



## PLANNING COMMITTEE

**MEETING** : Tuesday, 3rd November 2015

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

### **Officers in Attendance**

Jon Sutcliffe, Development Control Manager

Michael Jones, Solicitor, One Legal

Caroline Townley, Principal Planning Officer

Bob Ristic, Senior Planning Officer

Andy Birchley, Senior Planning Compliance Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : None

### **41. DECLARATIONS OF INTEREST**

Councillor Toleman declared a non-prejudicial personal interest in agenda item 6, Gloucester Cathedral - Project Pilgrim, as he was a volunteer at the Cathedral.

Councillor Chatterton declared a prejudicial personal interest in agenda item 6, Gloucester Cathedral - Project Pilgrim, as he was a member of the Cathedral Council.

Councillor McLellan declared a non-prejudicial personal interest in agenda items 7 and 8 in respect of the Aquarius Centre, Edison Close as he knew the applicant.

### **42. MINUTES**

The minutes of the meeting held on 6 October were confirmed and signed by the Chair as a correct record.

### **43. LATE MATERIAL**

Members' attention was drawn to the late material in respect of agenda items 7 and 8 which had been published on the internet as a supplement.

**PLANNING COMMITTEE**  
**03.11.15**

**44. GLOUCESTER CATHEDRAL - PROJECT PILGRIM - 15/01094/FUL & 15/01095/LBC**

Councillor Toleman had declared a non-prejudicial personal interest in this application as he was a volunteer at the Cathedral.

Councillor Chatterton had declared a prejudicial personal interest in this application as he was a member of the Cathedral Council and retired to the public gallery for this item.

The Senior Planning Officer presented his report which detailed an application for landscape works to reconfigure College Green including removal of parking from Upper College Green, new steps to the West Front of the Cathedral, paving and planting works at Gloucester Cathedral together with the associated application for Listed Building Consent.

**The Dean of Gloucester, The Very Reverend Stephen Lake addressed the Committee in support of the application**

The Dean stated that Project Pilgrim was an opportunity to make a difference. By developing the impact of a visit to Gloucester Cathedral, people would be changed, the City would be encouraged and visitors would want to return.

Through giving the City a new public space, restoring the beautiful and nationally important medieval Lady Chapel, enhancing welcome and deepening understanding, we would engage and connect in new ways. The proposal would improve access for all, not just physically, spiritually and intellectually, but also by seeking to keep the Cathedral free to enter.

People are at the heart of this celebration of place through personal encounter, heritage-led regeneration and conservation. Our partners tell us that they need the Cathedral to lead change in the city and to be the tipping point for future investment and improvement. Project Pilgrim will help breathe new life into Gloucester by turning sacred space into common ground.

Project Pilgrim is a ten year, ten million pound plus project of which the creation of Cathedral Green is but one aspect. It is worth noting that for the HLF to give us the funding, every aspect has to be approved and the whole Project, all ten million pounds of it, falls if any one aspect was not approved. This is why so many groups have come together in support of the whole project and why the media has taken such interest.

He wished to record his thanks to the Council's planning officers who have been both constructive and forensic.

He noted that the Close was private land and would not need approval if the Chapter wanted to end parking arrangements. But this was part of a wider vision, for access, engagement, community use and environmental sustainability. He welcomed the conditions as proposed and noted that there were no conditions proposed by Highways. He also noted the very positive comments by the Civic

**PLANNING COMMITTEE**  
**03.11.15**

Trust on page 29. Indeed the City Council and County Council had already contributed financially to the fundraising.  
Income from the car park space has been falling for years and was not significant in future funding plans.

Contrary to comments we were not reliant on this space to accommodate Sunday congregations or volunteers, and have proved that statistically. One cathedral he could cite had a regular congregation of 1000 people each week, and only eleven parking spaces, and it was set on a hill.

The Cathedral has over 450 volunteers; only 16 at a maximum were ever on site in a regular way. None of the regular groups, organisations or committees had registered an objection.

This will be a managed space, and public spaces are far easier to manage if they are valued rather than soul-less tarmac.

Millers Green regularly accommodates more than 20 cars and was not part of the application.

The Cathedral's contact with local businesses has been very supportive; the more events like Crucible there are the more it could contribute to the local economy. Sustainability is about our contribution to the environment, and so greater use of public parking in a city centre is to be encouraged.

Gloucester was the first and only cathedral application ever to succeed with the HLF at the first attempt. Their scrutiny was rigorous, as was ours. No other cathedral was surrounded by motor cars in this way, ruining the heart of Gloucester and hindering us all from believing in ourselves as a great city. This application was not about parking, which was a human choice; it was about the soul of a place, a place that could host great public celebrations and great expressions of sadness. The space around a cathedral was as important as the space within one. Which was why they were built where they are, long before the tyranny of the motor car.

