



# Gloucester City Council

## Planning Committee

**Meeting: Tuesday, 2nd February 2016 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

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

## AGENDA

<b>1.</b>	<b>APOLOGIES</b>  To receive any apologies for absence.
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>  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.
<b>3.</b>	<b>MINUTES</b> (Pages 7 - 14)  To approve as a correct record the minutes of the meeting held on 12 January 2016.
<b>4.</b>	<b>LATE MATERIAL</b>  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.
<b>5.</b>	<b>LLANTHONY PRIORY - 15/01271/FUL</b> (Pages 15 - 46)  <b>Application for determination:</b>  Reuse of two historic buildings for Class D1 use.  Works to Medieval range including attached Victorian farmhouse to include removal of brick nogging, 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.

	<p>Landscaping including new car parking provision, resurfacing of pathways, service provision, felling of trees, new planting including trees.</p> <p>Sub ground servicing provision. Alterations to vehicular access and site perimeter fencing. Architectural and amenity lighting.</p> <p><b>Contact:</b> Development Control – Tel: (01452) 396783</p>
<b>6.</b>	<p><b>SHIELD HOUSE, 2 CREST WAY - 15/01428/FUL</b> (Pages 47 - 60)</p> <p><b>Application for determination:</b></p> <p>Reconfiguration of premises including two and single storey extensions, plant and alterations to access.</p> <p><b>Contact:</b> Development Control – Tel: (01452) 396783</p>
<b>7.</b>	<p><b>EAST OF STEPHENSON DRIVE, QUEDGELEY - 15/01534/FUL</b> (Pages 61 - 78)</p> <p><b>Application for determination:</b></p> <p>Erection of six B8 units with associated ancillary offices, parking and landscaping..</p> <p><b>Contact:</b> Development Control – Tel: (01452) 396783</p>
<b>8.</b>	<p><b>HUCCLECOTE MEWS - 15/01527/MOD</b> (Pages 79 - 90)</p> <p><b>Application for determination:</b></p> <p>Variation of legal agreement under planning permission ref. 2278/07 to remove the requirement to provide accommodation for a warden.</p> <p><b>Contact:</b> Development Control – Tel: (01452) 396783</p>
<b>9.</b>	<p><b>PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (OCTOBER - DECEMBER 2015)</b> (Pages 91 - 100)</p> <p>To receive the report of the Senior Planning Compliance Officer detailing 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.</p>
<b>10.</b>	<p><b>DELEGATED DECISIONS</b> (Pages 101 - 120)</p> <p>To consider a schedule of applications determined under delegated powers during the month of December 2015.</p>
<b>11.</b>	<p><b>DATE OF NEXT MEETING</b></p> <p>Tuesday, 16 February 2016 at 6.00pm and Tuesday, 1 March 2016 at 6.00pm.</p>

J. R. McGinty

**Jon McGinty**  
**Managing Director**

**Date of Publication: Monday, 25 January 2016**

## 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](mailto: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](mailto:democratic.services@gloucester.gov.uk).

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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.



**PLANNING COMMITTEE**

**MEETING** : Tuesday, 12th January 2016

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

**Others in Attendance**

Jon Sutcliffe, Development Control Manager  
Michael Jones, Solicitor, One Legal  
Joann Meneaud, Principal Planning Officer  
Carly Holder, Planning Officer  
Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllrs. Hilton, Williams and Chatterton

**67. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

**68. MINUTES**

The minutes of the meetings held on 1 and 15 December 2015 were confirmed and signed by the Chair as a correct record.

**69. LATE MATERIAL**

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

**70. GLENVILLE PARADE - 15/01210/FUL, 15/01211/ADV**

The Planning Officer presented her report which detailed an application for the change of use of former public convenience building (suis generis) to A1 (gents barber shop) and signage and advertising to the front of the building at Glenville Parade.

She advised that the public conveniences were privately owned but the Council held a long lease on the property. The conveniences had not been used for at least ten years and no other applications had been put forward to bring the site back into use.

**PLANNING COMMITTEE**  
**12.01.16**

The Vice Chair noted that the photographs showed that the car park was busy but there were still empty spaces. He noted that the building could almost have been purpose built for the proposed use.

The Chair noted that the highways impact was not considered to be severe and the proposed Class A1 use would help to protect the local centre as well as bringing the building back into use.

Councillor Brown welcomed the new business which would improve a horrible building which had not been maintained. He expressed concerns regarding car parking and the potential for conflict between customers leaving the premises and motor cars entering the car park.

The Planning Officer advised that there was five metres between the entrance and the car park entrance and bollards were in place so there should not be any conflict. The site was part of a local centre and people could walk or use a bus. Three work stations were proposed which would limit the number of customers at any one time.

Councillor Hobbs welcomed the application and he noted that some shop premises in the Bristol Road were closer to the carriageway. He was pleased to endorse the proposal which was in the heart of the local community.

Councillor Smith noted that there had been no conflict when the building was used as a public convenience and she believed that the proposal would enhance the area.

Councillor Etheridge believed that an initiative to improve a building that had been out of use for over ten years should be encouraged.

Councillor McLellan believed that the bank attracted many customers who used the car park as it provided a more personal service than many City centre branches.

Councillor Toleman believed that the hairdresser's customers would be prepared to walk a little further than from the car park as they may not be carrying large amounts of shopping.

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

**71. LAND AT KINGSWAY - 15/00112/REM**

The Principal Planning Officer presented her report which detailed an application for the erection of two industrial buildings on land at the proposed employment area on Framework Plan 5, Kingsway, former RAF Quedgeley site.

She advised that local residents had asked her to point out that recent housing development was not shown on the site plan attached to the report. She displayed photographs and plans clearly showing the new housing developments.



**PLANNING COMMITTEE**  
**12.01.16**

She advised that significant improvements had been negotiated with the applicant since the application was originally submitted including a reduction in the size and height of the proposed units, the provision of new planting around the buildings and a landscaped bund which would result in greater distances between the new buildings and the existing houses to the south.

Members were referred to the late material which contained the response and conditions proposed by the highway authority. She advised that Unit 1 was 25 to over 38 metres from the boundary with the nearest residential property and Unit 2 was 23 to over 35 metres distant.

She advised Members that the site had outline planning permission for Classes B1 and B8 use so the principle of development was established. The application had originally sought 24 hour use but had now been amended for reduced hours after being advised that a 24 hour use could not be supported.

Conditions were proposed which would:-

- Restrict hours of operation and deliveries;
- Require a further noise assessment prior to first use
- Require a management plan for deliveries.

**John Cordingley, a resident of Naas Lane addressed the Committee in opposition to the application.**

Mr Cordingley stated that the 2000 application had indicated units 92 metres from the nearest house and the current application following recent residential developments indicated units 32 – 92 metres from residences. He noted that the plan attached to the report was based on the 2011 Ordnance Survey and did not show the houses north of Naas Lane.

He expressed concerns including the following:-

- Units overbearing and obtrusive
- Prospect of continuous noise
- Water run from landscaped bund
- Maintenance of bund
- Request for mitigation to prevent flooding
- Continue retaining wall beyond Unit 7
- Felling mature oak trees
- Constant traffic – HGVs to Unit 1 and vans serving the other units
- Noise from work operations
- Noise from air conditioning plant
- Noise from fork lift truck bleep
- Exhaust fume pollution
- Security lighting

He noted that Rudloe Drive was one of two main accesses to Kingsway and had already been damaged by heavy traffic presenting a danger to other road users.

**PLANNING COMMITTEE**  
**12.01.16**

He noted that there were vacant warehouses on the Waterwells site.

He endorsed the jobs which the proposal would create but asked Members to consider the detail of the application. He requested additional conditions to address the concerns of the Environmental Protection Manager, Quedgeley Parish Council, the Urban Design Officer and the Tree Officer.

He asked that local residents be given an opportunity to assist with the detail of the new development.

The Chair asked for clarification of the documents referred to by Mr Cordingley. He was advised that the previous plan was only indicative and that the proposed development was closer to the southern boundary than the indicative plan had shown and that the new housing had been built since the plan was produced. The overall drainage strategy for Kingsway had been approved and a proposed condition required details specific to this application.

The Vice Chair was advised of the detail of the noise assessment methodology and that proposed conditions 6 and 7 would provide further safeguards. He did raise some concern relating to the appropriateness of Rudloe Drive and whether it was suitable for large lorries.

Councillor Hanman was advised that the oak trees to be felled were currently the subject of Tree Protection Orders.

The Vice Chair requested that appropriate tree species be chosen for landscaping to prevent problems in the future.

Councillor McLellan suggested that loading and unloading hours in Condition 8 be amended to a start time of 09.00hrs and that Saturday afternoons, Sundays and Public or Bank Holidays be removed from Condition 9 (operating hours).

The Development Control Manager advised that the proposed restrictions were based on typical noise levels and there was no evidence to justify further restriction.

The Solicitor confirmed the Development Control Manager's views.

The Development Control Manager further advised that there was no evidence to offer that the proposed hours would be harmful.

An amendment was proposed to amend Condition 8 to allow for deliveries from 09.00hrs on Saturdays (not 08.00hrs as detailed within the condition); and not to allow any working at all on Sundays and Public or Bank Holidays and therefore to remove Sundays and Public or Bank Holidays from Condition 9, and this was carried.

**RESOLVED to grant approval of reserved matters, subject to no new material planning considerations being made within the consultation period which expires on 13 January with the Development Control Manager being**

**PLANNING COMMITTEE**  
**12.01.16**

**authorised to issue the decision subject to conditions as detailed, and any others considered necessary.**

**72. 7 -12 WESTMINSTER COURT - 15/01291/MOD**

The Development Control Manager presented the report which detailed an application for the discharge of a legal agreement restricting the age of occupants to 50 years and over at 7-12 Westminster Court, London Road.

He reported that the agent had advised that there were two further car parking spaces to the front of the building and that there had been no highways objection.

He noted that the policy regime had changed since the age restriction had been imposed in 1986 and if the original application were to be considered under current planning policies and advice no objection would be raised on the grounds of insufficient parking or amenity space.

He considered that the site was in a sustainable location with public open space nearby and he recommended that the legal agreement be discharged.

**Daniel Drayton, of Evans Jones Planning Consultants, addressed the Committee in support of the application.**

Mr Drayton stated that much had changed in the thirty years since the original consent when the age restriction had been imposed and he believed that the age restriction would no longer be considered reasonable in government terms.

He noted that the site was accessible and well served by public transport and no highways objection had been raised. He noted that the Government was seeking to widen the choice of housing in accessible locations.

Councillor Smith had been a Committee Member when the proposal to lift the restriction had been refused and she recalled that the Committee had been concerned by the possible clash of lifestyles between different age groups together with the lack of parking and amenity space.

Councillor Hobbs noted that some of the occupants had purchased flats in the property specifically not to mix with younger people.

The Development Control Manager advised that current national policy was to develop mixed communities with a wide choice of dwellings. He referred Members to the advice at paragraph 6.4 which stated that an obligation would only be required on an application to address unacceptable impacts and if it was not necessary at the current time it could be removed.

The Solicitor confirmed that advice and added that, on appeal, the Secretary of State would apply that policy and remove the agreement. He advised that policy had moved on and central government had the power to change the context of how people enjoyed their planning rights by changing policy. He noted that existing occupiers would have no recourse for the discharge of the agreement.

**PLANNING COMMITTEE  
12.01.16**

**RESOLVED to grant approval for the discharge of the Legal Agreement dated 29 July 1986 thereby removing the age restriction for occupants of the flats.**

**73. 183,LINDEN ROAD - 15/01450/FUL**

The Planning Officer presented her report which detailed an application for the change of use of ancillary building (C3) to restaurant (A3) at 183, Linden Road.

She drew Members' attention to the letter from the agent contained within the late material and advised that the number of sessions and operating hours had been reduced following the concerns of the Environmental Health Officer.

She referred Members to paragraphs 6.2 to 6.6 of the report which addressed the principle of development.

She noted that there would be a maximum of six customers and the restaurant was only open to pre-booked diners.

The Vice Chair likened the proposal to a domestic barbecue which would be operated on less than one day per week over a year and the additional parking would not be significant.

Councillor Hobbs expressed concerns regarding the principle of inflicting a business in the back garden of a residence surrounded by homes. There could be families with children in those properties and there could be people smoking and drinking in the garden.

Councillor Smith proposed that a temporary consent be granted for one year to assess the impact upon neighbours' amenity.

**RESOLVED that planning permission be granted subject to the conditions in the report and a further condition to grant permission for a period of one year.**

**74. DELEGATED DECISIONS**

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

**RESOLVED that the schedule be noted.**

**75. DATE OF NEXT MEETING**

Tuesday, 2 February 2016 and Tuesday, 16 February, 2016 at 6.00pm.

**Time of commencement: 6.00 pm hours**

**Time of conclusion: 8.05 pm hours**

**Chair**

**PLANNING COMMITTEE  
12.01.16**

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## GLOUCESTER CITY COUNCIL

<b>COMMITTEE</b>	<b>:</b>	<b>PLANNING</b>
<b>DATE</b>	<b>:</b>	<b>2<sup>ND</sup> FEBRUARY 2016</b>
<b>ADDRESS/LOCATION</b>	<b>:</b>	<b>LLANTHONY PRIORY</b>
<b>APPLICATION NO. &amp; WARD</b>	<b>:</b>	<b>15/01271/FUL WESTGATE</b>
<b>EXPIRY DATE</b>	<b>:</b>	<b>22<sup>ND</sup> JANUARY 2016</b>
<b>APPLICANT</b>	<b>:</b>	<b>LLANTHONY SECUNDA PRIORY TRUST</b>
<b>PROPOSAL</b>	<b>:</b>	<b>Re-use of two historic buildings for Class D1 use. Works to Medieval Range including attached Victorian Farmhouse to include removal of brick nogging, 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.</b>
<b>REPORT BY</b>	<b>:</b>	<b>ADAM SMITH</b>
<b>NO. OF APPENDICES/ OBJECTIONS</b>	<b>:</b>	<b>SITE PLAN</b>

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is at Llanthony Secunda Priory. The Priory is part designated as a scheduled monument and contains seven listed buildings. Of note for this application, the remains of the range at the south (called the brick range in this application) are Grade 1 listed and the complex in the centre of the site (called the medieval range here) is grade 2 listed (the farmhouse) and grade 1 listed (the stone/timber building to the north). The site is adjacent to the southern part of the Docks Conservation Area. Llanthony Road is to the west, the college and business park to the north. The public house is to the south at the junction with St Ann Way, and vacant land owned by Peel is to

the south and east next to the canal (there is an extant outline planning permission for development on the land to the south).

- 1.2 The Priory was a large successful Monastic foundation, which went into decline after the dissolution of the monasteries in the 1540s. The Church was retained for Parish use until the Civil war when it was badly damaged and subsequently demolished. The surviving buildings formed part of the domestic ranges, surviving due to farm reuse. The canal was later constructed through the grounds. In the 20<sup>th</sup> century the site was used for various small industrial businesses, although more recently this has started to be cleared and opened up to the public.
- 1.3 The proposals involve two buildings and the surrounding grounds, the buildings are proposed for D1 use, specifically they envisage educational/conferencing use:
- 1.4 The medieval range in the middle of the site is proposed for repair and reuse. This building includes the large brick Victorian farmhouse and a range to the north comprising a late 15<sup>th</sup>/early 16<sup>th</sup> century half timber-framed upper floor over a medieval stone built ground floor storey. It originally extended further to south and to north prior to the Victorian interventions.
- 1.5 Repairs include making the buildings weatherproof and then useable, structural repairs, repairs and additions to walls and roof, opening up and new layout changes in Victorian building, new subdivision in medieval range at the north, doors and windows including opening up of blocked windows and doors and infilling over existing windows, removal of stair in medieval range at north, new stair in Victorian building, architectural lighting, and installation of underfloor heating with associated floor raising (no excavation required and existing ground floor construction to remain in situ). There may be removal of limited areas of historic fabric where the installation of new fabric is required.
- 1.6 The brick range at the south of the site comprises remains of walls with no roof, originally a two storey range dated to the early 16<sup>th</sup> Century. Its high significance includes it being an exceptionally early brick building.
- 1.7 The proposals involve building up the walls (including timber clad facing to the east elevation and brickwork infill) and new roofing (plain tile roof to match medieval range with high level rooflights), internal partitioning, mezzanine floor, installation of underfloor heating (requiring some excavation of modern material to depth of 130mm), excavation (to a maximum depth of 1.2m) to fully expose a door in the north elevation, new services, opening up of blocked windows and doors and new doorways. The above ground works may require the removal of limited areas of in situ historic fabric.
- 1.8 Works within the grounds include a car park (part hard-surfaced, part grasscrete, 38 spaces), new paths, removal of 10 trees and new tree planting, a small garden and interpretation, new railings and gates to the perimeter, and also the construction of an access off Llanthony Road to the west between the pond and the gate. Given the high archaeological sensitivity, excavation depths of works are specified in some detail. The majority of landscaping



works are confined to excavation no more than 300mm below ground, the car park generally 100mm depth maximum with 300mm boundary edging, the access road 50-100mm with some deeper service runs cut through, and the footpath no more than 200mm. Works around the Medieval range are proposed to a depth of up to 400mm, and the garden by the Brick range up to 200mm, with the access path to the Brick Range 400 to 600mm below ground. Tree planting around the site will also require excavation.

- 1.9 The application is referred to the Planning Committee as it significantly affects the setting of grade 1 and 2\* listed buildings and a scheduled monument.

## **2.0 RELEVANT PLANNING HISTORY**

### P/78/60

- 2.1 Change of use from private open space to industry and car park. Approved subject to conditions 20<sup>th</sup> May 1960.

### P/824/67

- 2.2 Use of land for treatment of scrap metal and erection of machine sheds, offices and canteen. Approved subject to conditions 2<sup>nd</sup> April 1968.

### P/844/67

- 2.3 Extension of site to form extra lorry and car parking. Approved subject to conditions 9<sup>th</sup> January 1968.

### P/206/68

- 2.4 (Outline) Development of an industrial estate (5 plots) including construction of estate road. Approved subject to conditions 25<sup>th</sup> June 1968.

### P/1010/69

- 2.5 Use of land for storage and processing of steel scrap and scrap residues. Approved subject to conditions 14<sup>th</sup> January 1970.

