



Gloucester City Council

Planning Committee

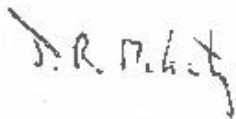
Meeting: Tuesday, 7th March 2017 at 6.00 pm in the Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Fearn, Finnegan and Walford
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 7 - 30) To approve as a correct record the minutes of the meeting held on 7 th February 2017.
4.	LATE MATERIAL Please note that any late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting.
5.	APPLICATION TO REMOVE A PROTECTED PEAR TREE AT 37, KESTREL GARDENS - 17/00037/TPO (Pages 31 - 44) Application for determination: Application to remove a protected perry pear tree at 37, Kestrel Gardens, Quedgeley.
6.	QUAYSIDE AND BLACKFRIARS AREA - 16/01510/LDO (Pages 45 - 80) Draft Local Development Order for Consideration: A residential led Draft Local Development Order that when adopted would grant planning permission for a predominantly residential-led mixed use including student accommodation, plus potentially retail, office space, a gym, cafés and a nursery in the Quayside and Blackfriars Area.

7.	<p>GILLMANS ELECTRICAL, ST OSWALDS ROAD - 16/00957/FUL (Pages 81 - 102)</p> <p>Application for determination:</p> <p>Part demolition of existing building; erection of a three storey building; single storey front extension; and new first floor link way, in connection with the existing use of the site at Gillman's Electrical, St Oswalds Road.</p>
8.	<p>26, TUFFLEY LANE - 16/01367/COU (Pages 103 - 116)</p> <p>Application for determination:</p> <p>Change of use from existing residential dwelling to Planning Class C2. Internal alterations and revised fenestration to south east elevation at 26, Tuffley Lane.</p>
9.	<p>PLANNING ENFORCEMENT PROGRESS REPORT. (Pages 117 - 126)</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 July and December 2016 together with an update on formal action being taken against more serious planning breaches.</p>
10.	<p>DELEGATED DECISIONS (Pages 127 - 140)</p> <p>To consider a schedule of applications determined under delegated powers during the month of January 2017.</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 4th April 2017 at 6.00pm.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 27 February 2017

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 Tony Wisdom, 01452 396158, anthony.wisdom@gloucester.gov.uk.

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

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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HUMAN RIGHTS

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

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

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PLANNING COMMITTEE

MEETING : Tuesday, 7th February 2017

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

Officers in Attendance

Mella McMahon, Development Control Manager

Nick Jonathan, Solicitor, One Legal

Adam Smith, Principal Planning Officer, Major Developments

Joann Meneaud, Principal Planning Officer

Ron Moss, Principal Planning Officer

Jamie Mattock, Highways Officer

Oliver Eden, Highways Officer GCC

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr Fearn

93. DECLARATIONS OF INTEREST

Councillor Lugg declared a personal interest in application 14/00449/FUL – St Aldate Church as she had been involved in the site for a number of years.

Councillor Walford declared a Disclosable Pecuniary Interest in applications 16/01242/FUL and 16/01241/RM, University of Gloucestershire Oxstalls Campus due to the impact of the proposals upon his property.

94. MINUTES

The minutes of the meeting held on 10th January 2017 were confirmed and signed by the Chair as a correct record.

95. LATE MATERIAL

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

96. ST ALDATES CHURCH, FINLAY ROAD - 14/00449/FUL

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Councillor Lugg having declared a personal interest withdrew to the Public Gallery during the consideration of this item.

The Principal Planning Officer presented her report which detailed an application for the demolition of the Church Hall and vicarage. Proposed residential development comprising of 12 one and two bedroom flats, 3 two bedroom houses, 6 three bedroom houses and 2 two bedroom bungalows. New vehicular access from Reservoir Road with associated parking at St Aldate's Church, Finlay Road.

She drew Members' attention to the late material which contained a consultation response from the Environmental Planning Manager and two additional representations.

Councillor Haigh, as Ward Member, addressed the Committee. She stated that at first there been a sense of loss within the community but the Church Hall was no longer in use. There was an awareness of the urgent need for additional affordable housing. She congratulated the White City community for finding a solution which had suited everybody.