This application is our contribution to the regeneration of Gloucester and costs the people of the City nothing. It is to restore the setting of our greatest City asset and to help in encouraging hope and confidence, even faith in our City and I commend it to you for your enthusiastic support.

**Tim Hall addressed the Committee in opposition to the application.**

Mr Hall stated that he was expressing his own views and the views of some of the objectors who did not wish to be named. He was not against change that made good sense but he was against change that did not make sense. He objected to the Cathedral's change of use plans for their car park as it was greatly needed by large numbers of people closely engaging with the Cathedral. His concerns were shared by 44 per cent of respondents to the cathedral's own public consultation.

He argued that the Cathedral was not just a magnificent visitor attraction but also a place of worship which attracted up to 300 Sunday worshippers, a venue for events and regular activities such as the over 200 strong Caring Chorus weekly choir

**PLANNING COMMITTEE**  
**03.11.15**

practice, and home to many residential and commercial tenants within the Cathedral grounds. He believed that without car parking many such people who currently engaged with the Cathedral would depart and the Cathedral had seriously underestimated how the change of use plans would reduce their sustainability.

He displayed photographs illustrating the full car park on a Sunday evening and a Tuesday evening.

He said that in his opinion, the Cathedral's greatest contribution to the people of Gloucester and beyond was free admission. While the Cathedral would not collapse without a car park, the reduction in income and support would endanger the free admission policy.

He stated that if the Cathedral's emphasis was on using the space for more outdoor events, it should be noted that the car park could be reserved every Saturday as it had been for the recent classic car rally. He also noted that the lower College Green was suitable for outdoor events.

He believed that the negative impacts of the proposals greatly outweighed the positive impacts and he drew the Committee's attention to the presumption in favour of sustainable development recommended in the National Planning Policy Framework and he believed that such a presumption would only be achieved by rejecting this application.

The Chair believed that the design looked good and referred to the Civic Trust's comment in 1958 when the Close was described as 'a sea of multi-coloured metal'.

Councillor Smith failed to see how the proposal could be seen as a negative impact and recalled having to dodge motor cars when visiting with her grandchildren. She did not believe that numbers of worshippers would fall for a walk of a few yards. She noted that some of the four churches in her ward were without parking. She believed that an art installation on the plinth would enhance a safe walk through the grounds which would enhance the setting of a building which was the envy of the world.

Councillor Hilton stated that he lived near the Cathedral and believed that the proposal would enhance the environment surrounding the Cathedral. He asked if there would be sufficient seating, if parking would be restricted to residents and how the archaeology of the site would be protected.

The Senior Planning Officer illustrated the low wall/bench seating proposed and advised that the parking bays would be allocated on the basis of one per dwelling. He advised that a considerable amount of pre-investigation work had indicated that no works would be undertaken to a significant depth to damage any archaeological remains.

Councillor McLellan supported the application which he believed would enhance the Cathedral and he questioned how parking would be controlled. He was advised that the gate would continue to be manned although this would be a matter for the Cathedral to control.

**PLANNING COMMITTEE**  
**03.11.15**

The Vice Chair believed that a beautiful space would be created for the people of Gloucester and would provide a brilliant setting for one of the most important buildings in the country. He applauded the Dean and Chapter for the initiative.

Councillor Williams agreed with previous speakers but referred to the speed of traffic in Westgate Street and the access road to College Green. She asked if there would be sufficient disabled parking spaces.

**RESOLVED that planning permission be granted for applications 15/01094/FUL and 15/01095/LBC subject to the conditions in the report.**

**45. 27, WELLINGTON STREET - 15/00707/COU**

The Senior Planning Officer presented his report which detailed an application for change of use from A1 (retail) to A5 (hot food takeaway) with installation of flue to rear elevation at 27 Wellington Street.

The Vice Chair believed that although there were enough takeaway establishments in the area, the application would enhance the building and there were no grounds for refusal.

The Chair agreed and noted that his concerns had been mitigated by the opening hours requested.

Councillor Smith noted that one of the objectors had stated that No. 8 Wellington Street had been a hot food takeaway which was currently closed and for sale but any purchaser could operate a hot food take away from those premises. The Chair noted that those premises were much closer to a public car park.

Councillor McLellan was surprised that the application was expected to generate less traffic than a newsagent. He had asked a takeaway near his home and had been told that business served in the region of 70 cars per hour. He was advised that the Highway Authority calculations were based on TRICS data.

