with drains and build up of water in wet weather.

Noise / light pollution

- Increased noise and disturbance to residents.

- Noise and fumes associated with the use and car wash has to be considered health and wellbeing of residents in nearby (mainly elderly) accommodation facing the area.
- Effect of lighting on residents especially at night could affect their quality of living and eventually affect their health.
- Noise levels from people using the petrol station and tankers will increase.
- Large tankers refuelling late at night would be disturbing,
- Will result in light pollution for local residents.

Health and Safety

- Concerns about health and safety aspect
- Would increase pollution
- Adverse impact on doctor's surgery with fumes seeping into the surgery.
- Inappropriate/ potentially dangerous to surrounding community uses including community centre, children's park, adjacent doctors surgery, water course and veterinary surgery.
- Any fuel spillage could seep into the River Twyver or worse.
- Concern about safety of above ground tanks.
- Appears to be no protection to protect tanks from run-away vehicle.
- Possible danger to local residents and schools.
- Any fire would block the only vehicular access to the Glevum Centre making access for the emergency vehicles and evacuation of shoppers, community and medical centre users and staff difficult.
- Evidence that links petrol stations to health problems and should not be located between 3 primary schools, a park and community centre – largely for young children.
- Concerned that local children will have health problems associated with the petrol filling station.
- Position of tanks next to footway and close to roundabout. Believe there have been three injury accidents in the last three years. It is conceivable that a vehicle travelling towards the roundabout could mount the verge and collide with the storage tanks.

Number of PFS

- The area is already well served by petrol stations including the new one proposed by Morrison's at the Railway Triangle and no need for another.
- There are more than enough in local area.
- No economic or community case for another petrol station.

General

- Abbeydale is a residential area.
- If site is to be redeveloped it should be something to benefit the whole community.
- Local residents have been shabbily treated with closure of the car park especially for older residents visiting the surgery and pharmacy.

- Pub should be replaced with another family based pub/restaurant to provide an additional leisure venue to compliment the existing community centre.
- Question how Morrison's survey was organised to include local residents. Survey was carried out before the requirement for above ground storage tanks was made public.
- Proposal would be detrimental to the appearance of the area.
- Appear to be many more reasons against this proposal than for it and the Planning Department should be listening to local residents.
- Wish to see a more aesthetically and community orientated use of the site.
- Pub offered a pleasant and useful social amenity and we were not aware of any problems associated with it. Its removal would be a loss to the local community.
- Ridge and Furrow has served as a necessary and generally used social amenity for the benefit of the neighbourhood. Locality is poorly served with social meeting places.
- A filling station should not be situated on a residential housing estate.
- Land could be put to better use by extending the doctors car park and pharmacy moved into a permanent building.
- Have a greater need for car parking to access the medical centre.
- Car park should be open in interim for use by the Health Centre and Pharmacy.
- Site would be better used as a 'state of the art' medical facility.
- Large, beautiful, old, well established Weeping Willow tree will probably be destroyed in the process.
- The site together with the adjacent woodland should be developed into a community facility.
- Not wanted, needed or desired.
- Removal of existing eyesore, bill boards and on site fast food van would be no bad thing but its replacement with a filling station with exposed storage would be nothing less than a 'like for like' situation.
- Proposal goes against original planning permission which included a mix of community uses.
- Devaluation of property prices and higher insurance prices.
- Do not recall being included in the 'card vote' survey undertaken by Morrison's and question how this was organised to include local residents. Survey was carried out before requirement for above ground storage tanks was made public – does this invalidate survey?
- Land should be put to better use e.g. small business units, coffee shop, restaurant, boutique type shops, apartments, new doctor's surgery, pharmacy, car parking or sports/entertainment venue.
- Part of public house could be turned into a library or drop in centre for the elderly.
- Part of car park could be converted into a small park garden associated with the doctor's surgery.
- Loss of nature spots and potential historic archaeology from the area.
- Proposal does not evidence that it enhances the sustainability of the community and residential environment.

- Petrol station will increase likelihood of more anti-social behaviour changing the atmosphere of the area.
- Loss of residential unit not mentioned in planning application.

Above Ground Tanks

- Above ground petrol tanks are dangerous, a safety risk with potential fire risk, open to accidents, vandalism in a residential area. There was previously a major incident at the site when Safeway caught fire.
- Above ground tanks are unsightly and an eyesore and inappropriate in a residential area.
- An area of grass and trees would be lost.
- Exposed tanks visually unacceptable should be a considered evaluation of alternative layouts.
- Would be a terrorist magnet.
- Would make a quiet, green, residential/shopping area would feel more like an industrial site with consequent adverse impact on local property values. Proposed planting will not grow to maturity for 5 years.
- 2 metre high fence would be very unsightly.
- Nearby wildlife including foxes den, birds and squirrels will be disrupted.

Support (1 letter)

- Would find a petrol filling station at this location very useful and convenient.
- Ridge and Furrow is already becoming an eyesore with little possibility of it being used as a community asset. Question who would fund it and there is already a community sports and recreation facility within 100 metres.
- Unless an organisation like Wetherspoons is willing to take over a petrol station seems a reasonable use of land and will provide a valuable service to the local community appropriately situated next to other community facilities.
- No objection to demolition of the Ridge and Furrow as the needs of the area are well served by the Community Centre and Turmut Hoer. Saintbridge Sports and Social Club, The BMI and Kings Head are all within walking distance.

Richard Graham MP –

Does the community support this application?

As a result of the flawed survey commissioned by Morrison's I personally wrote to over 6,475 residents in the Abbey Ward and the nearest residents in Hucclecote last year. I received responses from 2,361 residents, a response rate of 35% of whom 67% adamantly preferred the community pub to stay rather than a petrol station. In direct mail history this is a high response rate and an overwhelmingly clear message. This is backed by a petition signed by over 2000 residents, letters and emails. Not one Abbey City or County Councillor or community group's leader that I am aware of has come out in favour of the application. It is simply not credible to insist, as the Morrison's

Head of Asset Management has done again recently by letter to me, that the community supports this application. Overwhelmingly it does not.

Does the Council recognise the pub has community value?

Under the Localism Act the Ridge and Furrow has been listed by the City Council as a Community Asset, recognising its value to the community. It would be completely incompatible with the status of Community Asset for Planning to then approve the demolition of the Asset.

Is the application compatible with the National Planning Policy Framework (NPPF)?

The NPPF implies a higher degree of protection for Community assets. A number of planning appeals that might be termed speculative development proposals have been overturned and several councils have taken proactive steps to adopt pub protection policies. My reading of the NPPF is that this application is contrary to government policy.

Is there any future for a community pub on this site?

The argument of Trust Inns that it was impossible to run the pub viably has not been tested. Any publican will struggle to make money while paying high rent to both landlord and pubco. It is not the same thing as arguing the pub is not viable. I have interest in writing for a tenancy from an experienced local business. There is every reason to believe that the right tenant would be able to make a success of the Ridge and Furrow which was Trust Inns' National Pub of the year 4 years ago.

Are over ground fuel tanks a positive development?

The two proposed fuel tanks are a visual nightmare and a public safety issue. The reason they are normally stored underground is because of safety. Blue book guidance states clearly that retail petrol tanks should be stored below ground, and Morrisons' own consultant Weetwood noted (in the original application) that "there are serious health and safety issues in above ground installations and ... no good safety or environmental reason why fuel storage tanks should be installed above ground". They are a major negative impact.

Overall in whose interest is the proposed application?

Morrison's wish to make more money out of their real estates holdings, including the Ridge and Furrow site. This cannot be done by bullying through a petrol filling station with above ground fuel storage tanks next to a GP's surgery, a children's play area, beer garden, community centre, stream and dog walking field. It is incompatible, not complementary, with a community led vision on site.

There was a time when Morrison's' made convincing play of its interest being those of the community: but this application clearly shows that the naked commercial interest is pursued even when it's at odds with community interests. The complete disregard for their own consultant's health and safety advice is a stark departure from supermarket as community partner.

In summary this application is incontestably opposed by large numbers of residents, contrary to the Council listing of the Ridge and Furrow as a community asset and is incompatible with the direction of the NPPF. It is ugly, detracts from the rest of the area and is unsafe for the public even according to the applicant's consultants. Above all it is unneeded, unwanted and not in the community or city interest

PJS Development Solutions (On behalf of the Save the Ridge and Furrow Community Campaign Group) – A 14 page letter of representation has been received summarising the opposition to the previous application together with some of the key events that have occurred since the submission of the previous application in May 2013.

In addition the Group make the following representations to the Planning Committee:

- All previous representations in respect of the earlier application should be reported to the Committee. The amendment to the fuel tank has no bearing on the issue of principle.
- Members are requested, in particular, to consider the substantive planning case for refusal set out in the Campaign Group's letter dated 18th November 2013.
- Members are asked to consider carefully the findings of the MP's neutral and comprehensive 2014 survey which received a high response rate and 67% of respondents want to see the pub saved.
- The Community Asset Listing is not irrelevant as suggested by the Applicants. Key point is that evidence of community asset value has been demonstrated and is a highly material consideration in the determination of this application. Good planning decisions do not involve destroying community assets.
- Amendments to introduce above ground fuel tanks raises two significant planning issues of i) visual amenity and ii) public safety.

Overall, this is a most unwanted and unacceptable development proposal. It would do substantial harm and do nothing to enhance the community it would be imposed upon. It is urged that the Committee refuse planning permission for the following reasons:

- A. Loss of a much valued community pub, which makes a significant a positive contribution to the well-being of the local community, which would be in conflict with the principles of sustainable development and, in particular, with paragraphs 7, 69 and 70 of the National Planning Policy Framework.*
- B. That the proposed replacement petrol filling station would have no tangible compensatory community value (for the losses set out in reason1) and would not fulfil a need identified within the district centre.*
- C. The detrimental impact of the large external fuel storage tanks on the streetscene and the visual amenities of the area.*

D. Public safety reasons of over ground mass fuel storage in a residential area.

Abbeydale Community Centre – The Community Association, as owner of neighbouring property has no objection to this proposed development and our view has not changed since our letter of 17th June 2013 in connection with the previous application. Believe that the general appearance of the shopping centre site has been adversely affected by the closure of the public house and its deteriorating condition is an eyesore. Consider there to be much benefit from making a clear decision on this matter. Wish to draw the Committee's attention to the car parking in the area. When the area was initially planned all the car parks were free to use by all, including the spaces next to the pub. 20 or so spaces have been permanently lost following the closure of the pub, despite the fact that demand for parking has increased. Suggest that this is an opportunity for the car parking capacity of the whole site to be improved to reflect the nature of current demand.

- 5.3 Morrison's commissioned Sharpe Communications to distribute leaflets setting out the plans for a new petrol filling station on the site seeking residents views on the proposal via a pre-paid reply card. The cards asked residents their preference either for or against the plans and to provide any comments. These leaflets were distributed to 16,000 properties on 7th October 2013. An in-store event was also held on 7th and 8th November 2013 at which customers were provided an opportunity to give feedback. This consultation related to the previous planning application.
- 5.4 Sharpe Communications has indicated that in total they received 603 completed reply cards and of these a total of 403 (66.83%) residents support the proposals and 185 (30.68%) of respondents were not in favour of the plans, with 15 (2.49%) undecided. Following the completion of the report a further 63 photocopied leaflets were received by Sharpe Communications with 62 of these responses opposing the petrol filling station. Taking into account these additional responses the figures would be 60.4% of respondents in support of the petrol filling station, 37.2% not in support and 2.4% undecided. A copy of the original 603 responses was submitted as part of the report.
- 5.5 The submitted report includes a map and analysis of the responses received from those that live within the Abbey Ward, with 216 (61.89%) in support, 123 (35.24%) are against and 10 (2.87%) were undecided).
- 5.6 The Statement of Public Consultation and Community Engagement submitted in support of the current application also includes an analysis of key comments, 'things people liked about the scheme', suggestions and issues/concerns raised.
- 5.6 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01220/FUL>

For background information full details of all correspondence relating to the previous application, (ref. 13/00557/FUL) can be viewed via the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=13/00557/FUL>

6.0 OFFICER OPINION

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

- Policy
- Traffic and Transport
- Residential Amenity
- Flooding
- Ecology
- Trees and Soft Landscaping

Policy

6.2 The site lies outside but adjacent to the edge of the Abbeydale District Centre at Glevum Way as identified on the Second Deposit City of Gloucester Local Plan (2002) proposals plan.

6.3 The Second Deposit City of Gloucester Local Plan (2002) has been adopted by the City Council for development control purposes. Policy CS.1 relates to the protection of community facilities. However, a public house is not identified in this policy as being a 'community facility' and this policy is therefore not afforded significant weight.

6.4 The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied. The NPPF promotes sustainable development with paragraph 7 explaining that the three dimensions of sustainable development are economic, social and environmental. Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

6.5 Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

6.6 Section 8 relates to promoting healthy communities with Paragraph 70 having particular reference to the determination of the current application, it states:

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- *Ensure that established shops, facilities and services are able to develop and modernize in a way that is sustainable, and retained for the benefit of the community; and*
- *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

6.7 It is considered that the second bullet point in this paragraph is particularly pertinent when assessing the current planning application.

Local Pub Policy

6.8 The closure of public houses was raised by Members as an issue that requires planning policy guidance in order to protect against the loss of these facilities. This issue will be dealt with fully as part of the ongoing City Plan process a draft of which is expected to undergo public consultation this autumn.

6.9 In the meantime a draft Interim Policy Statement has been produced in order to help focus the direction and content of the future policy, and to scope out the evidence base required to support any policy which will eventually form part of the City Plan.