### 03/EDP/932/79

- 2.6 Formation of car parks. Approved subject to conditions 12<sup>th</sup> September 1979.

### 11001/01

- 2.7 Change of use to archaeological museum, office, store and hostel. Formation of car parking area and erection of toilet block. Deemed consent 25<sup>th</sup> March 1986.

### 11001/02

- 2.8 Change of use of canons lodge to archaeological unit. Approved subject to conditions 5<sup>th</sup> January 1987.

### 11001/02/LBC

- 2.9 Conversion of Victorian wing of Canons lodge to offices and storerooms. Conversion of medieval building into storerooms, workrooms and public gallery. Deemed consent 4<sup>th</sup> October 1988.

- 14/00816/FUL
- 2.10 Siting of two storage containers to south of site, for a temporary period of two years. Granted subject to conditions 12<sup>th</sup> September 2014.

- 02/00271/OUT & 14/00709/FUL (renewal)
- 2.11 Gloucester Quays outline planning permission. Mixed use regeneration, comprising re-use of buildings and new build to accommodate residential, employment, retail and leisure uses and an education centre for Gloscat including enhancement works to listed buildings and Llanthony Priory together with public transport facilities, improvements to the road network including a new bridge over the canal and associated landscaping, car parking and servicing. Granted outline permission by Secretary of State on call in 22<sup>nd</sup> June 2006 and renewal granted 4<sup>th</sup> January 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.

#### *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.

*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 where 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.

*Meeting the challenge of climate change, flooding and coastal change*

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

*Conserving and enhancing the natural environment*

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

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 conditions*

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.

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 Allocations:

Site of nature conservation interest Grade D - B.3  
Scheduled monument  
Floodplain  
Public Open Space – OS.1  
Area of principal archaeological interest  
Mixed use allocation

Policies:

B.3 – Sites of nature conservation interest C&D)  
B.7 – Protected species  
B.10 – Trees and hedgerows on development sites  
FRP.1a – Development and flood risk  
FRP.6 – Surface water runoff  
FRP.10 – Noise  
FRP.11 – Pollution  
FRP.15 – Contaminated land  
BE.1 – Scale, massing and height  
BE.4 – Criteria for the layout, circulation and landscape of new development  
BE.7 – Architectural design  
BE.12 – Landscape schemes  
BE.20 – Extensions  
BE.21 – Safeguarding of amenity are relevant.  
BE.22 – Alterations to and development within the curtilage of listed buildings  
BE.23 – Development affecting the setting of a listed building  
BE.31 – Preserving sites of archaeological interest  
BE.32 – Archaeological assessment

BE.34 – Presumption in favour of preserving archaeology  
BE.35 – Scheduled Ancient Monument  
BE.36 – Preservation in situ  
BE.37 – Recording and preserving archaeology  
TR.9 – Parking standards  
TR.12 – Cycle parking standards  
TR.31 – Road safety  
TR.33 – Provision for cyclists/pedestrians  
OS.1 – Protection of public open space

#### 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 20<sup>th</sup> 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:

SD1 – Presumption in favour of sustainable development  
SD5 – Design requirements  
SD9 – Historic environment  
SD10 – Biodiversity and geodiversity  
SD15 – Health and environmental quality  
INF1 – Access to the transport network  
INF2 – Safety and efficiency of the transport network  
INF3 – Flood risk management  
INF4 – Green infrastructure

All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of

#### **4.0 CONSULTATIONS**

- 4.1 Historic England has considered the associated application for scheduled monument consent, which has already been granted. They raise no objection to the planning application noting the benefit for the long term reuse of the buildings. Once implemented the works should result in the removal of the buildings from the 'at risk' register. Conditions are proposed as required by the City Archaeologist and Conservation Officer.
- 4.2 The Civic Trust welcomes the application. They are pleased that a solution is in negotiation for the adjacent GQLLP land and note that the re-roofing of the tithe barn may have to wait for a second phase. They note that archaeology will be crucial and endorse the safeguards proposed by the archaeologist. They remain concerned about the proximity of the medieval wall to Llanthony Road and the proposed access from a congested part of the road, which is in a poor state of repair and causing damage to the wall. They would also like to see the access moved to the 'Sainsbury' junction provided a satisfactory wall could be found around the brick range.
- 4.3 The Highway Authority raises no objection subject to conditions to secure a revised access, the proposed pedestrian improvements, a construction method statement, an event management plan and provision of the parking and turning facilities prior to occupation.
- 4.4 The Environment Agency raised no objection to the building conversion but flagged up the need to comply with the sequential test, and currently object given the land raising and absence of compensation works. This matter is currently under consideration by the Environment Agency in light of new information.
- 4.5 The Canal and River Trust has no comments.
- 4.6 The Conservation Officer raises no objection subject to conditions to secure approval of all external materials, including landscaping, approval of flues, ventilation extracts, meter boxes and cables/aerials, building recording, details of the fixing of perimeter railings and infill gates, lighting, and interpretation materials.
- 4.7 The Environmental Protection Officer raises no objection subject to a condition to control noise from plant and equipment associated with the proposals.
- 4.8 The City Archaeologist notes the importance of the site but overall raises no objection subject to a condition to secure a programme of archaeological work.
- 4.9 Contaminated land consultants note that no potential contaminated land issues have been identified and have no adverse comments to make.



- 4.10 The Tree Officer makes several suggestions for improvements, and recommends conditions to secure a landscape plan and tree protection.
- 4.11 The Landscape Architect has not commented.
- 4.12 The Neighbourhood Service Manager raises no objection subject to conditions on ecology.
- 4.13 The Drainage Engineer has sought further clarification on the surface water management proposals. He raises no objection in respect of flood compensation in light of the new information. The surface water details are being worked on by the applicant and updated Drainage Engineer comments will be reported at the Committee Meeting. He recommends a condition to secure a flood warning and evacuation plan.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 38 neighbouring properties were notified, and press and site notices were published.
- 5.2 Two representations have been received.

Gloucester Quays LLP owns land that falls broadly within the Priory grounds. They note a healthy level of agreement between the parties, and that they will be submitting an application for works to complete the Trust's vision for the Priory on GQLLP land. GQLLP warmly welcomes the proposals.

A further comment has been received from a member of the public offering support for the proposal, and may be summarised as follows;  
The Priory is a vital part of Gloucester's heritage and much of it is at risk;  
The proposal is a once in a lifetime opportunity to stabilise the remains and enhance them and the site for the benefit of the community;  
Access may be considered a problem but given likely usage levels it is not one that intelligent management cannot resolve. The solution should not harm the remains;

The consequences of rejecting the proposal would lead to further deterioration and would amount to cultural vandalism.

- 5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting or at <http://glcstrplnng12.co.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=NVA0CDHMC0000>.

## **6.0 OFFICER OPINION**

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

- Conservation and design
- Archaeology
- Traffic and transport
- Flood risk and drainage
- Ecology
- Trees
- Residential amenity

6.2 The Authority has adopted a Screening Opinion that the proposals are not Environmental Impact Assessment development.

***Conservation and design***

6.3 The site is of national importance, recognised by the scheduled monument designation, and the buildings proposed for works here are grade 1 and 2 listed. The site also neighbours the Docks Conservation Area. Historic England has already processed a scheduled monument consent based on the proposals, which has been granted subject to conditions.

6.4 In broad terms, the repair and reuse of the buildings is most welcome in conservation terms. They have deteriorated with lack of use and all the buildings and the monument are on the heritage at risk register.

6.5 The majority of issues raised at pre-application stage by the Conservation Officer have been addressed, which are positive changes and lessen the visual impact of the works. The principles of repair are accepted but detailed further work needs to be approved, and this is secured by the scheduled monument consent.

6.6 The medieval range is shown to be heavily altered and the timber frame may have been reused from another building. The works would be a light touch repair. A significant change is the replacement of the brick infill between the timber frame with a less harmful lathe and lime mortar panel. The remainder of works are designed to have low impact on the buried archaeology and buildings. The internal underfloor heating would be within a raised floor above the late medieval surfaces and floors.

6.7 The brick range is a more significant building and may be the earliest brick building in Gloucestershire, and has few alterations other than some later openings and blocking of windows. The works will allow its reuse, and are designed to have minimum impact on the building.

6.8 Certain details would need to be subsequently approved under condition. The scheduled monument consent covers a range of these including detailed 'listed building' conditions. Also, for example, the building recording as requested by the Conservation Officer is also covered by the scheduled monument consent. In my view the planning permission need only cover 'planning application' matters e.g. those associated with the external elevations of the buildings and the landscaping works.

- 6.9 Subject to conditions the proposals would comply with policies BE.1, BE.4, BE.7, BE.20, BE.22 and BE.23 of the 2002 City of Gloucester Second Deposit Local Plan, policies SD5 and SD9 of the Pre-Submission Joint Core Strategy, and the NPPF, and with the duties under S66 of the 1990 Planning Listed Buildings and Conservation Areas Act.

### ***Archaeology***

- 6.10 As noted Llanthony Secunda Priory scheduled monument covers part of the priory complex and its significance lies in the buried as well as standing remains. The buried remains are highly significant, of national importance.
- 6.11 There are some limited areas of excavation proposed, including to insert new flooring and to fully expose the door opening in the brick range, as well as the landscaping and servicing proposals. The City Archaeologist is content with the proposals subject to an archaeological condition. The works are designed to have minimum impact on the buried archaeology. It has been shown that the ground level has been raised and the medieval surfaces are deeply buried. The landscaping should only therefore remove modern deposits. Where the works may impact on medieval deposits the applicant has provided a suitable mitigation strategy of archaeological monitoring and recording. The large area for the car park is in an area where considerable depths of modern dumped deposits are shown.
- 6.12 The only area where this may not be the case is the tree planting to the north where further investigation is needed to ensure no medieval deposits are harmed. The condition would secure this.
- 6.13 Subject to conditions the proposals would comply with policies BE.31, BE.32, BE.34, BE.35, BE.36 and BE.37 of the 2002 Second Deposit Local Plan, policy SD9 of the Pre-Submission Joint Core Strategy, policy A.2 of the 1983 Local Plan and the NPPF.

### ***Highways***

#### ***Accessibility***

- 6.14 The college car park immediately to the north has 150 spaces available for public use on weekdays from 4:30pm to 10pm and on weekends and bank holidays from 9am to 10pm. There is a link for pedestrians via the canalside (also a national cycling route) to the Docks where there is further public car parking. Pedestrians can also link to the south along the canalside towards the Sainsburys and built and consented residential areas, and also out to the west and Llanthony Road. The railway station is approximately 20mins walking distance and less than 10 by bicycle. Nearest bus stops are outside Sainsburys close by to the south, linking to the city centre and south to Quedgeley and into Stroud district. 10 cycle spaces are proposed. The Highway Authority considers the site to be in an accessible location.

#### ***Vehicular access issues***

- 6.15 There is an existing opening onto Llanthony Road that is apparently used for events, maintenance and the like. This part of Llanthony Road is a straight 2-

lane single carriageway although there are plans to widen the road here to a dual carriageway (not likely to be delivered for a few years). The access is about 65m north of the junction with Sudmeadow Road and 45m south of the junction with Hemmingsdale Road. There is a 30mph speed limit. The existing access has substandard visibility to the left due to the Priory wall, and is situated between this constraint close to the south side and by the pond close to the north side.

- 6.16 An issue arises in the proposed intensification of this access point for vehicles. Current trip generation is relatively low – a few trips made weekly by trustees; 2 vehicles on a day, monthly, for maintenance; and monthly ‘volunteers days’ (estimated 10 vehicles). In addition, large events take place where there is managed, marshalled and regulated traffic at the site, and includes access to the site by large heavy goods vehicles. The applicant considers that the development would lead to only minimal increase in vehicular use of this access.
- 6.17 The accident analysis shows that between January 2012 and December 2014 25 collisions were recorded, 19 slight, 6 serious, none fatal, within the study area, although no recorded accidents at the existing access on Llanthony Road.
- 6.18 A revised junction is currently proposed – showing a small island of raised markings to enforce a left in/left out operation. Manual for Streets recommends a visibility splay of 40m on a 30mph road. This can be achieved to the right but to the left only 20m is achievable. The applicants consider that risks of collision while turning left out of the site are limited.
- 6.19 A swept path analysis shows that a large refuse vehicle can manoeuvre into and out of the site safely with some lane overrun. Although the Trust will seek to limit or totally prevent large HGV vehicles for events, a drawings is submitted to show that such access is also achievable, although it requires both lanes and would be organised outside of busy periods and also marshalled.
- 6.20 In terms of the access suggestions made in representations for land to the south, this may well be an aspiration ultimately, although the applicants are not in control of the land.
- 6.21 The applicant also proposes to encourage visitors to use the city centre and access the site by sustainable modes of transport, provide information on city centre car parks, and manage the use of the parking spaces on site during events, based on limiting use to essential operational parking and spaces for disabled people, and timed arrivals of larger vehicles – with marshalling also if required.
- 6.22 The Highway Authority comments that the existing access is significantly substandard to the south in respect of visibility and actually propose a longer splay than the applicants given the 85<sup>th</sup> percentile speeds recorded in their monitoring report of 34mph. The Highway Authority is not content with the

access design mitigation as proposed, but suggests a condition to secure an acceptable access detail. It has been agreed that enhancements could be made to the road improvement scheme to accommodate the site access. Amendments to include a narrow central reservation to physically restrict right turning movements and improvements to visibility to the right would be required.

- 6.23 They propose 3 options – access in the proposed location but with additional measures to prevent right turning traffic including a central reservation on Llanthony Road and bringing back the fence line to the north on the site; access onto the Marstons car park with a cycle/pedestrian access retained to Llanthony Road; or access onto the Peel owned cul de sac to the south.

*Impact assessment*

- 6.24 Estimated day to day traffic would be 14 two-way trip in a day and maximum 7 in the busiest hour, from employees and attendees at meetings. An estimated 4000 visitors per year to the grounds is envisaged. An average of 22 visitors per day is expected, and the applicants envisage that they are likely to walk, either from residential areas or as combined trips with another attraction. Users of the site for lectures by the college are envisaged by the applicant to be already travelling to the college and so the impact would be negligible.
- 6.25 Overall they envisage a small increase in vehicular trips and a negligible impact.
- 6.26 For day events/exhibitions, a maximum of up to 288 people can be expected on site. With restricted use of the car park, other existing car parks in the vicinity, and the likely weekend/evening timing of events, trip generation in and out of the site is considered by the applicant to remain low.
- 6.27 For large events, the maximum number of visitors could be up to 1250 per day. These are each generally once a year and at weekends generally. Again the applicants envisage that the vast majority will be expected to walk to the site. As above, access to the car park could be limited. In terms of impact on car park demand and supply in the city centre, they are likely to attract significantly less visitors than the Tall Ships festival, which is accommodated by existing parking.
- 6.28 There would also be some use of the access by various construction vehicles. The amended access is proposed at the start of the contract. Furthermore, hours of deliveries by HGVs would be outside peak periods and routed to use left in/left out manoeuvres.
- 6.29 Subject to conditions, the proposals comply with policies TR.9, TR.12, TR.31 and TR.33 of the Second Deposit Local Plan, policies INF1 and INF2 of the Pre-Submission Joint Core Strategy and the NPPF. No highway objection is raised.

***Flood risk and drainage***

- 6.30 The site is partially in flood zones 2 and 3, including zone 3b - the functional floodplain. Work by the applicant to compare the fluvial model data from the

Environment Agency against site topographic levels proves that the flood mapping is broadly accurate. The existing and proposed use is classified as 'less vulnerable' by the applicant, although I would consider the education use appears to be 'more vulnerable'. Given the flood zoning, the sequential test and exception test are required anyway.

*Sequential test*

- 6.31 In terms of the sequential test I consider that there are no reasonably available sites for the proposals in a lower risk flood zone. This is due to the inherently site-specific nature of the proposals – repairing, rebuilding and converting listed buildings, which are a material benefit from the scheme. The Drainage Engineer agrees that given the nature of the proposal, further work is not required on the sequential test. It does need to pass the exception test. The first part of the test is passed by virtue to the nature of the project – sustainability benefits to the community that outweigh flood risk. It also needs to demonstrate that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. The Drainage Engineer is satisfied in respect of safety subject to conditions to cover outstanding issues. In terms of impact on flood risk elsewhere the issues of land raising bear detailed consideration:

*Land raising issues*

- 6.32 The proposals involve some localised land raising within the floodplain, a net loss of c. 1106m<sup>3</sup>, said to be required principally due to archaeological constraints. This is considered to be a significant volume in a sensitive flood area and mitigation is required. The Environment Agency has no objection to the restoration of the existing buildings, it is these elevated landscaping/access works that are of concern. Without a compensation scheme they do not consider that the exception test is passed and object in principle.
- 6.33 The Environment Agency has suggested the possibility of relocating car parking to the canalside as a lower risk area to negate the need for compensation. However in my view this would be undesirable in design and conservation terms, furthermore the area right next to the canal is outside the applicant's control.
- 6.34 The Gloucester Quays outline planning permission is highly relevant in this respect. This application included the Priory site alongside other land on a much wider basis, and the proposals removed floodplain capacity. It was agreed with the Environment Agency at that point (and this has recently been agreed again in the renewal application) that the 1 in 100 year flood level was 11.18m AOD. Given it was an outline application and there was no certainty about building positions and footprints, an assumption was made that it would be necessary to raise all land in the site (including the Priory) out of the floodplain (i.e. raise any land below 11.18m AOD). The proposed raised area included approximately half of Llanthony Priory.
- 6.35 This land raising was shown to result in the potential loss of up to 35,000 m<sup>3</sup> of floodplain, for which the agreed mitigation is the removal of the dock branch

railway embankment at Over, in three stages (comprising 38,500 m<sup>3</sup>). The whole of the embankment is below the 11.18m AOD. Two stages of removal have been completed, the other is programmed to be completed by March 2025. As it turns out a topographical survey indicates that the works undertaken to date have actually removed 16,005m<sup>3</sup> (instead of the 14,500m<sup>3</sup> envisaged) so there is already a further net benefit.

