



Gloucester City Council

Planning Committee

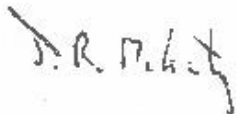
Meeting: Tuesday, 1st December 2015 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Hilton, McLellan, Smith, Hobbs, Hanman, Williams, Brown, Dee, Toleman, Chatterton and Etheridge
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 7 - 16) To approve as a correct record the minutes of the meeting held on 3 November, 2015
4.	LATE MATERIAL Please note that any late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting.
5.	BRISTOL ROAD - 15/00286/REM AND 15/00287/REM (Pages 17 - 34) Site A - Former St Gobain & Wellman Graham factories, Bristol Road/Tuffley Crescent. Site B – Former Contract Chemicals, Bristol Road Applications for determination. Contact: Development Control – tel: (01452) 396783

6.	<p>VICTORIA BASIN, GLOUCESTER DOCKS - 14/01377/FUL (Pages 35 - 68)</p> <p>Application for determination.</p> <p>Contact: Development Control – tel: (01452) 396783</p>
7.	<p>FORMER GLOSCAT SITE, BRUNSWICK ROAD (GREYFRIARS SITE) - 15/01408/CONDIT (Pages 69 - 78)</p> <p>Application for determination.</p> <p>Contact: Development Control – tel: (01452) 396783</p>
8.	<p>LAND TO SOUTH OF WATERWELLS DRIVE - 15/00892/FUL (Pages 79 - 98)</p> <p>Application for determination.</p> <p>Contact: Development Control – tel: (01452) 396783</p>
9.	<p>LAND NORTH OF INNSWORTH LANE (CONSULTATION BY TEWKESBURY BOROUGH COUNCIL) (Pages 99 - 104)</p> <p>To consider the report of the Development Control Manager.</p>
10.	<p>DELEGATED DECISIONS (Pages 105 - 122)</p> <p>To consider a schedule of applications determined under delegated powers during the month of October 2015.</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Please note that there will be an additional meeting on Tuesday 15th December 2015 at 6.00pm.</p> <p>The next regular meeting will be held on Tuesday, 12 January 2016 at 6.00pm.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 23 November 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.

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For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, anthony.wisdom@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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- 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.

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HUMAN RIGHTS

In compiling the recommendations on the following reports 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); Article 1 of the First Protocol (Right to the use and enjoyment of property) 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 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

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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.

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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

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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

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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.

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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

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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.

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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.

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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 19th 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:-

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- 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;

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- 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

GLOUCESTER CITY COUNCIL
GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST DECEMBER 2015**

ADDRESS/LOCATION : **SITE A - FORMER ST GOBAIN & WELLMAN
GRAHAM FACTORIES, BRISTOL ROAD/
TUFFLEY CRESCENT**

**SITE B - FORMER CONTRACT CHEMICALS,
BRISTOL ROAD**

**APPLICATION NO.
& WARD** : **15/00286/REM & 15/00287/REM
PODSMEAD**

EXPIRY DATE : **19TH JUNE 2015**

APPLICANT : **MATTHEW HOMES LTD**

PROPOSAL : **SITE A - 15/00287/REM - RESERVED
MATTERS SCHEME FOR 172 RESIDENTIAL
DWELLINGS WITH ASSOCIATED OPEN
SPACE AND LANDSCAPING.**

**SITE B - 15/00287/REM - RESERVED
MATTERS SCHEME OF 86 RESIDENTIAL
DWELLINGS WITH ASSOCIATED OPEN
SPACE AND LANDSCAPING.**

REPORT BY : **BOB RISTIC**

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

1.0 BACKGROUND

- 1.1 The application sites are located to the south of Newark Road and span from Bristol Road to the west to Tuffley Crescent to the east. The sites was formerly in two ownerships and subject to two separate outline planning applications.
- 1.2 'Site A' relates to the former St Gobain and Wellman Graham industrial sites and 'Site B' to the former Contract Chemicals site.
- 1.3 Since the grant of outline planning permission, the sites have been cleared of buildings and structures and remediation works have been undertaken.

1.4 The outline planning permissions granted consent for:

Site A – a *‘Mixed use development comprising residential (231 units), employment (b1 and showroom) and d1 (community building) uses together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative master plan. (appearance, scale, layout and landscaping are retained as reserved matters)’.*

Site B and a *‘Mixed use development comprising residential (109 units), employment (b1 and showroom) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative masterplan (appearance, scale, layout and landscaping are retained as reserved matters)’.*

1.5 The means of access to the sites were agreed at the outline stage and comprise a vehicular access from Bristol Road and separate access from Tuffley Crescent. A further pedestrian/cycle access would also be formed from Newark Road.

1.6 The original consents have been subject to several amendments since and the relevant planning history is set out at Section 2 of this report.

1.7 The current applications seek approval of reserved matters namely Appearance, Scale, Layout and Landscaping across both sites, with Site A providing 172 dwellings with associated open space and landscaping and Site B providing 86 dwellings with associated open space and landscaping - 258 dwellings in total across both sites.

1.8 The proposal would create a total of 43 no. 2 bed dwellings, 125 no. 3 bed dwellings and 90 no. 4 bed dwellings across both sites and within a variety of built forms including apartments, terraces, semi-detached and detached dwellings.

1.9 The proposed layout accords with the approved parameters plan and lays out the majority of the housing along the northern and eastern parts of the site, with a further cluster of dwellings sited around a central area of public open space which would include a play area as well as a further area of open space and smaller play area to the southwestern corner of the site.

2.0 RELEVANT PLANNING HISTORY

2.1 The recent planning history for Sites A & B is set out below:

Site A – Former Wellman Graham/St Gobain sites

14/00868/NMA - Non material amendment to outline planning permission ref: 07/00472/OUT (as amended by application no. 12/01029/FUL), to revise the description of development to read: ‘Development comprising residential (up to 231 units) together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in

accordance with the accompanying illustrative parameters plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters)' [Site A] - Grant

14/00860/FUL - 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] - Grant
12/01032/MOD - Variation of Section 106 Legal Agreement under planning permission 07/00472/OUT to vary the financial contributions associated with the development - Grant

12/01029/FUL - Variation to conditions 2, 3 and 4 of permission ref. 07/00472/OUT, changing the periods for submission of Reserved Matters from 5 to 3 years and for Commencement of Development thereafter from 3 to 1 year, and to substitute the originally submitted illustrative masterplan with a land use parameters plan – Grant

11/01018/NMA - Non material amendment to outline planning permission ref: 07/00472/OUT, to revise the description of development to read: Mixed use development comprising residential (up to 231 units), employment (B1 and showroom) and D1 (community building) uses together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative parameters plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters) - Grant

11/01017/FUL - Amendment to Condition 4 attached to outline planning permission ref: 07/00472/OUT to substitute the originally submitted illustrative master plan with a land use parameters plan – Grant

07/00472/OUT - Mixed use development comprising residential (231 units), employment (B1 and showroom) and D1 (community building) uses together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters) - Grant

Site B – Former Contract Chemicals site

14/00952/NMA - Non material amendment to outline planning permission ref: 07/00474/OUT, to revise the description of development to read: Mixed use development comprising residential (up to 109 units), employment B1(Business) and D1 (non-residential institution) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative master plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B] – Grant

14/00861/FUL - 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] – Grant.

07/00474/OUT - Mixed use development comprising residential (109 units), employment (B1 and showroom) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters) – Pending Decision

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

- 3.4 The policies within the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.5 From the Second Stage Deposit Plan the following policies are relevant:

ST.7 - Urban Design Principles
FRP6 – Surface water run-off
H.7 - Housing Density and Layout
H.8 - Housing Mix
OS.2 – Public Open Space
OS.3 – New Housing and Public Open Space
OS.4 – Design of Public Open Space
BE.1 - Scale, Massing and Height
BE.5 - Community Safety
BE.6 - Access for all
BE.7 - Architectural design
BE.21- Safeguarding of Amenity
TR.31 – Highway Safety

- 3.6 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.
- 3.7 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
- 3.8 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 County Council Highway Officer – Final comments are awaited.
- 4.2 Urban Design Officer – No objections to latest revised drawings subject to conditions.

- 4.3 Landscape Officer - No objections, only the larger POS areas would be offered for adoption. All the other verge etc. would go to a management company or be conveyed to adjacent plots.
- 4.4 Crime Prevention Officer – has raised no objections but advised that areas of open space should be managed and areas abutting residential properties should have improved fencing or defensive planting. Sheffield Hoops should be provided by play spaces to encourage cycle security.

The Constabulary has indicated that it is happy to assist the developers with further advice to create a safe and secure development and when required assist with the Secured by Design accreditation.

- 4.5 City Environmental Health Officer – Raises concerns with regards to the noise assessment which has accompanied the application.
- 4.6 Canal & Rivers trust – No comments
- 4.7 Severn Trent Water – No objections

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The occupiers of 181 neighbouring properties were notified of the applications by letter. In addition site and press notices were also posted.
- 5.2 In response, 19 representations have been received. The comments raised are summarised below:

- New Plans will have a considerable effect on my home.
- The original approved plans showed gardens backing onto our garden,
- We will now have a carpark which will create noise and pollution
- 16 spaces adjacent to property
- Pollution from carpark lighting
- Carparks are not looked after, whereas gardens are.
- No visitor parking – people will park in surrounding streets
- Will increase traffic in Tuffley Crescent
- Should be accessed only from Bristol Road or other roads (Newark Road Ashville Road)
- Will result in traffic chaos in Tuffley Crescent
- If existing security fence is removed, the security of our properties will be severely impacted.
- Criminals would be able to access our property and be able to make a quick escape through the carpark
- Houses so close to the fence will also be overbearing,
- People will be able to look into our property and invade our personal space.
- Previously requested piece of land to protect rear of property from privacy and noise – no response from applicant
- Ordnance survey not accurate, does not show extensions

- Proposed dwelling and garage at Plot 143 would affect ability to maintain property
- Proximity of garage to boundary would impact future development aspirations
- Plot 143 should be moved
- Working hours should be restricted to 8am-5pm Monday to Fridays
- Highways should install a barrier to prevent traffic/'rat running' in Tuffley Crescent
- All rainwater should be properly drained away – not to soakaway
- Support the regeneration, but there are concerns with regards to proximity of housing to Avon Metals and impact from industrial operations
- New dwellings should be located and incorporate mitigation measures to ensure that the business operations are not fettered
- There are already complaints from The Anchorage with regards to noise from Avon Metals
- The scheme should allow for a separation, mitigation measures and unfettered operation at Avon Metals
- Applicant has not taken up invitation from Avon Metals to discuss noise environment
- Concerns about quality and accuracy of noise data undertaken and submitted
- Does not address previous objections
- Appearance and character of Tuffley Crescent will be affected
- Modern looking properties would affect aesthetics
- Object to overlooking from house type HT1000 – would not object to bungalow
- 2 storey house close to boundary would be overbearing
- Flooding of gardens in Tuffley Crescent
- Garage will be affected by run off from St Gobain
- Should link into existing drainage network
- 3 metre high wall runs along gardens to Newark Road
- Some residents will lose privacy
- Boundary at plots 71-79 should be given consideration
- Opening up access to Newark Road may encourage motorcyclists and youths to loiter
- Potential problems during construction and displacement of seagulls and their chicks
- Will block light to garden
- Concerns with manoeuvring space for waste vehicles
- Plot 172 will be in where 'badger zone' should be

5.4 The full content of all correspondence on this application can be inspected on the city council website or via the link below:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00286/REM>

and

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00287/REM>

6.0 OFFICER OPINION

6.1 Outline planning permission has been granted for residential development of up to 340 dwellings across both sites, with the means of access having been agreed at that stage. Accordingly, the principle of the development has already been established.

6.2 The current application relates to the reserved matters (which were not considered/approved at the outline stage), namely the layout of the site, the scale and appearance of the dwellings, and the landscaping of the site.

6.3 On this basis the main issues for consideration are as follows:-.

Appearance, Scale, Layout

6.4 The reserved matters application seeks approval for a total of 258 dwellings across both sites A and B.

6.5 The proposal would provide a relatively spacious development with a wide mix of house types, designs and sizes which would be creating a wide inclusive community.

6.6 The proposed house types would predominantly have a traditional appearance and key dwellings such as those adjacent to Newark Road and Tuffley Crescent would pay particular regard to the scale and architectural detailing of dwellings within those attractive traditional streets and would allow the new development to integrate in design terms with the surrounding character.

6.7 The dwellings within the heart of the site would have their own character and would feature a variety of designs and finishes including render and tile hanging details which would serve to create a varied and interesting character to the development.

6.8 The dwellings would be set back from the street behind an area of shrub planting which would serve to provide a functional 'defensible space as well as serving to soften the appearance of the development. Additionally each of the dwelling houses would benefit from their own private garden areas commensurate with the size of the property.

6.9 Each of the dwellings would benefit from off street parking at a ratio of 1 space per apartment, and between 2 and 3 spaces per dwelling house. Visitor parking would be spread out throughout the site and would be provided in designated bays within parking courts and adjacent to the highway.

Landscaping

6.10 The proposal would provide two principal areas of public open space, one within the central part of the site and one to the southwestern corner. These areas would each feature play areas, extensive tree planting and hard surfaced routes through.

- 6.11 Once laid out, these areas would be maintained through funds secured through S.106 contributions which have already been agreed at the outline application stage.
- 6.12 The wider site would feature new street-side tree planting along the frontage with Bristol Road and within parking areas in order to provide visual interest and to soften the appearance of these otherwise hard surfaced areas.
- 6.13 Furthermore, the street frontages of the majority of the dwellings proposed would provide a mix of flowering plants and shrubs which would serve to provide an attractive environment for future occupiers.
- 6.14 The applicant has indicated that the two areas of formal public open space would be maintained by the council, whereas the residual areas would be conveyed to the adjoining dwelling houses or maintained by a 'management company'.
- 6.15 While the above approach is acceptable in principle, I consider it reasonable to require further details with regards to the maintenance arrangements of the remaining open spaces and landscaped areas within the site in order to ensure that there is a suitable and clear maintenance regime in the future.
- 6.16 Similarly the outline planning consents contained a standard materials condition. I consider it reasonable to require a further condition to secure precise details of materials and architectural features in order to ensure a high quality finish to the development
- 6.17 Subject to compliance with conditions, it is considered that the proposal would provide an attractive and well landscaped development.

Highways

- 6.18 The means of access to the site were agreed at the outline stage and comprised two vehicular accesses to the site, one from Bristol Road and one from Tuffley Crescent.
- 6.19 The Tuffley Crescent access would serve 71 dwellings and the Bristol Road access would serve the remaining 187 dwellings. There would be no vehicular 'through-route', and therefore no 'rat-running' through the site.
- 6.20 While concerns have been raised with regards to additional vehicular traffic using Tuffley Crescent, the principle of an access onto this road was established at the outline stage. Furthermore the current proposal for 71 dwellings to be accessed from this point is less than the envisaged 80 dwellings at the outline application stage and the associated vehicular movements would have been commensurate with that of the former St Gobain employment site which previously accessed onto that road.

- 6.21 The County Council Highways officer is presently considering details of the road layout within the site and these observations and any associated conditions will be reported as late material.

Living Conditions of Neighbouring Occupiers

- 6.22 The proposed new dwellings along the northern and eastern boundaries of the site would predominantly have a back-to-back relationship with existing development at Newark Road and Tuffley Crescent. While objections have been raised with regards to overlooking and proximity of new development, the majority of dwellings would have back-to-back distances of over 30 metres which significantly exceeds the typical 20-22 metre direct back-to-back distances which are typically considered acceptable and accordingly there will be no demonstrable harm from overlooking, loss of privacy, loss of light or overbearing effects.
- 6.23 Concern has been raised with regards to proximity of parking courts to existing development and gardens. While there are areas where parking abuts rear boundaries to existing dwellings these areas are set to the front of the proposed dwellings which would provide high levels of passive surveillance which would deter criminal activity. Furthermore the generous nature of the gardens to existing properties at Newark Road and Tuffley Crescent will ensure that there would be no significant impacts in terms of noise from vehicles upon the amenities of the occupiers of those properties.
- 6.24 Specific concerns have been raised with regards to impacts on no.34 Newark Road. Plot 67 would be sited adjacent to this dwelling and Plot 70 would be staggered away and would back onto the rearmost part of the garden to that property. Considering the separation and orientation there would be no demonstrable harm to the living conditions of the occupiers of this property in terms of direct overlooking.
- 6.25 Similarly the parking area at the end of Newark Road would not in itself result in any demonstrable harm from noise or general comings and goings, given the separation and the fact that it is located towards the front of that adjacent property.
- 6.26 The principle of a pedestrian/cycle access from Newark Road was established at the outline stage and is an important feature to link the existing development to the application site, and allow residents of adjoining development to access the new areas of public open spaces. Additionally there is a condition on the outline planning consent to prevent general vehicular access into the site from Newark Road.
- 6.27 Residents along Newark Road have expressed a desire that the existing boundary wall along the southern boundary of their properties is retained. The applicant has advised that the stability of this wall has not been assessed but will consider neighbours requests. While the outline planning consent contains a general boundary treatment condition, I consider it reasonable to include a condition to seek further details with regards to the boundary treatments adjacent to 2a-34 (evens) Newark Road.