The Draft Interim Policy Statement:

Public houses are considered to be a valuable social and community facility. As such the council will seek to protect against the loss of public houses. Planning permission for the redevelopment or change of use of a public house will be permitted only when the following can be clearly demonstrated:

- i. It is no longer viable to run the property as a public house, and;
- ii. The public house has been appropriately and positively marketed for a reasonable period and no reasonable offers have been received, and;
- iii. Any proposed development would not have a detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscene, and;
- iv. There is an alternative public house within walking distance, or;

- v. A replacement community facility will be provided on part or all of the site, or within walking distance of the site. The size and nature of this facility will be determined through evidence of extensive engagement with the community and the Council's Partnership and Engagement team to ensure that the replacement facility meets the needs of the community that it will serve and is fit for purpose.

In the case of historic pubs, where permission is granted for redevelopment the applicant shall be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in accordance with the Council's emerging heritage policy and in line with best practice guidance published by English Heritage.

Supporting Text

Viability and Marketing

Where applications for a change of use or redevelopment of a public house are received, the Council will require evidence that:

- a. a comprehensive sustained marketing campaign (agreed in advance by the Council) has been undertaken, offering the public house for sale as a going concern and using an agreed realistic valuation of the premises;*
- b. the marketing campaign has run for a period of at least twelve months before the planning application is submitted;*
- c. if marketing has been based wholly or partly on an alternative community or employment use, there has been prior discussion with the Council on the principle of the proposal;*
- d. the public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents;*
- e. it can be demonstrated that the public house is not financially viable; in order to determine if this is the case, the Council will require submission of trading accounts for the last three full years in which the pub was operating as a full-time business;*
- f. the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes (to be shared with the Council) have demonstrated that the public house is no longer economically viable.*

6.10 The planning policy team undertook public consultation on this 'Interim Planning Policy Statement' from 5th January until 3rd February 2015. The statement, along with the comments received during the consultation, was reported to Planning Policy Sub-Committee (PPSC) on 12th February 2015.

6.11 In order to take this Interim Policy Statement forward as part of the City Plan the report to PPSC outlined that the following works will need to be undertaken:

- Survey work to establish the extent of the issues facing Gloucester's pubs. The number of pubs the City currently has along with the number of losses and gains over recent years will need to be examined.
- Mapping work to visually map the existing and closed pubs to establish the spread and therefore any concentrations or gaps in the provision of facilities.
- Establish a suitable 'walking distance' in order that the policy can be used in the assessment of planning applications.

At its meeting on the 12th February the PPSC resolved to endorse:

- (i) The Interim Policy Statement for the protection of public houses (with the addition of the word 'reasonable' to paragraph iv); and
- (ii) To endorse the consultation response report; and
- (iii) The future work required to evidence a draft policy for the City Plan.

6.12 There is much more work to be undertaken to ascertain the extent of the issues facing pubs in Gloucester. While there have been some pub closures, the City has also seen some pubs successfully renovated and brought back into viable use, and granted planning applications for new pubs and restaurants with bars. The way pubs are used and the habits of consumers have changed significantly in recent years. More evidence is required in order to fully understand the issues and to compose a planning policy that can benefit from full adoption in the future. At this stage no actual survey work or mapping has been carried out. The Statement therefore does not have the necessary evidence base to be considered as adoptable planning policy or be afforded any significant weight in the decision making process.

6.13 The Interim Policy Statement cannot be adopted as interim planning policy at this time as it has not yet been properly evidenced or produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, or the council's own Statement for Community Involvement (SCI).

6.14 The Statement will only be able to be used in determining planning applications once it has been evidenced and taken forward for adoption as part of the City Plan process. At this time, the City Plan is programmed to reach adoption stage in the summer of 2017. The draft policies in the plan will gain some weight in the decision making process as the City Plan progresses to its adoption. Clearly it would be unreasonable to delay decision making on current planning applications until that time.

6.15 On this basis the main policy consideration with regard to this application at the current time is over the terms in the NPPF of paragraph 70, specifically bullet point 2

6.16 When considering applications for changes of use it is the practice of the local planning authority to request information on the viability of the use to be lost in order to best understand the economic circumstances surrounding an application. In this instance where the application relates to a use that might

be considered to be a use of 'value' to the local community the viability argument is all the more compelling.

- 6.17 The Agent for the application has stated that the decision to cease trading as a public house on 16th December 2013 was made independently by the former operator Trust Inn's, as the business was unviable and had been trading at a loss for several years. Reference is made to the information submitted by the agent, in support of the previous application, on 16th January 2014 which states that the business had suffered a general decline in trade due to pressure on prices and competition from larger conglomerate pub operations, with composite barrelage reducing successively over the last 4 years of trading. Within its core catchment area, the Ridge and Furrow had faced increased competition from the Abbeydale Social Club, which is able to operate on a lower cost basis and provide drinks at a lower price, and the Turmet Hoer, which has recently had a large refurbishment. The enhanced experience offered by both facilities through better layouts and economies of scale, enable them to sell both food and drink at a cheaper price than the Ridge and Furrow.
- 6.18 It has been stated that the public house had experienced a 33% decrease in gross profit and 98% decrease in net profit between April 2011 and April 2012. Other factors affecting the viability of the business are also cited including the age and design of the building; increasing fuel costs; increases in rates and the new licensing regime amongst others. More detailed financial information was submitted as evidence against the application to list the building as an Asset of Community Value.
- 6.19 It is also the practice of the local planning authority to request information on the marketing of a site to demonstrate that it is not attractive to another user to operate for either the existing use or another employment use. No marketing information has been submitted to support the application.
- 6.20 The community's agent cites that the public house had been used by a variety of groups including sports teams and that bands played at the pub twice a week.
- 6.21 The agent on behalf of the applicant states that the public house was no longer utilised by any sports teams; that the skittles alley remained unused for 95% of the time and that no live music events had been held for approximately 12 months.
- 6.22 It is accepted that the Ridge and Furrow clearly had some community value to its customers. However, the question has to be asked that if the public house was of 'value' to the wider local community why was it no longer being used by a wide range of community groups; why was general patronage not higher and therefore why was it not more viable as a business in terms of income generation.
- 6.23 Local competitors in terms of the food and drink offer include the Turmet Hoer public house in Abbeymead, the Abbeydale Community Centre Bar and

Morrison's café which offers a meeting place and is open until mid evening selling a range of hot meals and drinks.

- 6.24 While the original representation submitted by PJS Development Solutions stated that the Turmet Hoer is over 1km away along Abbeymead Avenue it is also accessible from Abbeydale District Centre via a strategic footpath and cycle link that provides a direct link to the Abbeymead local centre and is also accessible from Abbeydale by public transport via Stagecoach bus service No. 5.
- 6.25 Other meeting facilities that exist for community use by groups in the immediate vicinity include the Abbeydale Community Centre and Christchurch Abbeydale both of which are active in terms of providing activities for the local community and which also have rooms to hire for community groups. In addition the planning application for a community building on Lobleys Drive has a resolution to grant planning permission subject to conditions and the completion of a legal agreement.
- 6.26 The NPPF does not define what the '*day to day needs*' of a local community are, however neither is there a reference to a public house being required to meet such needs. It would seem reasonable to assume that '*day to day needs*' refer to local convenience shopping, local healthcare facilities, local primary education and pre-school facilities and some local community facilities – all of which can be found within Abbeydale District Centre (with or without the Ridge and Furrow as an active public house).

Asset of Community Value

- 6.27 Part 5 Chapter 3 of the Localism Act 2011 provides for a scheme called 'Assets of Community Value' (ACV). This requires the City Council to maintain a list of 'community assets'. The Act and Regulations place a duty on local authorities to administer a scheme to identify assets of community value.
- 6.28 Community assets can be nominated by parish councils or by groups with a connection to the community. If the nomination is accepted, local groups will be given time to come up with a bid for the asset when it is sold.
- 6.29 The right to bid only applies when an asset's owner decides to dispose of it. There is no compulsion on the owner to sell it and the scheme does not give the group any preference or a community right to buy the asset, just to make a bid. This means that the local community bid may be unsuccessful. The provisions do not place any restriction on what an owner can do with their property once listed if it remains in their ownership subject to the necessary planning permissions.
- 6.30 Property owners objecting to the listing of their building as an ACV can appeal first to the Council to review its decision, then to the Property Chamber's First Tier Tribunal.

- 6.31 The City Council originally received a nomination to list the Ridge and Furrow as a Community Asset in 2013. In assessing such applications Asset Management Services have to consider the following criteria when determining whether a property should be listed:
1. **Does the usage further social wellbeing or social interests of the local community?**
 2. **Is it realistic that the use, that will further the social wellbeing or social interest of the local community, will continue in the future (say the next five years)?**
- 6.32 After due consideration it was concluded that the first nomination did not meet both of the criteria of Section 88 of the Localism Act 2011 and the application was unsuccessful.
- 6.33 A second nomination to list the Ridge and Furrow Public House was submitted on 15th January 2014 and the Council confirmed its decision to list the property as an Asset of Community Value on 11th March 2014.
- 6.34 In consideration of the first criteria that the use furthers the social wellbeing or social interest of the community the Council concluded that on the basis of the information provided as part of the nomination, while there are alternative establishments nearby that offer most of the services provided it is considered that the application demonstrated that the Ridge and Furrow offers some benefits to further the social and wellbeing of the community that are not provided for elsewhere.
- 6.35 The second consideration is whether it is realistic that the use can continue or that there is a time in the next 5 years when it could further the social wellbeing of the community. The Save the Ridge and Furrow Group provided information showing cash flow forecasts for the public house. The owner's solicitors provided comments disputing these figures. While the Group indicated that they have spoken to potential business backers they did not provide any precise business model of how a community led operation would work. The Council's Asset Manager considered that sufficient information had been received to consider that it was not unrealistic to say that there could be a use of the Ridge and Furrow within the time period that would further the social wellbeing or social interest of the local community.
- 6.36 The applicants appealed to the Council to review its decision. This review was unsuccessful.

The DCLG's non-statutory advice note for local authorities on ACV (October 2012) states that *"the provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open for the Local Planning Authority to decide whether listing as an asset of community value is a material consideration of*

an application for change of use is submitted, considering all the circumstances of the case.”

- 6.37 A material consideration is a matter that should be taken into account in determining a planning application or appeal. Any consideration which relates to the use or development of land is capable of being a material consideration. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision taker.
- 6.38 Following on from a Ministerial Statement in January 2015 in relation to community pubs, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 removes the permitted development rights for the change of use or demolition of pubs that are listed as assets of community value.

Highways

- 6.39 The application is supported by a revised Transport Assessment detailing the expected trip generation, the resulting net change in traffic and therefore the impact of the development on the Local Highway Network.

Site Location and Accessibility

- 6.40 The site is located opposite a local shopping centre and adjacent to a doctor's surgery and veterinary practice. The site had a previous use as a public house accessed off an arm of an existing roundabout with footways including pedestrian dropped kerbs and is considered to be located in an accessible location. There are footways including pedestrian dropped kerbs available on all roads leading to the site including the roundabout junction with Heron Way/Wheatway/Abbeymead Avenue with signalised pedestrian/cycle (Tucan) crossings on Heron Way and Abbeymead Avenue providing safe pedestrian/cyclist crossing facilities linking to the site. There are also cycle lanes on road in both directions along Abbeymead Avenue. There is also access to high quality public transport infrastructure with high frequency services approximately 175 metres from the site which is considered to be within reasonable walking distance.
- 6.41 The site is well located to maximise the use of sustainable transport modes for employees of the petrol filling station (PFS) but it is noted that the majority of trips to a petrol filling station are required to be made in the vehicle requiring fuel, and therefore the TA is focused mainly on this mode of travel and the impact on the adjacent highway network.

Existing Conditions

- 6.42 Traffic Counts were undertaken at the following locations as agreed within the scope of the study area at the following locations on the 9th February 2013 between the hours of 11:00-14:00 15:30-18:30:

Abbeymead Avenue/Glevum Way/Heron Way/Wheatway Roundabout;

Glevum Way north/Glevum Way south/Shopping centre access/public house access

From these surveys it was determined that the peak hour of the adjacent highway network were 11:15-12:15 on Saturday and 17:00-18:00 on a Friday.

Traffic counts from the existing access serving the Ridge and Furrow public house were also undertaken at the same time as surveys above.

Access

- 6.43 It is proposed to alter the existing access from the roundabout serving the public house to provide a segregated in and out access as shown on the submitted proposed site layout plan. The proposed access arrangement has been subject to an independent Stage 1 Road Safety Audit and Non-Motorised User Audit and the recommendations made have been complied with. The proposed site layout plan shows that a petrol delivery tanker can safely manoeuvre in and out of the site along with adequate internal pedestrian access and cycle provision. The safety audit did not consider that providing pedestrian access and cycle provision. The safety audit did not consider that providing pedestrian access across the site access would be acceptable and therefore this has been removed from the design in agreement with the Highway Authority.

Road Safety/Accident Analysis

- 6.44 An analysis of recorded personal injury collisions has been submitted between the periods of 1st January 2009 – 30th September 2012 and have been attached as Appendix BGH5 of the TA. The recorded collisions vary between pedestrian/cyclists and motorists but were all a result of poor behaviour/judgement and do not suggest that there are issues with the safety of the adjacent highway network. On the basis that the accident analysis is now over a year out of date the Highway Authority has reviewed the most recent data and confirmed that there is no further evidence to suggest that the safety of the adjacent highway has changed.

Trip Generation

Base trip generation

- 6.45 The existing trip generation for the Ridge and Furrow has been surveyed and is reproduced in Section 5.4 Table 5.1 of the TA. The weekday PM peak was a total of 64 vehicle trips with the Saturday peak being 54 vehicle trips. The proposed vehicle trip generation for the PFS has been undertaken using the Trip Rate Information Computer System (TRICS) which is the national standard for trip generation analysis. Section 5.6 Table 5.3 provides the estimated trip generation for the PFS with a weekday PM peak of 40 vehicle trips and the Saturday peak of 130 vehicle trips. It can be seen from Table 5.4 of the TA that there will be a decrease in the vehicle trips in the AM peak of 4 vehicles and an increase in the Saturday peak of 76 vehicles.

