



## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 2nd February 2016

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

### **Officers in Attendance**

Jon Sutcliffe, Development Control Manager

Michael Jones, Solicitor, One Legal

Adam Smith, Principal Planning Officer, Major Developments

Ed Baker, Principal Planning Officer, Housing Delivery

Andy Birchley, Senior Planning Compliance Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllr Smith

### **76. DECLARATIONS OF INTEREST**

Councillor Toleman declared a personal and prejudicial interest in agenda item 5, Llanthony Priory as a Trustee of the Llanthony Priory Trust. He retired to the public gallery during consideration of this application.

### **77. MINUTES**

The minutes of the meeting held on 12 January 2016 were confirmed and signed by the Chair as a correct record.

### **78. LATE MATERIAL**

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

### **79. LLANTHONY PRIORY - 15/01271/FUL**

Councillor Toleman had declared a personal and prejudicial interest in this application as a Trustee of the Llanthony Priory Trust. He retired to the public gallery during consideration of this application.

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The Principal Planning Officer presented his report which detailed an application for Llanthony Priory to include the following:-

Re-use of two historic buildings for class D1 use.

Works to Medieval range including attached Victorian farmhouse to include removal of brick noggin, new windows, new disabled access, interior alterations, repair of historic fabric.

Works to Brick range to include formation of new roof, new mezzanine structures, new ground floor slab, new windows, external cladding, internal partitioning, repair of historic fabric.

Landscaping including new car parking provision, resurfacing of pathways, service provision, felling of trees, new planting including trees.

Sub-ground servicing provision. Alterations to vehicular access and site perimeter fencing. Architectural and amenity lighting.

He advised that the heritage benefits of the application would secure the future of the buildings. He outlined the highways and drainage issues and drew Members' attention to paragraphs 6.35 to 6.38 of the report.

He referred to the revised condition and recommendation contained in the Late Material.

**Philip Staddon addressed the Committee in support of the application.**

Mr Staddon advised that he had been one of the founding trustees of the Trust set up in 2007 to find a solution to the future of the site. The Council had done its best to manage the site but a solution had eluded it.

He believed that the application represented that solution. The site included six Grade One listed buildings presently at risk and the proposals would reconnect the site with the community.

It was intended to introduce active floor space for a range of activities and Gloucester College, as tenants of the Medieval range, would provide a source of income for the Trust.

He believed that highways issues had been addressed as well as possible within the constraints on the site. The Trust had explored the potential for alternate access arrangements but they were not in a position at the present time to guarantee an alternative.

The Trust was happy to accept the proposed drainage conditions and believed that the Gloucester Quays development had addressed the flood mitigation issue.

He noted that the Heritage Lottery Fund was the principal source of funding and he requested that any outstanding matters be addressed by condition to enable the

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project to be progressed with the Heritage Lottery Fund. He thanked the Council for their support of this project.

The Vice-Chair welcomed the application and believed that an alternative access through the Public House access road would benefit both the Trust and the public house. He asked about the bricks to be used and was advised that the Conservation Officer and Heritage England had requested details and the matter would be covered by the relevant authorities.

Councillor Hilton welcomed the application as a considerable improvement to an historic site whose regeneration had been hampered in the past by its surroundings. He believed that the alternative access would be desirable. He assumed that there would be public access to the site and that appropriate signage would be provided. He suggested that a sprinkler system be installed to provide security against fire and reduce insurance costs.

The Principal Planning Officer undertook to liaise with architect and advised that Building Regulations could include a requirement for such a system.

The Chair agreed with the previous speakers regarding the alternative access but indicated that he would not support it being imposed as a condition.

The Principal Planning Officer recommended that the Committee awaited confirmation that the Environment Agency had withdrawn their objection although they could override that recommendation.

Councillor Williams suggested that consent be granted outright rather than await the Environment Agency's confirmation of not objecting.

The Vice-Chair did not believe that the application would make much difference to the surface water run-off.

The Principal Planning Officer explained the flood compensation measures associated with the Gloucester Quays permission as set out in the report.

**RESOLVED that planning permission be granted subject to the conditions in the report with the following amendment:-**

Condition

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be accompanied by an assessment of the impact of the proposed solution on buried archaeological remains and the setting of listed buildings. The approved details shall be implemented prior to the first occupation of the development for the use hereby permitted and maintained thereafter for the life of the development.