6.28 Concerns have been raised by residents of Tuffley Crescent regarding the proximity of new development to existing dwellings. In planning terms there is no requirement to have separation from boundaries and is not a reason to withhold planning permission.

Noise

6.29 While concerns have been raised with regards to the impacts of noise from nearby commercial development upon the living conditions of future occupiers of the development, it stressed that the principle of the residential development at the site has already been established at the outline planning stage.

6.30 The noise environment and impacts were considered as part of the outline planning application and the subsequent decision includes two conditions to protect future occupiers from unacceptable levels of noise.

6.31 These specific details will be considered at the 'discharge of conditions stage' and will require the further agreement of the Local Planning Authority prior to works progressing.

Drainage

6.32 Concerns have been raised with regards to drainage to the site and there have been instances of surface water flowing into adjoining gardens since the site was cleared.

6.33 Requirements to provide adequate drainage for the site are controlled by condition imposed at the outline application stage and the precise details will be considered as part of the discharge of those conditions.

6.34 It is noted that Severn Trent Water have raised no objections to the development and the applicant has been in discussions with the City Council Drainage Officer in order to develop an appropriate drainage strategy for the site.

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 It is considered that overall the Appearance, Scale, Layout and Landscaping proposed is acceptable and accords with the outline consent (and subsequent amendments) and relates well to surrounding development and without detriment to the living conditions of the occupiers of those properties.

7.3 In conclusion subject to appropriate conditions and no objections being received from the Highway Authority, it is considered that the proposals would make best use of an existing brownfield site, would accord with advice in the

NPPF and local plan policies and would deliver much needed housing and public open space for the city.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That subject to no objections being received from the Highway Authority, that approval of reserved matters is granted subject to the following conditions:

Site A

Condition 1

The development hereby permitted shall be carried out in accordance with the Approved drawings nos. (*TO BE CONFIRMED*) received by the local planning authority on 13th November 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).

Site B

Condition 1

The development hereby permitted shall be carried out in accordance with the Approved drawing nos. (*TO BE CONFIRMED*) received by the local planning authority on 13th November 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).

Common to Sites A & B

Condition 2

No development shall take place within any reserved matters phase until a detailed phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall indicate the order and approximate timescales of development phases and the provision of site accesses, principal roads and associated highway works, drainage infrastructure, public open space, on-site ecological spaces and landscaped areas.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and ecological considerations, in accordance with Policies BE.9, B.7, B.8 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 3

Prior to undertaking any landscaping works within each phase of the development, a plan showing the proposed management regime for all open space within that phase shall be submitted to and approved by the local planning authority in writing. The landscaping shall thereafter be maintained in accordance with those approved details unless otherwise agreed in writing by the local planning authority.

Reason

In order to provide certainty with regards to the future maintenance of the open space and landscaped areas of the site in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Notwithstanding the submitted details and prior to any works above DPC level within each phase of the development, precise details, including drawings and where appropriate samples of the following elements within that phase shall be submitted to and approved in writing by the local planning authority:

- All facing materials, including bricks, render, tile hanging, cladding, cills, headers and string courses.
- Mortar colour
- Roofing materials and chimney
- Rainwater goods, including gutters and downpipes
- Windows, doors including details of colour, material and their reveals
- Garage doors including their colour and material
- Position and design of external meter boxes
- External porches and door surrounds including their colour and material
- Garden fencing and walls including railings and their fixture
- Security gates to apartment block parking areas

The works within that phase shall thereafter be undertaken in accordance with those approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance to the development hereby approved and in accordance with policies BE.1, BE.7 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The no dwelling hereby permitted shall not be occupied until, covered and secure parking has been provided for a minimum of one bicycle per apartment and two bicycles per dwelling house in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To encourage sustainable transport and reduce potential highway impact in the interest of highway safety and in accordance with Policies TR.12 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Prior to the adoption of the public open spaces hereby permitted, a minimum of three 'Sheffield Hoops' per open space area shall be provided adjacent to the play spaces for the purpose of securing bicycles.

Reason

To encourage sustainable transport and reduce potential highway impact in the interest of highway safety and in accordance with Policies TR.12 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Notwithstanding the submitted details and prior to the first occupation of any adjoining phase, precise details of the boundary with nos. 2a-34 (evens) Newark Road, including provision for the retention and incorporation of the existing boundary wall where practicable shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within that that phase.

Reason

In the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Notwithstanding the submitted details and prior to the first occupation of any dwelling within that particular phase, precise details of the boundary treatments between parking areas and adjoining gardens to properties at Newark Road and Tuffley Crescent shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within that that phase.

Reason

To ensure that the enclosure to these publicly accessible boundaries are sufficiently robust in order to deter crime and ensure their long term satisfactory appearance, in accordance with Policies BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Notwithstanding the submitted drawings, this permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary

Note 3

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- *Work on an existing wall or structure shared with another property*
- *Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property*
- *Excavating near a neighbouring building.*

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012), 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:

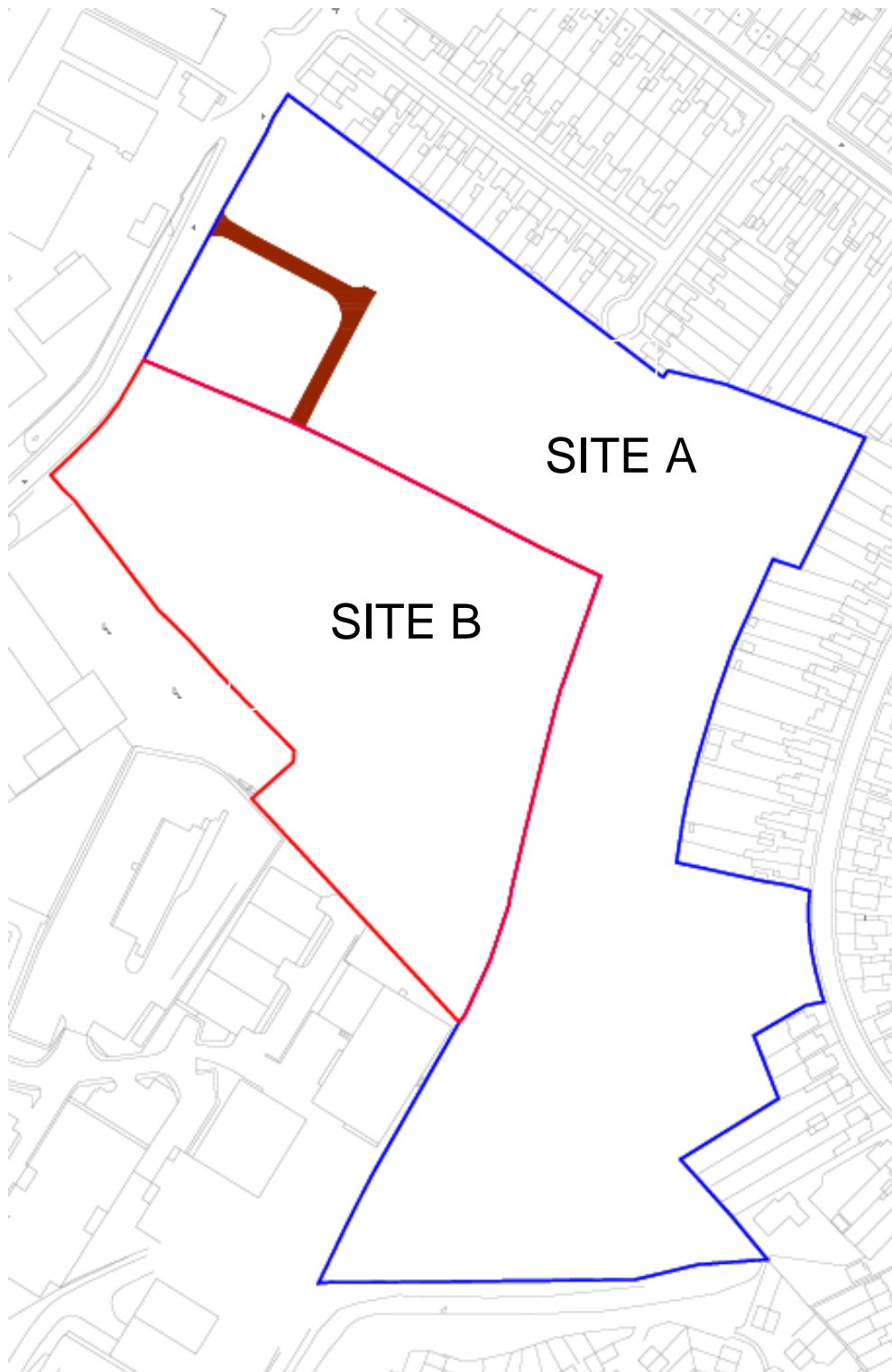
Notes:

Person to contact: Bob Ristic
(Tel: 396822)

15/00286/REM & 15/00287/REM

St Gobain Former Wellman Graham
Bristol Road
Gloucester
GL2 5BX

Planning Committee 01.12.2015



NOTES

Permission is granted to scale from this drawing for the purpose of Local Authority Planning Approval only. In all other circumstances DO NOT scale from this drawing. Please contact the office for any additional information required.

Contractors, Sub-Contractors and Suppliers are to check all relevant dimensions and levels of the site and building before commencing any work. Any discrepancies should be reported to the Architect.

Where applicable this drawing is to be read in conjunction with the Contractor's drawings.

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Future development for
B1 office/business use
and/or possible doctors
surgery/health care use

REV	DESCRIPTION	DATE	BY
1	Issue for comment	13/05/14	LV
2	Issue for comment	13/05/14	LV
3	Issue for comment	13/05/14	LV
4	Issue for comment	13/05/14	LV
5	Issue for comment	13/05/14	LV
6	Issue for comment	13/05/14	LV
7	Issue for comment	13/05/14	LV
8	Issue for comment	13/05/14	LV
9	Issue for comment	13/05/14	LV
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99	Issue for comment	13/05/14	LV
100	Issue for comment	13/05/14	LV

KEY

- Proposed New Trees
- Retained Existing Trees
- Indicative Landscaping
- Indicative Parking Spaces
- Shared Surface Hatch
- Surface Hatch
- 1.8m high wall
- 1.8m high wall with slings and back panel
- Denise Garden Gate
- Denise open space fence
- Application Boundary Line

Scale 1:500

North Arrow

PLANNING

TETLOW KING

ARCHITECTS URBAN DESIGNERS SUSTAINABILITY CONSULTANTS

Building 10, The Grange, Redhill, Surrey, GU20 0JH
Tel: 01883 83700 Fax: 01883 83701 Web: www.tetlowking.co.uk

PROJECT
Land at Tuffley Crescent
Gloucester
For: Matthew Homes

PLANNING
Coloured Site Layout - Overall

SCALE: 1:500 @ A0 DATE: May 2014 AUTHOR: OWD
JOB NO: MATT130317 REV: J
O - CSL 01

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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	1ST DECEMBER 2015
ADDRESS/LOCATION	:	VICTORIA BASIN, THE DOCKS
APPLICATION NO. & WARD	:	14/01377/FUL WESTGATE
EXPIRY DATE	:	17TH DECEMBER 2015
APPLICANT	:	MR D HOWARD
PROPOSAL	:	Stationing of replica pirate galleon with masts at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN ORIGINAL COMMITTEE REPORT FOR 3RD MARCH 2015 LATE MATERIAL FOR 3RD MARCH 2015 COMMITTEE

1.0 BACKGROUND

- 1.1 The site description and proposal, planning history, policy summary, and original consultation responses and representations are included in the appended Committee Report.
- 1.2 While this is broadly the same proposal, the applicant has now constructed the vessel and provided updated plans. These clarify the detail. It would comprise of two storeys with the main bulk of the vessel up to approximately 5m in height. The tallest of the masts would be approximately 12m in height. It would be up to 5m wide at maximum and 19m long.
- 1.3 The application was originally reported to the March 2015 Planning Committee with a recommendation of approval subject to conditions. The Committee resolved to defer the application due to the level of supporting material. It was recommended to the applicant that he provide detailed scaled drawings of the proposal, more photographs of the boat as constructed from further back, a photo montage of the boat in its proposed siting, and a Heritage Appraisal.
- 1.4 Further material has now been submitted and this report provides an update.

2.0 UPDATED CONSULTATION RESPONSES

- 2.1 The Conservation Officer has reviewed the Heritage Impact Statement and has advised that it is a very thorough and well written piece. No objection is raised as before.
- 2.2 The Civic Trust has commented again. The panel would prefer to see the vessel elsewhere in the Docks, preferably south of Llanthony Bridge and recommends a temporary permission pending finding a different mooring.
- 2.3 The Canal & River Trust has commented again. The Trust objects, noting that while it may generally support proposals to enliven the Docks it has serious concerns regarding the proposal. It raises concerns that the ship would be seen against the backdrop of listed buildings.
- 2.4 It raises concerns about the submitted heritage assessment, that the west side of the Dock deserves special consideration, and notes that all the other boats in the Dock are authentic whether historic or modern.
- 2.5 The Trust is concerned that the height of the ship would have a very significant impact on the view of 5 listed buildings where all the other boats allow uninterrupted views, and that the ship's masts make an 'inglorious partner' to the new spire sculpture on the east side. The bulk and massing is considered incongruous. The integrity of the Conservation Area is at risk of being compromised if allowed.
- 2.6 It considers that the ship would have a harmful impact on the setting of designated and non designated heritage assets.
- 2.7 In the context of a temporary permission, the Trust has concerns that it cannot easily be removed if later deemed harmful, and this would be reliant on finding another mooring.
- 2.8 Overall it is considered that the proposal does not preserve or enhance the Conservation Area, and conflicts with Paragraph 132 of the NPPF, Policy BE.29 of the Second Deposit Local Plan 2002, and the Docks Draft Planning Guidance January 2006.
- 2.9 The Trust also notes that in its role as landowner, other necessary consents would not necessarily be forthcoming, and at present no mooring space is available in Victoria Basin. The applicant is advised to contact the Trust to see if a mooring is available elsewhere.

3.0 UPDATED REPRESENTATIONS SUMMARY

- 3.1 A further round of consultation has been undertaken following the submission of the additional material. Several further representations have been received which may be summarised as follows (please refer to the original report for a summary of the first round of comments. Some objectors wished to confirm that their earlier comments still stand):

- The Heritage Impact Assessment is biased and fails to state the commissioner or any interests held;
- Being a floating restaurant is a departure from previous evidence;
- The plans do not reflect that set out in the Assessment;
- BWML showed no support in the planning process and CRT opposed the application;
- No further reassurance about the appearance of the vessel;
- Full and detailed plans and photos are required;
- Concerns about appearance;
- It is not a replica boat;
- It would be highly visible especially from the walkway between the city centre and Quays;
- Significant negative impact on conservation;
- Out of scale with all other vessels in Victoria basin;
- Concerns about noise and disturbance;
- It would be an eyesore and a noisy distraction for residents of North and South Point, West Quay;
- A commercial venture of this type would be seriously detrimental to the nature of the historic docks;
- Not a suitable location;
- The site is not available anyway;
- Canal boat owners would be put off from coming;
- Would change the character of the Docks;
- The site is not in a tourist or commercial area of the Docks;
- There are plenty of food outlets in the more public areas;
- Incongruous in a residential area;
- No easy access to site by service vehicles;
- Compromises security enjoyed by moorers;
- Current trend is to reduce traffic in the Docks not increase it;
- How will sewage and washing up water be provided for;
- Who would fees, licenses, etc be paid to – increased footfall would increase wear and tear to the Docks;
- Applicant should contribute to the Docks Service Charge;
- Bins being an eyesore and creating odour and vermin problems;
- Bins in the Docks have to be kept in locked units or behind the parking areas;
- Creation of litter;
- Attracting business away from other food establishments;
- There is no need for the service and will not add to the tourist experience;
- Parking facilities will become problematic – no parking permitted in the Dock Estate and Southgate car park could be closed at any time;
- Lack of visual detail prevents proper evaluation;
- Residents required to pay a premium for the upkeep of the Docks should be afforded a significant voice in proposals not in keeping with that context;
- It would contribute nothing to maintenance of the public realm;
- Safety of pedestrian access via the pontoon;
- Gloucester Docks Estate Company Limited would not consent to the removal of a section of the dockside railings based on current information;

- A permanently moored café and its visitors would use all of the Estate facilities but not make a cost contribution to maintenance;
- Other tall masted vessels are only in the Docks short-term;
- Would be more appropriately sited south of Llanthony Bridge (away from residents by commercial uses);
- Could have a negative impact on the potential conversion of Britannia Warehouse to residential;
- Victoria Basin is as yet a non-trading area providing for small privately owned boats. If a strategic decision that the basin is to become commercialised is to be considered, it should be decided only after proper consultation with all stakeholders especially Gloucester Docks Estate Company Limited;
- Safety problems;
- Should grant on a temporary basis to allow assessment of the full impact;
- There are better alternative locations;
- Should be temporary for 1 year with possible extensions pending evaluation or relocation further south;
- Would create a precedent;

3.2 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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01377/FUL>.

