



PLANNING COMMITTEE

MEETING : Tuesday, 8th September 2015

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Hilton, McLellan, Smith, Hanman, Brown, Dee, Toleman, Chatterton, Etheridge and Lugg

Others in Attendance

Jon Sutcliffe, Development Control Manager

Michael Jones, Solicitor One Legal

Joann Meneaud, Principal Planning Officer

Bob Ristic, Senior Planning Officer

Aeron Rees, Assistant Planning Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Hobbs and Williams

24. DECLARATIONS OF INTEREST

Councillor Toleman declared a personal and prejudicial interest in agenda item 5, application 15/00169, by virtue of his friendship with the applicant.

25. MINUTES

The minutes of the meeting held on 4 August 2015 were confirmed and signed by the Chair as a correct record.

26. LATE MATERIAL

Members' attention was drawn to the late material in respect of agenda items 5, 6 and 7 which had been published on the internet as a supplement to the agenda.

27. LAND AT 70 TUFFLEY CRESCENT- 15/00169/FUL

Councillor Toleman having declared a personal and prejudicial interest in this application took no part in the debate or vote.

The Principal Planning Officer presented her report which detailed an application for the demolition of 70, Tuffley Crescent and the erection of seven dwellings with associated access, parking and landscaping.

PLANNING COMMITTEE
08.09.15

Russell Randford addressed the committee in support of the application

Mr Randford advised Members that the application had been submitted in February and he was disappointed that it had taken seven months to be determined. He was surprised by the Officer's recommendation to refuse the application which he believed was an attempt to protect a perceived heritage building.

He explained that prior approval for demolition had been sought and deemed consent for demolition was in place. Number 70 was in poor structural condition and number 72 had recently been extended and rebuilt with a changed frontage.

He questioned the first reason for refusal which stated the demolition of the house would cause harm, resulting in an odd appearance and negative impact on the remaining part of the building.

He noted that the neighbour at number 72 was supportive of the proposal and confirmed that the appropriate demolition notice had been served on Building Control.

He referred to the second recommended reason for refusal on grounds of noise and disturbance to the detriment of the present level of amenity enjoyed by the surrounding residential properties. He advised Members that the proposed access was similar to a number of applications which had been granted in the City and which would be cited at any appeal. He referred in particular to 7, Podsmead Road where there had been no mention of noise or disturbance.

He advised Members that the developers of the land to the rear of this proposal had confirmed that they had no interest in this site.

Andrea Dowle addressed the Committee in objection to the application

Ms Dowle advised that she was speaking on behalf of her own family and the occupiers of five neighbouring properties. She had moved into Tuffley Crescent in 2011 and considered it to be a pretty and quiet street. The proposal for the access to seven properties opposite her home would affect the amenity of her property. She had concerns relating to the adverse effects of the proposed density, parking, extra traffic and access.

She noted that the houses in Tuffley Crescent were currently well spaced and residents were mindful of the forthcoming development of the former chemical works which would also result in an increase in traffic and noise.

There was a lack of information regarding refuse collection and she was concerned that bins would be left in Tuffley Crescent on a permanent basis.

Councillor Dallimore, as Ward Member for Podsmead, addressed the Committee.

Councillor Dallimore advised that some of the nearby residents had made objections and others had not, for fear of reprisals. She supported the views expressed by the previous speaker.

PLANNING COMMITTEE
08.09.15

She supported the heritage statement at paragraph 4.2 of the report and said that the unusual appearance of the houses added value to the community. She believed that the negative impact on residents would be a step too far. She stated that the development would not add value to Tuffley Crescent and would increase vehicle movements, have an impact on neighbouring properties, cause noise and disturbance and that Tuffley Crescent was already becoming a 'rat run'.

She noted that the comments of the Contamination Officer were awaited.

The Principal Planning Officer advised that the comments of the Contamination Adviser were contained within the Late Material together with a recommended condition should the Committee be minded to grant consent.

Councillor Chatterton found it difficult to support the first part of the Officer's recommendation as there was an existing deemed consent for demolition.

The Principal Planning Officer confirmed that there were permitted development rights but the demolition was an integral part of the application and there were concerns regarding a gap in the street scene and the impact of the access to the new dwellings.

Councillor Chatterton believed that the work undertaken on number 72 had destroyed any argument to save number 70. He noted that as there was no highways objection there must be room for a refuse collection vehicle to turn around. He noted that highways had estimated an additional 29 traffic movements would be generated each day which was a very small figure compared to the volume of traffic already using Tuffley Crescent.