Linked Trips and Pass by Trips

- 6.46 Linked trips and pass by trips are trips that are already on the local highway network. An example of a linked trip is a journey from home to the superstore to the petrol station before returning home, therefore the trip to the petrol station is linked to the trip to the superstore.

- 6.47 Pass by trips are already on the highway network immediately adjacent to the destination. In this case a vehicle travelling from Abbeymead Avenue to Heron Way via the petrol station would be a pass by trip.
- 6.48 Very few trips to a petrol station are a Primary trip, that is a trip where the petrol station is the sole purpose for the journey (home – petrol station – home).
- 6.49 The Highway Authority therefore considers that by using the above trip rates to assess the impact on the adjacent network will provide a robust assessment of the capacity of the adjacent highway network.

Traffic Assessment Scenarios/Highway Network Growth

- 6.50 The traffic impact of the proposed development has been assessed from the year of submission/opening 2013-2018 (5 years post submission) including background growth for traffic. The existing baseline traffic flows have been growthed in accordance with industry recognized growth figures to predict future levels of use on the existing highway network. The Highway Authority has noted that the current application would require a future year of 2019 but consider that as the junctions assessed are operating well within their predicted theoretical capacity then it is not considered reasonable to require further junction capacity modelling to be undertaken to support the application as the result will be similarly well within capacity.

Junction Capacity Analysis

- 6.51 The new trips have been added to the existing highway network trips and all trips have been subject to the junction capacity modelling ARCADY software.
- 6.52 Scale drawings showing existing and proposed junction layouts annotated with necessary geometric parameters for each roundabout approach arm (v, e, l', r, D and Phi for standard roundabouts and V, Vm, e, l'm, An, K and G50 for mini roundabouts) have been submitted.
- 6.53 A junction is considered at its theoretical capacity when it reaches an RFC (Ratio of Flow to Capacity) value of 0.85. A junction operating below this value is considered to be operating within capacity; likewise a junction operating at or above this value is considered to be operating at over capacity.

Abbeymead Avenue/Heron Way roundabout 2013 weekday PM peak

- 6.54 Currently this roundabout is operating well below the theoretical capacity during the week day PM peak period. The highest RFC value at this junction is 0.56 on the Abbeymead Avenue arm of the junction. The longest delay amounts to 5.77 seconds per vehicle on the Wheatway arm.

Abbeymead Avenue/Heron Way roundabout 2013 Saturday peak

- 6.55 Currently this roundabout is operating well below the theoretical capacity during the Saturday peak period. The highest RFC value at this junction is 0.45 on the Abbeymead Avenue arm of the junction. The longest delay amounts to 5.08 seconds per vehicle on the Wheatway South arm.

Abbeymead Avenue/Heron Way roundabout 2018 weekday PM peak
6.56 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value of 0.59 on the Abbeymead Avenue arm. The longest delay amounts to 6.15 seconds per vehicle on both Glevum Way south and Wheatway.

Abbeymead Avenue/Heron Way roundabout 2018 Saturday peak
6.57 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value of 0.48 on the Abbeymead Avenue arm. The longest delay amounts to 5.37 seconds per vehicle on both Glevum Way south.

Abbeymead Avenue/Heron Way roundabout 2018 weekday PM peak with development
6.58 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value being 0.59 on the Abbeymead Avenue arm of the junction. The longest delay is 6.18 seconds per vehicle on the Wheatway arm.

Abbeymead Avenue/Heron Way roundabout 2018 Saturday peak with development
6.59 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value being 0.50 on both Glevum Way south and Abbeymead Avenue. The longest delay is 5.79 seconds per vehicle on the Glevum Way south arm.

Glevum Way Roundabout 2013 weekday PM peak
6.60 Currently this roundabout is operating well below the theoretical capacity during the weekday PM peak period. The highest RFC value at this junction is 0.43 on the Morrison's arm of the junction. The longest delay amounts to 7.09 seconds per vehicle on the Ridge and Furrow arm.

Glevum Way Roundabout 2013 Saturday peak
6.61 Currently this roundabout is operating well below the theoretical capacity during the Saturday peak period. The highest RFC value at this junction is 0.51 on the Morrison's arm of the junction. The longest delay amounts to 7.31 seconds per vehicle on the Heron Way arm.

Glevum Way Roundabout 2018 weekday PM peak
6.62 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.45 on the Morrison's arm of the roundabout with the longest delay of 7.23 seconds per vehicle on the Ridge and Furrow arm of the roundabout.

Glevum Way Roundabout 2018 Saturday peak
6.63 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.53 on the Morrison's arm of the roundabout with the longest delay of 7.70 seconds per vehicle on the Morrison's arm of the roundabout.

Glevum Way Roundabout 2018 weekday PM peak with development

- 6.64 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.45 on the Morrison's arm of the roundabout with the longest delay of 6.58 seconds on the same arm. The longest delay has reduced from the 2018 peak without the development due to the minor decrease in expected trips.

Glevum Way Roundabout 2018 Saturday peak with development

- 6.65 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.54 on the Morrison's arm of the roundabout with the longest delay of 8.03 seconds on the same arm.
- 6.66 The junction capacity tests indicate that both roundabouts will continue to operate well within capacity during the peak trading and highway network peaks. This also further supports no requirement for additional modeling to be undertaken to reflect the 5 years post application submission of 2019 as the junctions are broadly operating with 50% spare capacity.

Conclusions and Recommendation

- 6.67 The Highway Authority is satisfied that the proposed development provides safe and suitable access and that the residual cumulative impact on the adjacent transport network is not severe in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework. On this basis no highway objection is raised subject to the inclusion of conditions.

Impact on Residential Amenity

- 6.68 The closest residential properties are those in Abbeydale Court to the south of the site. These premises are separated from the site by Abbeymead Avenue and at its closest the application site is approximately 34.5 metres from the closest building within this development.
- 6.69 To the east of the site are residential properties in Staunton Close and Didbrook Mews. The application site is approximately 89 metres from the rear garden boundary of the closest residential property to the east in Staunton Close and approximately 90 metres to the side wall of the closest property in Didbrook Mews. These properties are separated from the application site by the watercourse and intervening land.
- 6.70 It is common for petrol filling stations to be adjacent to residential properties and the Environmental Protection Officer has carefully considered the application and subject to conditions has raised no objection to the application.
- 6.71 Overall it is considered that the site is sufficiently far away from the closest residential properties that the proposed use would not have any significant adverse impact on the residential amenity of the occupiers of surrounding residential properties.

Flooding

- 6.72 A Drainage Impact Assessment, (revised in December 2014), has been submitted in support of the application. This report confirms that the application site is located wholly within Flood Zone 1 and as such is considered as 'low risk' and assessed as having a less than 1 in 1000 annual probability of river flooding in any year.
- 6.73 The Assessment demonstrates that a technically feasible drainage solution exists for the site and presents an assessment of flood risk at and in the vicinity of the site to inform and justify the design of the surface water drainage scheme. The City Council's Drainage Engineer and the Environment Agency have confirmed that they have no objection to the application subject to the inclusion of a condition requiring the submission and approval of a detailed drainage scheme prior to the commencement of development.

Ecology

- 6.74 It is acknowledged that there is an active badger sett on the adjacent land, the Environmental Planning Service Manager has visited the site on a number of occasions and has confirmed that there is no evidence of any activity, either animal tracks or holes immediately adjacent to the application site. The set is in excess of 30 metres from the existing building. This is an existing developed site enclosed by a timber fence with no signs of badger activity within it. On this basis it is not considered that the existing sett would be compromised by the proposal and no objection is raised.
- 6.75 Details of the proposed lighting have been submitted as part of the application and this has been assessed to ensure that there will not be significant light spill which may cause disturbance to any bats potentially using the adjacent woodland area.

Trees and Soft Landscaping

- 6.76 The Tree Officer has confirmed that a number of trees on land within the applicants ownership adjacent to the application site that are protected by a Tree Preservation Order and the land will need to be fenced off during construction to prevent any storage of materials in this area.
- 6.77 The landscaping strip proposed to screen the tanks and fencing would initially provide limited screening value. Once established (after 5-10 years) the tanks would probably be screened by vegetation - although Abbeymead Ave and it's pavement is notably located above the tanks and planting area, so the tanks could be visible from the road for many years. The proposed shrubs for the screening strip are a mix of evergreen and deciduous species and once established would provide suitable screening, as well as foraging and nesting sites for birds.
- 6.78 There is significant shrub planting proposed within the 8m sewer easement along the majority of the eastern boundary of the site. The Landscape Officer has raised questions as to whether be acceptable, as generally any tree or shrub planting is opposed or restricted within an easement area by the utility companies. In this respect, the landscaping plan submitted is perhaps slightly

misleading, in that the extensive buffer planting proposed to the eastern boundary might not be achievable, although the remaining undeveloped land to the east will provide some existing screening (unless this site is also developed).

- 6.79 The Landscape Officer has questioned the practicality to retain the existing mature willow tree on the SW corner of the site. Firstly, the works required to construct the PFS forecourt would most likely have an impact on the tree roots and secondly it would be very difficult to establish any new planting under the tree canopy. As a weeping tree, there is normally very little planted under the canopies of such species. On this basis the Landscape Officer has recommended that the willow be replaced with a semi-mature tree or group of trees of a more appropriate species. Further tree planting along the Glevum Way frontage would also be desirable.
- 6.80 An amended landscaping plan has been submitted as part of the appeal submission which will be reviewed by the Landscape Officer and any further comments will be made to the Planning Inspector.

Visual Amenity

- 6.81 The application proposes a fairly standard petrol filling station with associated uses and there is no objection to the design, siting or scale of the fuel pumps, canopy, kiosk or jet wash areas. However, the current application also involves the siting of above ground fuel storage tanks. Taken together and including the above ground pipework the tanks would extend for a length of approximately 34 metres at a height of 4 metres for the diesel tank and 3.65 metres for the petrol tank with an equivalent width. These above ground tanks are proposed to the front of the site in the most visually prominent position adjacent to Abbeymead Avenue at its junction to Glevum Way and it is considered that the impact of the tanks in this location will be very significant. Taken together with the proposed 2 metre high palisade fence, the 8 metre high light column and associated above ground pipework it is considered that the frontage would appear 'industrial' in nature.
- 6.82 While it is proposed to provide a landscaping strip, comprising a mix of evergreen and deciduous species, to help screen the tanks, the Landscape Officer has indicated that this would initially provide limited screening value. Once established (after 5-10 years) the tanks would probably be screened by vegetation although Abbeymead Avenue and its pavement are located at a higher level and the tanks are likely to be visible for many years.
- 6.83 In terms of the planning and urban design issues, it is considered that that the most significant issue would be the impact of the fuel tanks on the character of the area. At present, the area is characterised by predominantly residential uses, set within areas of generous landscaping, set back from the main roads through the area. The buildings within the District Centre, including the pub site are also set back from the main roads. Building materials are generally a yellow/buff coloured brick. The feel of the area is suburban with a definite out of town centre residential character and local centre.

- 6.84 Overall it is considered that given the scale, design and appearance, nature and siting of the fuel tanks on this very prominent site, the above ground fuel tanks would have a visually dominant and unacceptable impact on the visual amenity and character of the area. On this basis it is considered that the proposal is in conflict with the principles and policies from the Second Deposit City of Gloucester Local Plan (2002) and the NPPF, specifically:

Second Stage Deposit Local plan 2002

Para 4.9 - Proposals that are inappropriate to their context, such as those that are out of scale or incompatible with their surroundings, or other poor designs will be rejected. (p.42)

Para 4.16 - .. the opportunity should be taken to reinforce the positive local character or identity in the design and appearance of new development. In cases where there is little or no existing identity, or a negative identity, the development should contribute towards the creation of a new positive identity or character. (p.44)

Policy BE.7 Architectural Design

The NPPF and National Planning Practice Guide (NPPG) also contain design policies, the most relevant being the following.

Paragraph 64 of the NPPF states that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Human Rights

- 6.85 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 proposes the redevelopment of the site currently occupied by the Ridge and Furrow Public House and associated car parking area. The Public House closed on 16th December 2013.
- 7.3 It is recognised that the loss of the existing Public House and its replacement with a petrol filling station has raised significant local concern. However, local opposition to a planning application is not, in itself, a reason to justify the refusal of a planning application.
- 7.4 I consider that the listing of the property as an asset of community value is a material consideration in the determination of this planning application. However, I consider that the weight that can be attributed to this is limited in the context of the hierarchy of planning policy contained in the National Planning Policy Framework and local planning policy.
- 7.5 Whilst the Planning Policy Sub-Committee endorsed the Interim Policy Statement for the protection of public houses at its meeting on 12th February 2012, this Statement has not been adopted as interim planning policy and cannot currently be used in the determination of planning applications.
- 7.6 In the absence of relevant local plan policies in relation to community facilities the application should be assessed in accordance with the provisions of the NPPF. Whilst it is accepted that the Ridge and Furrow Public House had some community value, information has been submitted to indicate that it was no longer financially viable and a commercial decision was made to close the Public House. It is also considered that the uses within and adjacent to the District Centre together with the services in the wider area would continue to provide for the 'day to day needs' of the community, the community value is therefore not considered to be as significant in this instance and a refusal of planning permission on this basis cannot be sustained.
- 7.7 It is recognised that this is a sensitive location given the proximity of the application site to existing residential properties. It is, however, not uncommon for petrol filling stations to be sited adjacent to residential properties and taking into account the distance between the site and the closest residential properties and subject to the imposition of a number of conditions the Environmental Protection Service Manager has raised no objections to the application.
- 7.8 The Highway Authority is satisfied that there are no issues relating to the capacity of the local highway network or highway safety to justify a refusal of planning permission on highway grounds. On this basis the County Council has raised no highway objection to the application subject to conditions. Paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" Whilst it is accepted that there will be some effect on the surrounding road network and existing highway users, it is not considered that the impact of the development, even when considered

with the adjacent permitted development, would be significant or 'severe' and it therefore complies with the NPPF.

