



## PLANNING COMMITTEE

**MEETING** : Tuesday, 6th September 2016

**PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Cook and Fearn

**Others in Attendance**

Jon Sutcliffe, Development Control Manager

Nick Jonathan, Solicitor, One Legal

Ed Baker, Principal Planning Officer

Adam Smith, Principal Planning Officer

Jamie Mattock, Gloucestershire County Council

Oliver Eden, Gloucestershire County Council

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllr Finnegan

### 45. DECLARATIONS OF INTEREST

Councillor Cook declared a non-prejudicial interest in agenda item 7 as a non-executive director of Gloucester Docks Estate Company.

Councillor Hansdot declared a non-prejudicial interest in agenda item 13.

Councillor Brown declared a non-prejudicial interest in agenda item 5 as a Member of Gloucestershire County Council.

### 46. MINUTES

The minutes of the meeting held on 2 August 2016 were confirmed and signed by the Chair as a correct record.

### 47. LATE MATERIAL

Members' attention was drawn to the late material in respect of agenda items 5,6,7,8,9 and 10.

### 48. 88 WESTGATE STREET - 16/00573/FUL

**PLANNING COMMITTEE**  
**06.09.16**

The Principal Planning Officer presented his report which detailed an application for change of use of ground floor premises from Class A3 restaurant to Class A5 hot food takeaway at 88 Westgate Street.

He reported that the Environmental Health Officer was satisfied with the proposed opening hours and existing extraction equipment.

He advised Members that should this application be refused the premises would still have the benefit of a Class A3 restaurant use. The existing lawful use of the premises was an important fall-back position.

**Miss Queenie Vien, the applicant, addressed the Committee in support of the application.**

Miss Vien thanked Members for the opportunity to address the Committee. She advised that the restaurant had closed some twenty months previously due to lack of footfall at that end of Westgate Street.

She had much experience of the catering trade and intended to create a business which would provide six full time jobs together with training positions.

She stated that the proposal would not result in an increase in noise and would be no more pungent than Indian cuisine.

She believed that her business would contribute to the economy and viability of the City centre.

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

**49. FORMER BISHOP'S COLLEGE, ESTCOURT ROAD - 16/00631/OUT**

Councillor David Brown had declared a non-prejudicial interest in this application as a Member of Gloucestershire County Council.

The Principal Planning Officer presented his report which detailed an outline application, with all matters reserved other than means of access, for redevelopment of part of the former Bishop's College site for residential use creating up to 90 new homes and provision of open space.

He drew Members' attention to the additional representation and amended recommendation contained within the second tranche of late material.

**Councillor Williams, as a Member for Longlevens ward, addressed the Committee.**

Councillor Williams expressed concerns regarding the access to the development and traffic impact. She agreed with the late representation and expressed particular concerns regarding construction access to the site and where contractors would park. She noted that it would be impossible for two large vehicles to pass and

**PLANNING COMMITTEE**  
**06.09.16**

queried where the construction workers would park. She suggested that the application be deferred for further consideration of highways issues.

**John Bond, on behalf of Estcourt Close residents, addressed the Committee in opposition to the application.**

Mr Bond believed that the site should be retained for educational purposes as there was a high demand for high school places which would be increased by developments at Longford and Innsworth.

He believed that the development would have a significant impact upon the residents of Estcourt Close.

He stated that at the exhibition for the University development the County Council had given the assurance that the use of the close would be no greater than when the school was open.

He believed that the assurance had been based on flawed data as all able bodied students had used the pedestrian access rather than the Close. In addition the residential access would be year round rather than just school hours within term time.

He noted that Estcourt Close had been designed to serve 24 homes and it was not sustainable to add another 90 homes with potentially another 180 vehicles.

**Alan Divall, on behalf of the applicant, addressed the Committee in support of the application.**

Mr Divall stated that the site was no longer required for educational purposes and Schedule 1 consent had been obtained for disposal as addressed in paragraphs 6.80 to 6.84 of the Officer's report.