The Principal Planning Officer clarified that the concerns related to the introduction of an access road and the vehicle movements along that access road would impact on the amenity of adjacent residents

Councillor McLellan questioned the granting of consent for the application at Podsmead Road and was advised that although the applications were similar that application had issues involving anti-social behaviour and footpath links. Officers had taken the view that the application would bring significant benefits for the local community.

Councillor Smith expressed sympathy with the residents but noted that many of the features of the properties had disappeared and they were no longer worthy of protection. She believed it would be difficult to uphold a refusal at appeal.

Councillor Lewis believed that the proposals were acceptable and he did not believe that the impact on the dwellings adjacent and opposite was sufficient to justify refusal. He felt that with the built extension, 70 and 72 were fundamentally different design houses.

Councillor Hilton was advised that planning permission had been granted for the extension of number 72. He believed that the extension to number 72 represented a fundamental planning failure.

PLANNING COMMITTEE
08.09.15

Councillor Hanman was advised that number 70 had been habitable two months ago.

Councillor Dee regretted that the application for number 72 had not been presented for determination by the Committee.

The Chair indicated his agreement with the comments raised by Members. He considered that 70 and 72 no longer had the appearance of a pair of semi-detached houses, the demolition of the house and the new access would not damage the street scene and there was a variety of buildings in the local area. Additionally, he did not consider that the noise issue was strong enough to win on appeal. On this basis he recommended that planning permission be granted.

RESOLVED that planning permission be granted subject to necessary conditions the Development Control Manager be authorised to attach those conditions to the decision notice.

28. ALBION HOUSE, 77 SOUTHGATE STREET- 15/00672/COU & 15/00674/LBC

The Senior Planning Officer presented his report which detailed an application for the alteration and conversion of the listed building at Albion House at 77, Southgate Street, to provide nine apartments within Albion House, two apartments within the rear coach house, a terrace of four dwellings to the rear courtyard and a new build four storey block comprising seven apartments fronting on to Southgate Street.

He referred to the late material which contained updated information on drainage, education and viability together with a revised recommendation.

The Chair welcomed the proposal and asked Officers to ensure that an appropriate boundary treatment to No 1 Albion Street is secured and that there would be no overlooking issues.

Councillor Hilton believed that the application should be welcomed as Albion House had been derelict for a number of years. He believed that the retention of the coach house was important, the 22 dwellings were needed in the City and the development would smarten up Southgate Street.

Councillor Toleman believed that any applications like this should be welcomed in Southgate Street.

RESOLVED that, subject to the Local Lead Flood Authority confirming that there are no objections to the drainage strategy and the clarification of the precise sum required for education contributions, the Development Control Manager be authorised to grant planning permission and listed building consent subject to the following conditions and the completion of the unilateral undertaking to secure contributions towards education provision:

Planning permission - 15/00672/COU

PLANNING COMMITTEE
08.09.15

Condition 1

The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved submitted forms, supporting information and amended drawing nos.21416/10 Rev.A, 11 Rev.B, 13 Rev.A, 12 Rev.A, 14 Rev.B and 15 Rev.B received by the Local Planning Authority on 28th May 2015 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

No development outside the footprint of Block A (as shown in Plan 21416 DWG No.13), other than demolition down to ground floor slab only, shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policies BE.36, BE.37 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit).

Condition 4

No development outside the footprint of Block A (as shown in Plan 21416 DWG No.13), shall commence other than demolition down to ground floor slab only until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

The site may contain significant heritage assets. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 141 of the NPPF.

PLANNING COMMITTEE
08.09.15

Condition 5

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

Reason

Details of these 'under ground' work are required prior to construction in order to ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall:

- i. Specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and materials used in constructing the development;
- v. Provide for wheel washing facilities
- vi. Specify the intended hours of construction operations;
- vii. Measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with Paragraph 35 of the NPPF.

Condition 7

Notwithstanding the submitted details and prior to the commencement of any conversion works to the Listed Building, full architectural details and where appropriate samples of the following (in relation to the conversion works to the Listed Building part of the development) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the first flat and shall be similarly maintained thereafter: -

- a) All internal and external materials.
 - b) Scaled drawings detailing methodology for blocking/opening of doorways and erection/removal of new partitions/walls.
 - c) Details of the retention/repair/reinstatement of all historic skirting, cornice, door and window architraves, doors, windows, window shutters and wall panelling.
 - d) Details of refurbishment for timber windows and internal window shutters
- Details of flues, vents, grilles, guttering and down pipes, including details of material and colour.