Reason

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To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and preserve heritage assets and their setting in accordance with Policies SD9, SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100, 103 and 131 of the NPPF and Policies FRP.1a, FRP.6, FRP.11, BE.23, BE.31, BE.34, BE.35 and BE.36 of the City of Gloucester Second Deposit Local Plan 2002.

**80. SHIELD HOUSE, 2 CREST WAY - 15/01428/FUL**

The Principal Planning Officer presented his report which detailed an application for the reconfiguration of premises including two and single storey extensions, plant and alterations to access at Shield House, Crest Way.

He advised that car parking spaces would be reduced from 38 to 13 and the development was expected to create ten jobs.

The application represented welcome investment and a significant improvement to the site.

He reported that the highway authority had no objection subject to conditions and referred Members to the late material which contained an amended recommendation and two additional conditions.

He amended the drawing numbers in Condition 2.

**Andrew Bence addressed the Committee in support of the application.**

Mr Bence referred to paragraphs 6.6 and 6.7 of the report and he advised that the application would provide a facility for customers of all sizes to rent space for their IT equipment.

There were over eighteen fibre optic networks nearby and the facility would attract businesses to Gloucester.

Around ten jobs would be created on site which would be recruited locally and would also create additional jobs within customers own premises. The intention was to create an IT hub for the South West and Midlands.

Councillor McLellan welcomed the application but expressed concern regarding the path to Duncroft Road. He asked that should it be necessary to close the path during construction it should be for the shortest possible time.

Councillor Brown advised that the pathway was very well used.

The Principal Planning Officer advised that if the path was a Public Right of Way then temporary closure would be a matter for the County Council.

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Councillor Brown questioned the source of any noise from a data centre and the Chair noted that it would emanate from air conditioning plant.

Councillor Hobbs believed that the application represented a significant improvement over the existing building but expressed concern over the fencing proposed.

The Principal Planning Officer advised that he had raised this issue with the agent who had submitted a design for the fencing that would be painted black and which had alleviated his concern.

The Development Control Manager noted that the fencing was designed to be visually permeable and that its design was more attractive than other forms of fencing such as palisade fencing.

Councillor Etheridge asked that the security lighting be designed to minimise impact on residents.

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

Condition 1

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawings 1322\_300, 1322\_305 and 1322\_306 received on 29 October 2015; drawing numbers 1322\_304A, 1322\_308A, 1322\_309A, 1322\_311 and 1322\_312 received on 30 November 2015; and drawing number 1322\_313 received on 01 December 2015.

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

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the premises shall not be used other than as an electronic data centre and shall not be used for any other purpose falling within Use Classes B1 or B8; without express planning permission.

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Reason: Alternative use would require further consideration by the Local Planning Authority because of traffic/parking implications, having regard to the provisions of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 4

The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to the provisions of the National Planning Policy Framework.

Condition 5

The development shall not be occupied until visibility splays have been provided extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between the visibility splays and the carriageway shall be maintained at all times so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: In the interests of highway safety, having regard to Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 6

The development hereby approved shall not be occupied unless covered bicycle storage has been provided in the location shown on the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TR.33 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 7

The building shall not be clad, rendered or faced in brick unless in accordance with sample panels, which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.

The approved sample panels shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 8

The external windows shall be recessed at least 225mm from the outer wall/exterior elevation.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 9

The boundary fencing shall not be installed unless in accordance with the design specification and photographs submitted by the agent on 04 February 2016 and shall have a black external finish. The boundary fencing shall be retained as such at all times and shall not be replaced with an alternative design or colour finish.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 10

The development hereby approved shall not be occupied or operated until a lighting scheme to light the public alley on the south side of the site has been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be retained at all times.

Reason: To ensure that the adjacent alley is satisfactorily lit in the interests of crime prevention and safety, having regard to Policy BE.5 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 11

No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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Condition 12

No development shall commence on site unless details of a surface water attenuation/storage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Condition 13

Noise levels attributable to services equipment and emergency plant shall not exceed the limits as set in the tables below.