He stated that the application would contribute to the City's housing requirement and five year housing supply. He stated that an appropriate housing mix would be delivered by the development. It was a highly sustainable proposal with a density of 28 dwellings per hectare on a previously developed site and was closely linked to the University's growth plans. It would also contribute to the local economy with construction jobs and subsequent Council Tax.

He noted that the Highway Authority and Sport England had no objections and he confirmed that the sports facilities would be well maintained with increased usage. The retention of the playing field would be addressed by the Section 106 agreement. It would improve connectivity with the wider area.

He also noted that Severn Trent Water, the Lead Local Flood Authority, the Council's Tree Officer and the Planning Policy Officer had no objections to the application. A Sustainable Urban Drainage System could be secured by condition.

In conclusion, he confirmed that Gloucestershire County Council had followed all the appropriate procedures in bringing the site forward and the benefits of the development clearly outweighed any concerns.

**PLANNING COMMITTEE**  
**06.09.16**

In answer to a Member's question about access for construction traffic, the Highways Officer advised that a construction method statement would be required by condition and the construction traffic would not be materially different to the vehicles already servicing Estcourt Close. The construction staff vehicles would be expected to be accommodated within the site.

A Member suggested that the educational needs be established before granting planning permission. The Principal Planning Officer advised that the Ministerial approval to the disposal of the school site was dealt with by a separate process outside the planning system. He referred to the summary of the position in the Committee report and that the Education Authority had declared the site to be surplus to requirements.

Another Member suggested that an alternative access should be provided for construction traffic. He was advised that it was not for the Highway Authority to propose alternative access, in this case they had assessed the application and considered it to be acceptable.

The Solicitor advised that disruption during any construction phase was not a material planning consideration as this is normally conditioned and Members should not consider the matter in their deliberations.

**RESOLVED that** subject to confirmation that the Council's Drainage Engineer is satisfied as to the future provision of an acceptable sustainable urban drainage strategy, and securing of a legal agreement or agreements to provide the following;

1. A proportion of affordable housing (as set out in the report factoring in vacant buildings credit as required).
2. A package of mitigation for open space requirements that the Committee delegates to the Development Control Manager to finalise.
3. A financial contribution towards education on the basis set out in the report.
4. A financial contribution towards libraries on the basis set out in the report

and delegation from the Committee to the Solicitor for the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the Solicitor, planning permission is granted subject to the conditions in the report with delegated powers granted to the Development Control Manager to amend or add conditions as necessary to deal with the outstanding matters;

**50. LAND AT THE DOCKS (FORMER BRITISH WATERWAYS CAR PARK) - 16/00829/FUL**

Councillor Cook had declared a non-prejudicial interest in this application as a non-executive director of Gloucester Docks Estate Company.

**PLANNING COMMITTEE**  
**06.09.16**

The Principal Planning Officer presented his report which detailed an application for the construction of a new public square, associated engineering works and hard landscaping, including relocation of heritage features, proposed as an interim measure pending implementation of previously approved scheme of works (14/00415/FUL) on land at The Docks (former British Waterways car park).

He referred Members to the late material which confirmed that the applicant intended to use resin bonded gravel instead of coloured asphalt.

**Ian Woodward, a resident of the Docks, addressed the Committee in respect of his concerns regarding the application.**

Mr Woodward stated that he had lived in the Barge Arm for twelve months and, in the main, had enjoyed the events held in the Docks. He stated that although the proposal was acceptable, he asked Members to consider the following areas of concern:-

- Seating should not be directly in front of residences
- Lighting should not be on all night
- Trees would be welcome to limit noise and the provision of exterior power points to reduce reliance on noisy generators.

Members were advised that the surrounding public houses, restaurants and cafes were not part of this application and already in place in terms of generating customers to the area, and were advised to limit their considerations to the content of this application. They were also advised that a permission had already been granted for the public square including seating provision.

The Chair moved to grant permission but requested that he and the Vice Chair be consulted regarding discharge of Condition 4 in respect of seating and lighting.

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

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the approved plan referenced M 5392-100 Rev. D08 - Interim Landscape Proposal received by the Local Planning Authority on 2<sup>nd</sup> September 2016 except where otherwise required by conditions of this permission.