- 7.9 Issues in relation to the safety of the above ground fuel tanks will be fully considered as part of the petroleum licensing requirements. The Counter Terrorism Security Officer and Fire Safety Enforcement Team have, however, both raised concerns regarding the location of the above ground fuel tanks adjacent to Abbeymead Avenue and the need for the tanks to be adequately protected by suitable vehicle mitigation bollards. The recommendation of the Development Control Manager reflects that such measures were not included as part of the submitted planning application. Whilst it is recognised that the revised drawings submitted as part of the planning appeal appear to incorporate 'anti ram raid' bollards to the outside of the palisade fence, these have not yet been consulted upon. If following further consultation the Counter Terrorism Security Officer and Fire Safety Enforcement Team confirm that the measures proposed address their concerns and the Inspector accepts the amended plans, Officers will reflect this in dealing with the appeal.
- 7.10 It is accepted that the use of above ground fuel tanks is a response to the Environment Agency's objection to the previous planning application. However, the solution to place over ground fuel tanks of the scale proposed in the most prominent part of the site is considered unacceptable on the grounds of the adverse impact this would have on the character and visual amenities of the area. In its response to the previous application the Environment Agency suggested that it may be acceptable to partially submerge the fuel tanks which would further reduce their impact, no evidence has been provided to justify the siting of the above ground fuel tanks. Overall the design, scale and prominent siting of the above ground fuel tanks together with the associated pipework and palisade fence are considered to be unacceptable.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That the City Council's position in relation to the appeal is that 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.

It is further recommended 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.

Decision:

Notes:

.....

.....

Person to contact: Caroline Townley
(Tel: 396780.)

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	12TH MAY 2015
ADDRESS/LOCATION	:	1 POPLAR CLOSE
APPLICATION NO. & WARD	:	15/00301/COU PODSMEAD
EXPIRY DATE	:	1ST MAY 2015
APPLICANT	:	MR FRANK DALLIMORE
PROPOSAL	:	PROPOSED CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL GARDEN AND ERECTION OF 1.8 METRE HIGH FENCE.
REPORT BY	:	CAROLINE TOWNLEY
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a corner plot located at the junction of Poplar Close and Laburnum Road. The estate layout is an open plan 'Radburn' style, with vehicular access and garaging to the rear and access to the front of properties via a footpath network set within large open grassed areas and trees.
- 1.2 The application relates to an end property with a large open grass area to the side which incorporates two mature trees. The existing boundary comprises of an 1800mm high brick wall to the side and rear of the house enclosing the rear garden. The wall is in line with the front of the house, set back from the side elevation by a gate width, continuing in a straight line and lining up with the front of the garage at the rear.
- 1.3 The application seeks planning permission to erect a 1.8 metre timber fence to incorporate an area of the side amenity land into the rear garden. This area is currently grassed and incorporates two trees. The land is currently owned by Persimmon Homes.
- 1.4 The proposed fence would be set in from the back edge of the pavement maintaining an area of grassed verge, ranging in depth from 2 metres at its narrowest to approximately 4 metres. It is proposed that the close boarded fence would be stained a 'Forest Green' colour or similar. This would result in the tree to the front of the site being retained on the outside of the fence with the tree towards the rear being incorporated within the enlarged garden area.

The submitted Planning Statement states that the Applicant would be willing to replace the over-pruned / mis-shaped tree to the front of the site with one or two new trees on the outside of the fence to further soften any impact and enhance appearance when viewed in the streetscene.

- 1.5 The application has been brought to Committee because the applicant is related to a Councillor.

2.0 RELEVANT PLANNING HISTORY

- 2.1 An application was originally submitted in August 2011 (ref. 11/00978/FUL) for the change of use of amenity land into residential garden and the erection of a 1.8 metre high timber fence. This application proposed a fence positioned 1200mm from the back edge of the pavement to the rear, side and front of the property. At the front the proposed new fence was set forward from the existing gate by approximately 3500mm. At the rear the fence was proposed to be in line with the front of the garage for approximately 4000mm and then step back to 1200mm from the back edge of the footpath continuing around the corner and along Laburnum Road. A planting scheme was prepared for the strip of land between the footpath and new fence.

- 2.2 The landscaping scheme submitted with the 2011 application proposed 1200mm planting area between the fence and back edge of the footpath. The Landscape Architect raised concerns regarding the plants indicated as several of the species proposed can grow quite large and included spiky planting (berberis) which is not normally allowed adjacent to a footpath and plants such as Weigela, Amelanchier, Cornus, Cotoneaster, Viburnum, Forsythia which can grow quite tall and potentially spread across the footway. This type of planting has become a maintenance issue in many housing areas across the City. Following concerns raised by Officers this previous application was withdrawn.

- 2.3 A revised application for a change of use of amenity land into residential garden and the erection of a 1.8 metre high timber fence was submitted in February 2012 (ref. 12/00163/FUL). The proposed fence was shown set in from the footpath at the rear by 3 metres reducing to 1.5 metres from the footpath at the side in Laburnum Road and cut in towards the front of the house to a point 2.7 metres back from the existing side gate. The application was reported to Planning Committee on 3rd April 2012 with an Officer recommendation to grant planning permission. However, the Committee resolved to refuse planning permission for the following reason:

“The proposed fence by virtue of its overall height, prominent siting and enclosure of this open area of amenity land would result in an unsatisfactory erosion of the spacious open plan character of the area which would be detrimental to the visual amenity of the area as a whole. The proposal is therefore contrary to Policy BE.19 of the Second Deposit City of Gloucester Local Plan (2002).”

- 2.4 An appeal was subsequently dismissed when the Inspector concluded that in her consideration “*the proposed fence would be prominent in the street scene and the enclosure of this open area would erode the spacious open plan character of the locality. Whilst a similar development at 47 Sycamore Close has been brought to my attention, I consider that this should not be repeated because of the harm caused to the character and appearance of the area. The issue raised about the proposal preventing dogs fouling the area does not alter my conclusion that the appeal proposal would be harmful to the character and appearance of the area.*

I conclude that the proposal conflicts with Policy BE19 of the Second Deposit City of Gloucester Local Plan (2002). Although the Plan has not been adopted, I attach some weight to its policies which have been the subject to consultation and also conflict with the core planning principles of the National Planning Policy Framework which seek to secure high quality design, and enhance and improve the places in which people live their lives.”

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 1983 and 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 policy is the most relevant:
- Policy BE.19 (Enclosure of Front Gardens on Existing Open Plan Estates) states that enclosure of gardens and unusable strips of land will be allowed on existing open plan estates provided that the land to be enclosed does not adjoin a footpath link and its enclosure does not harm the visual amenity or community safety of the locality.
- 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 CONSULTATIONS

4.1 **Gloucestershire County Council (Highways)** – The Highway Authority did not object to the previous applications and therefore no highway objection is raised.

4.2 **Landscape Officer** – Considers that the proposal represents an acceptable compromise between extending the garden area, whilst retaining visual amenity and the open green feel to the Radburn-style estate. The removal of the over-pruned/mis-shapen tree near the front of the property and replacement with two new trees on the remaining strip of green amenity land would be beneficial; the suggested birch trees would be a suitable species. Would need to know the size and exact locations of the proposed replacements prior to approval.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the display of a site notice. In addition 12 properties have been notified of the application in writing.

5.2 As a result of this publicity two letters of representation have been received, one of which was anonymous. The main issues raised can be summarised as:

- My decision to move to Oaklands Park was due to the open land which children could play on. Believe if the land is fenced off this would remove a safe area for children to play, as unfortunately the nearby fields are not a safe place for younger children to be.

- Oaklands Park was built on the premise of large open spaces of green land.
- Could set a precedent for further development for the remaining green areas to be taken away from public use and affect the general outlook of the area.
- Concerned that one of the applicants is in a position of power at the City Council and would not like to see the application compromised in any way because of this.
- Fence would look unsightly and look out of place compared to the rest of the area. Feel the fence is particularly high.
- Have lived on the estate for 25 years and feel the main attraction of living here are the green open spaces. These spaces should remain in community use.
- Young children enjoy playing on the green open spaces where their parents can see them.
- Do not agree that that the application site has a smaller garden than other houses in that row and do not recognise the argument that extending the garden would make much difference to the family in terms of extra space for the children who are free to make use of the amenity land.
- Concerned that it will result in further physical development to the property which may allow the homeowners to increase the value of their property to the detriment of the general outlook of the area.
- Aware that similar planning applications have been refused in the past and feel the slight alterations to the original application do not go nearly far enough to make it acceptable.
- Aware that planning procedures have been relaxed and it wouldn't be very difficult to extend the property.

5.3 The Planning Agent for the application has submitted a letter addressing the issues raised in the anonymous letter and states that in his view the Planning Committee should give very little weight to comments made anonymously and that many local planning authorities will not entertain them. However, the following responses have been made to the points raised in the objection:

- **Precedent** – each application is determined on its merits. Granting planning permission will not set a precedent. Indeed, the previous Committee and appeal decisions demonstrate this. The current proposal is a substantially different proposal, which addresses the identified concerns arising from the earlier scheme. It should also be noted that the 'precedent' case referred to in the earlier application / appeal (47 Sycamore Close) has now extended its fence up to the edge of the footway.
- **Unsightly** - it is difficult to understand the notion that a retained grassed space, retained (and potentially new) trees and a green stained high quality close boarded fence can be judged 'unsightly.' It is not.
- **Openness** – the current proposal retains a substantial grassed area to ensure that the openness will be maintained (cf 47 Sycamore Close).

- **Link with ‘position of power’** – the applicant’s link with Councillor J. Dallimore was openly disclosed through the application submission. It is understood that Council rules in such circumstances (which are by no means unique) require Planning Committee consideration. The anonymous writer’s implication of some sort of undue influence is quite unfounded.
- **‘Not accepting no for an answer’** – this is a materially different proposal to the earlier refused scheme. The Applicant is entitled to put forward a revised scheme that addresses earlier identified concerns. That does not make a ‘mockery’ of the planning system but it is, actually, a quite normal and healthy process i.e. bringing forward a revised scheme to overcome identified planning concerns.

5.4 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=15/00301/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 As with the previous application it is considered that the main issue relates to the impact of re-siting the boundary on the visual amenities of the area.
- 6.3 The application property is detached and located on a corner plot, with an open grassed area to the front, side and rear. This open area is near to the entrance to the housing estate and helps create clear lines of site at the junction for vehicles and pedestrians alike. To the front of the properties is an open grassed area with footpaths linking other streets within the estate.
- 6.4 It is apparent that the surrounding area has been carefully planned and is generally well maintained creating an attractive and open environment. The area is characterised by open front gardens and buffers onto the network of public footpaths, with brick walls enclosing the gardens adjacent to the highway. The exception is the property opposite the application site at 47 Sycamore Close which had planning permission to reposition the side boundary in 1984 (ref. 38891/01). While at the time of the previous application in 2012 there was planting positioned between this boundary fence and the back edge of the footpath it is noted that this landscaping has since been removed and the fence has been repositioned to the back edge of the footpath.
- 6.5 In refusing the previous application the Planning Committee expressed concern that the granting of permission would change the open nature of the

estate to the detriment of the character and visual amenities of the area as a whole. The Planning Inspector concluded that the proposed fence would be both prominent in the street scene and the enclosure of the open area would erode the spacious open plan character of the locality and as such the proposal was in conflict with Policy BE.19 of the Second Deposit City of Gloucester Local Plan (2002).

- 6.6 Policy BE.19 has a general presumption in favour of enclosing side strips in open plan areas where the land to be enclosed does not adjoin a footpath link and would not be to the detriment of the visual amenities of the area. Chapter 7 of the National Planning Policy Framework seeks to secure high quality design to enhance and improve the places in which people live their lives.
- 6.7 The current application is materially different to the previous application and has been amended to address the previous reason for refusal and appeal decision. I consider that the most important aspect is to protect the open area to the front which runs between the fronts of properties in Poplar Close and Sycamore Close with its network of footpaths. The area of land to be retained on the public side of the fence has been enlarged and the openness retained to the front with additional tree planting proposed.
- 6.8 I consider that the issues raised by this application are very finely balanced. Whilst it is accepted that an area of the existing green space will still be lost, the current proposal retains the openness to the front and rear together with an increased area to the side. The Highway Authority and Landscape Officer raise no objections to the application.
- 6.9 Overall after careful consideration, taking into account the previous history, Policy BE.19 of the Second Deposit Local Plan and the principles outlined in the NPPF including the presumption in favour of sustainable development, it is recommended that planning permission be granted subject to conditions.

Human Rights

- 6.10 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 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That planning permission is granted subject to 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

Required to be imposed by 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 forms, site plan, block plan and supporting information received by the Local Planning Authority on 3rd March 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

Development shall not take place until a landscaping scheme indicating the replacement trees has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing and a written specification describing the species, size and location of the proposed trees together with details of any proposed tree surgery to be undertaken to the existing trees and details of any trees to be removed.

Reason

In the interests of the visual amenity of the area in accordance with Policy BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

The landscaping scheme approved under condition 3 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies BE4 and BE.12 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.

Decision:

Notes:

.....