PLANNING COMMITTEE
08.09.15

- e) Details of new pipe, cable and ventilation routes.
- f) The proposed methods for upgrading the property to meet the requirements of the Building Regulations for fire safety and sound insulation.
- g) Location and details of all meter boxes and their enclosures.

Reason

The precise details of works to the listed building are required prior to the commencement of works in order to ensure a satisfactory appearance to the development and to safeguard the character and appearance of this building of historical interest in accordance with policy BE.7 & BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Prior to any above ground works associated with the new build elements of this development, full architectural details and where appropriate samples of the following (in relation to the new-build elements) shall be submitted to and approved by the local planning authority . The development shall be completed in accordance with the approved details and shall be similarly maintained thereafter:

- a) All external materials and finishes, including details of colour, profile and texture.
- b) 1:5 & 1:10 scale drawings of windows, external doors (including profiles and their reveals), oriel windows, parapets and their cappings
- c) Flues, vents, guttering and down pipes, including details of material and colour.
- f) Details of the bin and bike stores
- g) Details of all external meter boxes and their enclosures.

Reason

To ensure a satisfactory appearance to the development and to safeguard the setting of the building of historical interest in accordance with policy BE.7 & BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

During the construction and demolition phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 10

No part of the development hereby permitted shall be occupied until precise details of the hard and soft landscaping to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in all respects not later than the first planting season following the first occupation of any part of the development or the completion of the development, whichever is the sooner.

PLANNING COMMITTEE
08.09.15

Reason

To ensure a satisfactory and well planned appearance to the development in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

Notwithstanding the submitted drawings, no part of the development hereby permitted shall be occupied until the boundary treatments and means of enclosure to the site have been constructed in accordance with details which shall be submitted to and approved in writing by the local Planning Authority.

Reason

These details are not included in the application and are required to ensure a satisfactory appearance to the development and in accordance with policy BE.4 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

The pedestrian access hereby permitted shall be constructed in accordance with the submitted drawing no 13 Rev A and made available for use prior to the occupation of any dwelling on site.

Reason

To ensure that safe and suitable access can be supplied for all users that minimise conflicts between pedestrians, cyclists and traffic in accordance with Paragraph 35 of the NPPF.

Condition 13

The dwelling(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.13 Rev A, and those facilities shall be maintained available thereafter.

Reason

To ensure safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians is provided in accordance with Paragraph 35 of the NPPF.

Condition 14

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. 13 Rev.A and those facilities shall be maintained thereafter.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Paragraph 35 of the NPPF.

Condition 15

The development hereby permitted shall not be occupied until the bin stores have been made available for use in accordance with submitted drawing no 13 Rev.A and those facilities maintained thereafter.

PLANNING COMMITTEE
08.09.15

Reason

To ensure that the waste bins do not impeded the free flow of pedestrian movements or enter the highway in accordance with Paragraph 35 of the NPPF.

Condition 16

No part of the development hereby permitted shall be occupied details of any external lighting to the building and car parking and public areas have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried in accordance with the approved details prior to the first occupation and shall be similarly maintained thereafter.

Reason

To ensure a satisfactory and well planned appearance to the development in accordance with policies BE.7, BE.21 & BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

No satellite dishes shall at any time be placed upon the principal listed building or the principal elevations of the new build properties hereby permitted.

Reason

To preserve character and appearance of the Conservation area and listed building and in accordance with Policies BE.22 and BE.29 Second Deposit City of Gloucester Local Plan (2002).

And any other conditions required by the LLFA.

Listed Building Consent – 15/00674/LBC

Condition 1

The works hereby permitted shall be begun before the expiration of 18 months three years from the date of this consent.

Reason

To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved submitted forms, supporting information and amended drawing nos.21416/10 Rev.A, 11 Rev.B, 13 Rev.A, 12 Rev.A, 14 Rev.B and 15 Rev.B received by the Local Planning Authority on 28th May 2015 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

PLANNING COMMITTEE
08.09.15

Notwithstanding the submitted details and prior to the commencement of any conversion works to the Listed Building, full architectural details and where appropriate samples of the following (in relation to the conversion works to the Listed Building part of the development) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the first flat and shall be similarly maintained thereafter: -

- a) All internal and external materials.
- b) Scaled drawings detailing methodology for blocking/opening of doorways and erection/removal of new partitions/walls.
- c) Details of the retention/repair/reinstatement of all historic skirting, cornice, door and window architraves, doors, windows, window shutters and wall panelling.
- d) Details of refurbishment for timber windows and internal window shutters
Details of flues, vents, grilles, guttering and down pipes, including details of material and colour.
- e) Details of new pipe, cable and ventilation routes.
- f) The proposed methods for upgrading the property to meet the requirements of the Building Regulations for fire safety and sound insulation.
- g) Location and details of all meter boxes and their enclosures.