Reason

To ensure that the works are undertaken in accordance with the approved plans.

Amended Condition 5

The railway tracks across the site shall be retained in full in situ as an exposed surface feature and only localised repairs shall be undertaken to the tracks or the retained brick setts between and alongside the tracks, unless an alternative methodology for their treatment is submitted to and approved in writing by the Local Planning Authority under which circumstances works shall be undertaken to the

**PLANNING COMMITTEE**  
**06.09.16**

railway tracks and brick setts between and alongside only in accordance with the approved methodology.

**Reason**

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

**51. GLOUCESTER CITY FOOTBALL CLUB - 16/00573/OUT**

The Development Control Manager presented the report which detailed an application for the variation of conditions 9 and 25 of outline planning permission 14/00685/OUT to change the timing of the proposed widening of the footway on Sunmeadow Road and provision of cycle storage facilities. Removal of condition 12 1(v) requiring a contract to be let for the replacement stadium prior to commencement of development, including the raising of ground levels at Gloucester City Football Club.

He drew Members attention to the additional representation and amended recommendation in the late material.

**RESOLVED that**

- a) The Development Control Manager be authorised to grant a revised outline planning permission, subject to:
  - 1. The satisfactory completion of a Deed of Variation from the applicant to secure a financial contribution of £75,000 towards local flood improvement works; and
  - 2. The expiration of 21 days from when Notice is served on owners of land within the application site and no new material planning issues being raised from these owners; and
  - 3. The conditions set out in Section 8.0 of the Planning Committee Report.
- b) The Development Control Manager be authorised to amend the wording of the approved conditions if any conditions are discharged prior to issuing the decision.

**52. PEEL CENTRE, ST ANN WAY - 16/00005/OUT**

**PLANNING COMMITTEE**  
**06.09.16**

The Principal Planning Officer presented his report which detailed a hybrid application seeking planning permission for the regeneration/ redevelopment of the Peel Centre comprising:-

- a) Full application for the conversion of former cinema to Class A1 including mezzanine;
- b) Outline application for demolition of existing units and erection of extensions to the former cinema building, to provide four new Class A1 units in total.

He referred Members to the late material which contained new representations, an update on the Kings Quarter development and further advice on non-poaching conditions.

He introduced Dr Steve Norris of Carter Jonas who summarised the specialist retail advice commissioned from that company by the Council.

**Councillor Pullen as a Member for Moreland Ward addressed the Committee.**

Councillor Pullen stated that he was also representing the other Members for Moreland ward, Councillors Hampson and Stephens.

He noted that the site had operated successfully since 1989 but since the closure of the cinema it had become tired and run down. It was attracting anti-social behaviour and graffiti which did not present a very good first impression for visitors to the City.

The proposals for a quality development would regenerate the area for the people of Gloucester and visitors.

It would provide 100 jobs and should the application be refused the site would decline further.

He believed that the Peel and Next surveys demonstrated the public support for the proposals and the Council should be considering how the Gate Streets and Peel could complement each other.

He stated that people already left the City to shop at places such as Cheltenham and Cribbs Causeway without considering any future drain to the planned development at Ashchurch.

He noted that Kings Quarter was no longer retail-led and it would be important to examine the linkages between Peel, the Quays and the City Centre.

He believed that an exciting opportunity would be lost should the application be refused.

**Matthew Williams of Savills and Martin Penn, licensee of the Dick Whittington public house addressed the Committee in opposition to the application.**

**PLANNING COMMITTEE**  
**06.09.16**

Mr Williams stated that the proposal would have an adverse impact on the City Centre and he cited the Officer's report and Dr Steve Norris, one of the country's most respected retail advisors.

He trusted the Carter Jonas report and stated that jobs created on this site would be jobs lost from the City Centre and Quedgeley. He believed that Gloucester needed to adopt a joined-up approach to the regeneration of the City Centre and he believed it would be wrong to approve this application before the Kings Quarter consultation had been completed.