4.0 OFFICER OPINION

4.1 Further to the resolution of the March Planning Committee to defer consideration of the application, a Heritage Impact Statement, detailed scaled drawings, photos of the vessel in construction and a photo montage have now been provided.

The Heritage Statement

4.2 The Heritage Impact Statement notes that the original idea of enclosure of the Docks has been diluted – recently restored to a degree through the West Quay buildings next to the main basin but not on the east side of Victoria Dock.

4.3 It notes that the vessel is not meant to be a true replica of any 18th century sailing galleon but more of a well-crafted caricature.

4.4 It goes on to say that the proposed galleon is clearly much larger than the other craft usually moored within the Victoria Dock and its hull is probably around twice the height of the larger barges in the dock and higher still than the small cabin cruisers often in the dock. However, one of the historic characteristics of the docks has always been the wide variation on size of vessels using it – as it was where the large sea-going vessels met the much smaller craft working the inland navigations. Even today there is usually a variety of vessels within the conservation area. These are also not authentic in the true sense of the word.

- 4.5 The height of the masts is considered quite typical for a coasting vessel of the type using the docks in the 19th century. It would not be a significant contributor to wider views in any direction.
- 4.6 While it is not an authentic replica, with the exception of Britannia Warehouse, neither are other new buildings in the docks – instead the onus in the planning decisions has been to ensure that the general scale and distribution is in keeping. It also notes that the proposal is reversible – an important consideration.
- 4.7 Overall the statement considers that the introduction of the replica pirate galleon would not have a significantly harmful impact on the heritage values of the docks or the conservation area – it would not adversely affect the character, setting or significance of the important heritage asset. Similarly it concludes that there would be little or no harm to any listed buildings, nor to any non-designated heritage assets.

Additional supporting information

- 4.8 Scaled coloured elevation plans have been provided of the vessel, also photographs of the vessel as constructed from further back, and a visualisation of the vessel in situ looking across Victoria dock facing west. A planning statement has also been submitted.

Further consideration

- 4.9 The Conservation Officer has reviewed the Heritage Impact Statement and has advised that it is a very thorough and well written piece. Its conclusions are similar to the conclusions of the Conservation Officer originally.
- 4.10 The applicant puts forward that the proposal will support and enhance the area's role as a tourist attraction, providing café facilities and adding to footfall.
- 4.11 On the topic of causing disturbance the statement notes that there are no specific planning permissions for permanent residential use of the moorings in the basin and the proposed use is to be restricted to 9am to 7pm with no alcohol being served so impacts would be limited to the daytime and early evening.
- 4.12 The applicant also wishes to state that it will be made clear that parents/guardians are to be required to look after children – children would not be left in the sole care of café staff. The applicant also proposes that the pontoon would have gated access to the vessel.
- 4.13 The applicant is aware that he needs to separately secure a right to moor the vessel, from other authorities. He also wishes to note further benefits including the unique concept, family based attraction, raising the profile of the Docks, and employment opportunities.
- 4.14 The applicant has noted the requests to site the vessel elsewhere in the Docks and that he is not against such a possible alternative, but wishes to

secure permission for the current site now. He would however be prepared to accept a temporary approval in the first instance of 3 years.

- 4.15 Concerns appeared to revolve around the appearance of the boat and its appropriateness to the Docks Conservation Area. The submitted material does not alter the Conservation Officer's previous conclusions on this. No conservation objection is raised.
- 4.16 Overall in terms of heritage interests, it is considered that the proposal would preserve the character and appearance of the Conservation Area including the neighbouring 'positive building'. Concerns have been raised about its effect on the setting of listed buildings. As noted, Britannia is not listed, and it is not considered that it would cause harm to the setting of the other listed buildings in the vicinity.
- 4.17 It is evident that there are several areas of potential conflict for which it is not easy to grasp precisely how they will pan out, such as the usage of the pontoon and mooring in relation to the surrounding development and uses. While I cannot recommend outright refusal on such grounds, a temporary permission may offer a useful solution to assessing quite how the proposal fits into the surroundings and the applicant has offered this, albeit requesting 3 years. If matters prove to be unacceptable for any planning reason then I would think 3 years too long to endure. A 1 year permission seems more appropriate as a possible solution. If the proposal is acceptable then it should not be problematic to extend the period or make permanent at the 12 month mark.
- 4.18 There are no new issues raised that make me alter the recommendation to one of refusal.

5.0 CONCLUSION

- 5.1 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.
- 5.2 It is important to remember in coming to a decision that, although several objectors consider that the vessel would be more appropriate elsewhere in the Docks (and it may be), the Authority must determine the application as submitted. It may be that, if a temporary permission were granted, an alternative location may be found to be agreeable to the various parties in the meantime.
- 5.3 The application proposes a café use with the stated intention of opening it up to children's parties that is acceptable in policy terms in this part of the city, with such active uses and tourist attractions encouraged in the Docks. Active uses have been granted permission in the Merchants Quay development and also historically at the northern end of the Docks in the original Docks outline

permission (though not yet implemented). The proposal would make a modest contribution to generating footfall in the area and economic benefits. The use is proposed during daytime hours in a mixed use area that is a tourist attraction. I do not consider that any significant harm would be caused to residents' living conditions with the imposition of certain conditions. The vessel, although concerns have been made that it is not authentic, tacky and out of keeping, is not likely to cause harm to heritage assets subject to conditions.

- 5.4 I have considered the relevant local plan policies and conclude that there is broad compliance. In terms of the NPPF balance, I consider that the presumption in favour of sustainable development applies, as adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, nor do specific NPPF policies indicate that development should be restricted. There is no conflict with the duties under the 1990 Listed Buildings and Conservation Areas Act as to conservation areas and listed buildings.
- 5.5 I have considered all of the representations and do not consider that there are any other material considerations of such weight as to warrant refusing planning permission.
- 5.6 Therefore I conclude that the balance of material considerations weighs in favour of granting planning permission subject to conditions.
- 5.7 The recommended conditions have been updated since the original report in light of the new material and progress in construction. The conditions requesting details of precise fenestration, any sails and specifying the maximum height of masts are no longer necessary and are not included now. The list of approved plans and specification of material conditions can now be updated.

6.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 6.1 That planning permission is granted subject to the following conditions:

Condition

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

Reason

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

Condition

The applicant shall advise the Local Planning Authority in writing of the date when the vessel is first stationed at the site prior to the expiration of 7 days

after that date. The vessel shall be removed from the site on or before the expiration of 12 months from the date at which it is first stationed at the site.

Reason

To enable the Local Planning Authority to give further consideration to the impacts of the proposal after the temporary period has expired in the interests of ensuring compliance with Policies FRP.10, FRP.11 and BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and the National Planning Policy Framework.

Condition

The development shall be undertaken in accordance with the following plans;

Proposed elevations ref. 2.01 received by the Local Planning Authority on 19th October 2015

Bridging unit plan ref. SOL-xxxx-SC01-000 received by the Local Planning Authority on 20th November 2014

Reason

To ensure the works are carried out in accordance with the approved plans.

Condition

There shall be no external storage of any items associated with the business other than waste and recycling bins which shall be situated within a bin store.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Prior to the construction of the bin store, details of the required size and capacity of receptacles to service the use and the precise siting and appearance of the bin store including any associated amendments to the bin store required to secure sufficient capacity (comprising scaled elevation and block plan drawings), shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall subsequently be constructed in accordance with the approved details, shall be installed prior to the commencement of the use and shall be retained for the duration of the use unless any variation is agreed to in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Unless otherwise agreed to in writing by the Local Planning Authority, the bin store shall be constructed with external facing materials to match the pontoon.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

The use shall only be open for the admission of customers between 0900 hours to 1900 hours on any day and no customer shall be admitted outside such hours.

Reason

In accordance with that stated by the applicant, to preserve the amenities of local residents in accordance with Policies FRP.10, FRP.11, BE.21 and T.1 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 120 and 123 of the NPPF.

Condition

Prior to the commencement of the use hereby permitted a scheme for the ventilation of fumes and odours shall be submitted to and approved in writing by the Local Planning Authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained as long as the use continues.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

The access from the dockside adjacent to the vessel shall be retained at all times that the use is open to customers.

Reason

To facilitate a direct access and avoid disturbance to neighbouring Docks users as a result of customers using the remainder of the pontoon, in the interests of the amenities of residential property in the locality in accordance with Policies FRP.10, FRP.11, BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

Unless otherwise agreed to in writing by the Local Planning Authority, at all times that the use is open to customers an enclosure shall be sited on the pontoon at the water's edge and at the north side of the access point to the vessel to restrict access along the pontoon.

Reason

To enclose the area of use, for safety and to minimise disturbance to other users of the Dock, in accordance with Policies FRP.10, FRP.11 BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policies SD5 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

The external facing material of the vessel other than the hull and the applied decoration as shown on the approved elevation plan shall be Cumaru hardwood and maintained as such, unless otherwise agreed to in writing and in advance by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Only one section of horizontal bars shall be removed from the dockside railings and the vertical posts shall remain in place.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with

Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Note

Any advertisements may require the express consent of the Local Planning Authority.

This permission does not convey tacit approval to the sail/banner signs indicated in some of the original supporting visual information.

In accordance with the requirements of the National Planning Policy Framework 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:

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Person to contact: Adam Smith
(Tel: 396702)

14/01377/FUL

Victoria Basin Marina
The Docks
Gloucester

Planning Committee 01.12.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **3RD MARCH 2015**

ADDRESS/LOCATION : **VICTORIA BASIN, THE DOCKS**

APPLICATION NO. & WARD : **14/01377/FUL
WESTGATE**

EXPIRY DATE : **26TH JANUARY 2015**

APPLICANT : **MR D HOWARD**

PROPOSAL : **Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier**

REPORT BY : **ADAM SMITH**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE PLAN
REPRESENTATIONS**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises part of the Victoria basin, plus part of the pontoon and dockside, adjacent to Britannia Warehouse.
- 1.2 The proposal is for a 'replica pirate galleon', 19 metres long. 5.4 metres tall to the top of the upper deck (4.9 metres above water level) and up to 4.5 metres wide. Masts are proposed of up to 15 metres in height.
- 1.3 The vessel is constructed of a steel hull with a steel skeleton superstructure that is to be clad in timber – likely to be Cumaru hardwood. It would also have pirate accessories added to it including replica cannons, treasure chests, beer barrels and pirate models.
- 1.4 It would be used as a café and for children's parties, and would seat a maximum of 80 adults and children. A number of staff members are likely to be required to run the business.
- 1.5 One set of the horizontal railings at the dock edge would be taken out and an access ramp taken down directly onto the pontoon, then a short ramp to access the vessel itself. A bin store is proposed to be located on the pontoon in materials matching the pontoon.

- 1.6 The application is referred to the Planning Committee as it relates to land in which the Council has an interest and objections have been received. Depending on whether you took the base level as the water, dock or boat, the masts may also meet the 15 metre height threshold for Committee referral.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None

3.0 PLANNING POLICIES

Central Government Guidance - National Planning Policy Framework

- 3.1 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;

- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF is topic based on a similar basis to the previous PPGs and PPSs:

Building a strong, competitive economy and Ensuring the vitality of town centres

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The sequential and impact tests are maintained for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more the 'impact' factors, it should be refused.

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Promoting healthy communities

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Conserving and enhancing the natural environment

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

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise. In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the asset's conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Any harm or loss should require clear and convincing justification.

Where substantial harm or total loss of significance of an asset would occur, applications should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the asset prevents all reasonable uses of the site; and
- no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

The Development Plan

- 3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is
- (a) The regional spatial strategy for the region in which the area is situated, and
 - (b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Local Plan

- 3.3 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

- 3.4 Relevant saved 1983 Local Plan policies are as follows:
 A2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.
 A5.a – The inclusion of tourist-orientated uses within the comprehensive redevelopment of the Docks area will be encouraged.
 L3.c – The City Council will support the inclusion of leisure facilities within the Docks redevelopment.
- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent....”

The following policies are of relevance:

Western Waterfront mixed use allocation

FRP.1a – Flood risk

FRP.10 – Noise

FRP.11 – Pollution

BE.1 – Scale, massing and height

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

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.21 – Safeguarding of amenity

BE.29 – Development in Conservation Areas

TR.9 – Parking standards

TR.31 – Road safety

T.1 – Visitor attractions in the central area

Gloucester Docks Draft Planning Guidance January 2006

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

Preservation and enhancement of historic buildings and environment
Introducing a lively mix of uses with day round appeal
High quality architecture in an historic context
Providing local employment opportunities
Maintaining access to and along the waterside
Providing a new, high quality residential, tourism, leisure and working quarter for the city

This part of the Docks is proposed for land uses including residential, retail, leisure and cafes/restaurants, with Victoria Dock to be used to site floating platforms/stages for the hosting of events.

Emerging Plan

- 3.8 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

The following policies of the Submission JCS Document are of relevance:

SD1 – Presumption in favour of sustainable development
SD5 – Design requirements
SD9 – Historic environment
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management

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

4.0 CONSULTATIONS

- 4.1 The Conservation Officer does not consider in principle that the proposal would be harmful. More details were sought about its exact appearance in order to be completely comfortable with it, and having seen photographs of the part constructed boat and the facing timber, no objection is raised.
- 4.2 The Civic Trust initially noted that it considered the application to be acceptable and welcome. The Trust responded again later to note that it had reconsidered the application in light of further information. The Trust notes that it has no objections in strictly planning terms, however the vessel would be better sited elsewhere in the docks in the interests of good neighbourliness – which would be a matter for the Canal Trust as landlords.
- 4.3 The Highway Authority raises no objection subject to a condition to agree a waste storage point within 25 metres of the road.
- 4.4 The Environmental Protection Officer raises no in principle objection subject to conditions to secure a scheme of odour and fume control and refuse/recycling storage.
- 4.5 The Canal & River Trust has not yet commented but a response is expected prior to the Committee meeting.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 46 neighbouring premises were notified, and 2 site notices and a press notice were published.
- 5.2 Issues raised in representations may be summarised as follows:

The activities will cause disturbance to berth holders and residents
 Opening hours should be restricted to daytime and no evening function or bar should be allowed
 Access to the pontoons would be unrestricted, and this would intrude on privacy
 Rocking and noise caused by movement on the pontoon
 The masts will be noisy at night in the wind
 It would dominate the basin and its surroundings and cause a loss of amenity
 Risks to health, safety and security of the public/berth holders
 Access to the pontoon should be for the ship only
 Commercial activity is not permitted/is inappropriate here
 It would be an unpleasant commercial venue
 It would be better located elsewhere
 At another location other than in the full sight of visitors, residents and berth holders it may make a valuable contribution to tourism and the local economy
 A café is not required
 It would not have any beneficial effect on the economic development of the Docks
 The design is poor and requires adjusting
 The pirate galleon is a fake and has no cultural, historical or technical merit
 It may lower the tone of the development

It is tacky and belongs in a theme park not a historic setting, out of keeping with the conservation area
 Adverse effect on the setting of listed buildings
 It is contrary to the work to renovate the Docks in a sympathetic and respectful manner
 The ugly new walkway and bin store will spoil the look of the area
 It would make manoeuvring other boats difficult given its size
 No information about power source for the vessel
 No information about the size of the toilet waste tank or its disposal, or how liquid waste is to be dealt with which could cause pollution
 The pontoons are not wide or stable enough to support bins
 The bin enclosure will be an eyesore and will smell, is a fire hazard and could attract vandalism
 No information on waste collection and deliveries
 No information on meeting technical requirements for inland waterway vessels
 The advertising of the application is not as required
 The greater use of the water space and encouraging young people and families to the area is welcomed
 It would stop any fireworks displays
 It would cause problems with seagulls
 Additional traffic and parking would possibly be an issue
 The application lacks details and is vague and confusing
 It is likely to be used as a cheap child minding facility
 If allowed there would be further applications for floating pubs, bars and nightclubs
 The precedent would destroy the ambience of the area
 Concerns about the viability of the venture
 How will emergency services gain access to this side of the basin

5.3 The full content of all correspondence on applications can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

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

- Economic development considerations
- Conservation
- Traffic and transport
- Residential amenity
- Flood risk

Economic development considerations

6.2 The proposed use is a main town centre use within the definition of the NPPF. The Docks is within the city centre for this type of use. Furthermore the Docks has long been held to be a 'special case' in terms of the types of uses – with aspirations to secure active uses that support and enhance its role as a tourist attraction, and specific mention of cafes in the Planning Brief. Its size is below

the NPPF threshold for an impact assessment and I think it unlikely in any case that the proposal would have a significant impact on the city centre.