Councillor Hilton believed that there was no need for a takeaway in Wellington Street as there were ten such premises between Clarence Street and Barton Street. He stated that the nature of retail trade was changing and suggested that the premises should revert to residential use and the current application should be refused.

Councillor Williams agreed completely with Councillor Hilton.

Councillor Hobbs expressed concerns relating to traffic and parking as he believed driving in the area was difficult. He noted that extraction equipment did generate noise which would be disturbing on a quiet night together with noise from car doors and engines. He requested a condition to prohibit illuminated signs as such signs would face residential properties.

The Senior Planning Officer advised that external advertisements would require separate consent and Note 2 had been included in the recommendation for the

**PLANNING COMMITTEE**  
**03.11.15**

avoidance of doubt. He noted that, subject to the recommended conditions, the Environmental Health Officer was satisfied with the extraction arrangements.

Councillor Etheridge expressed concerns regarding traffic as Eastgate Street was closed to traffic on Friday and Saturday nights. The Senior Planning Officer advised that it would be difficult to demonstrate a severe impact on traffic and referred to a recent appeal by Papa John's which had been allowed.

The Vice Chair believed that it would be impossible to sustain a refusal on traffic grounds and the Council could be put at risk of an award of costs at any subsequent appeal.

Councillor Toleman agreed with the Vice Chair and noted that the applicant was not a developer but a businessman who would enhance the premises.

A motion to grant planning permission subject to the conditions in the report was put to the vote and fell.

Councillor Hilton noted the close proximity of a large number of takeaway premises to residential properties that fronted the street without front gardens and the impact on their amenity. He suggested that the key reasons for refusal should be the oversupply of takeaway premises in the area and the disturbance to neighbours.

The Vice Chair requested advice from the Solicitor.

The Solicitor advised that demand for or the number of takeaway premises were not material to the decision making process. He advised Members to focus on reasons that were material in planning terms and, if the evidence was available, defensible. He pointed out that noise and disturbance may be material issues and that if, despite advice to approve the application, the Committee wished to refuse then it would be prudent to focus on broad based reasons for refusal based on noise and disturbance issues provided the evidence was available. He noted that traffic concerns were not supported by the Highway Authority and considered that it would not be reasonable to put forward such a reason for refusal. He added that, in any event, whichever reasons for refusal were advanced in this case, nevertheless the subsequent appeal against the decision to refuse would inevitably be successful. He referred to a recent similar case where an appeal had been allowed by the Inspector. He therefore advised against refusing the application.

Councillor Hilton believed that the Highway Authority view was based on the number of vehicles using the street not on the numbers parking on pavements or at corners. He believed that there was a policy to limit the number of takeaways in a particular area.

The Development Control Manager advised that there was no specific policy on numbers of such establishments and he was not aware of anything relevant in the National Planning Policy Framework (NPPF). He noted that the impact of vehicle parking had to be assessed on the basis of vehicles parking legally as a Planning Inspector would not attach any weight to illegal parking as there were other remedies to deal with that. He stated that any refusal on parking grounds would require to be supported by evidence which the Council did not have.

**PLANNING COMMITTEE**  
**03.11.15**

Councillor Toleman called for a recorded vote.

Councillor Chatterton referred to Paragraph 70 of the NPPF and the Development Control Manager advised that the planning system was not intended to provide economic protection from competition to businesses and the paragraph cited was intended to apply to locations such as local shopping centres.

Councillor Smith did not believe there were sufficient grounds to refuse the application. She noted that there was not another fish and chip shop in the vicinity and she advised Members to think very carefully before committing Officers to defend the indefensible and to answer to taxpayers for any award of costs arising from an appeal.

In the light of the further advice received, the Chair moved that the Officer's recommendation be accepted.

**RESOLVED that planning permission be granted subject to the conditions in the report.**

**46. UNIT K, AQUARIUS CENTRE, EDISON CLOSE - 15/00919/FUL**

Councillor McLellan had declared a non-prejudicial personal interest in this application as he knew the applicant.

The Principal Planning Officer presented her report which detailed an application for the erection of a building with Use Class B1c/B8, associated loading area, car parking and landscaped areas at Unit K, The Aquarius Centre, Edison Close.

Members' attention was drawn to the amended Officer's recommendation contained in the late material.

**RESOLVED that subject to adequate surface water drainage information being submitted to the satisfaction of the Lead Local Flood Authority and the City Council's Drainage Engineer, the Development Control Manager be authorised to grant planning permission subject to the conditions in the report together with any additional drainage related conditions recommended by the LLFA and the City Council's Drainage Engineer.**

**47. UNITS L - Q, AQUARIUS CENTRE, EDISON CLOSE - 15/01022/FUL**

Councillor McLellan had declared a non-prejudicial personal interest in this application as he knew the applicant.