- 6.36 Additional works in the Gloucester Quays site associated with the separate Marstons public house development have resulted in a further 2251m<sup>3</sup> being removed from the floodplain. At the present time there is a running net 'benefit' to the floodplain, as over 16,000m<sup>3</sup> has been removed and c.7000m<sup>3</sup> imported so far.
- 6.37 Overall, the headline figures are that 38,500m<sup>3</sup> removal is proposed for the Gloucester Quays site, to mitigate 35,000m<sup>3</sup> of land raising which is a robust appraisal based on wholesale raising of swathes of the site including half of the Priory site. In reality it is only sporadic raising of the Priory site and this does not propose to bring up to 11.18m AOD anyway which was the basis for the volume of compensation required.
- 6.38 I have provided information to the Environment Agency in this regard and we await their review and confirmation of their position regarding this application. However it would appear that the land raising proposed on this site is already compensated for by works associated with previous development proposals for the site.

#### *Surface water attenuation*

- 6.39 The development would increase the impermeable areas within the site and increase the volume of surface water runoff. It is understood that the site does not have an existing positive drainage system, so flows will need to be attenuated to Greenfield values.
- 6.40 Some options for SuDS features are set out but the method of surface water drainage is not clear at the moment; various options are suggested including permeable paving, swales, cellular crates, rain gardens, rainwater harvesting, and a strategy is considered to be achievable. Further clarity is required before we reserved details to a condition.
- 6.41 Drainage, Archaeology and Planning Officers have discussed options for the site, and are comfortable at the present time that a solution can be found to provide mitigation that would not damage archaeology. The pond is one potential source of attenuation. A second larger area is the south west part of the proposed car park where there are no archaeological deposits. As such I am content that a solution could be found to the attenuation requirement under condition. In the meantime we await some further clarification from the applicant to support these suggestions.

#### *Protection of the development*

- 6.42 The applicants are limited in some respects because of the historic interest of the site – e.g. moving buildings around or raising floor levels above the flood

level. There are however some limited raising of floor levels proposed in both buildings although they will remain below the design flood level.

- 6.43 The Environment Agency recommends use of appropriate flood resilient materials and positioning of electrical supplies above predicated flood levels. Flood resilience measures for the buildings proposed by the applicants include flood barriers/gates for doors, emergency covers for airbricks, raised boilers, tiled/concrete floor surface for removal of flood waters, concrete floors, non-return valves in new plumbing, and no studwork partitions being used in ground floors.
- 6.44 The safest route from the development is shown to be via Llanthony Road. Access to and from the site during the design flood event is considered to be dangerous, however as a commercial use and with the impact dependant on meteorological conditions, the consultants advise that a 12 hour minimum warning could be given. They propose to register for the Environment Agency flood warning and also propose an evacuation plan to address this point.
- 6.45 Subject to conditions, and further clarification on the surface water drainage proposals to give comfort as to the solution, the proposals would comply with policies FRP.1a and FRP.6 of the Second Deposit Local Plan, policy INF3 of the Pre-Submission Joint Core Strategy and the NPPF. No objection is raised in these terms.

### ***Ecology***

- 6.46 An extended phase 1 ecological report has been submitted, including great crested newt, badger and bat surveys. Great crested newts and badgers are not present. There is a low number of common toads. There is some bat activity at the site, although it is low. Common pipistrelle and brown long-eared bat roost are in the Medieval Range and farmhouse, and common pipistrelle in the stables. These are minor day roosts. The site also provides potential nesting habitat for birds. Recommendations are put forward by the applicants to deal with toads and bats.
- 6.47 Given the protected species involved it is necessary to consider the derogation tests. The development is for an overriding public interest and there is no alternative, given the historic nature of the site and buildings, the importance of its preservation and its uniqueness. The buildings are to be retained and the habitat around the site is to be improved. With some precautions by condition, the favourable conservation status of the species will be maintained. Conditions are therefore recommended to secure a bat mitigation strategy, and a lighting strategy.
- 6.48 Subject to conditions, the proposals comply with policies B.3 and B.7 of the Second Deposit Local Plan, Policy SD.10 of the Pre-Submission Joint Core Strategy and the NPPF.

### ***Trees and landscaping***

- 6.49 New planting is proposed as well as the removal of trees to enable the landscape works. Although some suggestions for amendments are made by



the Tree Officer there is no overall objection, including in respect of the tree removal, and the landscaping condition provides for some flexibility as to the eventual solution. A tree protection plan is also necessary by condition.

- 6.50 Subject to conditions, the proposals comply with Policies B.10, BE.4 and BE.12 of the Second Deposit Local Plan (and there is no effect on Policy OS.1), Policy INF4 of the Pre-Submission Joint Core Strategy and the NPPF.

***Residential amenity***

- 6.51 There are residential properties just across Llanthony Road to the west at Hemmingsdale Road and Sudmeadow Road, as well as planning permission for residential development immediately to the south and across the canal. I do not consider the proposed use is likely to cause any significant harm to the amenities of local residents however I recommend a condition to control construction times.
- 6.52 Subject to this condition, the proposals comply with policies FRP.10, FRP.11 and BE.21 of the Second Deposit Local Plan, Policy SD15 of the Pre-Submission Joint Core Strategy and the NPPF.

***Contamination***

- 6.53 A contaminated land report was also submitted. This has been reviewed by the Council's contaminated land consultants, who have no adverse comments to make. The proposals comply with Policies FRP.11 and FRP.15 of the Second Deposit Local Plan Policy SD15 of the Pre-Submission Joint Core Strategy and the NPPF.

**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 Subject to conditions the proposal would comply with relevant policies of the 1983 Local Plan, the City of Gloucester Second Deposit Local Plan and the 2014 Pre-Submission Joint Core Strategy.
- 7.3 In respect of the NPPF, I consider that the proposal is sustainable development. The Development Plan is out of date in several respects, and the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole, nor do specific policies of the NPPF indicate development should be restricted, subject to the imposition of certain conditions.
- 7.4 I therefore conclude that the material considerations indicate that planning permission should be granted subject to conditions.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

8.1 That subject to the Environment Agency withdrawing its objection, planning permission is granted subject to the conditions listed below:

### 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 hereby permitted shall be carried out in accordance with the drawings referenced;

### **Survey as existing**

24305\_E\_000\_Location Plan  
24305\_E\_001B\_OS plan  
24305\_E\_002A\_Topographical Plan  
24305\_E\_100C\_MR Existing Ground Floor Plan  
24305\_E\_101C\_MR Existing Ground Floor Ceiling Plan  
24305\_E\_102C\_MR Existing First Floor Plan  
24305\_E\_103B\_MR Existing First Floor Ceiling Plan  
24305\_E\_120C\_MR Existing Elevations East  
24305\_E\_121C\_MR Existing Elevations North and South  
24305\_E\_122C\_MR Existing Elevations West  
24305\_E\_130B\_MR Existing Sections A to B  
24305\_E\_131B\_MR Existing Sections C to D  
24305\_E\_135B\_MR Existing Section E  
24305\_E\_136B\_MR Existing Section F

24305\_E\_210C\_BR Existing Floor Plan  
24305\_E\_230B\_BR Existing Elevations North and West  
24305\_E\_231B\_BR Existing Elevations South and East

### **Proposed General Arrangement**

24305\_G\_100E\_MR Proposed Ground Floor Plan  
24305\_G\_102E\_MR Proposed First Floor Plan  
24305\_G\_120G\_MR Proposed Elevations East  
24305\_G\_121F\_MR Proposed Elevations North and South  
24305\_G\_122G\_MR Proposed Elevations West  
24305\_G\_129\_MR Proposed Window Strategy  
24305\_G\_130B\_MR Proposed Sections A and B  
24305\_G\_131B\_MR Proposed Sections C and D

24305\_G\_135B\_Mr Proposed Section E

24305\_G\_210J\_BR Proposed Ground Floor Plan

24305\_G\_211B\_BR Proposed First Floor Plan

24305\_G\_230G\_BR Proposed Elevations North and West

24305\_G\_231G\_BR Proposed Elevations South and East

24305\_G\_240B\_BR Proposed Sections A and B

24305\_G\_241B\_BR Proposed Section E

### **Landscape**

D4702.P100.001C Landscape Masterplan\_Stage D (\* note subject to requirements for an amended access detail)

D4702.P100.002A Landscape Excavations\_Stage D

D4702.P100.003 Landscape Kerb Details\_Stage D

D4702.P100.004A Landscape Construction Details\_Stage D

D4702.P100.005A Landscape Planting Strategy\_Stage D

D4702.P100.006A Landscape Entrance Gate and Railing Details\_Stage D (\* note subject to requirements for an amended access detail)

D4702.P100.007 Landscape Electrical Details\_Stage D

D4702.P100.008 Landscape Tree Removal Plan\_Stage D

D4702.P100.009 Landscape Structures Detail\_Stage D

### **M&E**

BR Electrical 1 14.050.E101\_P0

BR Electrical 2 14.050.E201\_P0

BR Mechanical 14.050.M100\_P0

MR Electrical 1 14.050.E100\_P0

MR Electrical 2 14.050.E200\_P0

MR Mechanical 14.050.M101\_P0

Site Services 14.050.ME700\_P0

### **Structural Engineer**

BR Roof Structure 7318\_03\_P1

MR Floor Structure 7318\_02\_P1

MR Repair 7318\_01\_P1

(all received by the Local Planning Authority on 26<sup>th</sup> September 2015), and

D4702.P100.012 Landscape levels alterations\_Stage D (received by the Local Planning Authority on 13<sup>th</sup> January 2016),

except where otherwise required by conditions of this permission.

### **Reason**

To ensure that the development is carried out in accordance with the approved plans.

### **Condition**

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (watching brief, evaluation, excavation and building recording) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason**

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

**Medieval range**

**Condition**

Prior to the commencement of any external works to the medieval range/Victorian farmhouse, details and samples of all new external materials (to walls (including mortar and brick bond where applicable), roofs, windows, doors, eaves, verges, barge boards, etc) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

**Reason**

To ensure that the materials are appropriate to their context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition**

Prior to the commencement of any external works to the medieval range/Victorian farmhouse, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

**Reason**

To ensure that the development is appropriate to its context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition**

Prior to the commencement of any external works to the medieval range/Victorian farmhouse, details of external repairs to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

#### Reason

To ensure that the materials are appropriate to their context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

Prior to the commencement of any external works to the medieval range/Victorian farmhouse, details of flues, ventilation extracts, meter boxes, cables/aerials, and any other external services to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

#### Reason

To ensure that the materials are appropriate to their context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

### **Brick range**

#### Condition

Prior to the commencement of any external works to the brick range details and samples of all new external materials (to walls (including mortar and brick bond where applicable), roofs, windows, doors, eaves, verges, barge boards, etc) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

#### Reason

To ensure that the materials are appropriate to their context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

Prior to the commencement of any external works to the brick range details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

#### Reason

To ensure that the development is appropriate to its context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

Prior to the commencement of any external works to the brick range details of external repairs to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

#### Reason

To ensure that the materials are appropriate to their context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

Prior to the commencement of any external works to the brick range, details of flues, ventilation extracts, meter boxes, cables/aerials, and any other external services to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

#### Reason

To ensure that the development is appropriate to its context and in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

### **External works**

#### Condition

Notwithstanding that indicated on the submitted plans, hard surface finishes for the access roads, car parks, footpaths/cycle ways, and any external circulation areas shall be implemented only in accordance with details and samples that have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that the development is appropriate to its context and in the interests of preserving and enhancing the setting of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.23 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

Soft landscaping shall be implemented only in accordance with a landscape scheme that has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

#### Reason

In order to protect the visual amenities of the area and in the interests of preserving and enhancing the setting of the listed buildings and the scheduled monument in accordance with Policies SD5, SD9 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17 and 58 of the National Planning Policy Framework and Policies BE.4, BE.12, BE.23 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

The fixing of perimeter railings and infill gates shall take place only in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

In the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

External lighting shall be installed only in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

**Reason**

in the interests of preserving and enhancing the special interest of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition**

External interpretation material (e.g display lecturns) shall be installed only in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of their location and form, and the visual and written content.

**Reason**

in the interests of preserving and enhancing the setting of the listed buildings and the scheduled monument, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition**

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. This shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within



the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

**Reason**

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 17 the National Planning Policy Framework and Policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

**Flood risk/drainage**

**Condition**

The use hereby permitted shall not commence until robust emergency flood warning and evacuation plans have been submitted to, and approved in writing by, the Local Planning Authority. The use shall operate only in accordance with the approved plans.

**Reason**

To demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of users and thus to ensure that the development passes the Exception Test in line with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

**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 implemented prior to the first occupation of the development for the use hereby permitted and maintained thereafter for the life of the development.

**Reason**

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

**Amenity**

**Condition**

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

#### Reason

To safeguard the amenity of the area in accordance with Policies FRP.10, 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 November 2014 and Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework.

#### Condition

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays.

#### Reason

To safeguard the amenity of the area in accordance with Policies FRP.9, FRP.10 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 November 2014 and Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework.

### **Ecology**

#### Condition

Prior to commencement of development a bat mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall cover timing of works, protection of existing roosts, the need for a licences bat ecologist to supervise and the provision of compensatory bat boxes in accordance with an associated timescale. The approved strategy shall be implemented as part of the development.

#### Reason

For the protection of European protected species and to be in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 109 and 118 of the National Planning Policy Framework and Policy B.7 of the City of Gloucester Second Deposit Local Plan 2002.

#### Condition

Prior to the commencement of development a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include provisions to minimise impacts on bats. The development shall be implemented only in accordance with the approved strategy.

#### Reason

For the protection of European protected species and to be in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 109 and 118 of the National Planning Policy Framework and Policy B.7 of the City of Gloucester Second Deposit Local Plan 2002.

### **Highways**

#### Condition

The buildings shall not be occupied for the use hereby permitted until provision has been made for 10 bicycles to be parked at the site near to the buildings.

#### Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with Section 4 of the NPPF, INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, and Policy TR.12 of the Gloucester City Council Revised Second Stage Deposit Local Plan.

#### Condition

Notwithstanding that shown on the submitted plans, prior to occupation of the buildings for the use hereby approved, precise engineering details of the vehicular, pedestrian and cycle accesses to the site shall be submitted to and approved in writing by the Local Planning Authority and completed in their entirety in accordance with the approved details. The accesses shall thereafter be maintained in their approved condition for the duration of the use.

#### Reason

To ensure that safe and suitable access is provided in accordance with section 4 of the National Planning Policy Framework, and Policies TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

#### Condition

Prior to occupation of the buildings for the use hereby approved the installation of lighting along the footpath linking from Llanthony Road to the canal tow path (in so far as this link is within the application site) shall be completed in all respects and maintained as such thereafter.

#### Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with Section 4 of the NPPF, Policy TR.33 of the City of Gloucester Second Deposit Local Plan 2002, and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

#### Condition

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

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction
- viii. Vehicle routing strategy including Banksmen and hours of operation outside of peak hours of the adjacent road network
- ix. improvements to the layout of the existing access to safely accommodate vehicle movements.

#### Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance Section 4 of the National Planning Policy Framework and Policies TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

#### Condition

Prior to occupation of the buildings for the use hereby permitted an Event Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall deal with any event outside the day to day operation of the use hereby permitted that will be likely to generate significant additional traffic volumes. The management of any such event shall adhere to the approved plan throughout the event period.

#### Reason

To reduce the impact on the adjacent public highway from infrequent events to ensure safe and suitable access is provided that minimises conflict between traffic, cyclists and pedestrians in accordance with Section 4 of the NPPF, and Policies TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

#### Condition

The buildings shall not be occupied for the use hereby permitted until the vehicular parking and turning facilities have been provided in accordance with the submitted plan no. D4702.P100.001 C, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Section 4 of the National Planning Policy Framework, Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Note

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.

Protected species note

Nesting birds note

Decision: .....

Notes: .....

.....

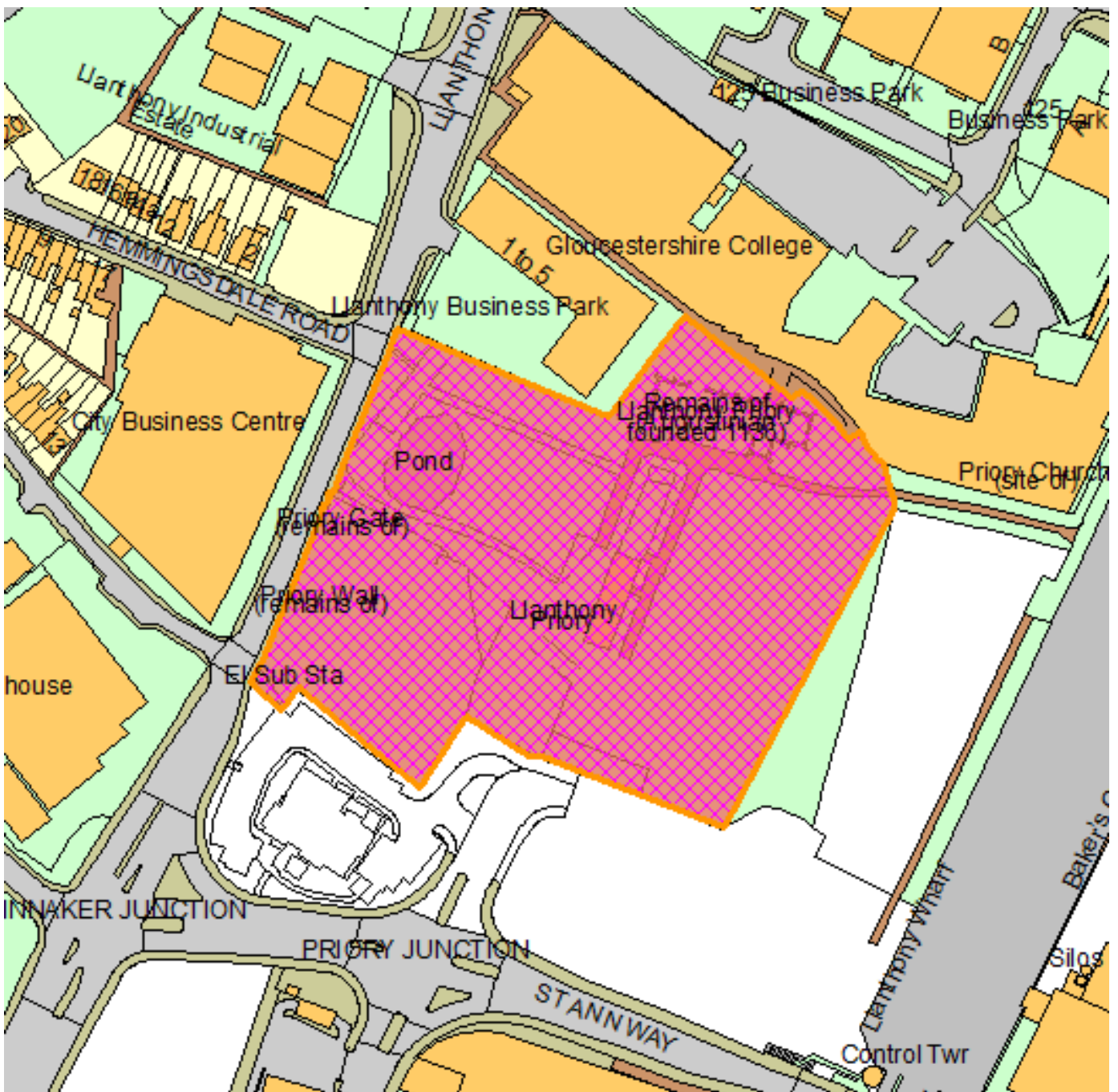
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Person to contact: Adam Smith  
(Tel: 396702)