- 6.3 Objections refer to the café not being required. There is no test of 'need' for the café per se, but in any case, this type of use has been actively encouraged in the Docks. The use would contribute somewhat to greater footfall within the Docks and would deliver a novel attraction with a maritime theme that is likely to appeal to children in a similar way to the tall ships festival.
- 6.4 Overall I consider that this type of use is appropriate in this part of the city and that proposal would deliver modest benefits in economic terms.

Conservation

- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The NPPF similarly requires 'great weight' to be given to the conservation of heritage assets.
- 6.6 The site is within the Conservation Area. The neighbouring Britannia warehouse is not actually listed – being a facsimile rebuild from the 1980s, but it is an allocated 'positive building in the Conservation Area'.
- 6.7 The main bulk of the vessel would be in the order of twice the height of the barges located around Victoria basin and also longer than them. The masts, if up to 15 metres, would be perceived at around the eaves level of the warehouses. Therefore, when viewed from across Victoria basin, the vessel would clearly be seen in the context of the surrounding buildings and would be larger than most of the other boats that use this part of the Docks.
- 6.8 The Docks area, including Victoria basin, includes a lot of barges, but also several modern vessels – including the smaller private boats moored around Victoria Basin and the commercial vessels such as the Oliver Cromwell in the main basin (although this is located there on a temporary consent only). There is a turnover of different vessels as people visit the Docks via the waterways.
- 6.9 The Conservation Officer acknowledges that the vessel would clearly be visible in the Docks but would not impact on any significant views within the Conservation Area – e.g. of the Cathedral. For a large part it would be viewed against the backdrop of Britannia warehouse. In terms of its historic appropriateness, as a working dock it would have accommodated a range of different size and types of boats. The existing range of types of boats reflects the Docks being a tourist attraction now.
- 6.10 Provided it is constructed well with a good quality facing timber, I do not see that the proposed vessel would be too different to the boats that arrive for the tall ships festival in overall scale and general appearance. Arguing about its exact historic links and precise dimensions and detailing would in my view be excessive in this respect - the numerous modern boats in the Docks now are

no less incongruous if one takes a purist view of the boats that originally visited the Docks.

- 6.11 The proposed timber finish – Cumaru - also known as Brazilian Teak, is often used for flooring and is considered quite durable. It has a colour variation and seems likely to give an acceptable appearance. The boat is currently under construction and it appears likely, from the progress so far and the facing timber material, to be of an acceptable quality in terms of its finished appearance.
- 6.12 Waste storage is proposed on the pontoon. Permanent storage of bins openly on the pontoon or dockside would be undesirable visually. Provided the enclosure is built in matching materials I do not consider it would be harmful.
- 6.13 Overall it is considered that the proposal would preserve the character and appearance of the Conservation Area including the neighbouring 'positive building' with some control over the materials by condition. Concerns have been raised about its effect on the setting of listed buildings. As noted, Britannia is not listed, and I do not consider it would cause any harm to the setting of the other listed warehouses in the vicinity.

Residential Amenity

- 6.14 The adjacent Britannia warehouse and Victoria warehouse to the north are in commercial use. Certain permitted development rights exist to convert offices to residential but there are no proposals at present. Albert Warehouse to the south beyond the inlet to the basin, and Merchants Quay to the west of Britannia Warehouse, are in residential use.
- 6.15 The neighbouring moorings accommodate a substantial number of boats within Victoria basin. In terms of assessing the impact on living conditions, I am not aware that the berthing agreements permit permanent residential use at the moorings here, nor that there are any planning permissions for permanent residential use. Therefore this is a different scenario to considering the impact on the Merchants Quay and Albert Warehouse flats and it appears to me that the impacts ought to be considered in the context of periodic leisure use of the boats by various people over time.
- 6.16 The impact also needs to be considered in terms of the proposed use, which would be daytime-based (the applicant indicates 9am to 7pm as the maximum range), when the Docks is busy with other activities and attractions, which are encouraged within the area. There are other active uses already operating nearby and others permitted but not implemented in Merchants Quay. In addition to which the Docks has numerous activities such as the Tall Ships Festival and the food and Victorian Fayres.
- 6.17 Electrical connection is available so no generator/engine is required for power. I am advised that there are supply points on the pontoons and British Waterways Marinas can allocate 6 for the applicant's use.

- 6.18 In terms of the impact from cooking processes, the applicant indicates that the business would serve teas/coffees/cakes and the like, with lunch and light breakfast menus. As such it does not appear that the cooking processes are likely to create too much odour. In addition, as it is aimed at families, no alcohol license would be sought. Environmental Health have in any respect asked for details by condition of a scheme of odour and fume control.
- 6.19 While I do not consider that it is behaviour that necessarily goes hand in hand with the proposed use, the jumping up and down on the pontoon and peering into windows of the barges that is raised by several objectors would be rather undesirable and I consider could be ameliorated by requiring an enclosure to the pontoon around the access by condition – this would restrict access and congregating would take place on the dock edge or straight onto the vessel. This could also be effected by a requirement to retain the direct access from the dockside – rather than customers walk all the way round the pontoon from the existing access. I suspect that the applicant would be amenable to making additional arrangements to gather customers on the Dockside or straight onto the boat anyway.
- 6.20 In this light, considering the nature of the proposal and the activities and uses in the Docks area, I do not consider that the proposed use would cause any significant harm to the amenities of local residents within the Docks, this would similarly be the case even if neighbouring boat owners did live there permanently.

Waste

- 6.21 I am advised that Enterprise collect most of the waste from the Docks premises and the applicant would need to make arrangements with them directly. There is no central collection point – most likely it would be through the picnic area between the warehouses to the access road in the same way that Fosters public house and Merchants Quay are serviced. Possibly it could be done from the Docks road off Southgate Street (as per the courts, the museum, etc).

Traffic and Transport

- 6.22 The site is in close proximity to existing public car parking and is accessible from local public transport stops. It seems an appropriate location for this type of use in this regard.
- 6.23 The Highway Authority has made a request regarding the bin storage locations. As above, waste collection is most likely from the road between Merchants Quay and Britannia (as per Fosters, Merchants Quay flats, etc). Equally servicing, deliveries, etc could take place from here. While the Highway Authority seeks a bin store between the vessel and the road to achieve the dragging/collection distances in the guidance, I am not sure how practical this would be to achieve, nor would it be particularly desirable in terms of the few locations that such storage could occur. Bin storage near to the boat also seems less likely to generate litter. I do not suggest that an objection is raised overall on this matter if the Highway Authority's request is not met.

Flood risk

- 6.24 The Docks is Flood Zone 3 however given the nature of the proposal and immediate proximity of low-risk Flood Zone 1 land I do not realistically consider the sequential test serves any useful purpose nor there to be any overriding flood risk issues.

Human Rights

- 6.25 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 It is important to remember in coming to a decision that, although several objectors consider that the vessel would be more appropriate elsewhere in the Docks (and it may be), the Authority must determine the application as submitted – is the proposal acceptable in this location?
- 7.3 The application proposes a café use with the additional intention of opening it up to children's parties, that is acceptable in policy terms in this part of the city, with such active uses and tourist attractions encouraged in the Docks. It would make a modest contribution to generating footfall in the area and economic benefits. The use is proposed during daytime hours in a mixed use area that is a tourist attraction. I do not consider that any significant harm would be caused to residents' living conditions with the imposition of certain conditions. The vessel, although concerns have been made that it is not authentic, tacky and out of keeping, is not likely to cause harm to heritage assets subject to conditions controlling materials. I have considered the relevant policies and concluded that there is broad compliance. I have considered all of the representations and do not consider that there are any other material considerations of such weight as to warrant refusing planning permission.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is granted subject to the following conditions:

Condition

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

Reason

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

Condition

The development shall be undertaken in accordance with the following plans;

Side elevation plan

Plan on poop deck and fore upper deck

Plan on upper deck

Plan on mid-ship deck

Plan on lower deck

Bridging unit plan ref. SOL-xxxx-SC01-000

All received by the Local Planning Authority on 20th November 2014

Reason

To ensure the works are carried out in accordance with the approved plans.

Condition

There shall be no external storage of any items associated with the business other than bins which shall be situated within a bin store.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Prior to the construction of the bin store, details of the required size and capacity of receptacles to service the use and any associated amendments to the bin store, shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall subsequently be constructed in accordance with the approved details, shall be installed prior to the commencement of the use and shall be retained for the duration of the use unless any variation is agreed to in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Unless otherwise agreed to in writing by the Local Planning Authority, the bin store shall be constructed with external facing materials to match the pontoon

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

The use shall only be open for the admission of customers between 0900 hours to 1900 hours on any day and no customer shall be admitted outside such hours.

Reason

In accordance with that stated by the applicant, to preserve the amenities of local residents in accordance with Policies FRP.10, FRP.11, BE.21 and T.1 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 120 and 123 of the NPPF.

Condition

Prior to the commencement of the development hereby permitted a scheme for the ventilation of fumes and odours shall be submitted to and approved in writing by the Local Planning Authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

The access from the dockside adjacent to the vessel shall be retained at all times that the use is open to customers.

Reason

To facilitate a direct access and avoid disturbance to neighbouring Docks users as a result of customers using the remainder of the pontoon in the interests of the amenities of residential property in the locality in accordance with Policies FRP.10, FRP.11, BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

Unless otherwise agreed to in writing by the Local Planning Authority, at all times that the use is open to customers an enclosure shall be sited on the pontoon at the water's edge and at the north side of the access point to the vessel to restrict access along the pontoon.

Reason

To enclose the area of use, for safety and to minimise disturbance to other users of the Dock, in accordance with Policies FRP.10, FRP.11 BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policies SD5 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

The external facing material of the vessel other than the hull shall be Cumaru hardwood unless otherwise agreed to in writing and in advance by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

The masts shall not exceed 15 metres in height above the deck it is mounted on.

Reason

To establish the terms of this permission and in the interests of the visual amenities of the area and preserving the character and appearance of the

Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Any sails or other material to be attached to the mast structures shall only be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Details of the fenestration of the vessel shall be submitted to and approved in writing by the Local Planning Authority, and the vessel shall be constructed only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Only one section of horizontal bars shall be removed from the dockside railings and the vertical posts shall remain in place.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Note

Any advertisements may require the express consent of the Local Planning Authority.

This permission does not convey tacit approval to the sail/banner signs indicated in some of the supporting visual information.

Decision:

Notes:

.....

.....

Person to contact: Adam Smith
(Tel: 396702)

14/01377/FUL

**Victoria Basin Marina
The Docks
Gloucester**

Planning Committee 03.03.2015



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**LATE MATERIAL (APPLICATIONS FOR DETERMINATION)
PLANNING COMMITTEE: 3rd MARCH 2015**

**ITEM 7: 14/01377/FUL, PIRATE SHIP, VICTORIA BASIN, THE DOCKS
Additional representations**

The Canal & River Trust has now commented. It objects to the proposal raising the following issues:

- The Trust generally supports proposals to enliven the Docks but has serious concerns regarding this proposal;
- Proposal is in the Conservation Area and the ship would be seen against the backdrop of listed buildings;
- The proposal lacks detail such as the location and treatment of the bin store and there are discrepancies between the drawings;
- The visual impact of the proposal on the conservation area and listed buildings cannot be properly assessed;
- Without detailed information on the finished appearance and style and quality of the decoration it cannot be determined that the proposal would be appropriate and not have an adverse impact on the significance of the asset;
- The objection is on the grounds that paragraph 128 of the NPPF requires “an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”. Whilst “the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance” the Trust does not consider that sufficient information has been provided. Furthermore the Trust is concerned that the proposal may not comply with Policy BE29 of the 2002 Second Deposit Page | 3 Local Plan and the 2006 Docks Planning Guidance in that the proposal may not preserve or enhance the historic buildings and environment.
- The Trust also notes that further consents/licenses will be required and the Trust will need to consider a range of matters including public safety.
- Secondly, a representation in support has been submitted from the ex Vice-Chairman of Bathampton Parish Council who considered a previous proposal by the applicant for a ‘café boat’, raising the following points;
- The applicant was very meticulous in his planning and consulted stakeholders;
- There were some concerns but the Parish Council discussed it with British Waterways and were satisfied that it met all the license requirements and would be properly supervised;
- The café boat has been extremely successful. It is well run and has enhanced a previously drab area of the canal, and blended in perfectly;
- There is an ongoing dispute between the canal community of continuous cruisers, ‘liveaboards’ and hire boats and the Canal & River Trust, and that community saw the café boat as being granted privileges that were not being extended to them;

- The Parish Council took the view that the canal was restored at public expense and was there for the benefit of all users, nobody had exclusive rights and they wanted to see a vibrant and balanced canal;
- He is not aware of the detail of this application but can say that their experience in Bathampton has been extremely positive and they are confident that the applicant will give maximum commitment to establishing a successful business that adds much to the life and vibrancy of the local community.
- The new comments do not add anything that has not already been considered.

No change is proposed to the recommendation.

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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	1ST DECEMBER 2015
ADDRESS/LOCATION	:	FORMER GLOSCAT SITE, BRUNSWICK ROAD ('GREYFRIARS' SITE)
APPLICATION NO. & WARD	:	15/01408/CONDIT WESTGATE
EXPIRY DATE	:	15TH JANUARY 2016
APPLICANT	:	LINDEN HOMES WESTERN LTD
PROPOSAL	:	Discharge of Condition 29 (public art) of permission ref. 15/00362/FUL
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The former Gloscat campuses continue to be redeveloped pursuant to the earlier planning permissions. The former Media site to the east of Brunswick Road is complete other than the frontage 'Block M', which was intended to house a General Practice surgery, community space and ground floor commercial units, and which has not progressed. The former main campus to the west of Brunswick Road is partially developed, with construction continuing on site.
- 1.2 Condition 29 of the planning permission requires detailed public art specifications for the square adjacent to the Greyfriars monument and the 'Roman wall' interpretation at the Brunswick Road frontage. These were provided only in indicative form at the time of the original application.
- 1.3 The submitted details comprise:

In respect of the square;
The angled subdivision of the square into grassed and planted areas with pathways through and hardstanding to the café side
6 illuminated solid granite benches set around the square. These would all be slightly different in shape and size but all have a layered design as horizontally stacked slabs, with text to the layered edges describing moments in Gloucester's history, in particular the Friary. The text would be engraved into the edges and ink filled. Lighting would be fitted into the underside of the

bench on one side and would project down onto the ground. The tops would be contoured to allow water runoff and minimise unwanted sleeping. Granite 'rumble strips' would be installed around the benches to seek to prevent use by skateboards.

In respect of the Roman wall;

A series of granite benches aligned along the line of the Roman wall. These would be of different sizes and shapes but the same width along the alignment. Bronze plaques would be installed to the sides of the benches, with hand engraved text referencing the aesthetic of the Roman Military diplomas. These will be bonded into a recess in the bench blocks and lit by uplighters set into the ground.

Between the benches and on the same alignment in front of Block B (with the café), the same granite would be inlaid as paving.

Again granite 'rumble strips' would be installed either side of the benches to seek to prevent use by skateboards.