The Principal Planning Officer presented her report which detailed an application for the erection of an industrial unit containing up to five individual units (Class B1c /B8) with associated servicing area, car parking and landscaped areas at Units L-Q, The Aquarius Centre, Edison Close.

**PLANNING COMMITTEE**  
**03.11.15**

Members' attention was drawn to the amended Officer's recommendation contained in the late material.

**RESOLVED that subject to adequate surface water drainage information being submitted to the satisfaction of the Lead Local Flood Authority and the City Council's Drainage Engineer, the Development Control Manager be authorised to grant planning permission subject to the conditions in the report together with any additional drainage related conditions recommended by the LLFA and the City Council's Drainage Engineer.**

**48. 9-13 ST JOHNS LANE - 15/00167/FUL**

The Development Control Manager presented his report which detailed an application for the erection of a rooftop penthouse flat extension to second floor and modernisation of existing elevations of building including windows at 9 – 13, St John's Lane.

He advised the Committee that the previous offices had approval to be converted to residential use under permitted development rights and Members could not have regard to the twelve internal apartments. The current application was for a penthouse apartment and modifications to modernise the existing elevations of the building.

He advised that no objections had been received.

The Vice Chair noted that the 19<sup>th</sup> century buildings needed to be retained and the application provided a novel solution to combine old with new.

Councillor Hobbs supported the application as he believed that it had been done sensitively and retained the old while enhancing the remainder. He asked if the existing railings and gate could be improved.

Councillor Williams believed that the application represented an excellent regeneration of a City centre building and she agreed with Councillor Hobbs on the fence and gate.

Councillor Smith was advised that the end elevation would mainly reflect the sky and she noted the need to ensure that the adjoining buildings were well maintained to avoid unsightly reflections.

Councillor Hilton commended the applicant on the design and asked what would happen to the cellar which had previously been the press room of the newspaper.

He was advised that the current use of the ground floor as a gym would continue. As the building was not listed internal works did not require planning permission but the applicant had indicated that he was keen to retain internal features.

**RESOLVED that planning permission be granted subject to appropriate conditions relating to the following matters:-**



**PLANNING COMMITTEE**  
**03.11.15**

- commencement of development
- details of materials and colours to be agreed
- archaeological provisions
- boundary treatment

**49. PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (APRIL - JUNE 2015)**

The Senior Planning Compliance Officer presented his report which

- presented an updated Planning Enforcement Plan, including a Customer Service Charter, for Members' consideration;
- discussed arrangements for the collection of monitoring fees on Section 106 Agreements and their future status in light of a recent legal challenge;
- reported the level and nature of enforcement activity undertaken by the Planning Enforcement Team between April and September 2015;
- provided an update on formal action being taken against more serious planning breaches, including the results of legal actions undertaken.

He drew Members' attention to Appendix 2 and advised that a number of similar properties were awaiting the outcome of the enforcement appeal in respect of 90, Longford Lane.

He displayed a number of photographs of recent work including:-

- a cyclist/pedestrian friendly barrier at the rear of Gloscat;
- scaffolding business operated from home subsequently relocated;
- hand carwash – impact of run-off water, business closed;
- construction work at ASDA, Kingsway, breach of permitted hours of operation;
- direct action to clear an untidy garden;
- unauthorised advertisement on parked trailer;
- building not in compliance with approved plans, now improved;

**PLANNING COMMITTEE**  
**03.11.15**

- fencing at Beaufort School erected under permitted development but attracted complaints.

In answer to Members' questions he advised that action could possibly be taken if vehicles were parked on private land solely for advertising. He noted that was easier to take action on cars parked for sale if they were stationed on the owner's property.

Councillor Toleman was advised that works undertaken on land south of Rectory Lane were investigated and no planning breach had taken place but the site had been referred to the Police Wildlife and Countryside Unit in relation to the Countryside and Wildlife Act.

**RESOLVED that**

- a) **the updated Enforcement Plan and Customer Service Charter be approved;**
- b) **the continuing practice of requiring monitoring fees from developers in respect of section 106 Agreements be approved on the basis of the approach proposed in paragraph 5.6 of the report;**
- c) **the performance of the Planning Enforcement team be noted.**

**50. DELEGATED DECISIONS**

Consideration was given to a schedule of applications determined under delegated powers in the months of August and September 2015.

**RESOLVED that the schedule be noted.**

**51. DATE OF NEXT MEETING**

Tuesday, 1 December 2015 at 6.00pm.

**Time of commencement: 6.00 pm**

**Time of conclusion: 8.00 pm**

**Chair**