Mr Penn stated that he was also representing 15 independent traders. He stated that the City Centre was struggling due to loss of trade to the Quays and the independent traders in the city Centre would bear the brunt of the significant adverse impact of this application.

**Gareth Finch of The Peel Group and Steven Ardron, South West Region Estates Manager, Next PLC addressed the Committee in support of the application.**

Mr Finch stated that the impact on the City Centre would be low and the planned development at Aschurch would have a greater adverse impact. The proposal would bring people back to Gloucester.

He believed that should the Aschurch proposal proceed Gloucester would be stronger with this development. The Joint Core Strategy Inspector had noted the need for significantly more retail provision but had not offered any alternatives.

Mr Ardron believed the proposal represented a fantastic opportunity to halt the leakage of trade to Cheltenham. The Quedgeley store would be relocating due to the expiration of the lease and moving the store closer to the City could only be good.

The former British Home Stores premises in the City Centre would not be suitable and the Company was not prepared to split the home and fashion elements of the store.

The Vice-Chair expressed concerns on the negative impacts on Quedgeley and the City Centre.

A Member believed that the impact on Quedgeley would not be as severe as some thought and noted that the Railway Triangle now had a commercial vehicle business. He believed that the City Centre needed shops that catered for visitors. He believed that people would not wish to see the Peel centre destroyed for a vague hope.

Another Member noted that there was agreement that something needed to be done about the Peel Centre.

A Member stated that there was not a single vacant unit at Quedgeley Retail Park and existing Next employees may well move with the business.



**PLANNING COMMITTEE**  
**06.09.16**

A Member stated that he was not prepared to give up on the City Centre and he did not believe that linkages between the City Centre and the Peel Centre would be as straightforward as portrayed by the applicant. He was particularly opposed to unrestricted Class A1 use on Units 6a and 6b.

The Chair was advised that no information was available on the perceived drain of business from empty Class A1 units on Eastern Avenue. He noted that Peel would deliver while the City Centre has not. Although the site was not within the City Centre there would be linked trips to the Quays. The proposals would smarten up this side of the City. He believed that the economic benefits would outweigh the harm.

A Member suggested that bulky goods restrictions should be imposed on units 6a and 6b. The Chair noted that unrestricted Class A1 use was required to ensure the viability of the whole scheme. He expressed concern at the possible loss of a flagship store.

The Development Control Manager noted that the Committee could impose conditions but the Council could be held to account at appeal. He reminded Members that while Next PLC was named as intended occupant any planning permission went with the site and the planning use of the store should be considered rather than just potential occupiers.

The Chair announced a brief adjournment and together with Committee Members withdrew to receive legal advice.

On their return, the Chair cited Paragraph 19 of the National Planning Policy Framework as he believed the economic benefits of the proposal, together with the environmental improvements and bringing the site back into viable use, outweighed any harm and he moved that the application be approved subject to referral of the application to the Secretary of State under the Consultations Direction and delegated authority being given to the Development Control Manager, following consultation with the Chair and Vice-Chair, to agree conditions and the detailed wording of the Section 106 legal agreement to secure a no poaching clause.

**RESOLVED that, subject to**

- 1) The Secretary of State not calling in the application; and**
- 2) A Section 106 planning obligation to secure a no poaching clause,**

**Planning permission be granted subject to conditions. Authority is delegated to the Development Control Manager to agree detailed wording of the planning obligation and planning conditions following consultation with the Chair and Vice-Chair of the Committee.**

**53. PEEL CENTRE, ST ANN WAY - 16/00007/FUL & 16/00008**

The Principal Planning Officer presented these applications for variation of Condition 1 of permissions 09/013408/FUL and permission 13/005599/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison

**PLANNING COMMITTEE**  
**06.09.16**

goods to be sold from 1,263 sq m net within new sub-divided unit 1B and 1,015 sq m net from unit 3A at the Peel centre, St Ann Way.

He noted that the two identical proposals were covered in the one report but would require separate decisions.

Dr Steve Norris of Carter Jonas confirmed that he was not convinced that the applications had passed the sequential test.