- 1.4 The application is referred to the Planning Committee in line with the request from Members of the Committee at the time of considering the original application that the public art details be referred back to Committee for consideration.

2.0 RELEVANT PLANNING HISTORY

10/01040/CON

- 2.1 Demolition of buildings comprising the nine storey tower block and associated outbuildings on the 'Main site' (to the north west of Brunswick Road) (demolition proposals exclude the Technical College building fronting Brunswick Road on the 'Main site' and the Dawn Redwood tree, any curtilage structures or parts of the Via Sacra, any foundations on the 'Main site', and all buildings on the 'Media site' (to the south east of Brunswick Road)). Granted subject to conditions 09.12.2010.

11/00107/FUL

- 2.2 Site clearance and mixed use redevelopment comprising 10 no. blocks on the Greyfriars site (land to the north west of Brunswick Road) and 5 no. blocks on the Media site (land to the south east of Brunswick Road). Residential dwellings comprise 254 total (including 183 dwellings on the Greyfriars site and 71 dwellings on the Media site). 350 square metres of Class A3 use on the Greyfriars site (ground floor to Blocks A and B), 1335 square metres of Class D1 and D2 uses on the Media site (Block M), 367 square metres of Class A1 use on the Media site (Block M) and 490 square metres of Class B1 use on the Media site (Blocks J and M). 207 car parking spaces total (including 132 spaces on the Greyfriars site and 75 spaces on the Media site). Construction of access roads, new public thoroughfares, spaces, squares and associated landscaping and infrastructure. Granted subject to conditions and legal agreement 30.03.2012.

11/00109/CON

- 2.3 Demolition of buildings comprising the Technical College building fronting Brunswick Road on the 'Greyfriars' site (site to the north west of Brunswick Road) and all buildings on the 'Media' site (site to the south east of Brunswick Road). Granted subject to conditions 22.12.2011.

12/00771/FUL

- 2.4 Variation of Conditions 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 22, 25, 29, 31, 32, 33, 34, 35, 36, 44, 45, 46, 51 and 52 of planning permission ref. 11/00107/FUL, to allow for the discharge of conditions on a phased basis and to amend the Code for Sustainable Homes level for affordable dwellings. Granted subject to conditions 27.03.2013.

12/01114/MOD

- 2.5 Modification of provisions of extant Section 106 Agreement dated 30th March 2012 (Planning Ref: 11/00107/FUL). No objections raised, and amended 27.03.2013.

13/00537/FUL

- 2.6 Deletion of Condition 16 of planning permission 12/00771/FUL (introduction of vegetation screening in place of requirement to obscure-glaze upper floor rear windows at Block L), and variation of Condition 2 of planning permission 12/00771/FUL to amend layout plans to introduce maintenance strip at rear of Block L. Granted subject to conditions and legal agreement 27.09.2013.

14/01074/FUL

- 2.7 Variation of Condition 49 of permission ref. 13/00537/FUL to allow for the submission of temporary vehicular parking and turning arrangements for approval, for the Greyfriars part of the site only (not the former Media site). Granted subject to conditions 11.03.2015.

15/00362/FUL

- 2.8 Variation of Condition 2 of planning permission ref. 13/00537/FUL to make external and internal alterations to Blocks A and I (flat block) (both on site north west of Brunswick Road); reduced number of units, changes to unit mix, and division of Block A Class A3 unit into 2 no. units. Granted subject to conditions 12.06.2015.

3.0 PLANNING POLICIES

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance - National Planning Policy Framework

- 3.2 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong

sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

For the purposes of making decisions, the NPPF sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The Development Plan

3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - "The development plan is

- (a) The regional spatial strategy for the region in which the area is situated, and
- (b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the

planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Local Plan

- 3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

A.2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.

- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration.

3.7 2002 Plan Policies

- BE.7 – Architectural design
- BE.12 – Landscape schemes
- BE.16 – Provision of public art
- BE.21 – Safeguarding of amenity
- BE.23 – Development affecting the setting of listed buildings
- BE.29 – Development within Conservation Areas
- BE.31 – Preserving sites of archaeological interest
- BE.32 – Archaeological assessment
- BE.33 – Archaeological field evaluation
- BE.34 – Presumption in favour of preserving archaeology
- BE.36 – Preservation in situ
- BE.37 – Recording and preserving archaeology

Emerging Plan

- 3.8 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 NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council’s Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans 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

3.9 The following policies are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

SD5 – Design requirements
SD9 – Historic environment
SD15 – Health and environmental quality

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

4.0 CONSULTATIONS

4.1 The Conservation Officer is generally supportive but wishes to agree further detail of the materials and the engraved text.

4.2 The Urban Design Officer considers the proposals to be positive. The Roman wall interpretation looks good in principle but we need to carefully consider the lighting approach and exact materials. The square is also considered interesting but again lighting and exact materials need careful consideration. He wishes to agree further detail of the materials and if the archaeological constraints prevent the use of trees, wishes to see the concept refined.

4.3 The City Archaeologist has no objections to the Roman Wall art piece, but is concerned to ensure that the square art piece (notably the trees and any foundations for the benches and light cabling) does not impact on the cloister remains. These sit only around 30cm below ground level. After considering various options with Officers, he recommends that the trees are 'raised' so they would sit above the remains. We should also secure a scaled cross section drawing of the proposals to show the depth of the tree pits, and the foundations and services for the benches and their lighting. The works would need to be monitored as part of the already-agreed watching brief for works across the site. It is also considered that the engraved text to the benches should be agreed.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 None.

6.0 OFFICER OPINION

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

- Conservation and design
- Archaeology
- Residential amenity

Conservation and design

6.2 The schemes propose high quality materials from the description (though we would wish to see an exact sample), and in the square, soft landscaping, that should enhance the setting of this development.

6.3 The ideas to show layers of local history and in the wall a specific connection to the Roman garrison tie in to the heritage of this site and its surroundings. I consider that in content and appearance it appears to be an appropriate public art response to its context.

6.4 Landscaping schemes have already been approved at the application stage, so Officers have asked for clarification about the precise planting proposals for the square.

6.5 Also outstanding are a precise specification of the hard surfacing material for the main part of the square, and a timetable for its implementation.

6.6 Subject to agreeing appropriate hard surfacing and planting, and approving a sample of the material for the bench, it is considered that the proposals would deliver an enhancement of the character and appearance of the conservation area and the setting of listed buildings. There is therefore no conflict with the duties under the 1990 Listed Buildings and Conservation Areas Act, and the Policies of the adopted 1983 Plan, the 2002 Second Deposit Plan, the Pre-Submission JCS and the NPPF. The Urban Design Officer should also be able to assist in advising on lighting fixtures, and a timetable is required to ensure its implementation at an appropriate time. Scaled site plans and cross sections are also required to ensure precision.

Archaeology

6.7 Both proposals are located in an area of nationally important archaeological remains. The presence of the Roman wall is not of concern to the City Archaeologist given the current site conditions and the foundation detail provided.

6.8 The Square proposals however would sit over the cloister remains next to the Priory. It is currently unclear what impact the proposals would have on the remains although it seems likely that the trees would cause damage without further clarification or refinement of the design. The foundations of the

benches and servicing ducts required for their lighting, could similarly cause damage to the remains. Officers consider that, in the event that the developer does not wish to undertake an impact assessment (which would clarify the harm or otherwise and provide an evidence base for judging the current proposals), then the trees could be raised locally either through a raised bank or enclosed by the elevation of the stone perimeters proposed.

Residential amenity

- 6.9 There are new and pre-existing residential premises in the vicinity of the proposed works. Their nature and scale do not suggest that any harm would be caused to the amenities of neighbours. The works are controlled already by the hours of work condition on the overarching planning permission.

7.0 CONCLUSION

- 7.1 The concepts are considered broadly acceptable and the Committee's endorsement of these is sought. There are several points on which further information is required. The one with the biggest scope to lead to an alteration to the scheme is the archaeological constraints in respect of tree planting. If this leads to tree planting not being possible in the current arrangement, we would seek a refinement of the scheme rather than just removing the trees out of the current version, however options appear to be available to raise the trees by tweaking the design – retaining some tree cover and avoiding the archaeological remains. It is recommended that if the Committee is happy with the concepts, Officers work through these matters of detail to an acceptable conclusion.
- 7.2 Subject to the approval of the outstanding matters the proposals comply with Policies BE.7, BE.16, BE.21, BE.23, BE.29, BE.31, BE.32, BE.33, BE.34, BE.36 and BE.37 of the 2002 Second Deposit Local Plan, Policies SD5, SD9 and SD15 of the Pre-Submission JCS, Policy A2 of the 1983 Adopted Plan and the NPPF. There is no conflict with the duties under the 1990 Listed Building and Conservation Areas Act as to listed buildings and conservation areas.

The balance of material considerations weighs in favour of approving the details subject to the caveats noted above.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That condition 29 is partially discharged in respect of the requirement to submit details, subject to the applicant providing:
1. an acceptable alternative arrangement for the tree planting to ensure the preservation in situ of the remains of the cloister;
 2. an acceptable scaled layout (in context) and cross sections of both proposals including foundations and service runs. In respect of the Square proposals, in addition - the specification of tree pits if necessary, with ordnance datum heights for foundations, service runs and tree pits;

3. an acceptable sample of the material for the benches and surface inlays in both proposals;
4. an acceptable precise planting proposal for the square proposal;
5. an acceptable sample of the hard surfacing for the square proposal;
6. an acceptable timetable for the implementation of both proposals;
7. an acceptable full transcript for the engraved text for the benches in the square proposal.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

15/01408/CONDIT

**Former Gloscat
Brunswick Road
Gloucester**

Planning Committee 01.12.2015



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	1ST DECEMBER 2015
ADDRESS/LOCATION	:	LAND TO SOUTH OF WATERWELLS DRIVE
APPLICATION NO. & WARD	:	15/00892/FUL QUEDGELEY FIELDCOURT
EXPIRY DATE	:	20TH OCTOBER 2015
APPLICANT	:	FLI STRUCTURES, HALEY SECURITIES LTD.
PROPOSAL	:	ERECTION OF NEW MANUFACTURING AND DISTRIBUTION FACILITY (USE CLASSES B2/B8) AND ANCILLARY OFFICE WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS.
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 vacant plot with a site area of 1.74 hectares located to the south of Waterwells Drive, West of Marconi Drive and North of Jessop Court with Kestrel Court to the West. The site is currently vacant with access to the site from Jessops Court. The site is covered with shrub and grass growth and includes a Public Right of Way following the line of the Dimore Brook to the north of the site. The site is currently used for limited storage of metal works associated with the applicants existing business.
- 1.2 The application seeks full planning permission for the erection of a new industrial and warehouse facility (Uses Classes B2 and B8), with ancillary office space, car parking, landscaping and access to be occupied by Frances and Lewis International (FLI). The proposal is for a mix of the B2 and B8 uses across the site and seeks a flexible combination of the uses.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Waterwells Business Park was allocated for business use in the Interim Adoption Copy of the Additional Area Post 1991 Boundary Extension Local Plan (Policy E.1 (a)). This allocation was made following a recommendation

by the Local Plan Inspector. The site is shown as an employment commitment in the First and Second Stage Deposit Local Plans (June 2001 and August 2002).

- 2.2 An outline planning application (95/00126/OUT) for the comprehensive development of land for Class B1, B2 and B8 employment with ancillary A1, A2 and A3 uses, open space, park and ride car park, landscaping, associated drainage and highway works was submitted on 22nd February 1995. All matters were reserved for future consideration. Part of the outline application area fell within the area administered by Stroud District Council.
- 2.3 The application was subsequently amended to delete reference to Class B2 (general industrial) because of the range of uses allowed within the class and the desire that the development should be of a high visual quality. It was agreed at that time if a specific B2 use was proposed it would need to be justified and would be judged on its individual merits.
- 2.4 An outline planning application (01/00776/OUT) for the development of the former RMC site immediately south of Naas Lane for Class B1 business use (light industry and offices) and storage and distribution (B8) and a new distributor road was granted on 17th February 2004.
- 2.5 There have subsequently been various detailed applications and permissions for individual sites within the original business park and former RMC site, with many of the buildings now completed.
- 2.6 A planning application for the erection of a warehouse distribution unit incorporating associated offices, ancillary accommodation and parking was received on this in 2003 (re. 03/01316/FUL). The application was subsequently withdrawn in May 2004.
- 2.6 On 8th March 2005 permission (ref:- 04/01619/FUL) was granted for the erection of 2 buildings on the site comprising 1 block of 2 units and 1 block of 4 units for uses within use classes B1 and B8 (light industrial, offices, storage and distribution). This permission expired on 8th March 2010. This application was subsequently renewed in 2010 (ref. 09/01211/FUL). These applications were speculative and proposed 6,196 m² of new floorspace. It was stated that the floorspace would be sub-divided with 20% for B.1 office accommodation, 60% B.1 light industrial uses and the remaining 20% for B8 storage. Vehicular access was proposed via Jessop Court with the inclusion of 118 off-road parking spaces.

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 FRP.1a (Development and Flood Risk)
 - Policy FRP.5 (Maintenance of Watercourses)
 - Policy FRP.9 (Light Pollution)
 - Policy FRP.10 (Noise)
 - Policy FRP.15 (Contaminated Land)
 - Policy B.4 (Corridors)
 - Policy B.8 (Non Identified Sites – biodiversity)
 - Policy BE.1 (Scale Massing and Height)
 - Policy BE.6 (Access for All)
 - Policy BE.13 (Landscape Schemes)
 - Policy BE.21 (Safeguarding of Amenity)
 - Policy TR.9 (Parking Standards)
 - Policy TR.12 (Cycle Standards)
 - Policy E.4 (Protecting Employment Land)
- 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 NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. 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, City Plan and any Neighbourhood Plans 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)** – No highway objection subject to the inclusion of conditions.

4.2 **Lead Local Flood Authority** – No objection subject to the inclusion of a condition. Satisfied that having reviewed the revised documents the drainage strategy meets the national and local standards for sustainable drainage. This has been achieved through demonstrating the development can sufficiently deal with the additional surface water expected from an increase in impermeable area, while providing ample water quality treatment stages.

The latest drainage strategy revision has accounted for a discharge rate equating to the QBAR runoff rate (10.7 l/s). The rate has been calculated using a recognised methodology, however a relatively high soil factor has been used. The soil factor has been assumed from a desktop study and observations made from site visits, while ground investigations (GIs) will be carried out at a later date to support the detail design stage, this is acceptable. Therefore, for the detail design submission, the LLFA expects the drainage calculations to be reviewed and adjusted according to the GI results.

Future management of Sustainable Drainage Systems is a matter to be dealt with by the Local Planning Authority and has therefore not been considered by the LLFA.

4.2 **Quedgeley Parish Council** – Request a S106 contribution for Waterwells Sports Centre.

4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of plans for the disposal of surface water and foul sewage.

4.4 **Worcestershire Regulatory Services (Contaminated Land advisors)** – Records indicated that the proposed site is within 250 metres of a former landfill site. The Desk Study Report has also identified a number of potential pollutant linkages at the site that require site investigation work including the nearby landfills and areas of made ground on the site. It is recommended that the standard contaminated land condition is attached to any planning permission. In addition it is also recommended that gas monitoring carried out as part of the investigation is conducted over at least six monitoring visits with

at least one during a period of low pressure and in accordance with current guidance and best practice.

4.5 **Environmental Health Officer** – No objection raised subject to the inclusion of conditions.

4.6 **City Archaeologist** – This site has been subject to an archaeological evaluation, which has demonstrated that significant archaeological remains are unlikely to be present within the area of the proposed development.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through a press notice and the display of a site notice. In addition 118 properties have been notified of the application in writing.

5.2 No letters of representation have been received.

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=15/00892/FUL>

6.0 OFFICER OPINION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Use

6.2 The application proposes 5,416 m² of B2/B8 floorspace together with a 636m² ancillary office building to accommodate design teams, project management welfare and ancillary facilities. It is intended that the buildings on the site will be prominently used for B2 industrial processing with an element of B8 distribution uses by FLI Structures Ltd. The proposal is for a mix of B2 and B8 uses across the site and the application seeks a flexible combination of uses to allow for the mix of B2/B8 uses as required. While the applicant proposes a development based on FLI's operating parameters they require the flexibility to allow the company to sub-let part of the building to other occupiers at a future date if required.

6.3 Planning permission has previously been granted on the site for Class B1 and B8 uses by the permission in 2004 which was renewed in 2009.

6.4 FLI Structures currently have two existing manufacturing sites in Gloucester located to the north of Waterwells Drive and in Madleaze Road. It is intended

that the proposed development would allow the company to consolidate both operations onto a single site.