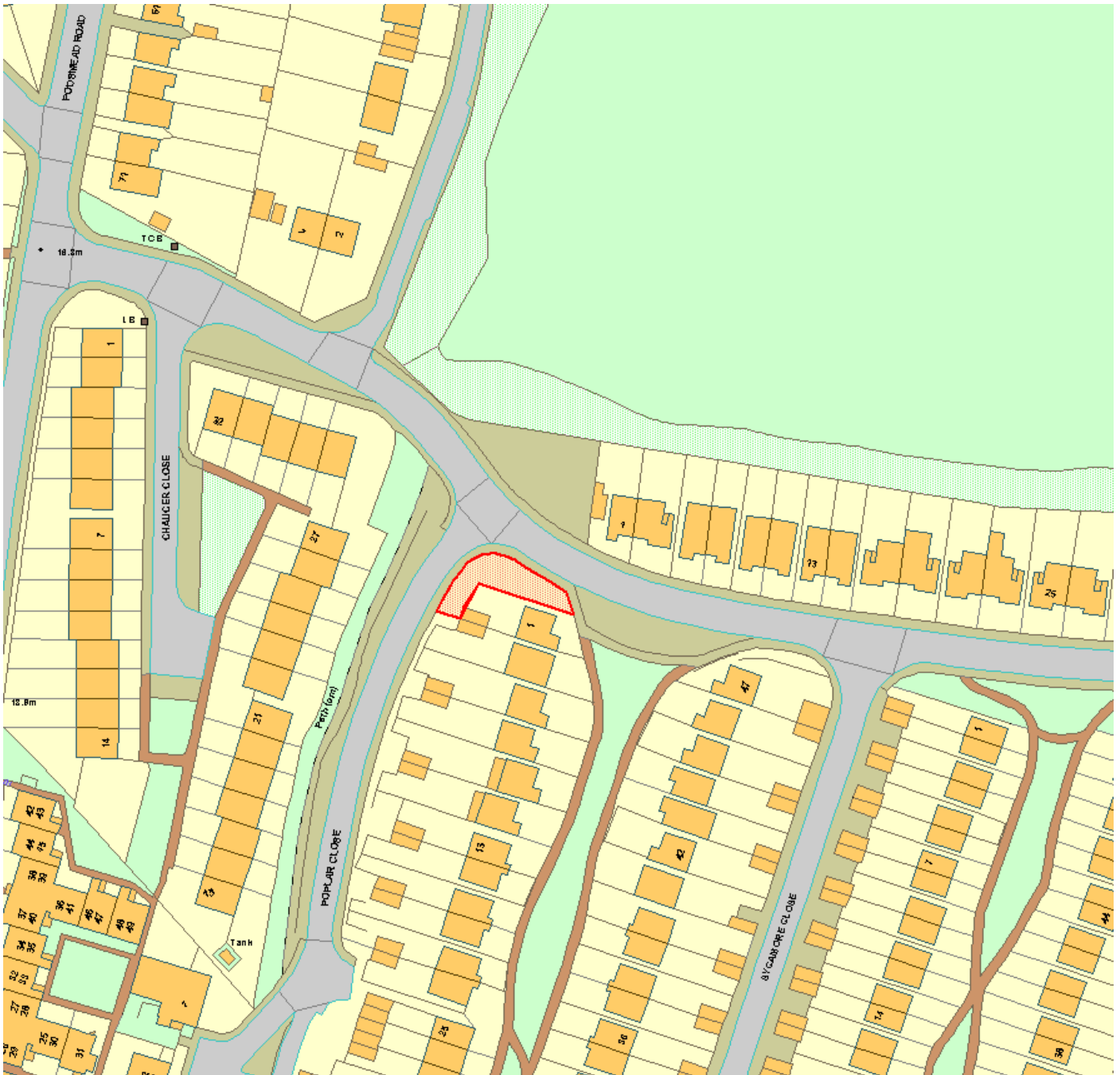
.....

Person to contact: Caroline Townley
(Tel: 396780.)

15/00301/COU

1 Poplar Close
Gloucester
GL1 5TX

Planning Committee 12.05.2015



© Crown copyright and database rights 2011 Ordnance Survey 10019169
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **12TH MAY 2015**

ADDRESS/LOCATION : **1 ALBION STREET, GLOUCESTER, GL1 1UE**

APPLICATION NO. & WARD : **15/00219/FUL (WESTGATE)**

EXPIRY DATE : **22 APRIL 2015**

APPLICANT : **Ms HENRIETTA LAMPKIN**

PROPOSAL : **RETENTION OF SASH-BOX UPVC WINDOWS**

REPORT BY : **CAROLINE ANSELL, CONSERVATION PROJECTS OFFICER**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is for the retention of UPVC sash-box windows. In October 2014 the applicant replaced her timber sash windows with double glazed UPVC sash windows. Under the General Permitted Development Order 1995 as amended, planning consent is not required for this type of work to a private dwelling even if it is in a conservation area. However Local Authorities can take away these rights by placing an Article 4 direction on specified properties in the Conservation Area. This property lies within the Southgate Street Article 4 Area which was set up to support the work of the Southgate Street Townscape Heritage Initiative Grant Scheme which will run for five years from September 2013. The applicant replaced her windows within 8 months of the Article 4 coming into affect without first applying for planning permission, so the application is retrospective.
- 1.2 The application site is located at the entrance to Albion Street near the junction with Southgate Street. The property is a detached three storey house with a basement. The property is a Victorian town house constructed in red brick and lies within the Southgate Street Conservation Area. It is identified as a positive building on the townscape appraisal map as it makes a positive contribution to the character and appearance of the Conservation Area.

1.3 The application has been brought to Committee at the request of the Head of Planning.

2.0 RELEVANT PLANNING HISTORY

2.1 12130 (P/31/64):- (OUT APP) DEMOLITION EXISTING HOUSE,ERECT OFFICE,WAREHOUSE,EXT – approved – 25/02/64

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 1983 and 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 the most relevant:

- BE.21 – Safeguarding of amenity
- 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 In 2013 the Southgate Street Conservation Area Appraisal and Management Proposals document was reviewed and a revised document was approved in Jan 2014. Policies CA2/10 & CA2/11 are most relevant in this case. The Article 4 direction came into force on 14th February 2014.

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

4.0 CONSULTATIONS

4.1 **Conservation** - I have assessed this application in the light of the NPPF, in particular S12 on Conserving and Enhancing the Historic Environment; the Joint Core Strategy-Submission Version Nov 2014, Policy SD9- Historic Environment; the Gloucester City Council Revised Deposit Local Plan August 2002, Policy BE29-Development within CA's and Policies CA2/10 and CA2/11 in the Southgate St. CA Appraisals & Management Document. At national level although there is a presumption in favour of sustainable development, one of the 12 core planning principles which should underpin decision making is the 'conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed by future generations'.

I accept that the plain timber sash windows which have been replaced were unlikely to have been the original Victorian windows and that they were in poor state of repair. The applicant told me that she had based the style of her new windows (although not the material) on an old timber, four-pane sash window with horns to the top sash, she had found in her back garden. She no longer has this window but says that it was very similar to the ones at first floor level in No. 5 Albion St. This style of window, which can also be seen round the corner in Southgate St. at the Whitesmith's Arms, is typical of a mid-Victorian window, it was only in the late Victorian period that plain sashes were more common and then there were lots of variations on a theme. Therefore, if the applicant had sought my advice prior to submitting an application, I would have been likely to agree such a style but in timber and single glazing, as being an appropriate style for the age of the building and thus enhancing its appearance. However, in my opinion the windows which have been fitted do not sustain or enhance the significance of the heritage asset by virtue of the fact that the windows are double glazed and made out of white uPVC.

As part of her case for retaining the windows, the applicant states that neighbours have commented on how good the windows look and that they can't tell the difference between them and timber single glazed ones. Whilst I accept

that the design of the windows is a better attempt than most, being of a sash style with individual panes of glass between the glazing bars, it is in my view still clearly not historically correct. The use of white uPVC gives a uniform sheen, unlike the individuality of painted wood. Being double glazed there is a reflection in the glass you don't get from single glazing and the depth of the meeting rail appears greater. The applicant has also stated that she could not afford timber windows, the quote being over twice that for uPVC. From April 2011 to March 2012 the City Council ran a facelift grant scheme in the Southgate St Conservation Area. In Nov 2011 the applicant applied for a grant to repair and restore her existing sash windows. In Feb 2012 she was offered a grant of 60% of the cost of the cheapest quote. This was not taken up. It is worth noting that if it had been agreed that the windows were beyond repair, which is the applicants' case, then she could have applied for a grant for new timber sash windows.

I therefore recommend refusal of the application on the following grounds:

That the uPVC, double glazed sash windows by virtue of their material and construction are harmful to significance of the heritage asset, namely a positive building in the Southgate Street Conservation Area and are therefore contrary to the policies outlined in the third paragraph above.

4.2 Townscape Heritage Initiative Officer - The above property falls within the Southgate St Conservation Area and within the Southgate Street Townscape Heritage Initiative boundary, and is subject to the Article 4 Direction for that area, where the usual permitted development rights have been removed.

The Southgate St Article 4 Direction has been implemented as part of an ongoing process of review and management of the City's conservation areas, and is a key element of the Council's drive to preserve and enhance the historic character of the Southgate St conservation area. The Article 4 Direction was also a Heritage Lottery Fund (HLF) requirement as part of the successful bid for Townscape Heritage Initiative (THI) funding. The Townscape Heritage programme provides funding for schemes which help communities to improve the built historic environment within conservation areas in need of investment across the UK. One of the key aims of the scheme is to reinstate lost architectural detailing and enhance properties where insensitive alterations have taken place. This includes the replacement of unsympathetic UPVC windows with traditional timber sashes.

HLF guidance on the THI under its section on 'Maintaining and managing the conservation area during the lifetime of the scheme' states that "Where necessary, all conservation areas which benefit from THI funding should have an Article 4 direction imposed, ideally before the scheme starts". When Gloucester City Council was awarded the funding for the scheme in Sep 2013, adoption of the Article 4 Direction was made a specific condition of the grant.

The Article 4 Direction gives the local authority the power to remove such permitted development rights that are considered to have the most detrimental impact on the street scene including the replacement of traditional timber

windows with inappropriate materials including plastic. Previously permitted development had impacted negatively upon the heritage value of the conservation area through incremental changes in the use of inappropriate materials and loss of original architectural features. The Southgate Street THI grant award from HLF was established on the basis that this process of decline would be addressed through an Article 4 Direction.

The properties on Albion Street have been identified as 'Positive' buildings within the Southgate Street Townscape Heritage Initiative Conservation Management Plan (September 2013). They are therefore seen as making a positive contribution to the built heritage and historic character of the area. UPVC is considered an inappropriate material. Its use is not sympathetic to the ethos of the THI management plan and undermines one of the key aims of the THI scheme.

Regular progress reports are made to the HLF as a requirement of the funding. Evaluation of the scheme, including its wider impact and the success or otherwise of initiatives undertaken, including the Article 4 Direction, is required. It is therefore fundamental to the success of the THI scheme, that the Article 4 Direction is implemented as intended, and that the use of inappropriate materials within the conservation area is discouraged.

4.3 Civic Trust – Planning permission should be refused. This house (1845) makes a positive contribution to the Southgate Conservation Area and it is tragic that the applicant has carried out the work without planning permission when she had previously been offered a grant by the council to replace the windows in wood. The council had also informed the applicant that permitted development rights did not apply in the Conservation Area. The panel's policy is to prevent the further erosion of Gloucester's built heritage through the unauthorized installation of plastic windows in listed buildings and those in Conservation Areas.

4.4 Urban Design – no comment

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through a Site Notice, Press notice and 21 neighbours were notified of the application – A petition with 9 neighbours signatures has been submitted with the application in support of the existing windows retention.

1 letter has been received from a resident of Brunswick Square stating that although they are UPVC they are very sympathetic to the building. I hope permission is granted as they are at least the right style unlike so many others in the area.

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:

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 Article 4 direction only applies to those parts of the building which front a highway or open space. Therefore this application solely relates to the replacement windows on the front of the building. A site visit was undertaken to view the windows in the context of the Conservation Area. It was noted that within the street there are very few examples of traditional windows, these changes having been made prior to the Article 4. The neighbouring property has poorly designed UPVC windows as do many of the properties. It is noted that the applicant, although using a non traditional material has used a traditional style. As referred to in my comments above, it is my view that if the applicant had sought pre-application advice then the style of the existing windows would have likely to have been supported but only if the windows had been constructed in timber and single glazed. It is therefore agreed that the style is appropriate for this age of property but not the material or double glazed aspect.
- 6.3 Policy CA2/10 of the Southgate Street Conservation Area Management Proposals (which has been adopted for Development Control purposes and is a material consideration) states that the council will establish and enforce Article 4 Directions to protect buildings that retain original features from inappropriate alteration. In addition, Policy CA2/11 states that the Council will encourage property owners to reverse unsympathetic alterations and to reinstate architectural features such as windows with modern replacements in the style and materials of the originals.
- 6.4 The Article 4 Direction has already been established in terms of policy CA2/10. In terms of CA2/11, as the windows are in situ it must be assessed whether the windows are significantly harmful to the character of the Conservation Area to warrant refusal. In my view they are for the reasons stated in the third paragraph of the Conservation comments above, i.e. white Upvc appears different to white painted timber in that it has a uniform sheen as opposed to the texture and grain of wood, in addition being double glazed there is a reflection from the glass that you don't get from single glazing and the depth of the meeting rail is greater.
- 6.5 The policy test to be applied is whether the development would preserve or enhance the character and appearance of the Conservation Area. In my view the new windows do not preserve or enhance the character and appearance of the CA as they have been made in a non-traditional way using non-traditional materials. This is the first application to be considered since the

Article 4 was put into place and in my view it is important that the reasons for setting it up i.e. to reverse the decline in the historic character of the area are supported in the decision making process.

6.7 It is recommended that the application is refused.

Human Rights

6.10 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 RECOMMENDATIONS OF THE HEAD OF PLANNING

That the application be refused for the following reason:

1. The uPVC, double glazed sash windows by virtue of their material and construction are harmful to the significance of the heritage asset, a positive building in the Southgate Street Conservation Area and are therefore contrary to paragraph 131 in the NPPF, policy SD9 in the JCS Submission Version Nov 2014, policy BE29 in the Gloucester City Council Revised Deposit Local Plan August 2002 and policy CA2/11 in the Southgate Street Conservation Area Appraisal & Management Proposals Document Jan 2014.

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.

Decision:

Notes:

.....

.....

Person to contact:

Caroline Ansell (Tel: 396194.)