15/01271/FUL

Llanthony Priory  
Llanthony Road  
Gloucester

Planning Committee 02.02.2016



## GLOUCESTER CITY COUNCIL

<b>COMMITTEE</b>	<b>:</b>	<b>PLANNING</b>
<b>DATE</b>	<b>:</b>	<b>2<sup>ND</sup> FEBRUARY 2016</b>
<b>ADDRESS/LOCATION</b>	<b>:</b>	<b>SHIELD HOUSE, 2 CREST WAY</b>
<b>APPLICATION NO. &amp; WARD</b>	<b>:</b>	<b>15/01428/FUL BARNWOOD</b>
<b>EXPIRY DATE</b>	<b>:</b>	<b>11<sup>th</sup> FEBRUARY 2016</b>
<b>APPLICANT</b>	<b>:</b>	<b>LIGHTMOOR</b>
<b>PROPOSAL</b>	<b>:</b>	<b>RECONFIGURATION OF PREMISES INCLUDING TWO AND SINGLE STOREY EXTENSIONS, PLANT AND ALTERATIONS TO ACCESS</b>
<b>REPORT BY</b>	<b>:</b>	<b>ED BAKER</b>
<b>NO. OF APPENDICES/ OBJECTIONS</b>	<b>:</b>	<b>1. SITE LOCATION PLAN</b>

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located on the corner of the junction of Crest Way and Barnett Way. The site is known as Shield House and comprises a data centre, which is currently unoccupied.
- 1.2 The site is broadly square shaped and is approximately 0.3 hectares in size. The site is relatively flat.
- 1.3 The site has a frontage onto Crest Way on its north side from which it is accessed. To the other side of the road to the north is the large Lloyds Bank building. To the west, the site is bound by Barnett Way, beyond which are further commercial uses. To the south, the site backs onto Ley Court, which provides offices and commercial floor space. To the east is Lloyds Bank's car park. Further to the south east is housing off Duncroft Road.
- 1.4 The application seeks full planning permission for the reconfiguration of the premises including two and single storey extensions, plant and alterations to the vehicular access on Crest Way. The building would continue to be used as a data centre.
- 1.5 The application follows pre-application discussions with officers.

1.6 The application is referred to the planning committee because the proposal entails more than 1,000 square metres of additional floor space.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 The application site has no relevant recent planning history.

## **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 management purposes. The National Planning Policy Framework (NPPF) published in March 2012 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 necessarily 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 Policy contained in the National Planning Policy Guidance is explained and amplified by the online National Planning Policy Guidance.

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:

ST.1	Sustainable Development
ST.7	Urban Design Principles
FRP.6	Surface Water Run-off
BE.1	Scale, Massing and Height
BE.2	Views and Skyline
BE.5	Community Safety
BE.7	Architectural Design
BE.12	Landscape Schemes
BE.20	Extensions
BE.21	Safeguarding Amenity
TR.31	Road Safety

3.5 The site is unzoned in the 2002 Local Plan.

3.6 In terms of the emerging Development Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20<sup>th</sup> 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: 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.

3.7 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised local 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](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

##### **4.1 Highway Authority (Gloucestershire County Council)**

No objection – subject to conditions

- The site is within 3km of the city centre. There are various amenities nearby. There are frequent bus services close to the site
- The vehicular access into the site is sufficient and would provide appropriate levels of visibility and is of sufficient width. There would be sufficient turning space within the site
- There would be sufficient parking spaces to serve the development
- Cycle parking is shown
- There will be little impact from traffic movements. The business would employ only a small number of staff and trips are unlikely to be great

Recommends the following conditions:

- Provision of visibility splays
- Limit use to a data centre only

#### 4.2 **Lead Local Flood Authority (Gloucestershire County Council)**

No objection – comments as follows:

- The applicant has submitted a drainage strategy/flood risk assessment which meets the requirements of Major applications
- Foul water disposal is a matter for the local sewerage authority
- The LLFA will give consideration to how SUDS will deal with the protection of water quality. Pollution control is the responsibility of the Environment Agency
- The future management and maintenance of SUDS is a matter for the Local Planning Authority

Recommends the following conditions:

- Submission and implementation of a SUDS scheme
- Details of water attenuation/storage works
- Requirement for a SUDS maintenance plan

#### 4.3 **Drainage Officer**

No objection – comments as follows:

- Satisfied with the surface water drainage proposals
- Please refer to the drainage design note and plan in the decision
- Does not recommend specific planning conditions
- Foul drainage can be dealt with by Severn Trent Water

#### 4.5 **Environmental Health Officer**

Comments as follows:

- The nearest properties are around 80 metres away and nearby businesses are much closer
- There is some concern about noise from the plant room and generators
- Further information is required about the design of the plant room, the number, specification and use of the generators
- Such plant rooms can produce a “hum” which can increase the background noise of an area and disturb businesses/residents

### 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, eight 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=15/01428/FUL>

## **6.0 OFFICER OPINION**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

### **Whether this is a sustainable location for commercial expansion**

- 6.2 It is understood that the existing building was constructed as a data centre in the 1980s. The site is located on an established business park with good transportation links to the city, motorway and beyond. The nature of the business is such that traffic generation is likely to be low.
- 6.3 The proposal would make effective use of a brownfield site within the established urban confines of the city.
- 6.4 For these reasons, the site is considered a sustainable location, in principle, for the proposed expansion of the data centre. The proposal is considered to accord with Policy ST.1 of the 2002 Local Plan.

### **Economic benefit**

- 6.5 The existing building was constructed as a data centre although it has apparently been empty for some time. Electronic commerce is a very important and growing sector of the UK and world economy. The applicant notes that Gloucester is located between the Bristol/Bath and Great Malvern technology clusters. In particular, the Great Malvern cluster (also known as “Cyber Valley”) specialises in cyber security, which is centred around GCHQ, Cheltenham.
- 6.6 The purpose of the data centre is to store electronic data. The site is accessible to the national fibre figure of eight and is able to serve vast amounts of dark fibre across the whole of the UK, including nearby Bristol/Bath, Birmingham, Swindon, Oxford and Cardiff.
- 6.7 It seems evident that the proposal would support economic commerce and the proposal represents not insignificant investment in upgrading and extending the existing building. It is expected that the expanded data centre will employ ten full time people.
- 6.8 Paragraph 17 of the NPPF cites as one of the planning system’s core principles, to *‘proactively drive and support sustainable economic development... business and industrial units, infrastructure and thriving local places that the country needs.’*

- 6.9 Paragraph 19 goes onto say: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*
- 6.10 The proposal would involve welcome investment in the site and local area, and is consistent with the aims of the NPPF. The economic benefits of the proposal should be given significant weight. The proposal is considered to accord with Policy ST.1 of the 2002 Local Plan.

### **Design**

- 6.11 Paragraph 56 of the NPPF says: *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*
- 6.12 The site is located on the corner of Crest Way next to the busy Barnett Way. It is a prominent and important site within the business park. The existing building appears somewhat tired and dated, and of its time. The proposal would extend and reconfigure the design of the existing structure, and to all intents and purposes it would appear a new building.
- 6.13 The front portion of the building would be extended to two storeys and would be cube shaped. Its height would be increased from around 5.5 metres to 13 metres. The single storey rear element would also be extended and effectively doubled in height from 3.5 metres to 7 metres. However, the resulting building would not be substantial for its context, particularly in view of the significant and much larger Lloyds Bank building to the north, and its spacious setting with the open car park to the east and wide thoroughfare of Barnett Way to the west. The scale and massing of the building would be keeping with other nearby buildings, and the character and appearance of the area.
- 6.14 The building would be clad in gold anodised expanded metal, giving the building a modern but organic appearance. The building would have new tall but narrow windows, with deep recesses, giving it some vertical emphasis. These windows would no doubt be lit up at night and would be quite attractive. The rear of the building would be clad in dark brick to complement the dark rough cast render on the lower section of the building's east side. The applicant has confirmed that the brick will have a Flemish bond to give the brick finish some variety and interest.
- 6.15 There would be a 2.4 metre high anti-climb, anti-cut powder coated perimeter mesh fence surrounding the site. The provision of such tall fencing is a little unfortunate from a design point of view but the applicant says it is necessary to provide security. The photographic example of the type of mesh that is proposed is reasonably smart for its type and the fencing would be finished a black colour to have a recessive appearance. If some form of fencing is required then the proposed design is probably as appropriate as any in visual terms.

- 6.16 The proposal is considered consistent with paragraph 63 of the NPPF which says: *'In determining applications, great weight should be given to...innovative designs which help raise the standard of design more generally in the area.'*
- 6.17 The proposal would significantly enhance the existing building and make a very positive contribution to the character and appearance of the area. It is considered to comply with Policies BE.1, BE.2, BE.7 and BE.20 of the 2002 Local Plan.

### **Impact on neighbouring property**

- 6.18 The site has no immediate residential neighbours although there are a numbering of commercial buildings surrounding the site.
- 6.19 The adjacent commercial buildings likely to be most affected by the development are Lea Court to the immediate south. There is a large building that flanks the south boundary of the site, between which there is a public alley that leads to the houses and land to the south east.
- 6.20 The building at Lea Court facing the site is three storeys and it appears to be used as offices. The height of the proposed rear section of the building will approximately double from 3.5 metres to 7 metres. There is less than 10 metres between the facing elevations of the two buildings. The proposed extension will reduce the outlook from Lea Court and there would be some loss of light, although this would be limited by the offices being north facing. However, in terms of the physical relationship between the buildings, the ground floor relationship will remain the same and the first floor impact will be the same as at ground floor. Given these factors and the uses of the adjacent premises as offices (and not a more sensitive use such as residential), it is considered that the impact of the proposals on Lea Court would be acceptable.
- 6.21 The other buildings surrounding the site, including the Lloyds Bank building to the north, are further away and there would be no harmful physical impacts on these nearby buildings.
- 6.22 The Environmental Health Officer has some moderate concerns about noise impact from the plant room and generators (which are required to cool the building and electronic storage equipment). Further information is awaited from the applicant on this issue. This is unlikely to be a significant issue and so the recommendation of this report is to seek delegated authority to resolve this issue before issuing the decision.
- 6.23 The extension would have an impact on the public alleyway between the site and Lea Court and would likely make it darker and more unpleasant, but it is felt that the overall impact would not be significant compared to the existing situation. A condition is recommended to require that the alleyway is appropriately lit to make it feel safer and more secure.

- 6.24 Subject to issues around noise impact being addressed, the proposal is considered to comply with Policy BE.21 of the Local Plan.

### **Access and parking**

- 6.25 The Highway Authority offers no objection to the application. It advises that the proposed access arrangements are acceptable, that sufficient space for turning within the site would be provided, and the proposal is unlikely to generate significant levels of traffic.
- 6.26 The proposal provides 13 parking spaces including a disabled space. Whilst this level of parking is relatively low given the size of the building, the use would employ a comparatively low number of people due to the way data centres function. A condition is recommended to ensure that the building is used solely as a data centre because other uses within the same use class might require a higher level of parking. It is unclear as to whether a data centre falls within Use Class B1, B8 or is a use within its own right (*sui generis*). For example, a data processing centre is normally considered a B1 use, however, the agent suggests that the use is more akin to B8 as it involves storage. The condition can be appropriately worded to cover all these eventualities.
- 6.27 The proposal is considered to comply with Policy TR.31 of the 2002 Local Plan.

### **Drainage**

- 6.28 The proposal is for Major development and it is necessary to ensure that the site is appropriately drained. Sustainable Urban Drainage Systems (SUDS) should be incorporated which seek to replicate the drainage of natural, undeveloped land.
- 6.29 The applicant has provided a drainage design note. The existing impermeable surface area of the site is 2,278 square metres, which will increase to 2,610 square metres if development goes ahead.
- 6.30 The drainage scheme has been designed to allow for an increase of rainfall due to climate change of 30%. The site will be attenuated to a water run-off rate equivalent of a Greenfield site. Surface water drainage will be to an existing mains sewer, as well as to soakaways or permeable paving will be used. Pavements will have a porous construction. A petrol interceptor will be incorporated below ground to deal with pollution from vehicles. Attenuation storage will be by below ground tanks. Discharge will be 5 litres per second and attenuation volume will be 150 cubic metres.
- 6.31 Both the Lead Local Flood Authority (County Council) and the City Council's Drainage Engineer are satisfied with the drainage design note. Conditions are recommended to ensure that an appropriate drainage scheme that accords with the design note is implemented.
- 6.32 Foul sewage is to be disposed of via the mains sewer.

6.33 The proposal is considered to comply with Policy FRP.6 of the 2002 Local Plan.

### **Conditions**

6.34 Standard conditions for the timing of implementation of the permission and requiring the development to be built in accordance with the approved drawings are recommended.

6.35 The use of the building should be limited to a data centre only for the reasons previously given. The necessary visibility splay should be conditioned. Conditions requiring the provision of car and bicycle parking are also recommended.

6.36 Samples of materials should be provided. The depth of the window reveals should be controlled to ensure adequate articulation of the elevations. The mesh boundary fence should be finished a black colour as shown on a photograph provided by the agent.

6.37 A lighting scheme should be provided to ensure that the adjacent alley to the south is appropriate lit for safety reasons.

6.38 A drainage scheme that accords with the drainage design code should be sought and implemented.

## **7.0 CONCLUSION**

7.1 The site is a sustainable and accessible location for a business. The proposal would provide improved data storage facilities that would benefit e-commerce, and in turn the local and national economy.

7.2 The building is well designed and would have a positive impact on the character and appearance of the area. No harmful impacts on neighbouring property are identified.

7.3 The building would be served by a satisfactory means of access and sufficient parking would be provided within the site.

7.4 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, and having regard to the relevant Development Plan policies set out earlier in the report and other relevant material considerations, the proposals are considered acceptable.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

Subject to potential noise impact issues being satisfactorily resolved, delegated authority is sought for the Development Control Manager to grant planning permission with 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\_304, 1322\_305, 1322\_306, 1322\_308 and 1322\_309 received on 29 October 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.

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.

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 mesh fence shall be finished in black.

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.

### 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.

Notes

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 Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 2

In order to discharge condition 11 (SUDS), the applicant is referred to the advice of the Gloucester City Council as Lead Local Flood Authority in its revised letter of 12 January.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has negotiated issues relating to the suitability of the means of access, drainage requirements and noise impact.

Decision: .....

Notes: .....

.....

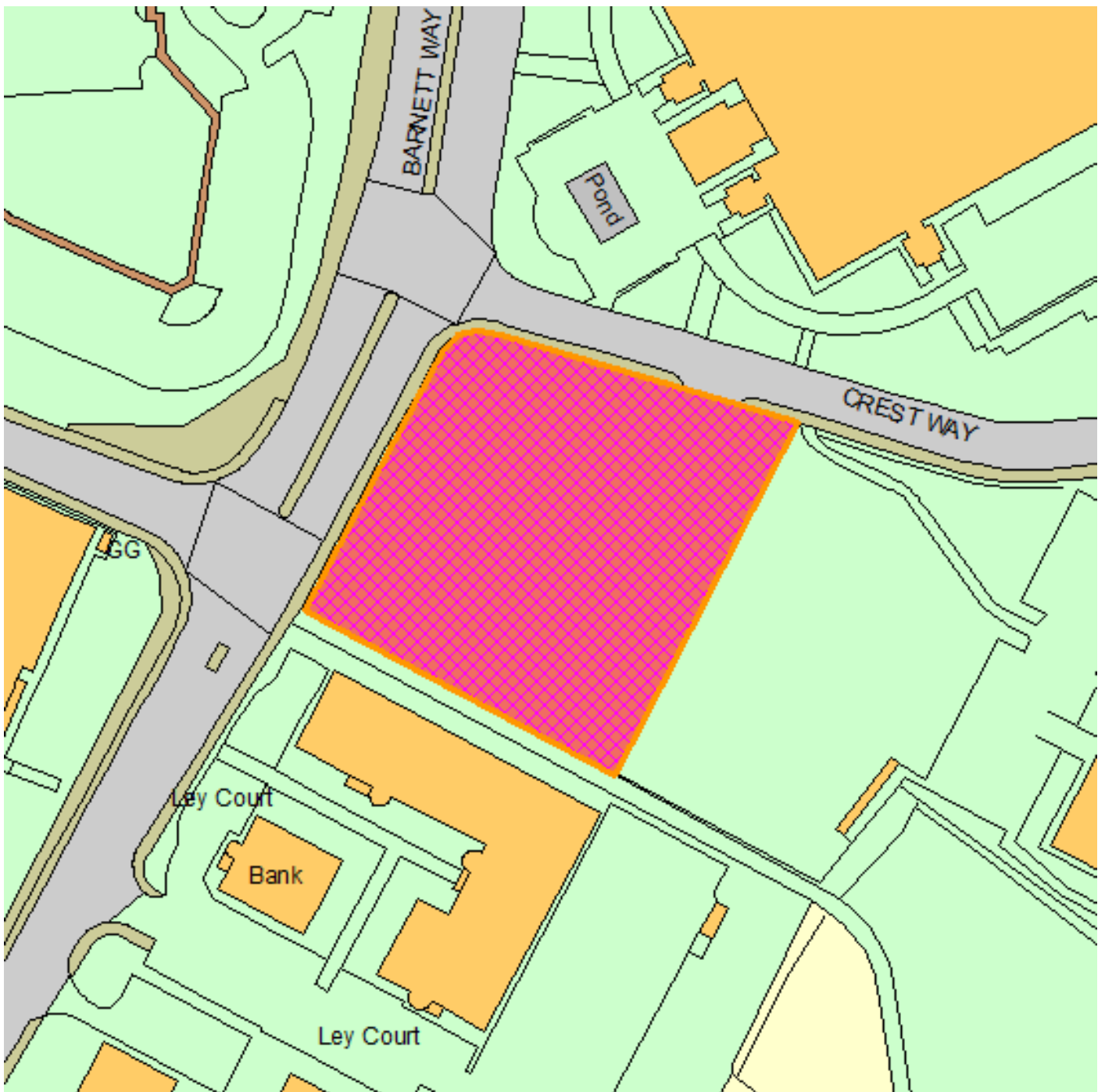
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Person to contact: Ed Baker  
(Tel: 396835.)