Councillor Coole, as Ward Member, addressed the Committee. He stated that there was a need for good quality affordable homes in the ward. He noted that the Church Hall was a wooden structure which was no longer used and the Diocese would be providing a significant sum towards a new community facility.

Councillor Haigh advised that there was some community use of the church but it did not answer the needs of the Community.

Mr Tim Wade, Head of Development, Rooftop Housing Group Ltd, addressed the Committee in support of the application.

Mr Wade stated that the proposal was the result of much joint working and negotiations to deliver high quality affordable housing and a new community facility. He thanked Council officers and the Diocese for their assistance.

He noted that the mixed development of houses, flats and bungalows had received input from the South West Design Panel and Historic England and would also improve access to the Church and car park. The design had retained as many existing trees as possible and there would also be new planting. He noted that the window design for the homes was robust to counter noise from the roads.

Ms Dawn Adams, Director of the White City Community Interest Company, addressed the Committee in support of the application.

Ms Adams stated that the first reaction was the loss of another community facility and the Church Hall had been registered as an Asset of Community Value. There had been consultation to establish the need for a community facility and the Church building was not suitable for community use. She stated that the Diocese had gifted the proceeds of the sale for community use and she noted that it would be hard

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work to raise the balance of the funding. She stated that a five year plan was in place and should that fail to meet the target an alternative plan had been prepared.

The Vice Chair applauded the initiative of the local community but he expressed concern that vehicular access to the houses facing the road would involve people driving in and reversing out in to the road.

Councillor Morgan shared the Vice Chair's concern and he requested an update from the Highways Officer.

The Chair noted that people did tend to back out into that road but when traffic was queueing they were usually let into the traffic stream.

The Highways Officer stated that the trip generation had been calculated to be 10/12 vehicles in the peak hour. She noted that it was similar to many other roads in the City and had no fundamental concerns as there was direct access to the road and good visibility. She advised that the tracking exercise may require minor adjustment but that would not affect the delivery of the development or retention of trees.

Councillor Toleman questioned the need to demolish the vicarage. The Principal Planning Officer advised that Historic England had been consulted but the building had no official protection and its retention would have compromised the amount of development on the site.

The Chair welcomed the provision of 100 per cent affordable housing and he believed that the layout looked good and was sensitive to the existing trees and the Church building.

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

97. UNIVERSITY OF GLOUCESTERSHIRE, OXSTALLS LANE - 16/01242/FUL

Councillor Walford, having declared a Disclosable Pecuniary Interest withdrew from the body of the meeting and took no part in the consideration of this application.

The Principal Planning Officer presented his report which detailed an application for the variation of conditions 54, 57 and 59 of permission 15?01190/OUT to allow for the phased provision of car parking and the phased/amended provision of cycle parking relating to the phased implementation of the University Business School at the University of Gloucestershire, Oxstalls Lane.

He advised Members that the University was now intending to deliver the scheme in phases and were seeking a pro-rata reduction of parking relative to the phased provision of floorspace. He stated that this would be no different if the building had come forward as two separate applications and it would be unreasonable to resist the principle because the Authority would be requiring an unnecessary overprovision of parking for Phase 1.

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Stephen Marston, Vice Chancellor of the University, addressed the Committee in support of the application.

Mr Marston thanked the Committee for the opportunity to put the University's reasons for making the application. He stated that the University had reached an important milestone in its development with the creation of the Business School and provision of student accommodation.

He stated that these proposals were the result of two years' work and would bring benefits to the City with the students' spending and their contribution to the life of the City.

He noted that the application requested the variation of three conditions attached to the outline planning permission already granted. He explained that the conditions had been assessed on the size of the whole development and the University had subsequently decided to be prudent and to adopt a phased approach to the development and sought to match the provision of parking to the phasing of the development.

He confirmed that the University was fully committed to comply with all the conditions imposed.

The Chair believed that the application was a sensible approach to the development.

The Vice Chair concurred but noted the importance of mitigation to the junction of Oxstalls Lane and Cheltenham Road.

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

98. UNIVERSITY OF GLOUCESTERSHIRE, OXSTALLS LANE - 16/01241/REM

Councillor Walford, having declared a Disclosable Pecuniary Interest withdrew from the body of the meeting and took no part in the consideration of this application.