15/00219/FUL

1 Albion Street
Gloucester
GL1 1UE

Planning Committee 12.05.2015



This page is intentionally left blank

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	12TH MAY 2015
ADDRESS/LOCATION	:	AREA 4B1 ON FRAMEWORK PLAN 4, KINGSWAY, FORMER RAF QUEDGELEY.
APPLICATION NO. & WARD	:	14/01477/REM QUEDGELEY FIELDCOURT
EXPIRY DATE	:	31ST MARCH 2015
APPLICANT	:	LINDEN HOMES
PROPOSAL	:	RESERVED MATTERS APPLICATION FOR THE ERECTION OF 131 ONE, TWO, THREE AND FOUR BEDROOM DWELLINGS, INCLUDING APARTMENTS AND HOUSES WITH VEHICULAR ACCESS, DRAINAGE AND ASSOCIATED WORKS ON AREA 4B1
REPORT BY	:	JOANN MENEAUD
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN 2. CURRENT SITE LAYOUT REVISION K

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The former RAF Quedgeley site comprises two areas of land located on the west and east side of the A38 to the south of the main urban centre of Gloucester. The larger part of the site on the east side of the A38 comprises approximately 133.5 hectares of land with a much smaller area of 3.25 hectares of land set between the A38 and the B4008. The larger part of the site is bounded by the railway line and Daniel's Brook to the east, the A38 to the west, Naas Lane to the south and the development known as Copeland Park to the north.
- 1.2 Outline planning permission for the redevelopment of the site was granted by the Secretary of State on the 26th June 2003 following a public inquiry in September and October 2001. The permission was for a mixed use development including residential (2650 dwellings), employment uses (B1 and B8) on 20 hectares of land, two primary schools, a local centre, roads, footpaths, cycleways and public open space.

- 1.3 A further public inquiry in 2007 relating to Framework Plan 4 of the site resulted in outline planning permission being granted by the Secretary of State for additional residential development including a primary school, roads, footpaths and cycleways, and public open space (providing an additional 650 dwellings to the total approved under the earlier outline planning permission to make an overall total of 3,300 dwellings).
- 1.3 A third outline permission was granted in April 2014 for the remaining undeveloped land parcels within Framework Plan 4 – which is the final phase of residential development on the Kingsway estate. This proposal is submitted as a reserved matters application under that third outline permission.
- 1.4 The application site is located to the far eastern boundary of Kingsway, to the east of Goose Bay Drive and running parallel to the railway line. Vehicular access to the land is via Fauld Drive and Goose Bay Drive. Land to the north of the site comprises open space, incorporating a balancing pond and the footway running around the perimeter of the estate up towards Tuffley.
- 1.5 The application proposes the erection of 131 dwellings and comprises one and two bedroom apartments, and one, two, three and four bedroom houses.

2.0 RELEVANT PLANNING HISTORY

2.1 00/00749/OUT

Outline permission for the redevelopment of the site was granted by the Secretary of State on 26th June 2003 following a public inquiry in September and October 2001. The permission was subject to 63 conditions.

06/01242/OUT

Proposed Residential development including a Primary School. roads, footpaths and cycleways, public open space, (Framework Plan 4 Kingsway) To provide an additional 650 dwellings to the total approved under outline planning permission 00/00749/OUT (Overall Total 3,300 dwellings). (Outline Application - All matters reserved) Granted on appeal September 2007

08/00584/FUL

Variation to condition 54 of planning permission APP/U1620/A/01/1062329 to amend the permitted hours for deliveries and construction work from 8 am to 7.30pm Monday to Saturday to 7.30 am to 7pm Monday to Saturday. Refused 25th June 2008.

08/00708/REM

Reserved matters application for the infrastructure (roads and drainage) to serve residential development on Framework Plan 4 and primary school on Framework Plan 2/3. Approved 10th August 2009.

13/00694/REP

Renewal of planning permission reference 06/01242/OUT Proposed Residential development including a Primary School. roads, footpaths and

cycleways, public open space, (Frame work Plan 4 Kingsway) to provide an additional 650 dwellings to the total approved under outline planning permission 00/00749/OUT (Overall Total 3,300 dwellings). (Outline Application - All matters reserved) in relation to land parcels 4A2, 4A3ii(b), 4B1, 4B2(part) and 4B3.
Permitted 3rd April 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 1983 and 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 BE1 – Scale, Massing and Height
 - Policy BE4 – Criteria for the layout, circulation and landscape of new development
 - Policy BE5 – Community safety
 - Policy BE6 – Access for all
 - Policy BE15 – Provision of open space and major development
 - Policy BE18 -Vehicular circulation and parking in new residential development
 - Policy BE21 – Safeguarding of amenity
 - Policy FRP6 – Surface water run-off
 - Policy FRP10 Noise
 - Policy FRP15 – Contaminated land
 - Policy TR31 – Road safety
 - Policy TR32 – Protection of cycle/pedestrian routes
 - Policy TR33 – Provision for cyclists/pedestrians
 - Policy FRP.15 – Contaminated Land
 - Policy H.7 – Housing density and layout
 - Policy H8 – Housing Mix
 - Policy H.15 – Provision of Affordable Housing
 - Policy H.16 – Affordable Housing Mix

- 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 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 Quedgeley Parish Council – Comment that all timber fences should include concrete fence posts or replace with railings or a wall.
- 4.2 Environmental Protection Manager– Response awaited.
- 4.3 County Highway Authority – Raises concerns with the layout and parking.
- 4.4 Urban Design Officer - Raises concerns with the design and layout.
- 4.5 Housing Manager – Raises concerns with layout and mix of units proposed.
- 4.6 Gloucestershire Constabulary Crime Prevention Officer – Raises a number of points for consideration with the layout including issues relating to security, provision of defensible space, appropriate boundary treatments and levels of natural surveillance.
- 4.7 Contamination Officer – Requires the standard contamination condition to be applied to any consent for the site.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 This application falls within the major category and therefore has been publicised with a press notice, site notices and individual letters to surrounding properties. No letters of representation have currently been received.
- 5.2 The full content of all correspondence on this application can be inspected online at the following link or at the reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://glcstrplnng12.co.uk/online-applications/simpleSearchResults.do;jsessionid=A4418CC8C4243C83AAC5E791ADB89D1A?action=firstPage>

6.0 OFFICER OPINION

- 6.1 The principle of residential development of this site is clearly established within the outline permissions. The main issues for consideration with this proposal are the layout and form of the proposed scheme, provision of affordable housing, contamination, parking, landscaping together with an assessment of the noise issues given the closeness of the site to the railway.
- 6.2 Considerable discussions have been undertaken on all aspects of this application. The applicant has submitted amended plans to address some of the issues but many elements of the proposal are still considered to be unacceptable. The applicant has stated that the issues of concern can be addressed and that amended plans will be submitted in sufficient time before committee, to allow for sufficient consideration and further consultation to be undertaken.

Matters of Concern That Still Need To Be Addressed /Resolved

Road Layout

- 6.3 This application is unusual in that it proposes all new roads within the development to be shared surface which means that there is no footpath or kerb alongside the road so the road space is shared between vehicles, cyclists and pedestrians and designed so that vehicle speeds are low. There are many similar roads within Kingsway designed in this way but generally they are relatively short sections of road that serve small residential areas and generally cul de sacs and private drives.
- 6.4 Concerns are raised with the principle of the design of the road layout and particularly concern for pedestrian safety, given the length of the roads concerned, the resulting number of properties that the shared surface serves and the potential speed that vehicles could achieve. Additionally there are a number of visitor car parking spaces proposed along sections of the road and it is inevitable that there will be some further on street parking, from residents and visitors, along these access roads. Such parking would obstruct the free flow of pedestrians and cyclists requiring them to weave in and out along the

road, without the safety of a pavement, and as currently designed vehicle speeds could be higher than is desirable, in the environment of a shared surface concept.

6.5 The Highway Authority have stated that before they can agree to the layout as proposed they require the following issues to be addressed:

- The provision of a 2 metre unobstructed route throughout the shared area.
- Roads to achieve a target speed of 15mph
- The bends on the northern section of the road need to provide a safe area for vulnerable road users.
- Better definition is required at the junctions of where the pavements along the adjoin roads stop and the shared surface starts.
- Confirmation of how parking will be prohibited in those areas required for parking

A meeting is being held with the applicant to discuss the resolution of the above issues.

Parking

6.6 Whilst many of the properties are provided with on plot parking (and some would have garages or car ports as well) there are a number of properties where parking is not within or next to the curtilage of the house. The amount of parking provided per property varies across the development, from the lowest levels of just one space, rising up to the provision of a garage and two spaces for many of the large four bedroom detached houses. We know from experience on other parts of the estate that where parking is not within the curtilage, it does tend to result in more indiscriminate parking on street, with residents wanting to park as close as possible to their property. As stated above, the more parking there is on street, the more obstructions there are to the free flow of pedestrians. I have asked the applicant to provide further justification for the parking levels on a plot by plot basis.

Social housing

6.7 The application proposes a total of 40 social units including 33 for rent and shared ownership and 7 low cost properties, the later being 4 two bedroom houses and 3 three bedroom houses. This meets the requirement for 30% social housing as set down within the Unilateral Undertaking attached to the outline permission.

The units for rent comprise 12 one and two bed apartments, 2 two bedroom flats over garages, 2 two bedroom houses, 11 three bedroom houses and 6 four bedroom houses.

The social housing is provided in two separate areas; a larger area comprising 23 units to the north eastern part of the site and the other of 17 units to the southern end of the site.

6.8 There are concerns with the current proposals including the size of the larger cluster of units which together with the concentration of the larger houses and apartments would result in a high density of residents within a relatively small area. It is unfortunate that no bungalow is proposed as we have been able to

negotiate bungalows on many of the other phases. The provision of only one car space for a number of properties is also considered to be low and as detailed above, justification for levels of parking has been requested.

- 6.9 The Housing Strategy Manager confirms this view stating that the rented accommodation will be occupied to the maximum and as currently proposed, will result in high child densities within these areas. There is therefore a requirement to re-plan these areas and better integrate the low cost units and rented units to help reduce the concentration of fully occupied houses.

Relationships

- 6.10 Some elements of the design and layout are quite close knit and other parts are more spacious. There are a variety of plot sizes with a variety of garden sizes ranging from 6 metres to about 13 metres in depth. In some cases the relationships and back to back distances between proposed houses is tight and there are instances where they are below our normal standards. The applicant has made some changes to address these but I consider that further improvements could be achieved.

Noise Issues from the railway

- 6.11 The site lies in close proximity to the railway and national requirements seek to ensure that dwellings have acceptable levels of noise both within the dwelling and within any private external space. A noise assessment including recording of noise levels on site has been undertaken, and the findings are currently being considered.

Drainage Details

- 6.12 As required by conditions attached to the original outline planning permission, the entire RAF Quedgeley site is covered by an overall drainage strategy. The strategy sets down the principles for the drainage system and each reserved matters application needs to accord with the approved strategy. The strategy also requires each Framework Plan to have a further strategy document specific to its area. A drainage strategy for Framework Plan 4 has now been approved under the outline permission.
- 6.13 The overall strategy sets down the use of sustainable urban drainage systems and requires that the surface water drainage system to be designed for the 1 in 100 year event with a 20% allowance for climate change. The detailed drainage proposals for this residential parcel are currently being considered.

Matters Considered Acceptable

Landscaping

- 6.14 The plans propose new tree planting to the northern and eastern boundaries of the site adjacent to the open spaces, together with a number of trees throughout the development. Additional plant and shrub planting is proposed within the small amenity areas, spaces between parking areas and to front and side gardens of properties. The plans have been amended since originally submitted and are now consider acceptable. However the

landscaping will need to be re-considered once any further plans are submitted that amend the overall layout.

General design issues

6.15 The scheme proposes predominantly two storey housing with a number of “fogs” (flats over garages at two storey), thirteen two and a half storey houses and twelve apartments within a three storey building. The two and a half storey housing is sited at key locations to provide focal points in the street scene.

The house designs are reflective of those built on adjoining phases and should relate well to the surrounding residential properties.

6.16 It is unfortunate that an electricity sub station is located prominently at the entrance road into the site. I have asked the applicant to look to re-siting this but he has stated that the siting is fixed by the statutory undertaker. Amended plans now propose that the building will be constructed in brick which is preferred to the normal “green cabinet, which together with the landscaping proposed should help reduce its prominence in the street scene.

6.17 The application proposes two links through to the footpath/cycleway that runs in a westerly direction towards the sports park and local centre and additionally to the north, around the perimeter of the estate and ultimately links into Copeland Park. These should provide convenient access for the new residents to the footway network and adjacent open spaces.

Contamination

6.18 The issue of land contamination has been previously conditioned on the outline planning permission and an agreed strategy is in place for the entire site. The standard condition is again proposed.

Human Rights

6.19 In considering this application 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 CONCLUSIONS

7.1 Many of the issues arising from this proposal are still to be resolved including the principle and design of the shared surface road arrangement, parking provision, affordable housing issues and relationships between properties.

7.2 Officers would normally seek to negotiate on these matters and secure acceptable amendments prior to bringing an application to committee. However in this case the applicant has stated that it is critical that the application is determined before 24th May and provided assurances that the outstanding matters will be addressed.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 No formal recommendation can be made at this stage.

Decision:

Notes:

.....