15/01428/FUL

Shield House  
2 Crest Way  
Gloucester  
GL4 3DH

Planning Committee 02.02.2016



## GLOUCESTER CITY COUNCIL

<b>COMMITTEE</b>	<b>:</b>	<b>PLANNING</b>
<b>DATE</b>	<b>:</b>	<b>2<sup>nd</sup> FEBRUARY 2016</b>
<b>ADDRESS/LOCATION</b>	<b>:</b>	<b>LAND TO EAST OF STEPHENSON DRIVE, WATERWELLS</b>
<b>APPLICATION NO. &amp; WARD</b>	<b>:</b>	<b>15/01534/FUL QUEDGELEY FIELDCOURT</b>
<b>EXPIRY DATE</b>	<b>:</b>	<b>25<sup>th</sup> FEBRUARY 2016</b>
<b>APPLICANT</b>	<b>:</b>	<b>BARNWOOD LAND LTD</b>
<b>PROPOSAL</b>	<b>:</b>	<b>ERECTION OF SIX B8 UNITS WITH ASSOCIATED ANCILLARY OFFICES, PARKING AND LANDSCAPING.</b>
<b>REPORT BY</b>	<b>:</b>	<b>FIONA RISTIC</b>
<b>NO. OF APPENDICES/</b>	<b>:</b>	<b>SITE LOCATION PLAN</b>

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This new application is for a development which was approved in 2012 but expired in June 2015. The application is unchanged from the previous approval. The application site comprises an undeveloped 0.5ha plot of land that lies at the north easternmost corner of Waterwells Business Park at the junction of Stephenson Drive and Naas Lane and forms part of a larger site granted planning permission on 9th April 2002 (ref. 01/00675/FUL), for the erection of 9 units for Business (Class B1), General Industrial (Class B2) and Storage and Distribution (Class B8).
- 1.2 To the south of the site are a mix of commercial business units, to the west Stephenson Drive and the public open space of Waterwells Playing Field, to the north Naas Lane and residential units and to the east an access lane to residential dwellings and the dwelling and business known as Lynton Fields.
- 1.3 The application seeks the erection of a new building to provide 1705qm of new B8 (storage and distribution) floor space. The plans show the building to be subdivided into 6 no. units of equal size, each providing 284sqm of internal floor space. No mezzanines are proposed. The application does refer to the capability of the units to be sub-divided to provide ancillary office floor space. This would be capped at 30% in the conditions to ensure the correct parking ratio.

- 1.4 The building would be located towards the northern boundary of the site with access, parking and manoeuvring to the south. The building would comprise a staggered row of 3 blocks and would measure 75.8m wide in total with each unit being 23.5m deep.
- 1.5 The building would measure 6.85m to the eaves and 8.74m to the roof ridge. Currently the site has been slightly excavated such that it sits lower than both Stephenson Drive and Naas Lane. The proposal seeks to raise levels on the site so that the finished floor level of the building will be similar to the height of Stephenson Drive and Naas Lane. This will involve the site being built up in parts by up to 0.9m.
- 1.6 It is proposed that the building will be predominantly light metallic silver vertical profile metal cladding with mid grey horizontal cladding over. A 2.3m high brick plinth will run around the entire building except for the corner features which are proposed to have merlin grey cladding.
- 1.7 The eaves, fascia and soffits and rainwater pipes are also proposed to be Merlin grey.
- 1.8 The southern elevation would comprise the front of the building and would feature 6 no. 4.5m high white up and over loading doors and 6 no. 2.5m wide glazed and canopied entrance features. Lighting is proposed over each entrance door.
- 1.9 The rear elevation to Naas Lane is broken up as a result of the 6 no. units being staggered into 3 blocks of 2. The panelling and Kenilworth multi-red brickwork help to visually break up the mass of the building.
- 1.10 A landscape scheme has been submitted as part of the application which respects the approved strategic landscape strategy for Waterwells by retaining the existing native hedge on the eastern boundary of the site and providing a 4 m buffer adjacent to it. The setting of the buildings back from Naas Lane ensures that there would be a strategic deep buffer along Naas Lane (as on the approved strategic landscape strategy) which will be planted with a mix of Austrian Pine, Ash, Field Maple, Oak and Birch, all extra heavy standards between 4.25 and 6m high, shrub planting is proposed beneath the trees.
- 1.11 On the Stephenson Road frontage 3 no. extra heavy Whitebeam are proposed adjacent to the site access and set back behind the visibility splay. A native hedge mix is proposed between the building and the back edge of the footway.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 95/00126/OUT – Outline application for 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.- Granted outline permission-18.07.1997.
- 2.2 01/00675/FUL - (Amended Plans) Erection of 9 no. units for Business (Class B1), General Industrial (Class B2) and Storage and Distribution (Class B8). Granted subject to conditions 05.04.2002
- 2.3 02/00659/FUL – Erection of unit for B1 (business), B2 (general industrial) and B8 (storage and distribution) uses – revised design of Unit A (previously approved under 01/00675/FUL). Granted subject to conditions 04.09.2002.
- 2.4 07/01263/FUL – Erection of B1, B2 and B8 Business Unit with associated parking, access and landscaping. Withdrawn 28.04.2008.
- 2.5 08/01634/FUL - Proposed B8 Business units with associated ancillary offices, parking, access and landscaping – granted – 08/04/09
- 2.6 12/00295/FUL - Proposed B8 Units with associated ancillary offices, parking and landscaping. – granted – 15/06/12

### **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 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document which was submitted to the Planning Inspectorate on 20<sup>th</sup> 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.

- 3.5 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
- Relevant policies from the City of Gloucester Second Deposit Local Plan (2002) are:

- 3.6 BE.1 Scale, massing and height  
BE.7 Architectural Design  
BE.12 Landscape Schemes  
BE.21 Safeguarding of Amenity  
TR.9 Parking Standards  
TR.12 Cycle parking standards  
TR.31 Highway Safety  
FRP.6 – Surface water runoff  
FRP.15 – Contaminated Land

- 3.7 Waterwells Business Park is identified as a major employment allocation (EC.1) in the Gloucester City Second Deposit Local Plan (August 2002).

- 3.8 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

##### **Highways**

The application site has previously benefited from planning permission for the same application permitted under application number 12/00295/FUL for which the permission has recently expired.

There are no material changes between the application that was previous permitted on the site and the current application to be determined, for this reason the recommendation of the Highway Authority remains the same as that submitted for the previous application dated 29th May 2012.



**Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-**

- 1) No more than 30% of the gross floor area shall be designated within use class B1.
- 2) No works shall commence on site until the vehicular access has been laid out and constructed in accordance with the submitted plan drawing no.
- 3) The buildings hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no 6793/PL03g
- 4) The area within the visibility splay around the bend adjacent to the north-west corner of the site shown on submitted drawing no. 6793/PL03g is to be cleared of any obstruction between a height of 0.6m and 2m above ground level and thereafter maintained for as long as the use exists.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing
- 6) Notwithstanding the submitted drawing the development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 12 bicycles

NOTE: 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 the County Council before commencing those works

**Env Health**

It is very difficult to predict the types of business that can utilise a B8 use. As such, I am minded to impose the below conditions to protect residential properties on Naas Lane/ Stephenson Drive with my main concern being the properties directly across the road to the north of the application site. As and when occupiers are found for the units I would invite them to apply to vary the below conditions if required.

I would recommend approval subject to the following conditions being attached:

**Construction Phase:**

- Restriction of hours during construction
- No burning of materials/substances during construction phase

**End Use:**

- Scheme of measures for controlling noise
- Restriction on hours of delivery
- Restriction on hours of opening

### **Contaminated Land**

The proposed development is on the site of the former Naas Lane/Watermills Farm landfill site which is known to have received inert, industrial, commercial and household waste and is likely to produce gas from degradation processes. The applicant did submit a ground investigation report as part of the previous application. This has been assessed but did not have gas monitoring or analysis carried out. It is therefore recommended that a gas protection condition should be included on the permission.

### **Quedgeley Parish Council**

Not to plant or erect any building, fence or hedge row that could restrict the view of the visibility splay. Restrict hours of operation. –

*Response - Both of these points are reflected in the proposed conditions*

### **Urban Design**

No response

### **Police**

No response

### **Policy**

The Planning Policy team have been consulted on the application described above. This site has been granted planning permission for B8 units twice before. The site is located within Waterwells Business Park which is one of the primary employment locations in the City and is shown as an employment commitment on the 2002 2<sup>nd</sup> Deposit City Plan proposals map. There are therefore no policy objections to the principal of the proposal for the use of the land for employment purposes. The large expanse of roof should have measures included for gull protection.

### **Drainage (Lead Local Flood Authority)**

I have reviewed the above application in relation to surface water drainage and flood risk on and from the site. From the documents supplied the Lead Local Flood Authority (LLFA) objects to this application due to a lack of information.

Further information is required from the applicant including the following:-

- Pre and post development surface water runoff rates.
- Details of any peak flow control restricting runoff to the equivalent greenfield runoff rate up to and including the 1 in 100 year rainfall event.
- Details of any attenuation features which should be designed to attenuate all flows up to and including the 1 in 100 year rainfall event (plus 20% increase for climate change).
- Details of flow exceedance routes for rainfall events in excess of the 1 in 100 year storm.
- Evidence that consideration has been given to the use of sustainable drainage (SuDS) through the SuDS hierarchy.

### **Drainage Engineer**

Even though planning consent was granted previously for this site, this new application has to be treated as a stand-alone application using current criteria / standards.

There does not appear to be any drainage related information associated with this application on the planning portal.

Given the lack of drainage information, I agree with the LLFA position.

### **Flood Risk At The Site**

The site is in Flood Zone 1 and is not therefore considered to be at risk of fluvial flooding.

The surface water flood maps don't indicate any significant issues at the site. However, we know from local knowledge that there are surface water flooding issues on Naas Lane adjacent to Lynton Fields. Indeed, the buildings at Lynton Fields have suffered from flooding a number of times in recent years.

### **Impact Of The Development On Flood Risk Elsewhere**

- Loss In Floodplain Storage Volume – not applicable as Flood Zone 1
- Surface Water Runoff Rates

Due to the history of flooding at the adjacent site (Lynton Fields) it is particularly important that the surface water is carefully managed here.

The site is currently Greenfield (no existing positive drainage system) and so Greenfield runoff rates should be used. In the absence of long term storage, flows should be throttled back to QBar for all events up to the 100 year + cc event, but be no more than 5 l/s/ha. QBar is typically 2.5 – 3.5 l/s/ha for the Gloucester area.

The applicant will need to provide details of:

- Proposed impermeable area
- Attenuation method and volume
- Flow control method and rate
- Outline drainage plan showing SuDS features

### **SuDS (Water Quality)**

In line with National SuDS guidelines, we require a minimum of two robust treatment stages for surface water runoff derived from vehicular areas.

### **Severn Trent Water**

No response

### **Landscape Officer**

No objections

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 A site notice was erected and press notice published and fifteen neighbouring properties were consulted. No comments have been received.

## **6.0 OFFICER OPINION**

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

6.2 It is considered that the main planning issues with regard to this application are:

- Principle of Development
- Siting and design
- Residential Amenity
- Landscape Design
- Highway safety
- Drainage

### Principle of Development

6.3 The site is within the area allocated as a major employment land commitment, EC.1, in the Second Deposit Gloucester City Local Plan (August 2002) and also within the area covered by the original outline planning permission for Waterwells (95/00126/OUT).

6.4 The principle of erecting employment units on the site has previously been established under planning permissions 01/00675/FUL and 02/00659/FUL and a similar consent for six units granted on 08/04/09 (reference 08/01634/FUL) and the same design approved under reference 12/00295/FUL approved 15/06/12. The principle of the proposed development on the site is therefore considered to be acceptable and accords with local plan policy EC.1 of the Gloucester City Council Second Deposit Local Plan (2002).

### Siting and Design

6.5 The proposed buildings are sited to the north of the site with the access adjacent to the southern boundary. The proposed siting achieves a visual break between the buildings to the south of the site and the proposed units.

6.6 With regard to the nearest residential property to the south-east

- The south eastern corner of the proposed building will be 19.6m from the north western corner of the bungalow known as Lynton Fields.
- The proposed building will be sited forward of the bungalow with a gap of 20m maintained between the southern elevation of the proposed building and the northern elevation of the existing building to the south of the site.
- The existing mature eastern boundary hedge will be retained and managed.

- 6.7 There are three residential properties across Naas Lane to the north of the site. Given the use of the building it is difficult to achieve a large amount of glazing in the building, but it is considered that the use of different materials and the glazed corner feature improves the elevational interest and the building will be reasonably well screened with the landscaping to the north.
- 6.8 It has always been a requirement of the local planning authority that any proposed building on this site is of a high quality design, as the site effectively marks the entrance into Waterwells, and achieves a measure of overlooking towards the Waterwells Playing Fields. It is considered that the proposal accords with policy BE.1 of the Gloucester City Council Second Deposit Local Plan (2002).

#### Residential Amenity

- 6.9 The nearest residential property is located to the south-east of the site. The building would measure 6.85m to the eaves and 8.74m to the ridgeline. This is the same as the previous permission in 2012. The change in the ground level is the same as the previously approved permission.
- 6.10 As the south eastern corner of the proposed building will be 19.6m from the north western corner of the bungalow known as Lynton Fields it is considered that the proposed height will not cause an adverse impact on the amenity of the neighbouring dwelling, Lynton Fields and therefore is considered to be acceptable.
- 6.11 There are three residential properties across Naas Lane. There will be no windows facing these properties and the building would be screened by the landscape buffer so it is not considered that the amenity of these properties would be significantly affected. Considering potential noise from the site there are a number of conditions which restrict the hours of operation and hours of construction at the site. There are also conditions to ensure that no alarm boxes face residential properties and that all doors facing residential properties to the north and south-east shall only be used in an emergency. With the suggested conditions it is considered that the proposal therefore accords with policy BE21 of the Gloucester City Council Second Deposit Local Plan (2002).

#### Landscape Design

- 6.12 The application has been accompanied by a proposed landscape scheme, which is acceptable, and in accordance with the approved strategic landscape strategy for Waterwells. It includes the planting of mature native trees on the landscape strip fronting Naas Lane.
- 6.13 The landscape scheme will provide a setting for the building and will improve the street scene of both Naas Lane and Stephenson Drive. There would be a minimum distance of 5.72m from the proposed buildings to the pavement

edge on Naas Lane. The proposal therefore accords with policy BE.12 of the Gloucester City Council Second Deposit Local Plan (2002)

#### Highway Safety

6.14 The proposal is the same as that approved in 2012. There are no material changes between the proposals so the recommendation of the Highways Authority remains the same and no highway objection is raised. The proposal therefore accords with policy TR.31 of the Gloucester City Council Second Deposit Local Plan (2002).

#### 6.15 Drainage

Although the scheme is the same as that approved in 2012, this application has to be considered using the current standards. The site is in flood zone 1 and is not at risk of fluvial flooding. However, we know from local knowledge that there are surface water flooding issues on Naas Lane. Given this history it is important that the surface water is carefully managed here. The Council's Drainage Engineer and Lead Local Flood Authority have requested additional information and details of how the design will incorporate SuDs features. The applicant has been asked for this information. It is likely that the submitted information will meet the requirement of the Lead Local Flood Authority and Drainage Engineer. Provided this is the case the proposal would comply with policy FRP.6 of the Gloucester City Council Second Deposit Local Plan (2002).

### **7.0 CONCLUSION/REASON FOR APPROVAL**

7.1 The proposal is identical to a scheme approved in 2012. Given the points made above it is considered reasonable that the application be recommended for approval. There is an outstanding issue of drainage details at present this is reflected in the recommendation in paragraph 8.1.

7.2 The application proposal would be an efficient use of employment land within an allocated Business Park. The proposal has been carefully assessed and it is considered that the building and layout is of an acceptable design and it will not have an adverse impact on the residential amenity of neighbouring residential dwellings. Accordingly the proposal is considered to comply with Policies BE.1, BE.7, BE12, BE.21, TR.9 and TR.31 of the Second Deposit Gloucester City Local Plan (2002) and policy in the NPPF.

### **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

8.1 That subject to the Lead Local Flood Authority and City Council's Drainage Engineer confirming they have no objections to the proposal, authority be delegated to the Development Control Manager to grant planning permission subject to the conditions set out below together with any additional drainage related conditions recommended by the LLFA and City Council Drainage Engineer.

#### Condition 1

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 2

The development hereby permitted shall be carried out in accordance with the application form, Design and Access statement, Transport statement, drawing numbers 6793/PL01a 6793/PL02b 6793/PL03g 6793/PL04 rev C, 6793/PL05b, 6793/PL06a and 2838-001 rev B received 25<sup>th</sup> November 2015 and any other conditions attached to this permission.

Reason

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

Condition 3

No above ground construction shall take place until details or samples of facing and roofing 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 safeguard the character of the area in accordance with Policy BE7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

The landscaping scheme as shown on the approved drawing No. 2838-001 Rev B and received by the local planning authority on 25<sup>th</sup> November 2015 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 5

The development hereby approved shall be carried out in accordance with the level details illustrated on drawing no. 6793/PL03g received by the local planning authority on 25th November 2015. Levels on the site shall be maintained as per the approved drawing and shall not be altered at any time. .