6.5 The operations comprise of the design, fabrication, assembly and installation of steel products up to 25 metres in length and involves:

- External storage of materials, finished goods and company owned plant.
- External assembly of large items.
- External packing.
- External fork lift and side loader operations.
- External painting.
- External product trialling.
- Deliveries and collections by articulated vehicles.
- Internal fabrication using CNC (Computer Numerical Control) machinery for cutting, drilling and pressing steel sections and jig work/welding. Some grinding and other noisy operations will be required.
- Internal office base activities, such as design and project management.

6.6 The proposal will include fabrication workshops including tube line, plate line and fabrication areas for assembly jigs and welding together with an area for a potential beam and column fabrication line. The layout provides for a central yard area for deliveries and pick-ups together with external storage for both raw materials and finished products.

6.7 Given the significant workloads experienced by FLI they wish to have unrestricted working hours to allow the flexibility to be able to work 24 hours a day. It has, however, been stated that only 'quiet' working would take place between the hours of 2300-0700 which would involve the following operations and precautionary measures:

- Doors to be closed to each unit, including the outer gates from Jessop Court.
- No deliveries or external loading of lorries or shipments.
- Scrap bins within the yard from night working operations would only be loaded mid-morning.

6.8 It is intended that the company will consolidate its existing facilities in Gloucester together with the sub-contracted workforce in the north of England, onto one purpose built facility. The information submitted with the application indicates that this will assist the company to expand and develop in the future. It is anticipated that the proposal will result in 30 new full time equivalent (FTE) jobs in addition to the company's existing full time staff equating to approximately 107 jobs in total.

6.9 Whilst B2 uses were specifically excluded from the original outline planning permission for the Waterwells development, it was agreed that any subsequent

applications for B2 uses would be considered on their individual merits taking into consideration the design and potential impact on neighbouring properties.

Siting and Design of the Building

- 6.10 The proposed workshop buildings are divided into two separate blocks located to the east and west sides of the site separated by an internal servicing area/ courtyard. The proposed office block is positioned to the north overlooking the strategic landscape buffer zone providing natural surveillance of the public right of way and Waterwells Drive. The main access to the site for deliveries/servicing is proposed from Jessop Court with the majority of staff and visitor car parking spaces accessed from Marconi Drive.
- 6.11 The workshop heights have been minimised by setting the ground floor as low as possible with unit B set slightly lower than that of unit A. To its highest point Unit A is 15.57 metres from ground level and Unit B 14.9 metres.
- 6.12 The main workshop unit fronting Marconi Drive includes a number of strong and articulated gable ended workshops with a varied roof profile and simple glazing slots to enable lighting across the workshop space with views out of the building and an active street frontage.
- 6.13 The proposed offices are two storeys with an overall height of 4 metres. The building is of a contemporary design with a high level of glazing at ground floor level. At first floor the office building slightly overhangs to provide shading with feature metal cladding and punched vertical windows.
- 6.14 The strategic landscaping zone to the north of the site identified at the outline application stage has been retained.
- 6.15 It is stated that the proposed materials would comprise of quality industrial metal cladding and colour-coated aluminium glazing systems, with special attention to be paid to the office cladding which is envisaged as profiled metal cladding with a feature colour. It is considered that the quality and choice of final materials is important and as such a condition is recommended requiring the submission and approval of the final details.
- 6.16 The previously approved scheme proposed 2 buildings, providing 6 individual units, of a modern design with a standard shallow pitched roof, vertical windows and standard skylights. The current proposal seeks to provide a more vertical emphasis onto Marconi Drive and the roof light detail which give the roofline a distinctive profile. The design has sought to provide a greater level of fenestration, interest and overlooking to the main site frontages to Waterwells Drive and Marconi Drive.

Residential Amenity

- 6.17 The site is within the Waterwells Business Park and the site boundary is approximately 130 metres from the closest residential properties to the south in Hunt's Grove (Oak View). There are existing commercial buildings in Jessop Court between these residential properties and the application site. The other residential properties in the vicinity are houses in Naas Lane

approximately 160 metres to the South East. The M5 motorway is situated approximately 750 metres to the south and influences background noise levels in the area. The application proposes unrestricted working hours across the site.

- 6.18 The submitted Noise Assessment measured noise from the applicant's current premises together with background noise levels at the site and the report does state that "*If units on site are to be sub-let to other users then a contractual agreement on noise levels should be made*". The Agent for the application has suggested that a personal permission is not desirable or appropriate and that the applicant requires flexibility to allow them to sub-let part of the building at a future date if required. On this basis the Environmental Health Officer has recommended a condition restricting the overall noise generated from the site to ensure that any future occupiers of the site do not affect the amenity of the occupiers of the nearest noise sensitive premises.
- 6.19 The Environmental Health Officer has recommended a number of conditions including those to limit noise levels, to control the hours for the loading/unloading of service and delivery vehicles, lighting and opening of the roller shutter doors. Given the distances involved, the nature of the use and the intervening buildings, it is not considered that the proposal will result on any significant adverse impact on the amenity of the occupiers of residential properties in Naas Lane. On this basis and subject to the conditions recommended by the Environmental Health Officer, it is not considered necessary to restrict the proposed hours of operation for this site.

Parking and Highway Issues

- 6.20 The application site is considered to be well located for the proposed use within an existing business park and with residential properties located a short distance to the south. The site has good links to the A38 and M5 for the movement of goods with the footways and off carriageway cycleways providing a safe and convenient link for pedestrian and cyclists to local residential areas. The application includes the provision of 93 car parking spaces for employees and visitors together with space for 26 cycles to be parked.

Access

- 6.21 The proposed development has two points of access from the public highway from Jessop Court and Marconi Drive. The access from Jessop Court will be from the existing roundabout. The Marconi Road access to the east of the site will serve proposed car parking and will require a new small bellmouth to be formed. The application has demonstrated that suitable visibility is available from the proposed access and proposed bellmouth type arrangement fits with the context of mainly industrial uses.

Highway Safety

- 6.22 There are two personal injury collisions recorded between the application site and the A38 roundabout in the last 5 years. These both involved cyclists but neither type of accident is likely to be increased in frequency or severity as a result of the proposed development.

Assessment of Public Transport, Walking and Cycling Infrastructure

- 6.23 The application site is well served by walking and cycling infrastructure and public transport. The local highway network provides off carriageway cycle lanes with adjacent footways along with controlled and uncontrolled pedestrian crossing points where required. The local roads provide suitable links for pedestrians and cyclists to the nearby residential areas.
- 6.24 The application site is within walking distance of the Waterwells Park and Ride site.

Vehicle and Other Modes Trip Generation

- 6.25 The proposed development is for a combination of B2 and B8 use. However, the Transport Statement has calculated the likely trip generation of the proposed development based entirely on B2 use as this gives a more robust assessment. This assessment concludes that in the network peak hours of 08:00 and 09:00 and 17:00 to 18:00 the development is likely to add 56 and 58 two way vehicle trips respectively.
- 6.26 The Transport Statement concludes that this is less than would be generated from the development associated with the previous planning permissions on the site (ref.04/01619/FUL and 09/01211/FUL). The original outline planning permission for the Waterwells development (95/00126/OUT) identified the application site for B1 use.
- 6.27 This planning history demonstrates that similar uses on the site have previously been deemed acceptable in terms of traffic generation and the Highway Authority considers that the development currently proposed will not be materially different in terms of traffic generation.

Measures to Promote Sustainable Transport

- 6.28 The applications site is well served by highway infrastructure suitable for use by sustainable transport modes and is also adequately served by public transport. The proposed development includes cycle parking and shower/changing facilities. The application is also supported by a Staff Travel Plan which includes measures to encourage future employees to travel by sustainable modes of transport by providing measures including travel packs, encouraging lift sharing and providing changing and locker facilities within the staff areas.
- 6.29 Overall the application has demonstrated that safe and suitable access can be provided within land available to the applicant. The Highway Authority is satisfied that considering the planning history for the site the modest level of vehicle movements would not have a severe impact on the highway network in terms of additional traffic and is therefore in compliance with paragraph 32 of the NPPF. No objection is raised by the Highway Authority subject to the inclusion of conditions.

Landscaping / Easement to Watercourse

- 6.30 As part of the original outline planning application for the Waterwells Business Park a Landscape and Wildlife Strategy was approved to inform subsequent applications. The current application is broadly in line with the main recommendations of this strategy and is considered acceptable subject to a condition requiring approval of the vegetation management to the Dimore Brook Corridor.
- 6.31 Policies B.4 (Corridors) and FRP.5 (Maintenance of Watercourses) require an 8 metres wide easement strip on either side of a watercourse to allow for a corridor for the movement and dispersal of wildlife and to allow adequate access for future maintenance of the water course. This 8 metre wide buffer strip is also required in Gloucester City SFRA Level 2.
- 6.32 The 2004 and 2009 applications provided for a 5 metre wide buffer on the southern side of the watercourse and condition 13 stated that there must be no new buildings, structures or raised ground levels within 5 metres of the top of the watercourse to maintain access for maintenance and to provide for overland flood flows. The amended plans have increased the width of the buffer on the southern side of the watercourse so that with the exception of pinch points in front of and to the east of the proposed office building the 8 metre easement has been achieved. At its narrowest point the easement in front of office building is 5.18 metres. To the north of the water course a significantly greater landscaped corridor is retained.
- 6.33 The LLFA has confirmed that the buffer area does not impact on the surface water management and no objection is raised to this aspect of the proposal. Taking into account the landscaped corridor as a whole, the LLFA's comments and the reduced easement width that was previously accepted on the site it is considered that the amended proposal is acceptable and will not have a significant detriment to the future maintenance or ecological value of the watercourse.
- 6.34 A tree survey has been undertaken and a report submitted in support of the application which proposes the removal of a small number of low quality trees from within the site. New trees are proposed to the eastern boundary of the site fronting onto Marconi Drive.

Ecology

- 6.35 An Extended Phase 1 Habitat Survey has been undertaken on the site which concludes that the on-site habitats are of negligible, site-wide or local importance only. The report does, however, make a number of recommendations including the retention and enhancement of the strategic landscaping zone adjacent to the watercourse. It is also recommended that native plant species of benefit to wildlife be included in the landscaping proposals and that further surveys are undertaken prior to the commencement of development.

Bats

- 6.36 The Environmental Planning Manager has confirmed that there are no bat roosts or potential roosts on the site and it is highly likely that if bats are commuting over the site it will be along the watercourse, which it is intended will be retained. The modest removal of scrub and other vegetation will not have any measurable impact on the conservation status of any bat species and there is no need for any further survey work in relation to bats.

Reptiles

- 6.37 There may be the potential for reptiles in the tussocky grassland and a present/absence survey is required to be undertaken at the appropriate time. The Environmental Planning Manager is satisfied that the requirement for further survey work in relation to reptiles can be conditioned.

Badgers

- 6.38 No badger sites are present on the site although it appears that commuting paths cross the site and a condition is recommended to ensure that any excavations over a certain size are covered overnight or provided with a suitable means of escape should any mammal become trapped.

7.0 CONCLUSION

- 7.1 The site is located within an established business park and would provide a purpose built site to allow the consolidation and expansion of a local business.
- 7.2 The principle of development for employment uses on the site was established by the grant of outline planning permission in 1995 and the subsequent full application in 2004 (renewed in 2009). The outline planning permission was for use within Use Classes B1 and B8 with the accompanying masterplan indicating Use Class B1 development on this site.
- 7.3 Whilst explicitly excluded from the outline planning permission, subject to conditions, the inclusion of B2 uses on this site is considered acceptable given the design of the buildings and separation from the closest residential properties.
- 7.4 It is considered that the design, scale and siting of the buildings are acceptable and subject to approving the external materials are of a higher quality and will provide greater interest than those previously approved on the site with good overlooking and interest onto main frontages Waterwells Drive and Marconi Drive.
- 7.5 The wildlife/landscape corridor and existing public right of way along the brook have been maintained and will be enhanced by vegetation management.
- 7.6 There are no policies or impacts of the proposals to justify a contribution from the development towards the Waterwells Sports Centre as requested by Quedgeley Parish Council.

- 7.6 Overall and subject to conditions, the proposed use, design, scale and siting of the buildings are considered acceptable and subject to conditions it is not considered that the development would have any significant adverse impact on the occupiers of residential properties, highway safety, the visual amenity of the area, ecology or flooding. The development is considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

8.0 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 five 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 approved drawing nos. 32400_P04 C, P05 C, P06 E, P07 D, P08 E, P09 E and P12 B received by the Local Planning Authority on 17th July 2015, 32400_P02 D, P03 K, 726-01C, C151308 C-60 P4, C-01 P7, SKC-0003 P4 Received by the Local Planning Authority on 30th October 2015 and any other conditions attached to this planning permission.

Reason

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

Condition 3

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vii. measures to control the emission of dust and dirt during construction.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition 4

No development including site clearance shall commence on site, or materials or machinery brought to the site for the purposes of development until a reptile presence/absence survey has been undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority. If the presence of reptiles is confirmed a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the method of capture and relocation. All works shall be completed prior to any works commencing on site.

Reason

To ensure the protection of the biodiversity of the site prior to the commencement of development in accordance with policy SD10 of the submission version of the Joint Core Strategy.

Condition 5

No development approved by the permission shall be commenced until a detailed drainage strategy for the disposal of surface water and foul sewage has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible and for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage (SUDS). The Strategy shall be carried out in accordance with the approved details before the development is first brought into use and maintained thereafter for the duration of the development.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and to minimise the risk of pollution 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). It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition 6

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts B to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to elsewhere as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Notwithstanding the details submitted the development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that appropriate measures are in place prior to the commencement of development in the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

No works including any site clearance shall be undertaken in the Dimore Brook corridor until a scheme of vegetation management has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies B.10 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

Notwithstanding the details submitted no works including any associated ground works shall begin on the approved buildings until details or samples of materials to be used externally have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials harmonise with the surroundings in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

The development shall not be occupied until details of a scheme for the provision of a refuse and recycling storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason

In the interests of amenity in accordance with Policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

During the construction 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 12

No materials or substances shall be burnt within the application site during the construction phase.

Reason

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

Condition 13

The development shall not be occupied until details of a lighting scheme to illuminate the external areas of the application site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the lighting fixtures, their location on the site/on the buildings, and the extent of illumination. The scheme is also to include details on how the impact of floodlights and external lighting will be minimised. The approved lighting scheme shall be implemented prior to the commencement of the use of the development and maintained for the duration of the use of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of crime prevention in accordance with Policy BE.5 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 14

No part of the development shall be occupied until the covered and secure cycle storage facilities have been made available in accordance with the submitted Transport Statement and drawing no. 32400_P02 D and those facilities shall be maintained for the duration of the development.

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 32 of the National Planning Policy Framework.

Condition 15

The development hereby permitted shall not be occupied until the car parking and turning facilities associated with each building within the development including the access points from Jessop Court and Marconi Drive have been provided in accordance with the submitted drawing no. 32400_P03 K, and shall be maintained available for that purpose thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to park on the highway and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and

pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 16

The landscaping scheme as shown on the approved plan 726-01C 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).

Condition 17

Any excavations of more than 0.5 metres in depth with a slope of more than 45 degrees from the vertical wall shall be covered overnight or be provided with a suitable means of escape for any mammal that may become trapped.

Reason

To ensure the protection and welfare of mammal species in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan (2002) and policy SD10 of the submission version of the Joint Core Strategy.

Condition 18

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 19

All factory doors shall remain closed between 23:00 and 07:00 hours.

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 20

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 23:00 and 07:00 hours.

Reason

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

Condition 21

There shall be no forklift movements on the external areas of site between the hours of 23:00hrs and 07:00hrs.

Reason

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

Condition 22

No goods, plant, material or machinery shall be deposited or stored on site except within the buildings or storage areas as indicated on drawing no. 32400_P02D or such other areas as shall have been approved in writing by the Local Planning Authority.

Reason

To protect the character and amenities of the locality in accordance with policies BE.9 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 23

There must be no new buildings, structures (including gates, walls and fences), storage of materials or products or raised ground levels within the area adjacent to the Dimore Brook identified as the Strategic Landscape Zone on drawing no. 32400_P02 D received by the Local Planning Authority on 30th October 2015, unless agreed otherwise in writing by the Local Planning Authority.

Reason

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows in accordance with FRP.5 of the Gloucester City Council Second Deposit Local Plan (2002).