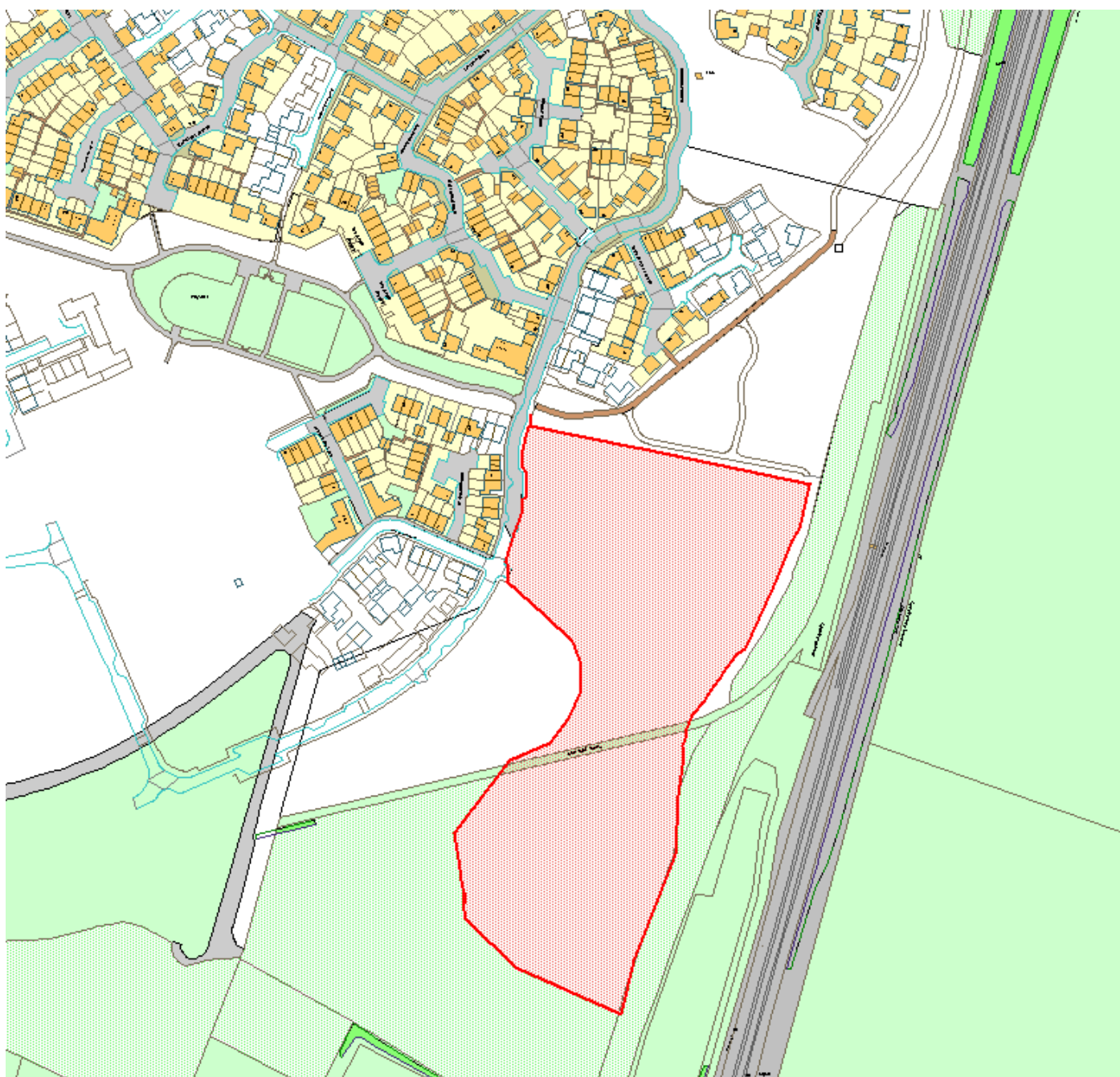
.....

Person to contact: Joann Meneaud
(Tel: 396787)

14/01477/REM

**Land To East West Of A38 And
Naas Lane
Quedgeley
Gloucester**

Planning Committee 12.05.2015



© Pegasus Planning Group Ltd. All rights reserved. Ordnance Survey Copyright License number 100042075. Premap License number 100020446. Standard OS license rights, one year from purchase. Drawings prepared for planning application purposes and can be scaled drawings are not to be used for construction or sales documents. Please refer to [client] for development design risk assessment documents. Pegasus Urban Design is part of Pegasus Planning Group Ltd. Any queries to be reported to Pegasus for clarification.



Key:

- SITE BOUNDARY
- PROPOSED BUILT FORM
- LOCATION OF LOW COST HOUSING
- LOCATION OF AFFORDABLE RENT HOUSING
- LOCATION OF LIFE TIME HOMES COMPLIANT HOUSING
- 1.8M BRICK WALL
- 1.8M CLOSE BOARD TIMBER FENCE
- 1.8M TIMBER PANEL FENCE
- 0.7M METAL RAILINGS
- 0.63M TIMBER KNEE RAIL
- 1.8M TIMBER GARDEN GATE
- LINK TO EXISTING PUBLIC FOOTPATH/CYCLEWAY
- CAR POST FOR DISABLED PARKING PROVISION
- REFUSE COLLECTION POINT

ACCOMMODATION SCHEDULE				
UNITS		BEDS	SIZE	NO.
PRIVATE DWELLING				
210	Mid Terrace	2	666	8
220(220) FOG	Detached	2	714	5
210	Semi-Detached	3	799	14
210	End Terrace	2	799	9
200	Semi-Detached	3	800	14
200	End Terrace	3	800	1
200	Detached	3	800	10
200	Detached	3	899	4
200	Detached	3	899	4
200	Semi-Detached	3	1154	8
200	Detached	3	1154	3
200	Detached	4	1187	8
420	Detached	4	1286	5
420	Detached	4	1358	2
				91
AFFORDABLE DWELLING				
16 APF		1	522	4
26 APF		2	727	5
Special apartment		2	800	1
A24 FOG		2	748	2
A24LT		2	834	2
A34		3	891	7
A34LT		3	891	4
48AP		4	1095	5
48AP		4	1479	1
				33
LOW COST DWELLING				
210		2	666	4
210		3	799	3
				7
TOTAL UNITS				
				191
				117,022
GROSS AREA		2.91 HA	[6.60 ACRES]	
NETT AREA		2.44 HA	[6.03 ACRES]	
NETT DENSITY		54 DPH	19,417 SQT/ACRE	
POS/NON DEVELOPABLE LAND		0.15 HA	[0.37 ACRES]	
Affordable housing average size		77 sqm	841 sqft	
Low cost housing average size		47 sqm	725 sqft	



This page is intentionally left blank

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **12th MAY 2015**

TITLE : **SECTION 106 PLANNING OBLIGATIONS**

REPORT BY **JON SUTCLIFFE**

1.0 **INTRODUCTION**

1.1 Members will be aware that many proposals are approved subject to a Section 106 Planning Obligation being completed. This report seeks to look at the process of drawing up and completing those Obligations and in particular the timescales that can be involved.

2.0 **CURRENT PRACTICE**

2.1 While the Committee recommendation will contain what are referred to as 'heads of terms' of the required Obligation (for example payment of £x in relation to primary education), it is necessary for solicitors to draw up a document which contains various legal and procedural clauses in relation to delivering the actual requirements of the heads of terms.

2.2 Government have recently looked at factors which can delay the planning process. In March 2015 the Department for Communities and Local Government published a 'response to consultation' on "Section 106 Planning obligations – speeding up negotiations". That document stated that the consultation "confirmed the Government's view that Section 106 negotiations are a significant source of delay within the planning application process". New national planning policy guidance on s106 matters was issued on 26 March 2015. Amongst other changes, it confirms that s106 negotiations should be concluded within statutory timescales, and promotes the use of standard clauses to minimise the need to draft s106's from scratch.

2.3 In line with that guidance, One Legal are currently undertaking work to draw up sample model clauses to cover typical obligations, which will assist in speeding up the process of completing s106 documents.

2.4 While Council officers from Planning and One Legal endeavour to progress the drawing up of s106 documents expeditiously, there are occasions when following a Committee resolution the applicant may not progress matters as swiftly as might be expected.

- 2.5 While it is acknowledged those occasions are not the majority of cases, it is thought that Committee may wish to be able to consider if and when applications ought to be brought back to Committee in the event of a lack of progress in negotiations relating to s106 issues.

3.0 SUGGESTED WAY FORWARD

- 3.1 Firstly it has to be acknowledged that there may be occasions when delays in completing s106 documents are unavoidable, or potentially down to factors outside the control of either the Council or the applicant. In such circumstances it is unlikely to be necessary or reasonable to refer the decision back to Committee to be re-considered.
- 3.2 However, when there is what could be judged to be excessive delay or reluctance from an applicant to progress s106 matters in a timely proactive manner, then it is suggested that it may be appropriate to consider putting the application back before Committee to be reconsidered. This would be particularly beneficial if for example there had been some change in circumstances since the Committee's original decision on the application.
- 3.3 It is suggested that flexibility in considering such matters is crucial, and therefore it is not felt that a 'hard and fast' rule should be adopted. It is suggested that in the majority of instances negotiations and progress towards completion of s106 documents should continue immediately following any Committee resolution and progress continuously after that.
- 3.4 For what is hoped will be those limited number of occasions where there is limited progress on a s106 after 3 months from the Committee decision, then it is suggested that the Development Control Manager would consider whether it is necessary to bring an application back to the Committee.

4.0 CONCLUSIONS

- 4.1 There is a wish from Government to see completion of s106 negotiations speeded up to enable decisions to be issued in a timely manner. It is considered that the measures currently being taken and suggested in this report seek to enable the Council to respond to those wishes and deal with s106 matters in a more expedient manner.

5.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 5.1 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 months from the Committee's original decision.

Decision:

Notes:

.....

.....

Person to contact: Jon Sutcliffe
(Tel: 396783)

This page is intentionally left blank



CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

Tuesday, 12th May 2015

DELEGATED DECISIONS

1st –28th February 2015

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

Abbey

14/00933/NMA

JOLM

Land To The Rear Of Paget Cottage, The Wheatridge And To The Rear Of Nu

Non material amendment to provide amended layout and landscaping to the front garden of the bungalow at Plot 1 to allow for wheelchair access. (previous permission 11/00488/FUL Erection of 13 detached houses and one bungalow with access from Awebridge Way

WDN

17/02/2015

Barnwood

14/01108/FUL

EMMABL

183 Barnwood Road Gloucester GL4 3HH

Erection of a single storey dwelling and associated works

REF

24/02/2015

14/01212/FUL

BOBR

Former 167 Barnwood Road Gloucester GL4 3HH

Variation of Condition 12 (Part V), of permission no. 12/00686/FUL to allow for the pedestrian crossing scheme to be implemented 'post occupation'.

WDN

25/02/2015

14/01318/FUL

BOBR

Morrisons 167 Barnwood Road Gloucester GL4 3HH

Installation of ATM (cash machine) to side.

GP

11/02/2015

Barton & Tre

14/00993/FUL

FEH

14 Ducie Street Gloucester GL1 4PD

Demolition of existing workshop and erection of two number 2 storey buildings to provide 4 flats

REFREA

12/02/2015

14/01174/FUL BOBR

57 Park End Road Gloucester GL1 5AN

Re-positioning of kitchen extract flue to rear of property.

WDN 02/02/2015

14/01363/FUL BOBR

104 High Street Gloucester GL1 4TA

Change of use from existing shop/salon (Use Class A1) to a single storey ground floor apartment (Use Class C3), and installation of replacement ground floor level window on front elevation.

RET 24/02/2015

14/01442/LAW CARLH

1B Melbourne Street West Gloucester GL1 4NT

Use of building as a single dwelling house

LAW 06/02/2015

14/01478/FUL CJR

Picturedrome Theatre 162 - 170 Barton Street Gloucester GL1 4EU

Variation of condition 7 on planning permission ref. 13/00133/FUL to create a restaurant within part of the theatre building prior to the installation of the odour control equipment.

G3Y 10/02/2015

Elmbridge

14/01262/COU BOBR

18 Armscroft Road Gloucester GL2 0SJ

Change of use of vacant 'tanning salon/nail bar' to a 'barber shop'.

G3Y 12/02/2015

14/01389/FUL	EMMABL
94 Cheltenham Road Gloucester GL2 0LX	
Erection of single storey and two storey rear extensions, and addition of new fenestration into eastern side elevation of original dwellinghouse	
G3Y	17/02/2015
14/01397/FUL	BOBR
212 Cheltenham Road Gloucester GL2 0JW	
Replacement of outbuildings to form an annexe for dependant relative.	
G3Y	03/02/2015
14/01422/FUL	EMMABL
17 Barnwood Road Gloucester GL2 0RZ	
Variation of condition 2 of planning permission ref. 14/00608/FUL (Erection of single storey extensions to provide a new kitchen and dining room) to change the approved plan from drawing no. 4 Rev. B received by the Local Planning Authority on 20th May 20	
G3Y	03/02/2015
14/01423/FUL	CARLH
78 Elmbridge Road Gloucester GL2 0PD	
Creation of new boundary wall and gatepost/gate adjacent to the highway at front of property	
G3Y	02/02/2015
14/01481/FUL	CARLH
188 Cheltenham Road Gloucester GL2 0JR	
First floor side and rear extension	
WDN	02/02/2015
14/01533/PDE	CARLH
64 Liddington Road Gloucester GL2 0HL	
Single storey rear extension measuring 4350mm in depth, 2550mm in height to the eaves and 3750mm in height to the ridge	
ENOBJ	02/02/2015

14/01536/FUL EMMABL

1 Manor Park Gloucester GL2 0HG

Erection of single storey extension on north-eastern side elevation

G3Y 27/02/2015

15/00120/TPO JJH

4 Green Pippin Close Gloucester GL2 0PA

Walnut tree in rear garden - Remove. Reasons (as stated on the application) 1. The walnut tree is disproportionate to the size of the garden. 2. When in fruit it attracts up to 5 squirrels that attempt entry into properties, so doors and windows must be k

TPDECS 24/02/2015

Grange

14/01457/FUL CARLH

62 Randwick Road Gloucester GL4 0NJ

Single storey rear extension and car port

G3Y 17/02/2015

14/01485/FUL CARLH

2 Dunster Close Gloucester GL4 0TP

Erection of 2 storey detached dwelling

REFREA 24/02/2015

Hucclecote

14/01296/FUL CARLH

131 Chosen Way Gloucester GL3 3BX

Erection of new chalet style dwelling to rear of 131 Chosen Way

REFREA 04/02/2015

15/00005/PDE

EMMABL

49 Trinity Road Gloucester GL4 5GB

Erection of single storey rear extension (depth: 4.85 metres from rear elevation of original dwellinghouse, maximum height: 3.37 metres, height of eaves: 2.48 metres)