#### Reason

In order to safeguard the visual amenity of the street scene and the residential amenity of neighbouring dwellings in accordance with Policies BE.9 and BE.21 of the Gloucester City Second Deposit Local Plan (2002).

#### Condition 6

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 08:00 to 18:00, Saturday 08:00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

#### Reason

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

#### Condition 7

Before the development here by permitted commences a noise management plan shall be submitted and approved in writing by the local planning authority which specifies how noise from deliveries taken at site and deliveries dispatched from site shall be controlled so as not to cause a noise nuisance. The use of the development shall be carried out in accordance with the approved details.

#### 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). This information needs to be received in advance of construction commencing as it is fundamental.

#### Condition 8

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 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

#### 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 9

The use hereby permitted shall only be allowed to operate between the hours of 7.00am - 7:00pm Monday to Friday and 9.00am – 5.00pm Saturday, Sunday and Bank Holidays.



Reason

In the interests of the amenities of existing residential property in the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No power tools or machinery shall be used on the site during the construction period, other than portable hand tools between 08:00 and 08:30hrs Monday – Friday or between 08:30 and 09:00hrs Saturdays.

Reason

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

Condition 11

No outside storage shall take place within the curtilage of the site.

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 alarm boxes shall be positioned on walls facing residential premises.

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 13

There shall be no outside working at the site before 08:00am Monday to Friday and 9am Saturday, Sunday and Bank 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 14

All doors facing residential premises to the north and south-east shall only be used in an emergency and shall be kept closed at all other times.

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 15

Details of any floodlighting/external lighting proposed to illuminate the development shall be submitted to and approved by the local planning authority before the use hereby permitted commences and the buildings are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

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 16

No materials or substances shall be burnt within the application site during the construction phase or at any other time.

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 17

No more than 30% of the gross floor area shall be used for any purpose within use class B1.

Reason

Any more B1 use on the site would result in a demand for car parking in excess of the on-site provision and require additional parking provision or other control measures to prevent overspill parking causing a detrimental impact on highway safety on the adjacent highway in accordance with paragraph 35 of the NPPF and policy TR.9 of the Gloucester City Council Local Plan (2002).

Condition 18

Prior to the occupation of any units the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 6793/PL03g with the area of access road within at least 20m of the carriageway edge of the public road surfaced in bound material, and shall be maintained for the duration of the development.

Reason

To ensure that safe and suitable access is provided in accordance with paragraph 32 of the NPPF and policy TR.31 of the Gloucester City Council Local Plan (2002).

Condition 19

The buildings hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no 6793/PL03g, and those facilities shall be maintained available for those purposes for the duration of the development.

Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site in accordance with paragraph 35 of the NPPF and local plan policy TR.31 of the Gloucester City Council Local Plan (2002)

#### Condition 20

The area within the visibility splay around the bend adjacent to the north-west corner of the site shown on submitted drawing no. 6793/PL03g is to be cleared of any obstruction between a height of 0.6m and 2m above ground level and thereafter maintained for as long as the use exists.

#### Reason

To minimise conflicts between traffic and cyclists or pedestrians in accordance with paragraph 35 of the NPPF and local plan policy TR.31 of the Gloucester City Council Local Plan (2002)

#### Condition 21

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

#### Reason

To minimise conflicts between traffic and cyclists or pedestrians in accordance with paragraph 35 of the NPPF and local plan policy TR.31 of the Gloucester City Council Local Plan (2002)

#### Condition 22

Notwithstanding the submitted drawing the development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 12 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA

#### Reason

To ensure that opportunities for sustainable transport are taken up and exploited in accordance with paragraph 32 and 35 of the NPPF and local plan policy TR.12 of the Gloucester City Council Local Plan (2002)

#### Condition 23

Gas protection measures should be incorporated within the foundations of the proposed structures, these shall be approved in writing by the Local Planning Authority prior to commencement of the development.

#### Reason

To ensure that the risks to buildings and their occupants from potential landfill gas are adequately addressed in accordance with policy FRP.15 of the

Gloucester City Council Second Deposit Local Plan (2002). These details need to be provided in advance of construction as they are fundamental.

Notes to Applicant

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 Gloucester City Council Building Control Team on 01452 396771 for further information.

2. 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 the County Council before commencing those works.

Decision: .....

Notes: .....

.....

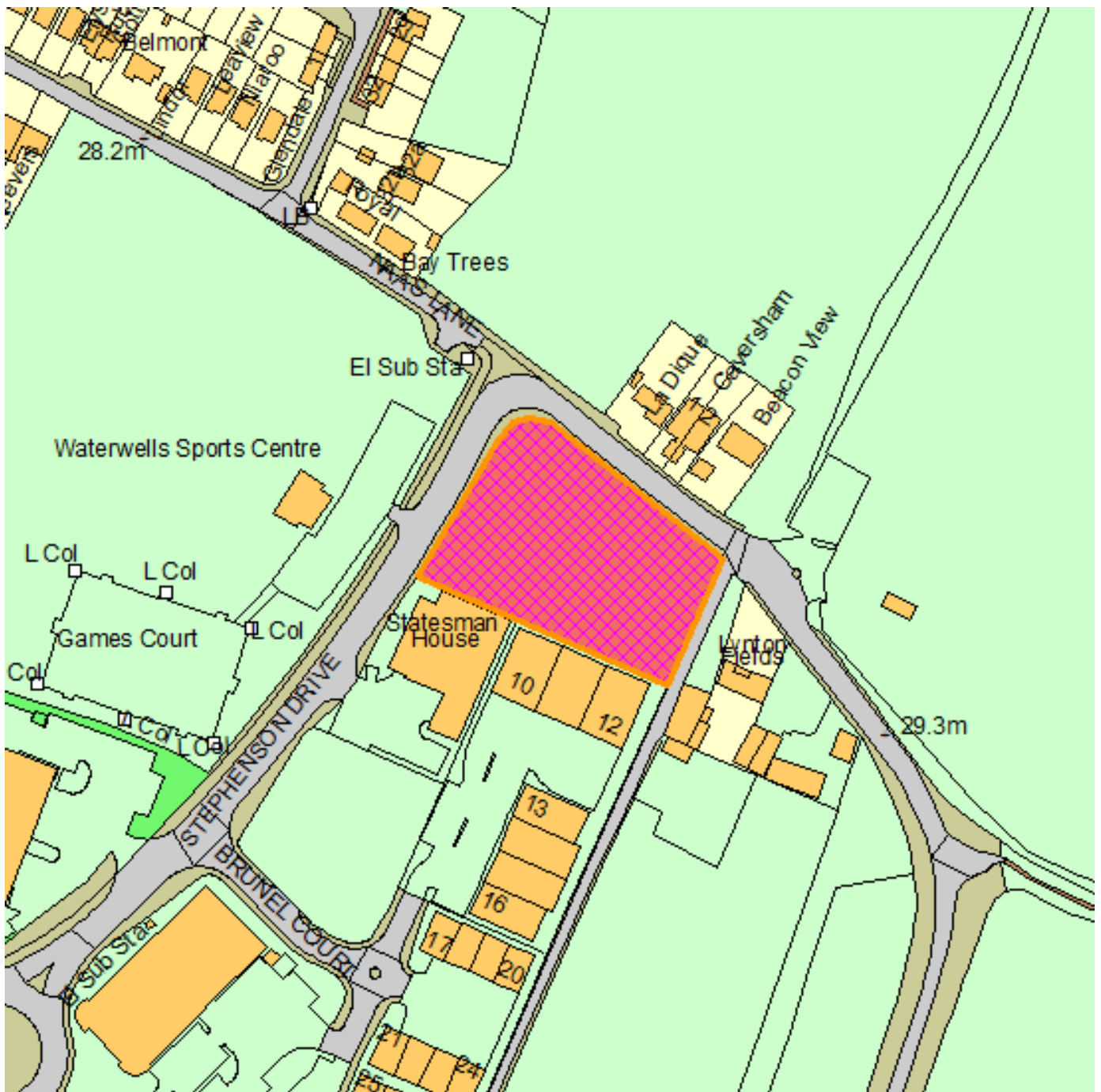
.....

Person to contact: Fiona Ristic  
(Tel: 396716)

15/01534/FUL

Land To East  
Stephenson Drive  
Quedgeley  
Gloucester

Planning Committee 02.02.2016



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## GLOUCESTER CITY COUNCIL

<b>COMMITTEE</b>	<b>:</b>	<b>PLANNING</b>
<b>DATE</b>	<b>:</b>	<b>2<sup>ND</sup> FEBRUARY 2016</b>
<b>ADDRESS/LOCATION</b>	<b>:</b>	<b>HUCCLECOTE MEWS, 78 HUCCLECOTE ROAD</b>
<b>APPLICATION NO. &amp; WARD</b>	<b>:</b>	<b>15/01527/MOD HUCCLECOTE</b>
<b>EXPIRY DATE</b>	<b>:</b>	<b>4<sup>TH</sup> FEBRUARY 2016</b>
<b>APPLICANT</b>	<b>:</b>	<b>HUCCLECOTE RETIREMENT PROPERTIES</b>
<b>PROPOSAL</b>	<b>:</b>	<b>VARIATION OF LEGAL AGREEMENT UNDER PLANNING PERMISSION REF. 22758/07 TO REMOVE THE REQUIREMENT TO PROVIDE ACCOMMODATION FOR A WARDEN.</b>
<b>REPORT BY</b>	<b>:</b>	<b>CAROLINE TOWNLEY</b>
<b>NO. OF APPENDICES/ OBJECTIONS</b>	<b>:</b>	<b>1. SITE LOCATION PLAN 2. ORIGINAL LEGAL AGREEMENT DATED 16<sup>TH</sup> AUGUST 1985.</b>

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Hucclecote Mews is a development comprising the original detached two storey Grade II listed building with attic fronting Hucclecote Road, with modern development to the rear. The accommodation comprises 3 houses, 5 garages and 27 flats to the rear. The original building has been converted into 4 one-bedroom flats together with a two bedroomed warden's flat with a communal lounge, library, laundry area and warden's office.
- 1.2 This original planning application proposed that the accommodation was to be for 'elderly persons' and a Legal Agreement was entered into to restrict the use of the development by imposing the following covenants:
- (a) No dwelling or flat other than the accommodation for guests and a warden shall be occupied by any person under 50 years of age.
  - (b) A covenant was to be included in any conveyance, lease or document passing title of any dwelling or flat (other than the guest and warden accommodation), restricting the age of occupants.
  - (c) That the accommodation provided for guests in accordance with the permission shall not be used other than for bona fide guests of the occupiers of the dwellings and flats.

(d) That the accommodation provided for the Warden of the scheme shall not be used other than for the accommodation of such a Warden and (if any) his or her family.

- 1.3 The current application seeks to vary the Legal Agreement to remove the requirement to provide warden living accommodation at the site.
- 1.4 The Applicant has stated that the complex is for residents over the age of 55 who are able to live independently and do not need any care. Although at one time there was a warden on call 24/7 costs became prohibitive and now the standard in the industry is for part time wardens backed up by a careline who are able to provide any help needed at the press of a button. It is confirmed that this system has been in operation at this site for the past two years since the warden went part time.
- 1.5 It is stated that the costs are so high that it is unlikely that a full time warden will be provided at the site and therefore there is no longer any need for a dedicated wardens flat. The sale of the flat will reduce the costs for the residents at the site in maintaining it including the Council Tax, heating and services.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 The planning permission to which the Legal Agreement relates to is ref. 22758/07 granted on 16<sup>th</sup> August 1985 for the erection of 3 dwellings and 27 flats for elderly persons, and 2 garages, conversion of building into 4 flats with warden accommodation and communal facilities and alterations to vehicular access. The proposed alterations to the existing building and demolition of the coach house (ref. 22758/07/LBC) were also granted listed building consent on 12<sup>th</sup> June 1985 and 29<sup>th</sup> July 1985 respectively.

2.2 The earlier and subsequent history relating to the site can be summarised as:

**P/348/67** – Change of use from residential and kindergarten to residential and day nursery. Granted 1967.

**03/EDP/335/77** – Alterations and extensions to form residential unit (coach house). Refused 1977.

**03/EDP/1401/79** – (Outline) Erection of semi-detached houses and construction of estate road. Refused 1980.

**P/138/80** – (Outline) Residential development. Granted 1980.

**22758/01** – Construction of an estate road and erection of five pairs of semi-detached houses. Approval of Reserved Matters relating to P/138/80. Approved 1983.



**22758/02/OUT** – (Outline) Erection of three pairs of semi-detached and one detached dwelling to the rear of 76 Hucclecote Road. Granted 1983.

**22758/03/OUT** – (Outline) Construction of access drive and erection of 28 elderly persons flats and one pair of semi-detached houses. Granted 1984.

**22758/04/LBC** – Demolition of 78 Hucclecote Road (Grade II Listed Building) – Refused 1984.

**22758/05/OUT** – (Outline) Revised application for the erection of 28 elderly persons flats incorporating the retention of 78 Hucclecote Road and construction of new vehicular access. Granted 1984.

**22758/06** – Erection of 33 elderly persons flats and conversion of existing building to 4 elderly persons flats, warden flat and communal flats. Refused 1985.

**22758/06/LBC** – Erection of 33 elderly persons flats and conversion of existing building to 4 elderly persons flats, warden flat and communal facilities. Refused 1985.

**22758/07/LBC** – Alterations to existing building, demolition of coach house. Granted 1985.

**22758/08/LBC** – Re-roofing with asbestos slates. Refused 1985.

**22758/09** – Erection of three blocks of private garages. Granted 1985.

**22758/10/LBC** – Re-roofing with natural slate on front elevations, asbestos slate on rear elevation and hips. Withdrawn.

**22758/11** – Erection of two private car garages. Granted 1986.

### **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 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 20<sup>th</sup> 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.
- 3.5 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.
- 3.6 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

- 4.1 None.

#### **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 39 properties have been notified of the application in writing.
- 5.2 One letter of representation has been received. The main issues raised can be summarised as:
- I do not agree. When I came to this house I understood we had a 24 hour warden and house provided for warden. I don't wish this to be changed.
  - I couldn't understand how the present warden could see the flat – it was not here to see.

- 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=15/01527/MOD>

## **6.0 OFFICER OPINION**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 Section 106A of the Town and Country Planning Act 1990 allows planning obligations to be renegotiated at any point where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it is “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way.
- 6.3 Advice in respect of Planning Conditions and Obligations in the National Planning Policy Framework (paragraphs 203-206) states that in relation to planning obligations:

*203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*204. 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 reasonably related in scale and kind to the development.*

*205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.*

- 6.4 The applicants have indicated that there is no longer a full time warden at the site and therefore no need for a dedicated warden flat. This is a business decision with care now being provided in a different way and there are no

planning policy requirements to justify the retention of the wardens flat as set out in the original Legal Agreement.

6.5 If the application were to be assessed under current planning policies and advice no objection would be raised by Officers on the ground that no warden accommodation was provided. It is not considered that the requirement to retain warden accommodation would meet the tests for planning obligations set out in paragraph 204 of the National Planning Policy Framework in that it is not necessary to make the development acceptable in planning terms.

**7.0 CONCLUSION**

7.1 I do not consider that there is any planning reason or any local or national planning policies to object to the variation of the Legal Agreement to remove the requirement to retain a warden flat at the site.

**8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

8.1 To grant approval for the variation of the Legal Agreement thereby removing the requirement to provide any dedicated warden accommodation at the site.

Decision: .....

Notes: .....

.....

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

15/01527/MOD

Hucclecote Mews  
78 Hucclecote Road  
Gloucester  
GL3 3SR

Planning Committee 02.02.2016



**THIS AGREEMENT** is made the *Sixteenth* day of *August* One Thousand Nine Hundred and Eighty-Five **BETWEEN CLIFTON HOMES LIMITED** whose Registered Office is situate at 11 North Place Cheltenham in the County of Gloucester (hereinafter called "the Developer") of the one part **AND THE COUNCIL OF THE CITY OF GLOUCESTER** (hereinafter called "the Council") of the other part

**WHEREAS:-**

- (1) The Developer is the owner in fee simple absolute in possession of the land and premises known as Number 78 Hucclecote Road in the City of Gloucester which is shown for identification purposes only edged red on the plan annexed hereto (hereinafter called "the land")
- (2) The Developer has by application number 22758/07 applied to the Council for permission to develop the land by the erection thereon of three dwellings and twenty-seven flats and the conversion of the existing premises thereon to four flats guest accommodation communal facilities and accommodation for a Warden
- (3) The Council is the District Planning Authority for the purposes of the Town and Country Planning Act 1971 and the Local Government Act 1972 for the City of Gloucester
- (4) The proposed dwellings and flats are designed to provide accommodation suitable for elderly persons and the Council on the 21st day of May 1985 being desirous of restricting the use of the same for that purpose resolved to grant the said application for planning permission subject to the covenants herein contained



NOW THIS DEED WITNESSETH as follows:-

1 The parties hereto hereby agree that this is an Agreement made in pursuance of Section 16 of the Gloucester Corporation Act 1970 Section 52 of the Town and Country Planning Act 1971 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and that the same is registrable and shall be registered as a Local Land Charge against the land

2 The Developer for itself and its successors in title being owners or occupiers for the time being of the land or of any part or parts thereof hereby covenants with the Council:-

(a) that no dwelling or flat other than the accommodation for guests ~~and a Warden~~ provided under or in accordance with planning permission granted in respect of application number 22758/07 or any subsequent application for development of a like kind shall be occupied by any person under fifty years of age

(b) that no Conveyance or Lease or other document passing title of any dwelling or flat other than the accommodation for guests and a Warden so provided shall be completed without there being included therein a covenant by the Purchaser or Lessee restricting the occupancy thereof as aforesaid

(c) that the accommodation provided for guests in accordance with the permission aforesaid shall not be used other than for the bona fide guests of the occupiers of the dwellings or flats provided in accordance with the permission aforesaid

~~that the accommodation provided for the Warden of the scheme in accordance with the permission aforesaid shall not be used other than for the accommodation of such a Warden and (if any) his or her family~~

To be removed.

To be removed.