Condition 24

Noise generated from items of plant and equipment associated with this application, including vehicles that is an intrinsic part of the overall sound emanating from the premises, shall be controlled such that the rating level, in accordance with BS 4142:2014, measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing typical LA90 background level, with no tonal element to the plant.

Reason

In order to protect the amenity of occupiers of nearby properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Notes

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with Gloucestershire County Council before commencing those works.
2. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken. All work must stop and advice sought from Natural England and the City Councils Ecologist.
3. All future occupiers of the development will be required to control noise levels generated from the site in accordance with condition 24.

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:

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

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	1st DECEMBER 2015
ADDRESS/LOCATION	:	LAND NORTH OF INNSWORTH LANE, INNSWORTH (IN TEWKESBURY BOROUGH – ADJOINING AUTHORITY CONSULTATION)
APPLICATION NO. & WARD	:	N/A
EXPIRY DATE	:	N/A
APPLICANT		Robert Hitchins Limited
PROPOSAL	:	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.
REPORT BY		JON SUTCLIFFE
NO. OF APPENDICES	:	LOCATION PLAN

NB: This proposal is being determined by Tewkesbury Borough Council. Gloucester City Council has been consulted for its views as an adjoining planning authority. This report is to seek the views of Committee to enable comments to be sent to Tewkesbury Borough Council.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application is on land to the north of Gloucester City Council's area. The site covers 105.6 hectares of land north of the residential area of Innsworth. The site is bound to the south by Innsworth Lane beyond which lies the established residential area of Innsworth. Innsworth Technology Park and the A40 also form part of the sites southern boundary. Frogfurlong Lane forms the site's eastern boundary and beyond this sits Imjin Barracks; to the west the site is bound by Horsebere Brook beyond which lies agricultural land

separating the site from Longford; and to the north the site is bound by the Hatherley Brook. Tewkesbury application number 15/00749/OUT.

- 1.2 The application is in Outline, with all matters reserved for subsequent approval.
- 1.3 The proposal is for a mixed use development, the main elements of which are up to 1300 dwellings, and 8.31 ha of land for employment generating uses which comprise a neighbourhood centre of 4.23 ha (A1, A2, A3, A4, A5, D1, D2, B1 uses); office park of 1.31 ha (B1 uses); business park of 2.77 ha (B1 & B8 uses); primary school; and new vehicular accesses from the A40, Innsworth Lane, and Frogfurlong Lane.

2.0 PLANNING POLICIES

- 2.1 The site currently lies in the Green Belt. This application relates to an area of land that is proposed as Strategic Allocation A1 in the Joint Core Strategy which the Council is progressing with Tewkesbury and Cheltenham councils. The JCS is currently undergoing an examination in public with the Inspectors report not expected until the summer of 2016.

3.0 PUBLICITY AND REPRESENTATIONS

- 3.1 As the application lies in an adjoining Borough, all publicity is undertaken by that Council.

4.0 CONSULTATIONS

- 4.1 As the application lies in an adjoining Borough, all consultation is undertaken by that Council.

5.0 OFFICER OPINION

- 5.1 As stated previously, the City Council is being consulted on this proposal as a neighbouring Authority. This report therefore seeks to establish the comments that the Council is to make to Tewkesbury Borough Council for consideration by them when they reach a decision on the application.
- 5.2 The site is currently identified as Green Belt. As such, the proposal constitutes inappropriate development in the Green Belt, and policy indicates that inappropriate development should only be approved in very special circumstances. However, this needs to be considered in the context of emerging policy through the Joint Core Strategy.
- 5.3 The policy assumption within the Joint Core Strategy (JCS) is for the strategic allocation to be released from the Green Belt in order to deliver 1,250 dwellings and to provide an employment area of 9.1 hectares. The delivery of this quantum of development is critical for the contribution to the 5 year

housing land supply for Gloucester, and also the provision of sufficient land for our future economic and community needs.

- 5.4 The application proposes up to 1,300 dwellings (slightly higher than the JCS figure) and an area of 8.3 hectares for employment generating uses including the local centre (slightly lower than the JCS figure) and a site for a new primary school. It is noted that of the 8.3 hectares, 4.23 hectares is within the neighbourhood centre and is mainly retail/leisure uses, so the level of B1.B8 employment uses is only 4.08 hectares. The application is therefore broadly in line with the expectations of the JCS plan, albeit providing lower employment land provision than envisaged in the JCS.
- 5.5 An area of 4.23 hectares is proposed for a new neighbourhood centre which would accommodate up to 2,500 sqm of gross internal retail floorspace (no more than 2,000 sqm in one single retail unit is proposed). Whilst this could accommodate a medium sized food store, the JCS retail update work recognises the need for further retail provision in the area arising from all three strategic allocations in the Churchdown area. On balance therefore, it is suggested that no objection be raised to the indication of up to this level of retail provision. This is with the proviso that the retail provision is for A1 (food and convenience) and not A1 (comparison) stores. This would not be an appropriate location for a significant level of A1 comparison provision, which national planning policy seeks primarily to focus in town/city centre locations.
- 5.6 The strategic allocations of the JCS provide an opportunity to contribute towards the significant local need for gypsy and traveller provision as specified in Policy SA1 of the JCS. A figure of 7 pitches is currently being proposed for Innsworth as part of the JCS additional homework, which is to be discussed at the EiP in January 2016. The application however does not appear to contribute at all to this need, and a site is not shown on the composite masterplan for gypsy provision. The application should address the issue.
- 5.7 The JCS recognises that the other key issues and constraints at Innsworth are:
- The site's relationship with the functional flood plain.
 - The need for the creation of a new access from the A40, and that this was likely to be a significant cost associated with the delivery of the strategic allocation. We note that this is included in the application.
 - The need for a new primary school on site. We note that a site is included in a central location in the application.
 - The location of the proposed new employment area being in close proximity to the Innsworth Technology Park, therefore helping these businesses to potentially expand or new local businesses to relocate there, so providing new jobs in close proximity to the northern boundary of the City.
 - There is a Site of Special Scientific Interest (SSSI) adjacent to the developable area which is in a poor condition and the delivery of this strategic allocation is expected to contribute to its improvement.

- There will be loss of soils (lime-rich loamy and clayey soils with impeded drainage) but the land is not classified as important agricultural land (grade 2 and 3) and as such the loss is considered to be of only minor significance.
- A significant component of strategic allocation A1 is dedicated to Green Infrastructure and the land surrounding the SSSI to the north and west can be promoted for its habitat and access to the countryside potential and ensuring its future longevity.

5.8 The site does contain a Site of Special Scientific Interest (SSSI), which has unimproved grassland within it. While the masterplan shows the scheme to provide a large amount of 'green infrastructure' within the site along the flood plain of Hatherley Brook, there is little indication of any proposed management to enable a more ecologically positive habitat to be created from what is currently intensively managed farmland. It is considered that this proposal provides an opportunity to prevent continuing decline of the SSSI by creating a wider ecological network. It is suggested for example that SUDS features in the development could be utilised to become 'green corridors' within the wider development, which would enhance the ecological connectivity of the site. The floodplain area could be managed as grazed wet grassland which would enhance its ecological interest. It is considered that the proposal raises the potential to manage the SSSI and wider area to improve ecological habitats, and this should be explored and secured if consent is granted.

5.9 Other potential issues which may impact on residents of the City Council area include matters such as transport and highway issues. These will be assessed in the consultation process with the relevant technical experts and be taken into account by the Borough Council.

5.10 It is noted that the extent of objection arising at the JCS Examination in Public for this strategic allocation was relatively limited when compared to the objections arising from the other strategic allocations in the JCS.

5.11 Releases of land from the Green Belt through individual planning applications would not normally be supported. However, in this particular instance, this should be viewed in the context of JCS work currently going through Examination. Given that the above strategic planning policy issues are broadly aligned with the JCS intentions for development at Innsworth strategic allocation A1, it is recommended that Gloucester City Council supports the principle of the development proposed in the outline planning application, but also raises a number of key issues which need to be given further careful consideration by the Borough Council.

6.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

6.1 That Tewkesbury Borough Council be advised that Gloucester City Council supports the principle of the development proposed in the outline planning application, but requests that careful consideration be given to the following issues either by requiring further information before a decision is reached, or

securing the objectives by means of Planning Obligations and Planning Conditions (as appropriate)

1. That the A1 retail floorspace should be for the provision of local food/convenience expenditure, not for comparison spending, as this would impact unduly on other retail centres in Gloucester.
2. That the issue of gypsy and traveller provision should be properly addressed at this outline stage.
3. That if possible the employment land provision should be increased to match the aspirations set out in the JCS.
4. That the opportunities to enhance ecological connectivity in the development site be explored and secured through management agreements.

Decision:

Notes:

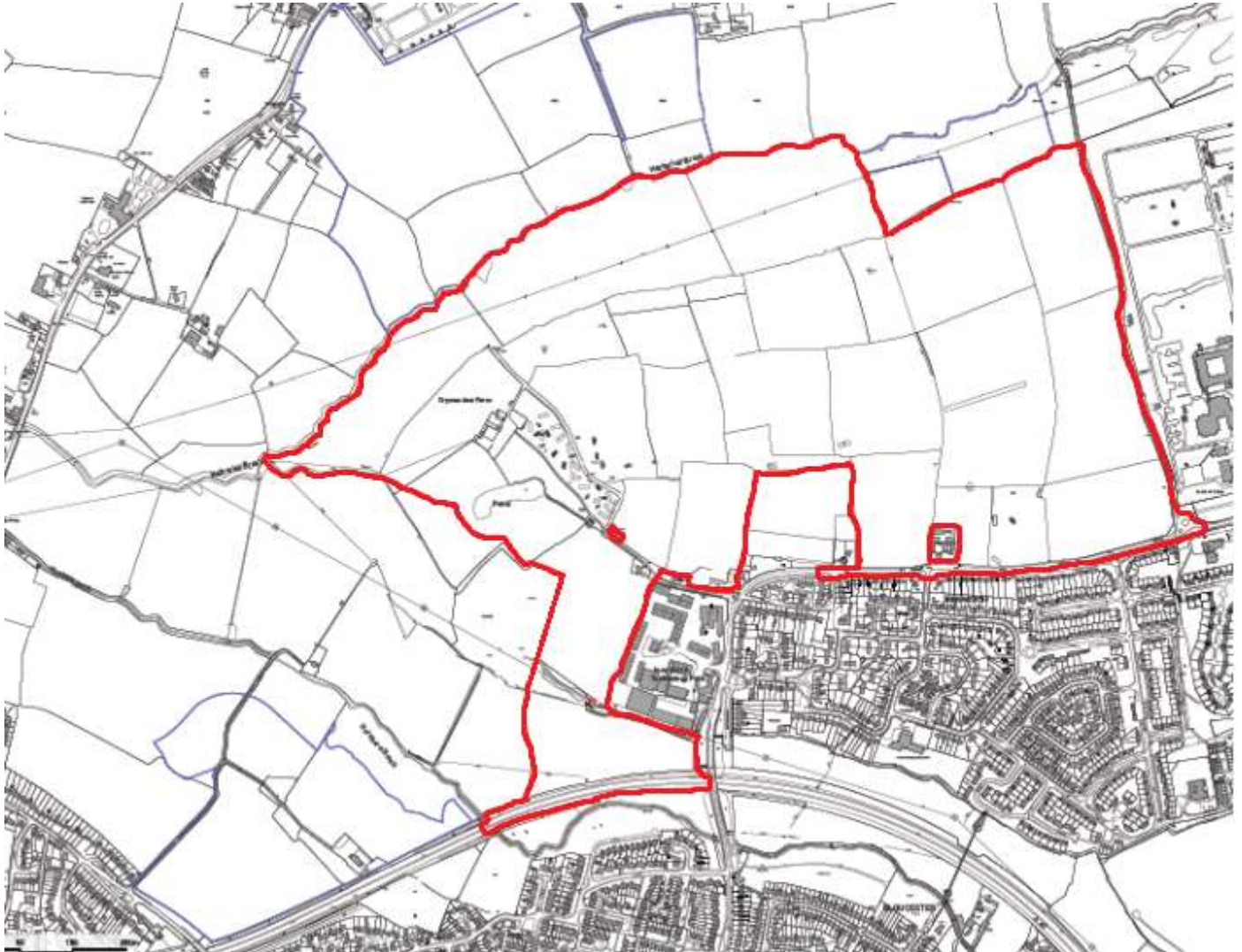
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Person to contact: Jon Sutcliffe
(Tel: 396783)

**LAND NORTH OF INNSWORTH LANE
INNSWORTH**

Planning Committee 01.12.2015





CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

1st December 2015

DELEGATED DECISIONS

1ST October 2015 – 31st October 2015

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

Abbey

15/00390/FUL	AEROR
29 Kinmoor Gloucester GL4 5XN	
First floor side extension	
G3Y 01/10/2015	
15/00689/LAW	JONSU
11 Drivemoor Gloucester GL4 5XP	
Proposed single storey rear and side extension	
NPW 26/10/2015	
15/01010/FUL	AEROR
10 Hunters Gate Gloucester GL4 5FE	
Front porch extension and single storey side extension	
G3Y 01/10/2015	
15/01145/FUL	AEROR
14 Mandara Grove Gloucester GL4 5XT	
Single storey front and side extension and garage conversion.	
G3Y 08/10/2015	
15/01150/PDE	BOBR
3 Bullfinch Road Gloucester GL4 4WX	
Erection of single storey rear extension (depth: 3.5 metres from rear elevation, maximum height: 2.62 metres, height of eaves: 2.62 metres)	
ENOBJ 13/10/2015	
15/01161/FUL	AEROR
8 Buttington Gloucester GL4 5TA	
Single storey extension to side and rear	
G3Y 08/10/2015	
15/01178/PDE	AEROR
6 Upton Lane Gloucester GL4 5UB	
Single storey rear extension (depth: 4.3 meters from rear elevation of original dwellinghouse, width 4 meters and maximum height 3.8 meters)	
ENOBJ 15/10/2015	

15/01306/FUL BOBR

17 Apple Tree Close Gloucester GL4 5BZ

Variation of Condition 1 of permission no.12/01196/FUL to substitute drawing no.4202/01 Rev.D with drawing no.4204/01 Rev.D1 to allow for retention of chimney and boundary fence as constructed.

RET 09/10/2015

Barnwood

15/00079/CONDIT BOBR

Gloucetershire Deaf Association Colin Road Gloucester GL4 3JL

Discharge of conditions 3 (materials), 4 (landscaping), 6 (archaeology) and 7 (drainage) of planning permission ref. 14/00275/FUL.

ALDIS 02/10/2015

15/00848/LAW JONSU

17 Wells Road Gloucester GL4 3AN

Proposed rear extension

LAW 14/10/2015

15/01040/CONDIT CJR

Sainsbury's Supermarket Barnett Way Gloucester GL4 3RT

Details for condition 7 (Scheme for Management of Dust) for permission 15/00363/FUL.

ALDIS 01/10/2015

15/01056/FUL BOBR

Former Blockbuster Video Northbrook Road Gloucester GL4 3BU

Change of use of part ground floor to Class A5 hot food takeaway, installation of extraction and ventilation equipment and replacement shopfront.