ENOBJ 24/02/2015

15/00108/NMA

CARLH

28 Green Lane Gloucester GL3 3QU

Non- material amendment following previous permission ref 14/00683/FUL- Change of external materials and lowering eaves height to front elevation

NOS96 12/02/2015

15/00185/TCM

JONSU

Communication Station 3G ROOFTOP SITE GL0025 1 Hucclecote Road Glouc

Telecommunication installation

NOB 09/02/2015

Kingsholm &

14/01135/COU

CARLH

29 Sandhurst Road Gloucester GL2 9AA

Change of use from C3 (Residential) to D1(nursery) for up to 40 children

REFREA 04/02/2015

14/01136/ADV

CARLH

29 Sandhurst Road Gloucester GL2 9AA

Erection of 1no. fascia sign to front elevation and 2no banner signs to boundary fence

WDN 05/02/2015

15/00068/TRECON

JJH

100 London Road Gloucester GL1 3PL

Two small limes remove the stakes large lime opposite the sub station crown reduction of 4 metres remove dead wood Walnut remove the bramble from around the base and branches Three sycamore saplings remove the two closest to the fence Ash crown clean thi

TCNOB 09/02/2015

15/00119/NMA

FEH

High School For Girls Denmark Road Gloucester GL1 3JN

Removal of brise soleil and set back of windows. Remove first floor window in east elevation and add brick pier detail

NOS96 13/02/2015

15/00122/NMA

EMMABL

102 Deans Way Gloucester GL1 2QD

Non-material amendment following previous permission ref 14/00834/FUL- Installation of 1 no. ground floor level window in north-eastern side elevation of dwellinghouse

NOS96 23/02/2015

15/00124/JPA

BOBR

Bewick House 1 Denmark Road Gloucester GL1 3HW

Conversion of former office into 5 no. 1 and 2 bed flats.

RET 11/02/2015

15/00135/CONDIT

CARLH

33 Denmark Road Gloucester GL1 3JQ

Discharge of condition 3 of planning permission reference 14/01240/FUL (materials)

ALDIS 12/02/2015

Longlevens

14/00642/FUL	EMMABL
59 Oxstalls Way Gloucester GL2 9JX	
Erection of single storey side and rear extension	
G3Y	04/02/2015
14/00890/FUL	EMMABL
61 Oxstalls Way Gloucester GL2 9JX	
Erection of single storey side and rear extension	
G3Y	04/02/2015
14/01342/ADV	CJR
University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW	
Display of 1 no. non-illuminated sign and 1 no. illuminated box sign on the existing building.	
GFY	04/02/2015
14/01456/FUL	EMMABL
15 Simon Road Gloucester GL2 0TP	
Erection of single storey rear extension and alterations to existing fenestration at ground floor level on the front and southern side elevations of dwellinghouse	
G3Y	06/02/2015
14/01479/FUL	EMMABL
20 Blackwater Way Gloucester GL2 0XN	
Erection of rear conservatory	
G3Y	16/02/2015
14/01483/PDE	CARLH
28 Richmond Gardens Gloucester GL2 0DT	
Single storey rear extension measuring 3500mm in depth, 2500mm in height to the eaves and 4000mm in height to the ridge.	
ENOBJ	02/02/2015

15/00125/FUL

EMMABL

1 Crispin Close Gloucester GL2 0EZ

Removal of existing detached garage and construct new 3 bedroom house.

RET

03/02/2015

Matson & Ro

14/01430/FUL

BOBR

262 Painswick Road Gloucester GL4 4DR

Detached bungalow with dormer windows to side roof slope. (Alternative proposal to bungalow approved under permission no.11/00922/FUL).

G3Y

05/02/2015

14/01432/FUL

EMMABL

49 Underhill Road Gloucester GL4 6HD

Erection of pair of two storey semi-detached dwellinghouses within existing side garden area of no. 49 Underhill Road, provision of 2 new vehicular access points from Underhill Road leading to off-road parking spaces for the existing and proposed dwelling

WDN

17/02/2015

Moreland

14/00851/TPO

JJH

1 Ribston Mews Gloucester GL1 5EU

London Plane - Reduce and reshape crown back to previous points. Crown thin by 5%.

TPDECS

26/02/2015

14/01446/COU

BOBR

87 Bristol Road Gloucester GL1 5SN

Change of use to HMO.

G3Y

05/02/2015

14/01447/LBC

BOBR

87 Bristol Road Gloucester GL1 5SN

Change of use to HMO and associated alterations to listed building.

G3L 06/02/2015

15/00094/TPO

JJH

Bloomfield Terrace Gloucester

Minor pruning works to trees around site periphery as per Nature First report.

TPDECS 24/02/2015

15/00186/EIA

ADAMS

Former Cineworld 6 St Ann Way Gloucester GL1 5SF

Environmental Impact Assessment screening opinion request (Alterations to, and change of use of, vacant cinema building to retail use (Class A1), erection of extension to building for retail use (Class A1), and associated alterations to parking and servic

SCR 23/02/2015

15/00192/FUL

FEH

50 Weston Road Gloucester GL1 5AX

Change of use to House in Multiple Occupation (12 No. bedsits)

RET 12/02/2015

15/00213/TCM

JONSU

Ribston Hall High School Stroud Road Gloucester GL1 5LE

Upgrade existing telecommunications installation

NOB 16/02/2015

Podsmead

14/00860/FUL

BOBR

St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX

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

G3Y 23/02/2015

14/00861/FUL

BOBR

Former Contract Chemicals Site Bristol Road Gloucester GL2 5BX

Variation of Condition nos. 4, 19, 23 and 29 of planning permission no.07/00474/OUT (as a result of Sites A & B being brought forward as a comprehensive development). [Site B]

G3Y 23/02/2015

14/01316/CONDIT

CJR

Crypt School Podsmead Road Gloucester GL2 6AE

Discharge of conditions 3 (materials), 4 (construction method statement), 5 (archaeology) and 6 (drainage) of planning permission ref. 14/00610/FUL.

ALDIS 02/02/2015

14/01317/OUT

BOBR

Blackbridge Allotments Stroud Road Gloucester

Revised outline application for 14 new dwellings, new allotments and associated works (following grant of outline permission under application no.11/00724/OUT) to allow for amended access arrangements from Stroud Road. (Appearance, Landscaping, Layout and

GOP 11/02/2015

14/01455/FUL

FEH

Land To Rear Of 18 Podsmead Road Gloucester GL1 5PA

Erection of three bedroomed chalet style dwelling

G3Y 11/02/2015

Quedgeley Fi

14/01211/FUL

FEH

Stanley Dene Naas Lane Quedgeley Gloucester GL2 2SA

Removal of condition 4 (garage shall be solely used for the garaging of private vehicles)

RET 05/02/2015

14/01264/CONDIT

CJR

Unit G The Aquarius Centre Edison Close Quedgeley Gloucester GL2 2FN

Discharge of Condition nos. 3 (boundary treatments), 4 (materials), 5 (drainage), 6 (contamination), 8 (temporary car parking), 10 (gas monitoring system) & 15 (cycle parking) of planning permission no.14/00288/FUL.

ALDIS 24/02/2015

14/01346/CONDIT

CJR

Gloucestershire Constabulary Waterwells Drive Quedgeley Gloucester GL2 2A

Discharge of conditions 7 (landscaping) and 17 (cycle storage) of planning permission ref. 12/00742/FUL.

ALDIS 03/02/2015

14/01372/FUL

CARLH

Unit 19 Kingsway Local Centre Thatcham Avenue Kingsway Quedgeley Glouce

Installation of extraction system for Pizza Hut

G3Y 02/02/2015

14/01450/FUL

CARLH

128 Fieldcourt Gardens Quedgeley Gloucester GL2 4TZ

Proposed erection of 1 two bedroom maisonette and 1 one bedroom maisonette and associated parking.

G3Y 06/02/2015

15/00033/ADV

FEH

The Haywain Bristol Road Quedgeley Gloucester GL2 4PE

Erection of 1 X Internally Illuminated Wall Logo & 1 X Internally Illuminated Double Sided Pictorial Logo

GFY 24/02/2015

15/00059/ADV

BOBR

Fieldcourt Drive Roundabout School Lane Quedgeley Gloucester

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

GFY 17/02/2015

15/00151/NMA

CJR

Land At Edison Close Quedgeley Gloucester

Non-material amendment to planning permission 08/00169/FUL comprising the removal of 2 no. windows from the rear (north east) elevation of Units D-Fand relocating 1 no. to the front (south west) elevation and 1 no to side gable (north west) elevation.

NOS96

26/02/2015

Quedgeley S

14/01401/ADV

BOBR

Blade Motors 81 Bristol Road Quedgeley Gloucester GL2 4NE

3 x illuminated fascia signs attached to building and 2 x illuminated free standing signs.

GFY

12/02/2015

Tuffley

14/01201/FUL

CARLH

17 Gimson Close Gloucester GL4 0YQ

(RETROSPECTIVE) erection of canopy over existing patio

GP

17/02/2015

14/01226/FUL

EMMABL

5 Ardmore Close Gloucester GL4 0BJ

Erection of balcony on rear elevation at upper floor level.

G3Y

04/02/2015

Westgate

13/01212/LBC

BOBR

26 Southgate Street Gloucester GL1 2DP

New steel balcony and door at ground floor level to the rear of the building and strengthening of rear flooring with steel beams.

RET

19/02/2015

14/01257/FUL

BOBR

18 The Oxebode Gloucester GL1 1RZ

Conversion of existing second floor with internal alterations to form 2no. residential flats to the second floor of No.18 The Oxebode, Gloucester, with the provision of 2no. new external doors and replacement windows to the rear elevation.

G3Y 27/02/2015

14/01344/ADV

CARLH

20 The Oxebode Gloucester GL1 1SA

Erection of non-illuminated, replacement fascia sign, projecting sign and window vinyls

GFY 05/02/2015

14/01366/FUL

CARLH

24 Westgate Street Gloucester GL1 2PT

Use of part of first and second floor to residential (C3); Change of Use of ground floor from A2 to a cafe and delicatessen (A1/A3); Change of Use of part of ground and first floor to community space (D2). Various internal and external alterations, and ref

G3Y 02/02/2015

14/01367/LBC

CARLH

24 Westgate Street Gloucester GL1 2PT

Various internal alterations, and repair and refurbishment of all sash windows in conjunction with Change of Use application (ref:14/01366/FUL)

G3L 02/02/2015

14/01370/FUL

ADAMS

Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By Southga

Change of use of part first floor and part ground floor of Block E (at east side of High Orchard Street) to offices (Use Class B1)

G3Y 05/02/2015

14/01378/CONDIT	ADAMS
Former Coots The Docks Gloucester	
Discharge of Conditions 3 (material) and 7 (barriers to dock side) of permission ref. 14/00853/FUL	
ALDIS	10/02/2015
14/01403/COU	ADAMS
Suite GB Eastgate House 121 - 131 Eastgate Street Gloucester GL1 1QB	
Temporary change of use of part ground floor unit to use class D1 for a claimant assessment centre for Personal Independence Payment (for the Department for Work and Pensions), for a period of 10 years or less.	
G3Y	26/02/2015
14/01425/LBC	FEH
57 Southgate Street Gloucester GL1 1TX	
Change from single glazing to double glazing in formerly approved replacement windows	
WDN	27/02/2015
14/01426/FUL	ADAMS
Foxs Malthouse The Docks Gloucester	
Change of use of part ground floor of building from storage (use class B8) to Brewery and Visitor Centre (mixed use - class B2/A1) and works to the exterior of building	
G3Y	06/02/2015
14/01427/LBC	ADAMS
Foxs Malthouse The Docks Gloucester	
Internal and external works to Grade 2 listed building associated with change of use to brewery and visitor centre	
G3L	06/02/2015
14/01452/COU	FEH
Oasis Cafe 59 Southgate Street Gloucester GL1 1TX	
Internal alterations and change of use of 2 bedroomed residential flat into additional cafe seating space, a meeting room, office and counselling room	
G3Y	23/02/2015

14/01453/LBC

FEH

Oasis Cafe 59 Southgate Street Gloucester GL1 1TX

Internal alterations and change of use of 2 bedroomed residential flat into additional cafe seating space, a meeting room, office and counselling room and changes to signage

G3L 23/02/2015

15/00009/CONDIT

FEH

18 Berkeley Street Gloucester GL1 2JB

Discharge of condition 3 (requested details), condition 4 (method statement) and condition 5 (information on sash window and grill cover) for permission 14/01022/LBC

ALDIS 11/02/2015

15/00014/COU

BOBR

27 Wellington Street Gloucester GL1 1RD

Change of use from A1 (retail) to A5 (hot food takeaway). Installation of flue to side elevation and associated minor alterations.

RET 19/02/2015

15/00027/ADV

FEH

1 St Michaels Buildings Eastgate Street Gloucester GL1 1PD

Erection of 1 non-illuminated fascia sign and 1 non-illuminated projecting sign

GFY 11/02/2015

15/00069/TRECON

JJH

St Bartholomews 57 Park Road Gloucester GL1 1LR

Pyracantha cut back to the kerb line reduce to 6 feet London plane close to the laburnum this has weak forks reduce by 2 to 3 metres and shape Cherry close to the edge of the car park reduce all round by 2 metres Kansan Cherry reduce by 2 metres all r

TCNOB 06/02/2015

15/00173/CONDIT

BOBR

Rear Of 20 And 22 Wellington Street Gloucester

Discharge of conditions 3, 5, 6 & 7 of permission no.11/01371/FUL for erection of a 2 storey building comprising 2no. 1 bedroom flats.

ALDIS 06/02/2015

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