Reason

The precise details of works to the listed building are required prior to the commencement of works in order to ensure a satisfactory appearance to the development and to safeguard the character and appearance of this building of historical interest in accordance with policy BE.7 & BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Prior to the commencement of development details of the materials and finishes to all external walls and roofs of the listed building shall be submitted to & approved in writing by the Local Planning Authority. Such works shall be undertaken in accordance with the details agreed and the materials/finishes shall not thereafter be changed without the prior written approval of the Local Planning Authority. All works of external repair, restoration and replacement are to exactly match the original features, unless otherwise agreed with the local planning authority in writing.

Reason

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

Condition 5

Before any work is undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the local planning authority of works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms and conditions of this consent. The demolition shall then be carried out in accordance with the approved details.

PLANNING COMMITTEE
08.09.15

Reason

To minimise the risk of damage to the existing building in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

All works of external repair, restoration and replacement to the listed building are to exactly match the original features and materials. Any re-pointing should be in a lime mortar and any replacement stone and/or brickwork shall be approved in writing by the local planning authority, and the works shall be undertaken in accordance with the approved details.

Reason

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

Condition 7

All historic fabric such as lath and plaster walls and ceilings, skirting, cornice, door architrave and doors, fire places and staircases shall be retained within the Listed building unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

Condition 8

The City Conservation officer shall be notified in advance of any opening up works to identify if any historic features remain.

Reason

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

Condition 9

The developer shall provide the City Council 7 days written notice of the date of the completion of the development to enable the building to be inspected and recorded by the City Council Conservation Officer.

Reason

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

29. WESTGATE LEISURE AREA- 15/00145/DDD

The Development Control Manager presented his report which detailed an application by Gloucester City Council for landscape and engineering works to enhance existing public open space including the creation of footpaths, footbridges, fishing and viewing platforms, BMX track, realignment of existing car parking,

PLANNING COMMITTEE
08.09.15

entrance gates and fencing, wetland habitat features, scrapes and seasonal ponds at Westgate Leisure Area, St Oswald's Road.

He noted that many elements of the works proposed could be undertaken as permitted development. He confirmed that the proposal was classed as flood appropriate development.

He drew Members' attention to the revised recommendation contained in the late material and confirmed that the Highway Authority now had no objection.

Councillor Smith welcomed the proposal that would bring this much loved area back into use and she believed that the BMX track would be well used.

Councillor McLellan questioned the availability of toilets at the leisure area. He was advised that the existing toilets were not usable in their current state and refurbishment would depend on the availability of funding.

Councillor Lugg noted that the development would have to withstand flooding at regular intervals.

Councillor Hilton believed that the leisure area was an important open space in the City although it was difficult to access. He hoped that the paths, in particular the north-south route were wide enough for shared use by cyclists and pedestrians.

Councillor Toleman was advised that the lake would be repaired if funding permitted.

Councillor Etheridge was advised that the BMX Club members would be primary users of the facility with public use at other times.

Councillor Dee believed that the reintroduction of boats on the boating lake would be a welcome attraction in the summer. He was advised that there was nothing in the current application to preclude this.

Councillor Lewis asked that the provision of facilities for disabled anglers be considered as the access to the lake was comparatively easy. He noted that the proposed BMX track was to a competition standard.

RESOLVED that, subject the Environment Agency confirming that they had no objection to the application, the Development Control Manager be authorised to grant planning permission subject to appropriate conditions relating to the following matters:-

- commencement of development
- contaminated land
- approved drawings
- land levels

PLANNING COMMITTEE
08.09.15

- provision of visibility splays at access point prior to use of BMX facility
- submission of Traffic Management & Parking Plan prior to events involving greater than 50 vehicles at the BMX facility
- any other conditions required by the Environment Agency

30. DELEGATED DECISIONS

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

RESOLVED that the schedule be noted.

31. MR AERON REES

The Development Control Manager introduced Mr Aeron Rees who had recently been appointed to the post of Assistant Planning Officer with the Council.

The Chair and Members welcomed Mr Rees and wished him well for his time with the City Council.

32. DATE OF NEXT MEETING

Tuesday, 6 October 2015 at 6.00 pm.

Time of commencement: 6.00 pm hours

Time of conclusion: 7.35 pm hours

Chair