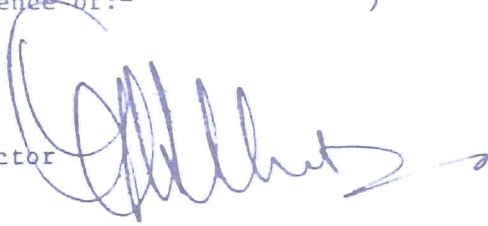
*H.R. Shaw*  
Chief Executive Officer



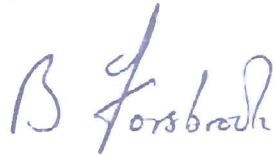
IN WITNESS whereof the parties hereto have caused their respective  
Common Seals to be hereunto affixed the day and year first before written

THE COMMON SEAL of )  
CLIFTON HOMES LIMITED )  
was hereunto affixed in the )  
presence of:- )

Director

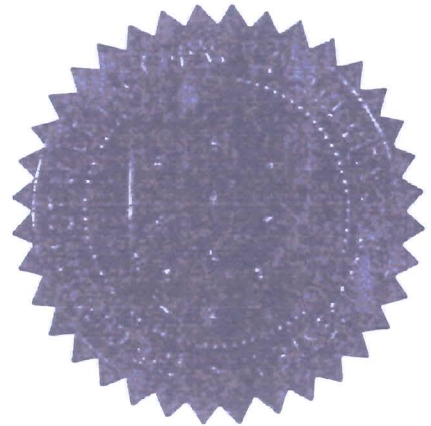
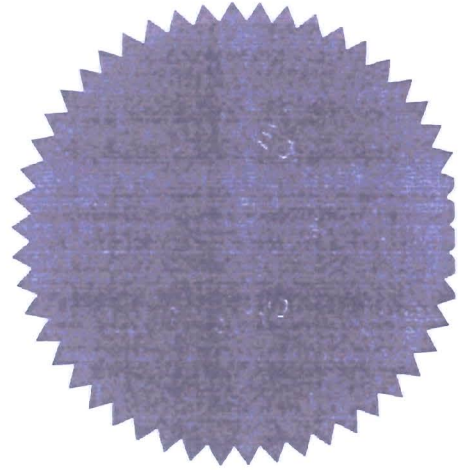


Secretary



THE COMMON SEAL OF THE COUNCIL )  
OF THE CITY OF GLOUCESTER )  
affixed hereto is authenticated by )  
the undersigned a person authorised )  
by the said Council to act for that )  
purpose:- )

  
Chief Executive Officer



SEAL N° 6208

MIN 8 Pl. Sum 21/5/85

DATED 16th August 1985

CLIFTON HOMES LIMITED

- and -

THE COUNCIL OF THE CITY OF GLOUCESTER

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- A G R E E M E N T -

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relating to land at  
76/78 Hucclecote Road,  
in the City of Gloucester.

H.R.T. Shackleton, LL.B.,  
Chief Executive Officer,  
Gloucester City Council,  
Guildhall, Gloucester

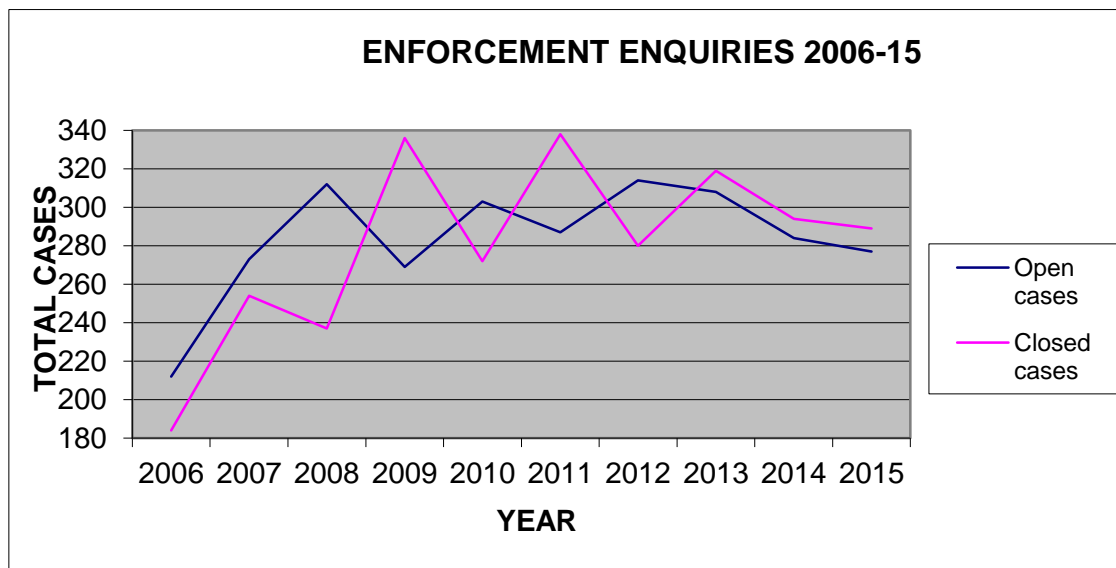
MM/CB/2/19.



3.3 From 2016 onwards progress reports to committee will be half yearly rather than each quarter, as agreed by planning committee.

#### 4.0 Caseload and progress

4.1 277 new enforcement enquiries were investigated during 2015, with a total of 289 concluded. In all, a total of 384 different planning investigations were worked on during the year, and 90 cases remain under investigation. A more detailed breakdown of performance, including types of cases investigated, and reasons for closure, is provided in Appendix 1.



4.2 From a high point of 314 investigations in 2012, each subsequent year has seen a small reduction in new enforcement investigations undertaken. This is mainly due to the team operating a better 'triage' system to identify issues that can be immediately resolved, referred or identified as no breach without the need to open and undertake full investigations. In turn this has allowed the team to focus more on other areas, such as supporting other teams on joint projects (e.g. Rugby World Cup), or reviewing and improving working practices (e.g. new enforcement plan and subsequent review) that are not reflected above.

#### 5.0 Formal action

5.1 When the Council's requirements are not met, following a reasonable time period to comply, and where the breach is considered to merit action in the public interest, then formal action will be pursued to remedy a planning breach. This usually involves some or all of the following:

- Service of a Notice
- Prosecution
- Works undertaken and re-charged to the landowner (works in default)

5.2 Appendix 2 identifies those cases where a Notice has been served or was in force at 1<sup>st</sup> January 2016, showing progress against the Council's stated requirements. 3 new Notices were served between October and December 2015, with another 3 complied with in the same period. 11 Notices are currently awaiting compliance.

5.3 Enforcement appeals:

*90 Longford Lane – Unauthorised conversion of an outbuilding to a unit of self-contained accommodation, independent from the main dwellinghouse.*

A planning application was made in 2013 to seek permission for this change of use, refused by Planning Committee, and dismissed on appeal. The owners have nevertheless converted the building into self-contained accommodation, are using as such, and have appealed the enforcement notice on the grounds that there is no breach of planning regulations. Following the submission of witness statements, a planning inspector has now made a site visit and a decision is pending

5.4 Direct action was undertaken during the quarter in respect of the following:

- 94 Barnwood Road – to clear untidy garden to front of property
- Land adjacent to Barnwood Bowling club – to clear untidy land and install fence to screen views of land from adjacent residential properties
- Removal of a number of unauthorised signs and advertisements around the City Centre and Docks area during the Rugby World Cup

The costs incurred in undertaking direct action are usually charged to the owner, but in all cases will remain as a charge (with interest) against the property until such time as it is paid.

5.5 An initial hearing against the owner and business occupier of 35 London Road, for failure to comply with an enforcement notice to reinstate the previous shopfront, has been adjourned to January 2016, at the court's request.

## **6.0 Other work**

6.1 Agreement is now in place with AMEY to remove highways signage, freeing up planning enforcement from doing so and allowing officers to focus on other issues.

6.2 Following Full Council agreement, the owner of 71 Nine Elms Road is being pursued through legal process for debts incurred over a number of years totalling more than £6,000, as a result of direct action to clear and tidy his land.

## **7.0 Alternative Options Considered**

7.1 This report is for information only, and therefore the consideration of other options is not relevant.

## **8.0 Reasons for Recommendations**

- 8.1 To give Members the opportunity to scrutinise the work of the planning enforcement team, be aware of individual cases, and have the opportunity to ask any questions or raise any other matters of interest.

## **9.0 Future Work and Conclusions**

- 9.1 The Planning Enforcement team currently has 90 cases under investigation, and will receive further enquiries during the January to June 2016 period, working to try to resolve or meet a satisfactory outcome in as many of these cases as possible.
- 9.2 The Planning Enforcement team is working closely with the Council's Conservation, Licensing and Asset Management teams to address a significant increase in unauthorised A Board advertisements, other signage, and outside tables and chairs within the Docks and Quays areas which are causing issues to some users, as well as impacting on the character of the area.
- 9.3 The annual review of all s106 agreements and outstanding obligations therein will commence in March and a report on progress presented to committee along with the next Enforcement Progress Report. This exercise best ensures all due payments are made to the Council, all other public infrastructure or facilities are provided by the developer, and that the Council discharges its own obligations signed up to within the s106 agreements.
- 9.4 An initial hearing is to be held at Cheltenham Magistrates Court in January 2016 in respect of 35 London Road, as set out in section 5.5, above.

## **10.0 Financial Implications**

- 10.1 The cost to the Council is officer time which includes legal officer's time, in carrying out enforcement duties. Where direct action is taken the costs of any works is sought from those responsible for the breach, and remains as a charge against the land until such time as it is paid. Financial Services have been consulted in the preparation this report.

## **11.0 Legal Implications**

- 11.1 The Council has a range of powers available to it to enforce breaches of planning legislation. These powers are supplemented by the policies and procedures adopted by the Council, which are followed when dealing with potential breaches. Having adopted policies and procedures for planning enforcement helps to minimize the risk of Judicial Review and maladministration complaints and ensures that appropriate enforcement action is taken. Whilst prosecution is an option open to the Council, it isn't always the most cost effective method of enforcement, and it may not necessarily lead to a planning breach being remedied; it can often only lead to the securing of a conviction. Direct action is a last resort, but is necessary in some circumstances, and often more cost effective. Legal Services have been consulted in the preparation this report.

## **12.0 Risk & Opportunity Management Implications**

12.1 There is no risk to the authority connected with this report, as it is for information only

## **13.0 People Impact Assessment (PIA):**

13.1 There are no risks for customers and staff, in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion in this report

## **14.0 Other Corporate Implications**

14.1 It is considered that there are no other corporate implications not already covered within the report

**Background Documents:** None

## APPENDIX 1 –ENFORCEMENT ACTIVITY

	<i>2011 TOT</i>	<i>2012 TOT</i>	<i>2013 TOT</i>	<i>2014 TOT</i>	<i>2015 TOT</i>
<b>NEW INVESTIGATIONS UNDERTAKEN</b>	<b>287</b>	<b>314</b>	<b>308</b>	<b>284</b>	<b>277</b>
<b>TYPE OF BREACH (New enquiries):</b>					
Operational development	<b>95</b>	<b>94</b>	<b>98</b>	<b>88</b>	<b>114</b>
Breach of Condition	<b>27</b>	<b>28</b>	<b>31</b>	<b>31</b>	<b>22</b>
Unauthorised change of use	<b>68</b>	<b>60</b>	<b>70</b>	<b>60</b>	<b>67</b>
Works affecting a Listed Building	<b>5</b>	<b>9</b>	<b>9</b>	<b>6</b>	<b>8</b>
Unauthorised advertisement	<b>62</b>	<b>94</b>	<b>40</b>	<b>50</b>	<b>30</b>
Section 215 (Untidy land / property)	<b>24</b>	<b>21</b>	<b>41</b>	<b>43</b>	<b>24</b>
General Amenity	<b>4</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>
Tree Preservation Order	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
Conservation Area	<b>2</b>	<b>4</b>	<b>16</b>	<b>6</b>	<b>11</b>
Not Planning Enforcement	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>PROGRESS:</b>					
Total cases worked on in period			<b>421</b>	<b>396</b>	<b>384</b>
Unresolved at period end	<b>88</b>	<b>123</b>	<b>112</b>	<b>102</b>	<b>90</b>
	<b>17</b>	<b>23</b>	<b>23</b>	<b>29</b>	<b>12</b>
<i>Total Notices issued</i>	<b>5</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>
<i>Total prosecutions</i>	<b>338</b>	<b>280</b>	<b>319</b>	<b>294</b>	<b>289</b>
<i>Total cases closed</i>					
<b>REASON FOR CASE CLOSURE:</b>					
No evidence of breach	<b>100</b>	<b>82</b>	<b>107</b>	<b>73</b>	<b>105</b>
No further action taken	<b>68</b>	<b>37</b>	<b>59</b>	<b>54</b>	<b>39</b>
Complied with	<b>153</b>	<b>140</b>	<b>116</b>	<b>127</b>	<b>110</b>
Retrospective Planning Permission given	<b>17</b>	<b>21</b>	<b>37</b>	<b>35</b>	<b>35</b>
Other Powers Used				<b>5</b>	



## APPENDIX 2 – NOTICES IN EFFECT – 1<sup>st</sup> JANUARY 2016

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
61 Redwell Road	Untidy land	S215	Compliance period not yet reached
25 Vetch Close	Untidy land	S215	Compliance period not yet reached
Sevenside Farm	Further information required relating to various works and operations on the land	Planning Contravention Notice	Deadline for return of information not yet reached
<i>Land to rear of Barnwood Bowling Club</i>	<i>Untidy land</i>	<i>S215 Notice</i>	<i>Works undertaken in default, costs charged back to the owner</i>
<i>Former 26 Worcester Street (demolished building)</i>	<i>Demolition (on a prominent City Centre junction within a Conservation Area) was granted subject to landscape/screening that had not been implemented, leaving this highly visible area looking untidy.</i>	<i>S215 Notice</i>	<i>Site boarded, painted black, and heritage images added to improve its appearance.</i>
<i>94 Barnwood Road</i>	<i>Untidy front garden (at prominent location)</i>	<i>S215 Notice</i>	<i>Works undertaken in default, costs charged back to the owner</i>
106 Eastgate Street	Untidy building	S215 Notice	Direct action to be undertaken to improve the appearance of the facade

<b>ADDRESS</b>	<b>BREACH</b>	<b>TYPE OF NOTICE</b>	<b>STATUS</b>
90 Longford Lane	Use of outbuilding as a self contained unit of living accommodation	Enforcement Notice	Notice appealed – awaiting decision from Planning Inspectorate
Land adjacent to Gospel Hall, Matson	Field not reinstated to previous condition (including levels) following use as a works compound	Enforcement Notice	Further action pending the outcome of a planning application received, proposing sports pitches on the land
Land to rear of 72 Forest View Road	Failure to comply with landscape, boundary and drainage requirements	Enforcement Notice	Notice not complied with – matter to be referred to Legal for prosecution.
55 Worcester Street	Unauthorised changes to shopfront including installation of roller shutters (within the Worcester Street Conservation Area)	Enforcement Notice	Works complete, awaiting render to be painted. Some signage issues remain.
35 London Road	Unauthorised changes to shopfront	Enforcement Notice	Notice not complied with – some works undertaken but not completed. Prosecution pending.
PictureDrome, 162-170 Barton Street	Removal of historic features, including raked floor, theatre seating, heating system and box room. (Grade II Listed Building)	Listed Building Enforcement Notice	Owners given six months to undertake required works or legal action considered
122 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation	Enforcement Notice	Works almost complete

<b>ADDRESS</b>	<b>BREACH</b>	<b>TYPE OF NOTICE</b>	<b>STATUS</b>
	Area		

**Notices in bold served within October to December 2015 quarter**

*Notices in italics have been complied with or otherwise concluded during October to December quarter.*

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# **CITY OF GLOUCESTER**

**PLANNING COMMITTEE**

**ON**

**2<sup>nd</sup> February 2016**

**DELEGATED DECISIONS**

**1<sup>ST</sup> – 31<sup>ST</sup> December 2015**

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

15/01259/CONDIT ADAMS  
NGPLot 6 Bristol Road Gloucester

Application to discharge conditions of permission ref. 15/00533/FUL -  
Condition 3 (fence details), Condition 5 (dust management), Condition 7  
(contaminated land) and Condition 8 (drainage).

ALDIS 02/12/2015

15/01493/NMA ADAMS  
NGPLot 6 Bristol Road Gloucester

on material amendment to scheme approved under ref. 15/00533/FUL

NOB 14/12/2015

## **Abbey**

15/01351/FUL AEROR  
92 Wheatway Gloucester GL4 4BJ

Single storey rear and side extension

G3Y 08/12/2015

15/01378/FUL CARLH  
38 Honeysuckle Drive Gloucester GL4 4DU

Erection of first floor side extension above existing garage; and single storey  
rear extension

G3Y 10/12/2015

15/01379/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.D1to allow for retention of  
chimney and boundary fence as constructed.

GP 15/12/2015

15/01434/FUL CARLH  
14 Sudgrove Park Gloucester GL4 4XS  
Erection of a two storey side and single storey rear extension  
G3Y 22/12/2015

## Barnwood

15/01184/FUL BOBR  
21 Richmond Avenue Gloucester GL4 4NN  
Erection of two storey house attached to number 21 Richmond Avenue with  
garden store and single storey rear extension to number 21  
G3Y 17/12/2015

15/01257/FUL CJR  
Sainsbury's Supermarket Barnett Way Gloucester GL4 3RT  
Redevelopment of existing Petrol Filling Station including new pumps, new  
tanks and pipework plus a de-linked canopy.  
G3Y 09/12/2015

15/01298/CONDIT BOBR  
Former Blockbuster Video Northbrook Road Gloucester GL4 3BU  
Discharge of Condition nos. 5, 8 and 9 of permission no.15/01056/FUL.  
ALDIS 03/12/2015

15/01339/FUL EDBAK  
Unit 1 -7 Chancel Close Gloucester GL4 3SN  
Over-cladding of existing asbestos cement sheet roofing with new metal roof  
sheets (resulting in an increase in the height of the roof by 234mm)  
G3Y 18/12/2015

15/01383/FUL AEROR  
104 Barnwood Road Gloucester GL4 3JH  
Single storey rear extension .  
G3Y 21/12/2015

15/01398/FUL AEROR

35 Ashgrove Avenue Gloucester GL4 4NF

Single storey rear extension

G3Y 08/12/2015

15/01401/FUL AEROR

32 Carwardine Field Gloucester GL4 5TX

Single storey rear extension.