G3Y 01/10/2015

15/01099/ADV BOBR

Former Blockbuster Video Northbrook Road Gloucester GL4 3BU

2 no. internally illuminated fascia signs and 1 no. internally illuminated

GFY 06/10/2015

15/01217/FUL AEROR
126 Barnwood Road Gloucester GL4 3JW
Single storey rear extension
G3Y 26/10/2015

15/01221/COU FEH
Unit 5 Chancel Close Gloucester GL4 3SN
Change of use from current telecommunications exchange (Sui Generis) to light industrial (Use Class B1c) / general industrial (Use Class B2) / storage and distribution (Use Class B8).
G3Y 16/10/2015

Barton & Tredworth

15/00785/FUL CJR
119 High Street Gloucester GL1 4SZ
Change of use from shop/commercial use to domestic/1 bed flat. Remove signage, brick up front shop entrance and render and paint to match existing, replace shop window.
G3Y 06/10/2015

15/01158/LAW AEROR
Roosters Chicken 216 - 218 Barton Street Gloucester GL1 4HH
Single storey rear extension
RET 06/10/2015

15/01164/FUL AEROR
23 Vicarage Road Gloucester GL1 4LD
Single storey extension to the rear of the property
G3Y 08/10/2015

15/01300/COU CJR
99-101 High Street Gloucester GL1 4SY
Change of use of existing shop (99 High Street) into residential unit and conversion and extension to provide 2 no. residential units at 101 High Street.
RET 09/10/2015

Elmbridge

15/00928/FUL	CARLH
266 Cheltenham Road Gloucester GL2 0JN	
Single storey rear extension measuring 5000mm in depth, 2300mm in height to the eaves and 3400mm in height to the ridge	
G3Y	27/10/2015
15/01097/FUL	CARLH
38 Barnwood Road Gloucester GL2 0RX	
Change of use from C3 (residential) to HMO for 8 unrelated individuals	
G3Y	01/10/2015
15/01143/FUL	AEROR
17 Barnwood Road Gloucester GL2 0RZ	
Enlargement to dormer window	
G3Y	01/10/2015
15/01181/FUL	AEROR
144 Elmbridge Road Gloucester GL2 0PH	
Erection of conservatory to rear	
G3Y	15/10/2015
15/01197/FUL	AEROR
71 Riversley Road Gloucester GL2 0QU	
Single story extension to rear and side.	
G3Y	15/10/2015
15/01290/FUL	AEROR
73 Barnwood Road Gloucester GL2 0SF	
Single storey rear extension	
RET	29/10/2015

Grange

15/00736/LAW	JONSU
13 Charlecote Avenue Gloucester GL4 0TH	
Single storey rear extension	
LAW	08/10/2015

15/01019/PDE
55 Randwick Road Gloucester GL4 0NH

JONSU

NEGPD 29/10/2015

15/01245/TPO
93B Grange Road Gloucester GL4 0PT

JJH

Tree in rear garden (ash) Reduce or remove.

TPDECS 14/10/2015

Hucclecote

15/00854/FUL
3 Billbrook Road Gloucester GL3 3QS

CARLH

Loft conversion and roof extension, and velux roof lights within front roof

REFREA 02/10/2015

15/01115/FUL
3 Valerian Close Gloucester GL4 5HA

BOBR

First floor extension above garage and porch

G3Y 12/10/2015

15/01147/FUL
116 Chosen Way Gloucester GL3 3BZ

AEROR

Two storey side extension

REFUSE 26/10/2015

15/01185/TPO
18 Churchdown Lane Gloucester GL3 3QQ

JJH

Ash tree in rear garden. Reduction in length of 3 branches by 3 metres each. 1 branch overhangs the house, 1 the garage, and the last one the lawn.

TPDECS 02/10/2015

15/01203/FUL
35 Lynmouth Road Gloucester GL3 3JD

CARLH

Single storey rear extension

G3Y 28/10/2015

15/01205/FUL AEROR
25 Minster Gardens Gloucester GL4 5GJ
New roof and attic conversion with Velux roof lights
G3Y 20/10/2015

15/01256/FUL AEROR
28 Lynmouth Road Gloucester GL3 3JD
Single storey rear extension.
G3Y 29/10/2015

Kingsholm & Wotton

14/01462/DCC ADAMS
Kingsholm C Of E Primary School Guinea Street Gloucester GL1 3BN
Compliance with conditions 1, 2, 5, 6, 9 and 10 relating to planning
permission 14/0063/GLR3MJ for proposed refurbishment and extensions to an
existing primary school (Gloucester City Council ref. 14/00768/DCC)
NOB 01/10/2015

15/00580/FUL FEH
109 Denmark Road Gloucester GL1 3JW
Two storey and single storey rear extension
RET 13/10/2015

15/00626/CONDIT AEROR
Garrick House 138 London Road Gloucester GL1 3PL
Discharge of conditions 3, 4, 5 and 6
ALDIS 13/10/2015

15/00649/CONDIT AEROR
Garrick House 138 London Road Gloucester GL1 3PL
Discharge of conditions 3, 4, 5 and 6
ALDIS 13/10/2015

15/01116/COU BOBR
76 Kingsholm Road Gloucester GL1 3BD
Change of use from vehicle showroom to offices, storage and distribution
headquarters for Allcooper security and fire systems.
G3Y 07/10/2015

15/01173/CONDIT BOBR
27 Denmark Road Gloucester GL1 3HZ
Discharge of Condition 3 - Materials of permission no.15/00748/FUL.
ALDIS 07/10/2015

Longlevens

15/01119/FUL AEROR
42 Park Avenue Gloucester GL2 0EQ
Two storey side extension and single storey extension at front. Remove
unused chimney from side elevation.
REF 01/10/2015

15/01154/FUL AEROR
19 Cheltenham Road Gloucester GL2 0JF
Erection of conservatory
G3Y 08/10/2015

15/01162/FUL CARLH
University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW
Installation of mobile floodlights to grass area by All Weather Pitch
G3Y 29/10/2015

15/01163/ADV CARLH
Lloyds Pharmacy 1 Old Cheltenham Road Gloucester GL2 0AS
Display of 1 internally illuminated projecting sign; 2 internally illuminated
fascia signs, and; 1 non-illuminated fascia sign
GFY 02/10/2015

15/01176/FUL AEROR
117 Oxstalls Way Gloucester GL2 9JU
Erection of single storey side and rear extension
G3Y 15/10/2015

15/01253/FUL AEROR
34 Blackwater Way Gloucester GL2 0XN
Garage conversion and addition of a front porch.
G3Y 29/10/2015

Matson & Robinswood

15/01013/ADV BOBR

Cotteswold Road Roundabout Cotteswold Road Gloucester

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

WDN 15/10/2015

15/01156/TPO JJH

44 Robinswood Gardens Gloucester GL4 6TB

Prune lowest 2 branches (facing my property) back to the main tree trunk.

Large conifer has spread branches over my front lawn & path.

TPDECS 20/10/2015

15/01193/FUL CARLH

The Bungalow Sneedhams Green Gloucester GL4 6EQ

Erection of attached one and a half storey garage

G3Y 28/10/2015

15/01222/CONDIT FEH

Former 296 Painswick Road Gloucester GL4 5DE

Discharge of condition 4 (boundary treatments) of permission 15/00366/FUL for the erection of 4 units

ALDIS 07/10/2015

15/01226/FUL AEROR

20 Reservoir Road Gloucester GL4 6RT

Two storey rear extension

G3Y 26/10/2015

15/01270/FUL AEROR

3 Ashmore Road Gloucester GL4 6SY

Single storey front , side and rear extension.

G3Y 29/10/2015

Moreland

14/01173/FUL	ADAMS
Former Cineworld 6 St Ann Way Gloucester GL1 5SF	
Alterations to and change of use of existing cinema building to retail use (class A1), erection of extension to building for retail use (class A1), and associated alterations to parking and servicing arrangements, landscaping	
WDN	13/10/2015
15/00155/FUL	ADAMS
Peel Centre St Ann Way Gloucester	
Variation of condition 1 of permission ref. 09/01308/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the	
NDT	15/10/2015
15/00156/FUL	ADAMS
Peel Centre St Ann Way Gloucester	
Variation of condition 1 of permission ref. 13/00559/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the	
NDT	15/10/2015
15/00158/FUL	ADAMS
Former Cineworld 6 St Ann Way Gloucester GL1 5SF	
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 servicing arrangements, landscaping	
NDT	15/10/2015
15/01218/FUL	AEROR
98 Bloomfield Road Gloucester GL1 5BP	
Two storey rear extension plus front porch	
G3Y	29/10/2015

15/01255/TPO

JJH

Bloomfield Terrace Gloucester

T1, Acer (next to parking space 6) with die dack - Fell to ground level. Acers T2
_ T3 - reduce and reshape crown by 30% i.e. 1.5m reduction in length of the
brnach over crown. T4 - Copper Beech - prune back branch tips growing

TPDECS 23/10/2015

Podsmead

15/00169/FUL

JOLM

Land Rear Of 66 - 72 Tuffley Crescent Gloucester GL1 5NE

Demolition of 70 Tuffley Crescent and the erection of 7 dwellings, associated
access, parking & landscaping

G3Y 29/10/2015

15/00657/FUL

FEH

E G Carter And Co Bybrook House Lower Tuffley Lane Gloucester GL2 6EE

Three storey extension and 2 x single storey extension to existing offices.
Demolish existing workshops to create additional parking spaces and

G3Y 27/10/2015

15/00675/FUL

CJR

CKF Systems Ltd 10 St Albans Road Gloucester GL2 5FW

Installation of an additional overhead sectional door to the south elevation
to match the existing doors.

Installation of new 2.4m high palisade fencing
and 5m wide gates to new site boundaries. Change of use of adjoining area

G3Y 12/10/2015

15/01113/FUL

AEROR

92 Tuffley Avenue Gloucester GL1 5LZ

Garage to be changed into a permanent garage structure, and a utility room
and first floor extension to be added on top of the garage.

REF 26/10/2015

15/01249/PDE

AEROR

122 Tuffley Avenue Gloucester GL1 5NS

Erection of rear conservatory, measuring 4000mm in depth, 3000mm in height
to the eaves and 3300mm in height to the ridge.

ENOBJ 12/10/2015

Quedgeley Fieldcourt

15/00690/ADV

JOLM

Asda Supermarket Kingsway Business Park Newhaven Road Quedgeley

Signage for new petrol filling station including signs to canopy, pumps, free standing information signs and replacement totem sign to Newhaven Road and to the A38 at the traffic lights.

GFY 16/10/2015

15/00836/FUL

CJR

Unit G1 The Aquarius Centre Edison Close Quedgeley Gloucester GL2 2FN

Variation of conditions 2, 16 and 17 of planning permission ref. 14/00288/FUL in relation to Unit G1 - to introduce opaque windows (openable in emergencies only) in the rear and side elevation and to revise the permitted working hours (office/admin work

G3Y 07/10/2015

15/00989/FUL

CJR

Unit B2 Brearley Place Baird Road Quedgeley Gloucester GL2 2GB

Change of Use from B1/B8 to B2 for a specialist engineering and research facility, and associated ancillary uses

G3Y 26/10/2015

15/01166/FUL

AEROR

14 Linton Avenue Kingsway Quedgeley Gloucester GL2 2DR

Proposed rear conservatory.

G3Y 08/10/2015

15/01198/CONDIT

CJR

The Aquarius Centre Edison Close Quedgeley Gloucester

Discharge of Condition 3 (Construction Method Statement), Condition 4 (Noise Management Plan), Condition 6a (Review of Site Investigation Report), Condition 6b (Submission of Remediation Scheme), Condition 7 (Boundary Treatment), Condition 8 (landscape S

ALDIS 19/10/2015

15/01315/TCM

JONSU

Telecommunications Antenna (ORANGE SITE) Francis And Lewis

Replacement of 2 No. cabinets

NOB 07/10/2015

Quedgeley Severn Vale

15/00991/LAW JONSU
16 Bentley Close Quedgeley Gloucester GL2 4SH
Single storey rear extension
LAW 09/10/2015

15/01149/FUL BOBR
4 Bristol Road Quedgeley Gloucester GL2 4ND
Demolition of existing garage and outbuilding and erection of new garage
and garden room.
G3Y 13/10/2015

Tuffley

15/00849/FUL AEROR
46 Forest View Road Gloucester GL4 0BX
Retrospective application for the erection of summer house
G3Y 29/10/2015

15/01012/ADV BOBR
St Barnabas Roundabout Stroud Road Gloucester
5 non-illuminated advertisements on roundabout to display sponsor's name
WDN 15/10/2015

15/01177/FUL CARLH
15 Epney Road Gloucester GL4 0LS
Subdivision of existing property, to create a self contained living
accommodation, and erection of 1.8 metre high boundary fence.
G3Y 22/10/2015

15/01204/FUL AEROR
38 Forest View Road Gloucester GL4 0BX
Single storey side extension with loft conversion, dormer and roof lights.
G3Y 20/10/2015

15/01207/OUT FEH
21 Rissington Road Gloucester GL4 0HS
Outline planning consent for the erection of a single storey dwelling (all
matters reserved except access)

REFREA 09/10/2015

15/01309/TCM

JONSU

Pinetree Court 7 Larchwood Drive Gloucester GL4 0AH

Notification of Electronic Communications to utilise permitted development

PDV 06/10/2015

Westgate

14/01195/FUL

CJR

Land East Of David Hook Way Gloucester

Proposed new Club House facility for Gloucester Rowing Club together with associated hard and soft landscaping, proposed earthworks/mounding/flood compensation works to land adjacent to the Barn Owl Centre and to land south of the primary Club House site.

G3Y 19/10/2015

15/00194/DDD

ADAMS

Kings Walk Shopping Centre Kings Walk Gloucester

Cladding of the facade of Kings Walk Shopping Centre facing Eastgate Street and removal of the entrance canopy

WDN 26/10/2015

15/00199/DDD

ADAMS

Bridge Studios Eastgate Shopping Centre Eastgate Street Gloucester GL1

Cladding of the side elevations and underside of the link bridge over

WDN 26/10/2015

15/00324/FUL

CJR

Westgate Service Station 209 Westgate Street Gloucester GL1 2RN

Extension and refurbishment of the existing SEAT dealership. The development includes alterations to the external parking arrangements and

G3Y 05/10/2015

15/00699/CONDIT

BOBR

42 Westgate Street Gloucester GL1 2NF

Discharge of condition no.3 of permission no.15/00130/FUL for Change of Use from A1 (retail) to A3 (restaurant/cafe).

ALDIS 02/10/2015

15/01155/ADV	FEH
Former Courts Mammoth Superstore Bruton Way Gloucester	
1 x internally illuminated fascia sign, 2 x non illuminated fascia signs, 1 x non illuminated post mounted sign	
GFY	02/10/2015
15/01172/ADV	AEROR
27-29 Northgate Street Gloucester GL1 2AN	
1.no internally illuminated folded aluminium fascia sign, 1.no internally illuminated folded aluminium projecting sign, to front of property.	
GFY	20/10/2015
15/01174/FUL	AEROR
4 Honeythorn Close Gloucester GL2 5LU	
First floor side extension and single storey rear extension	
G3Y	20/10/2015
15/01187/TPO	JJH
Cedar House Spa Road Gloucester GL1 1XL	
T1. Cedar. To reduce branches which are growing into office DWP building. To cut away from building up to 2m. To check bracing in tree and dead wood as possible health and safety issues.	
TPDECS	02/10/2015
15/01194/FUL	FEH
Central Hotel 14 - 18 Clarence Street Gloucester GL1 1DP	
Masonry infill to enclose ground floor undercroft parking/storage area	
G3Y	09/10/2015
15/01195/LBC	FEH
Central Hotel 14 - 18 Clarence Street Gloucester GL1 1DP	
Masonry infill to enclose ground floor undercroft parking/storage area	
G3L	09/10/2015
15/01214/TPO	JJH
7 High View Gloucester GL2 5LN	
Horse chestnut. Removal of branches over reaching pavement. Reduce in size by 1/3 overall. Top Heavy - requires tidy up.	
TPREF	02/10/2015

15/01227/TRECON

JJH

3 Spa Villas Montpellier Gloucester

1. The Large Ornamental Laurel. Several branches are overhanging the rear garden wall and obstructing vehicular access down the back lane. Other branches are overhanging the party garden wall with 4 Spa Villas. The branches will be pruned to keep them w

TCNOB 02/10/2015

15/01236/TRECON

JJH

21 St Marys Close Gloucester GL1 2TB

Tree is a sycamore type. It was pollarded in the past but is now very top heavy. In addition it is heavily covered in ivy. It has caused - is causing subsidence to my (leased) property. It is much too close to the building,

TCNOB 02/10/2015

15/01262/TRECON

JJH

Ecclesiastical Insurance Beaufort House Brunswick Road Gloucester GL1

Tree species is a Holm Oak. We need to crown the tree off to a reasonable height as it is now impeding the light to our surrounding offices and encroaching into our neighbours property. We also need to trim lower branches off the tree as they may fall an

TCNOB 23/10/2015

15/01329/TCM

Meadow Park Sports Social Club Sudmeadow Road Gloucester GL2 5FD

Prior Notification of Electronic Communications

PDV 09/10/2015

15/01357/TRECON

JJH

The Kings School Pitt Street Gloucester GL1 2BG

Various tree works as per Barlett Tree Experts tree survey report (July 2015)

TCNOB 23/10/2015

DECISION DESCRIPTIONS ABBREVIATIONS

AAPRZ:	Prior Approval Approved
ALDIS:	All Discharged
AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
ECREF:	PDE Refused - Commenced
ENOBJ:	No Objections
ENPDEZ:	PDE Decision – No objections
EOBJ:	PDE Decision - Objection
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
PADIS:	Part Discharged
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
RPA:	Refuse Prior Approval
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TELPRI:	Telecommunications Prior Approval
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn

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