**Matthew Williams of Savills and Ivan Taylor addressed the Committee in opposition to the application.**

Mr Williams expressed his disappointment at the previous decision and stated that it was even more important to refuse these applications. He believed that the former British Home Stores site was sequentially preferential to the proposals.

He believed that granting these applications would give a clear message that the Council had given up on the City Centre.

He referred Members to the Officer's comments regarding no poaching conditions and noted that a number of City Centre stores were approaching the end of their leases or break clauses.

He believed that these applications would cause irreversible damage and undermine the regeneration of the City Centre.

Mr Taylor stated that he was 76 years of age and had been working in the city centre for 60 years. He believed the previous decision had represented another coffin nail in the future of the City as these applications would result in direct competition with the City Centre. He had spent £30,000 of his own money to ensure that the City Centre moved forward, which was proving to be an uphill struggle.

**Roger Wheeldon of the Peel Group addressed the Committee in support of the application.**

Mr Wheeldon stated that units concerned were much larger than most units in the City Centre. They were not in competition with City Centre businesses and the applicants were not seeking totally unrestricted Class A1 use.

These applications would help to finance the previous scheme and no poaching conditions would be acceptable. Home Bargains would be open for Christmas and these applications would enable the rest of the terrace of existing units to be brought up to this standard.

The Vice-Chair believed that the applications were a step too far.

**1) Application 16/00007/FUL**

**RESOLVED that the application be refused for the reasons in the report.**

**2) Application 16/00008/FUL**

**PLANNING COMMITTEE**  
**06.09.16**

**RESOLVED that the application be refused for the reasons in the report.**

**54. GLOUCESTER CITY FOOTBALL CLUB - 16/00728/TCM**

The Development Control Manager presented the report which detailed an application to install a replacement 20m high monopole mast containing six antennae and four transmission dishes, also six equipment cabinets all to be contained within a 10.7 x 2.8 m compound bordered by a 1.8 m high Expamet fence at Gloucester City Football Club.

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

**55. MASJID-E-NOOR, 44-46 RYECROFT STREET - 16/00747/FUL**

Councillor Hansdot had declared a non-prejudicial interest in this application.

The Development Control Manager presented the report which detailed an application for the construction of a minaret and alterations to the eastern elevation to provide alteration to the Mehrab at Masjid-E-Noor, 44, Ryecroft Street. He outlined a further representation that had been received.

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

**56. CHANGES TO CONSTITUTION TO CATER FOR LOCAL DEVELOPMENT ORDERS AND SCHEME OF DELEGATION RELATING TO PLANNING APPLICATIONS.**

The Development Control Manager presented the report of the Corporate Director which invited the Committee to consider proposed changes to the Council's Constitution to enable the Council to make Local Development Orders and minor alterations to those proposals which currently had to be determined by the Committee.

He reported that the suggested changes also included changes to improve clarity in wording, updates in relation to changes in legislation and to enable some smaller developments to be dealt with by officers under delegated powers to improve the efficiency of the service.

Members noted the report and supported the suggested changes. They indicated a preference for Option A with regard to applications for a change of use to a pay-day loan shop or betting office where the Officer recommendation is for approval.

The Development Control Manager requested that the Committee make a recommendation to the Constitution Working Group and the report would then be presented to the General Purposes Committee before being presented to Council for decision.

**PLANNING COMMITTEE  
06.09.16**

**RESOLVED TO RECOMMEND** to the Constitution Working Group that the suggested changes to the Constitution set out in Paragraphs 3.17 and 3.21 of the report, together with a preference for Option A with regard to applications for a change of use to a pay-day loan shop or betting office where the Officer recommendation is for approval.

**57. DELEGATED DECISIONS**

Consideration was given to a schedule of applications determined under delegated powers during the month of July 2016.

**RESOLVED** that the schedule be noted.

**58. DATE OF NEXT MEETING**

Tuesday, 4 October 2016 at 6.00 pm.

**Time of commencement: 6.00 pm**  
**Time of conclusion: 10.10 pm**

**Chair**