G3Y 09/12/2015

15/01404/FUL CARLH

71 Greenways Gloucester GL4 3SB

Erection of replacement bin store to serve flats 1-9

G3Y 08/12/2015

15/01423/FUL FEH

Barnwood Square 49 Barnett Way Gloucester GL4 3RZ

Alterations to existing access arrangements

G3Y 10/12/2015

15/01457/FUL FEH

Unit 5 Chancel Close Gloucester GL4 3SN

Removal of condition 3 (opening hours) and 4 (time of deliveries) of planning permission 15/01221/COU for Change of use from current telecommunications exchange (Sui Generis) to light industrial (Use Class B1c) /general industrial (Use Class B2) / storage

G3Y 09/12/2015

15/01467/FUL CARLH

Dinglewell Infants School Dinglewell Gloucester GL3 3HS

Erection of timber pergola for use as an additional classroom

G3Y 18/12/2015



15/01484/FUL CARLH  
63 Upton Close Gloucester GL4 3EX  
Erection of single storey front extension and detached garage/garden room  
within rear garden  
G3Y 11/12/2015

## Barton & Tredworth

15/01054/FUL FEH  
187 Barton Street Gloucester GL1 4HY  
Formation of 2 no. self-contained flats from existing residential property and  
construction of new porch  
G3Y 09/12/2015

15/01403/FUL CARLH  
82 Jersey Road Gloucester GL1 4DQ  
Subdivision of single dwellinghouse to 1x 2 bedroom flat and 1x3 bedroom  
flats, with associated bin storage and subdivision of rear garden  
G3Y 11/12/2015

15/01416/FUL AEROR  
32 Furlong Road Gloucester GL1 4UT  
Retrospective application for outbuilding  
G3Y 14/12/2015

15/01486/FUL CJR  
99 -101 High Street Gloucester GL1 4SY  
Conversion and extension to provide 2 no residential units.  
RET 01/12/2015

## Elmbridge

14/00722/FUL JOLM  
15 Riversley Road Gloucester GL2 0QU  
Retrospective application for a weather monitoring station comprising a  
wind vane and anemometer mounted on a 7.4 metre high pole within the  
G3Y 23/12/2015

15/00764/FUL AEROR  
131 Elmbridge Road Gloucester GL2 0PQ

Erection of two storey side and rear extension, single storey rear extension and single storey front extension.

G3Y 09/12/2015

15/01281/FUL CARLH  
15 Sandyleaze Gloucester GL2 0PY

(Demolition of existing outbuilding); Erection of a two storey, 3 bed dwellinghouse with associated car parking, attached to 15 Sandyleaze

G3Y 03/12/2015

15/01314/FUL BOBR  
59 Lavington Drive Gloucester GL2 0HR

Porch and w.c to front.

G3Y 07/12/2015

15/01451/FUL AEROR  
99 Lavington Drive Gloucester GL2 0HR

two storey side and rear extension and single storey rear extension.

G3Y 15/12/2015

15/01477/PDE CARLH  
26 Orchard Road Gloucester GL2 0HX

Single storey rear extension, measuring 3750mm in depth, 2315mm in height to the eaves and 3815mm in height to the ridge

ENOBJ 07/12/2015

15/01487/FUL AEROR  
110 Elmleaze Gloucester GL2 0JZ

Single storey front extension

G3Y 21/12/2015

15/01507/FUL CARLH  
Sir Thomas Rich's School Oakleaze Gloucester GL2 0LF

Reroofing and recladding of existing Swimming Pool to rear of site

G3Y 18/12/2015

## Grange

15/01287/FUL AEROR  
39 Sandford Way Gloucester GL4 0TR  
Two storey side extension and single storey front extension.  
REF 15/12/2015

15/01417/FUL CARLH  
23 Petworth Close Gloucester GL4 0TG  
Erection of a single storey side extension  
G3Y 09/12/2015

15/01461/FUL AEROR  
12 Pearwood Way Gloucester GL4 0QX  
Single storey side and rear extension  
G3Y 21/12/2015

## Hucclecote

15/01375/CONDIT BOBR  
10 Silverdale Parade Hillview Road Gloucester GL3 3LA  
Discharge of Condition 12 - 'provision of bin' of application no.14/01414/COU  
as allowed by appeal no.APP/U1620/W/15/3027452.  
ALDIS 14/12/2015

## Kingsholm & Wotton

15/00418/FUL FEH  
1 Alvin Street Gloucester GL1 3EJ  
Demolition of existing warehouse and erection of 23 one and two  
bedroomed flats, 3 x 3 bedroomed houses and conversion and renovation of  
the shop/flat at 11 Alvin Street to a single 3 bedroomed property  
WDN 11/12/2015

15/01146/FUL FEH  
37 Heathville Road Gloucester  
Replacement of timber windows on front and side of building with double  
glazed UPVC sash windows  
REFREA 17/12/2015

15/01261/FUL CARLH  
6 Norman Ball Way Gloucester GL1 3QL

First floor extension above existing side garage; two storey side extension and; single storey rear extension.

WDN 09/12/2015

15/01267/FUL AEROR  
2 Horton Road Gloucester GL1 3PR

Conservatory to front of property

REF 09/12/2015

15/01376/FUL AEROR  
13 Malvern Road Gloucester GL1 3JT

Single storey rear and side extension and removal of chimney.

G3Y 15/12/2015

15/01476/TRECON JJH  
48 London Road Gloucester GL1 3NZ

T1 Fagus sylvatica purpureum (Copper Beech) Shorten laterals towards neighbouring building to give clearance of at least 2m back to main trunk or with branches greater than 100mm to shorten back to a suitable pruning point rather than remove. Raise crown

TCNOB 08/12/2015

15/01547/FUL BOBR  
Cherry Tree Cottage Tewkesbury Road Gloucester GL2 9BE

Retention of mobile home and groundworks for the duration of the construction of residential property.

RET 07/12/2015

## Longlevens

15/00680/FUL CJR  
1 Crispin Close Gloucester GL2 0EZ

rection of a detached two storey dwelling on the land adjacent to no. 1

REF 17/12/2015

15/00909/FUL EDBAK  
Longlevens Surgery 19B Church Road Gloucester GL2 0AJ

Proposed first floor extension to provide additional surgery facilities. Installation of a new lift and external steel escape staircase. Removal of

existing walled garden to provide additional parking. Provision for temporary

G3Y 02/12/2015

15/01215/FUL EDBAK

Tiny Tots Playgroup Paygrove Lane Gloucester GL2 0AT

Retention of existing Elliott building for tiny tots playgroup and preschool

GA 18/12/2015

15/01312/FUL FEH

53 Oxstalls Lane Gloucester GL2 9HP

Single storey side and rear extension

G3Y 07/12/2015

15/01395/CONDIT BOBR

Layby Top Of Innsworth Lane Gloucester GL2 0DF

Discharge of Condition 3 - 'waste management plan' of permission

ALDIS 17/12/2015

15/01443/FUL CARLH

5 Chamwells Walk Gloucester GL2 9JA

Erection of a single storey side and rear extension (retrospective)

GA 08/12/2015

15/01452/FUL AEROR

12 Redland Close Gloucester GL2 9DF

Single storey front extension, two storey rear extension and single storey rear and side extension.

REF 21/12/2015

15/01470/TPO JJH

72 Church Road Gloucester GL2 0AA

T1 Tilia (lime), T2 Aesculus hippocastanum (Horse chestnut). Lift crown to 8ft, Reduce crown on both trees to achieve a maximum height from ground to top of crown of 25ft, thin crown by 30%.

TPDECS 08/12/2015

15/01512/FUL AEROR

42 Park Avenue Gloucester GL2 0EQ

Two storey side extension and single storey front extension. Removal of

G3Y 21/12/2015

## Matson & Robinswood

15/01192/CONDIT BOBR  
Winnycroft Farm Corncroft Lane Gloucester GL4 6BX  
Discharge of condition nos. 3 (external materials), 4 (precise details), 5 (flues and vents), 6 (joinery colour) and 11 (fence 'B' detail) of permission  
10/12/2015

15/01275/FUL AEROR  
34 Teddington Gardens Gloucester GL4 6RJ  
Single storey rear extension and two storey side extension.  
G3Y 15/12/2015

15/01334/FUL CARLH  
23 Prescott Avenue Gloucester GL4 6AT  
Erection of 2 single storey front extensions (works commenced)  
G3Y 04/12/2015

15/01343/FUL EDBAK  
5 Winnycroft Cottages Painswick Road Gloucester GL4 6EZ  
Demolition of existing single storey extension, refurbishment of existing two storey dwelling, proposed two storey house extension, widening of existing access to form two car spaces within curtilage and associated groundworks.  
G3Y 21/12/2015

15/01479/FUL AEROR  
27 Foxtail Close Gloucester GL4 6DW  
Proposed conservatory to the rear and porch to the front of property.  
G3Y 21/12/2015

## Moreland

15/01394/FUL BOBR  
261 Stroud Road Gloucester GL1 5JZ  
Variation of condition 2 of planning permission 13/00055/FUL to allow for amendments to the appearance and position of the dwelling approved under that permission.  
GP 21/12/2015

15/01543/DCC  
Calton Primary School Calton Road Gloucester GL1 5ET  
Compliance with condition 20,21 and 22 of planning permission  
NOB 16/12/2015

CARLH

## Podsmead

15/00286/REM  
St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX  
Reserved matters scheme for 172 residential dwellings with associated open space and landscaping (Site A).  
AR 04/12/2015

BOBR

15/00287/REM  
St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX  
Reserved matters scheme of 86 residential dwellings with associated open space and landscaping. (Site B)  
AR 04/12/2015

BOBR

15/01482/FUL  
32 Newark Road Gloucester GL1 5TW  
Erection of a single storey side and rear extension  
G3Y 18/12/2015

CARLH

15/01535/FUL  
17 Poplar Close Gloucester GL1 5TX  
Erection of a single storey front extension  
G3Y 23/12/2015

CARLH

15/01553/NMA  
146A Tuffley Avenue Gloucester GL1 5NS

CARLH

Non-material amendment to planning permission reference 15/00377/FUL, for a reduction in the depth of single storey rear extension and moving the side elevation away from the boundary

NOS96 17/12/2015

## Quedgeley Fieldcourt

15/00892/FUL CJR  
Land To South Of Waterwells Drive Quedgeley Gloucester  
Erection of new manufacturing and distribution facility (Use Classes B2/B8)  
and ancillary office with associated car parking, landscaping and access  
GP 02/12/2015

15/01421/FUL AEROR  
112 Fieldcourt Gardens Quedgeley Gloucester GL2 4UB  
Single storey rear and side extension, single storey side extension, garage  
conversion and bay windows to the front.  
G3Y 14/12/2015

15/01429/FUL AEROR  
178 Courtfield Road Quedgeley Gloucester GL2 4UF  
Single storey side extension.  
G3Y 14/12/2015

15/01473/FUL CARLH  
151 Thatcham Avenue Kingsway Quedgeley Gloucester GL2 2DJ  
Erection of conservatory  
G3Y 08/12/2015

15/01566/LAW CARLH  
356 Bristol Road Quedgeley Gloucester GL2 4QW  
Erection of rear conservatory  
LAW 17/12/2015

## Tuffley

15/01411/PDE AEROR  
19 Falfield Road Gloucester GL4 0ND  
Erection of single storey rear extension (depth: 6 metres from rear elevation  
of original dwellinghouse, maximum height: 3 metres, height of eaves: 3  
ENOBJ 07/12/2015

15/01521/CONDIT FEH  
Land Rear Of 5 To 7A Kemble Road Gloucester



Discharge of conditions 3 (materials schedule),4, (boundary treatments), 5 (landscaping) ,6 (drainage plans), 7 (noise) , 8 (Dust from construction)), 10 (trees), 17 (Construction method statement)) , 19 (highways) and 20 (refuse and recycling) of permis

PADIS 02/12/2015

## Westgate

14/01377/FUL ADAMS

Victoria Basin Marina The Docks Gloucester

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

G3Y 04/12/2015

15/00383/COU ADAMS

Double Two Unit 55 Gloucester Quays Designer Outlet St Ann Way

Change of use of Unit 55 of Gloucester Quays outlet centre from restricted Class A1 to Class A1; A3; A4; A5 Use

G3Y 09/12/2015

15/00682/FUL EDBAK

136 Eastgate Street Gloucester GL1 1QT

Alterations to provide an external fire escape serving the flat over.

G3Y 18/12/2015

15/00887/COU	FEH
Shop Unit 2 Lister House Station Road Gloucester GL1 1DH	
Change of use from A1 (shop) to A1/A3 mixed (restaurant/cafe) to include the installation of 1x halo illuminated fascia sign and 1x trough lit projection sign	
G3Y	02/12/2015
15/00949/FUL	ADAMS
Newark Farm Hempsted Lane Gloucester GL2 5JS	
Erection of double garage and creation of new gated access from lane	
G3Y	17/12/2015
15/01021/ADV	FEH
Shop Unit 2 Lister House Station Road Gloucester GL1 1DH	
Installation of 1x halo illuminated fascia sign and 1x Trough lit projection	
GFY	02/12/2015
15/01081/CONDIT	ADAMS
Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By	
Partial discharge of Condition 43 of permission ref. 02/00271/OUT (land	
PADIS	07/12/2015
15/01142/FUL	JONSU
Land At Gloucester Bus Station Market Parade Gloucester	
Demolition of buildings, tree removal and redevelopment of site to provide a new bus station, highways and access works, landscaping and associated infrastructure works including provision of emergency staircase on existing	
G3Y	17/12/2015
15/01258/COU	FEH
37 Arthur Street Gloucester GL1 1QY	
Change of use from dwellinghouse to seven bedroom House in Multiple Occupation (retrospective)	
GC	22/12/2015

15/01294/ADV	ADAMS
Bella Italia Gloucester Quays Designer Outlet St Ann Way Gloucester GL1	
Erection of advertisements comprising 2 no. fascia signs with halo illuminated lettering/logo, 2 no. internally illuminated projecting signs and 2 no. internally illuminated menu cases	
GFY	09/12/2015
15/01327/FUL	CARLH
10 St Swithuns Road Gloucester GL2 5LH	
Erection of a two storey side extension	
G3Y	04/12/2015
15/01362/FUL	CARLH
6 Priory Place Gloucester GL1 1TT	
Various repairs and restoration to: chimney stacks, cornicing, lead flashing, windows, window cills, stonework, doorhead, re-painting of front elevation and extension of grate on street	
G3Y	09/12/2015
15/01363/LBC	CARLH
6 Priory Place Gloucester GL1 1TT	
Various repairs and restoration to: chimney stacks, cornicing, lead flashing, windows, window cills, stonework, doorhead, re-painting of front elevation and extension of grate on street	
G3L	09/12/2015
15/01372/COU	BOBR
Store Rear 25 Wellington Street Gloucester GL1 1RA	
Change of use from B8 to Sui Generis (Taxi Hire Business) Replace signage with new sign & add personal door to front elevation.	
G3Y	23/12/2015

15/01373/ADV BOBR

Store Rear 25 Wellington Street Gloucester GL1 1RA

A non illuminated sign, to replace the existing sign 2510 x 750 overall frame size (as existing)

GFY 23/12/2015

15/01381/CONDIT ADAMS

First Floor And Second Floor County Chambers Station Road Gloucester GL1

Discharge of all conditions of permission ref. 13/01195/FUL

ALDIS 18/12/2015

15/01385/FUL BOBR

97 Westgate Street Gloucester GL1 2PG

Conversion of first floor to residential, with terrace to rear, installation of new shop front and access to ground floor. Enclosure of yard at ground floor level to accommodate staff toilet and kitchen, and additional storage for retail unit. Roof over e

G3Y 23/12/2015

15/01388/COU FEH

Gloucester Medical Eye Centre 58 Eastgate Street Gloucester GL1 1QN

Change of use of first and second floors from offices to six one bedroom flats and associated works including new window openings and removal of fire

WDN 03/12/2015

15/01389/LBC FEH

Gloucester Medical Eye Centre 58 Eastgate Street Gloucester GL1 1QN

Change of use of first and second floors from offices to six one bedroom flats and associated works including new window openings and removal of fire

WDN 03/12/2015

15/01391/FUL BOBR

Pizza Hut 47 Arthur Street Gloucester GL1 1QY

Replacement of all timber windows with new uPVC windows

REF 17/12/2015

15/01418/ADV	CARLH
24 Westgate Street Gloucester GL1 2PT	
Erection of illuminated signage for 'Cathedral Deli'	
GFY	17/12/2015
15/01438/JPA	FEH
Fitzalan House Park Road Gloucester GL1 1LZ	
Change of use from B1 (Business) to C3 (residential)	
WDN	15/12/2015
15/01449/FUL	CARLH
Gordon League Rugby Football Club Hempsted Lane Gloucester GL2 5JN	
Single storey extension to Gordon League Rugby Football Club house	
G3Y	18/12/2015
15/01453/ADV	CARLH
27 Westgate Street Gloucester GL1 2NW	
Erection of externally illuminated fascia and hanging sign	
GFY	17/12/2015
15/01471/TRECON	JJH
19 Spa Road Gloucester GL1 1UY	
T1 Rowan - Reduce as before	
T2 Acer - Reduce as before	
T3 Acer - Reduce	
T4	
Holm Oak - Trim over	
T5 Walnut - Shorten spires to canopy	
T6 Oak - 6ft off top	
T7	
- Beech 6ft off top.	
TCNOB	08/12/2015
15/01516/FUL	BOBR
106 Eastgate Street Gloucester GL1 1QT	
Demolition of a non-listed building and replacement with hot food takeaway and flat above.	
RET	01/12/2015

15/01536/TRECON JHH

3 Spa Road Gloucester GL1 1UY

Silver Birch (on frontage), too close to buildings, to be removed.

TCNOB 17/12/2015

15/01548/CONDIT FEH

19 - 21 Brunswick Road Gloucester GL1 1HG

Scaled plans of window and door detail (condition 3 of planning permission 15/00774/FUL)

ALDIS 16/12/2015

15/01562/DCC CHLL

Oxleaze Wing The Quay Gloucester

Demolition of existing buildings and creation of temporary car park in advance of proposals for regeneration of Quayside

OBS 23/12/2015

15/01597/CONDIT FEH

Shop Unit 2 Lister House Station Road Gloucester GL1 1DH

Details of fascia sign and trough lighting (condition 6 of permission

ALDIS 21/12/2015

## 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
GOP:	Grant Outline Permission
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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