Proposed Building Services Equipment:

	<b>Maximum Acceptable 'Rating Noise Level' at the facade of the building</b>	
<b>Period</b>	<b>Kingstone Avenue (Residential)</b>	<b>Ley Court (Commercial)</b>
Day 0700 - 1900	37 dB(A) $L_{Aeq, 1\text{ hr}}$	47 dB(A) $L_{Aeq, 1\text{ hr}}$
Evening 1900 - 2300	35 dB(A) $L_{Aeq, 1\text{ hr}}$	N/A
Night 2300 - 0700	31 dB(A) $L_{Aeq, 15\text{ mins}}$	N/A

Noise from the emergency plant, which may be used during power outages:

<b>Period</b>	<b>Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest residential buildings (Kingstone Avenue)</b>
Day 0700 - 1900	50 dB(A) $L_{Aeq, 15\text{ mins}}$
Evening 1900 - 2300	46 dB(A) $L_{Aeq, 15\text{ mins}}$
Night 2300 - 0700	43 dB(A) $L_{Aeq, 15\text{ mins}}$
<b>Period</b>	<b>Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest commercial building (Ley Court)</b>
Day 0700 - 1900	57 dB(A) $L_{Aeq, 15\text{ mins}}$

Reason: To safeguard the amenities of the area, having regard to Policy BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 14



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No construction related activities, including deliveries to or dispatched from the development, shall be undertaken outside the following hours:

Monday to Friday	0800 to 1800
Saturdays	0830 to 1300

No such construction related activities or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

**81. EAST OF STEPHENSON DRIVE, QUEDGELEY - 15/01534/FUL**

The Development Control Manager presented the report which detailed an application for the erection of six B8 units with associated ancillary offices, parking and landscaping on land to the east of Stephenson Drive, Waterwells.

He advised that this was the third similar application for this site as the two previous consents had expired. He confirmed that no issues had been raised by residents.

**RESOLVED that, subject to the Lead Local Flood Authority (LLFA) and the City Council's Drainage Engineer confirming that they have no objection to the proposal, the Development Control Manager be authorised to grant planning permission subject to the conditions in the report together with any additional drainage conditions recommended by the LLFA and the City Council Drainage Engineer.**

**82. HUCCLECOTE MEWS - 15/01527/MOD**

The Development Control Manager presented the report which detailed an application for the variation of a legal agreement under planning permission 22758/07 to remove the requirement to provide accommodation for a warden at Hucclecote Mews, 78, Hucclecote Road.

He drew Members' attention to the representation at paragraph 5.2 of the report and he confirmed that there was no policy in place to justify retention of the requirement.

**RESOLVED to approve the variation of the Legal Agreement thereby removing the requirement to provide any dedicated warden accommodation at the site.**

**83. PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (OCTOBER - DECEMBER 2015)**

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The Senior Planning Compliance Officer presented his report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement team between October and December 2015 and for 2015 as a whole together with an update on formal action being taken against more serious planning breaches.

He displayed illustrations of recent work including:-

- Junction of Worcester Street/Kingsholm Road – requirement for screening and landscaping.
- Encroachment at Kingsholm Road.
- Direct action on land at the back of Barnwood Road.
- The Water Poet, Eastgate Street.
- Shopfront at Texas, Parkend Road.
- Banner on Eastgate House.
- ‘A’ board trailers Cole Avenue.
- Unauthorised caravan.
- Tindale Mission Hall.

The Chair was advised that the Inspector’s decision in respect of the appeal for 90, Longford Lane was still awaited.

Councillor McLellan was advised that the occupier of the New Olympus theatre had been prosecuted for criminal damage and the owners of the building had been advised of their responsibilities under the terms of the Enforcement Notice.

Councillor Etheridge reported a new ‘A’ board trailer at Quedgeley. The Senior Planning Compliance Officer undertook to investigate and advised that in certain circumstance he had, through the County Council, powers to impound such trailers.

Councillor Dee referred to unauthorised car sales outside St Barnabus Hall and was advised that it was difficult to address such issues through planning legislation and it would be more appropriate to take action through Environmental Protection of the highway authority.

Members thanked the Officer for his report.

**RESOLVED that the report be noted.**

**84. DELEGATED DECISIONS**

Consideration was given to a schedule of applications which had been determined under delegated powers in the month of December 2015.

**RESOLVED that the schedule be noted.**

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**85. DATE OF NEXT MEETING**

Tuesday, 16 February 2016 at 6.00pm and Tuesday 1 March 2016 6.00pm.

**Time of commencement: 6.00 pm**

**Time of conclusion: 7.15 pm**

**Chair**