The Principal Planning Officer presented his report which detailed an application for the approval of reserved matters of appearance, landscaping, layout and scale for the Business School and Growth Hub pursuant to outline permission 15/01190/OUT at the University of Gloucestershire Oxstalls Campus.

He drew Members' attention to the late material which contained a revised recommendation.

Stephen Marston, Vice Chancellor of the University, addressed the Committee in support of the application.

Mr Marston stated that the development represented a great deal of work by architects to create an ideal environment. He advised that the University would come back with Phase 2 after Phase 1 had been completed.

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He stated that the University had responded to design concerns, the growth Hub was a great success and the allotment holders had agreed to the proposals.

He confirmed that the University would accept the proposed additional lighting condition.

Councillor Morgan believed that the proposals were exciting and would bring benefits to the City but he questioned the lack of reference to green energy.

The Chair noted that requirements for green energy measures were included in the forthcoming City Plan.

Councillor Brown noted that the footpath formed part of National Cycle Route 41 and he questioned the priority where vehicles crossed the route,

The Highways Officer noted that pedestrians and cycles would have priority and this would be achieved with additional road markings and appropriate signage.

RESOLVED that subject to receipt of an updated Proposed site layout plan to be consistent between plans as to the layout of the substation compound and surroundings, reserved matters approval is given subject to the conditions in the Committee Report with the following amended/new conditions:-

Amended approved plans condition

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

(Updated version of Proposed site layout ref. UoG ASL 00 00 DR A 0003 received by the Local Planning Authority on 25th January 2017 to ensure consistency across plans)

Level 00 Plan ref. OX ASL 00 00 DR A 0100 Rev. B received by the Local Planning Authority on 5th October 2016

Level 01 Plan ref. OX ASL 00 01 DR A 0101 Rev. B received by the Local Planning Authority on 5th October 2016

Level 02 Plan ref. OX ASL 00 02 DR A 0102 Rev. B received by the Local Planning Authority on 5th October 2016

Roof Plan ref. OX ASL 00 03 DR A 0103 Rev. C received by the Local Planning Authority on 5th October 2016

Elevation ref. OX ASL 00 XX DR A 0130 received by the Local Planning Authority on 5th October 2016

Elevation ref. OX ASL 00 XX DR A 0131 received by the Local Planning Authority on 5th October 2016

External works general arrangement: materials and finishes ref. OX ASL 00 XX DR L 0001 Rev. G received by the Local Planning Authority on 7th February 2017

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External works general arrangement: materials and finishes ref. OX ASL 00 XX DR L 0002 Rev. E received by the Local Planning Authority on 9th January 2017

External works planting plan (sheet 1) ref. OX ASL 00 XX DR L 0003 Rev. F received by the Local Planning Authority on 7th February 2017

External works planting plan (sheet 2) ref. OX ASL 00 XX DR L 0004 Rev. D received by the Local Planning Authority on 9th January 2017

External works planting schedule ref. OX ASL 00 XX DR L 0005 Rev. C received by the Local Planning Authority on 9th January 2017

External works typical sections sheet 1 ref. OX ASL 00 XX DR L 0006 Rev. C received by the Local Planning Authority on 9th January 2017

External works typical sections sheet 2 ref. OX ASL 00 XX DR L 0007 Rev. B received by the Local Planning Authority on 5th October 2016

External works cycle parking ref. OX ASL 00 XX DR L 0008 Rev. B received by the Local Planning Authority on 5th October 2016

External works pedestrian route through main car park ref. OX ASL 00 XX DR L 0009 Rev. B received by the Local Planning Authority on 25th January 2017

Crossing detail ref. UOG-ARP-00-XX-DR-C-1500 Issue 01 received by the Local Planning Authority on 5th October 2016 in respect of the signs and road surface lining

Sightlines to sustrans crossing ref. OX ASL 00 XX DR L 0019 Rev. A received by the Local Planning Authority on 7th February 2017 in respect of the visibility splays

External works. Ornamental planting plan ref. OX ASL 00 XX DR L 0014 Rev. B received by the Local Planning Authority on 7th February 2017

except where otherwise required by conditions of this approval.

Reason

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

Amended Condition regarding the visibility splay:

Prior to the proposed access road crossing National Cycle Route 41 being brought into use the emerging and forward visibility splays as shown on drawing OX_AS_L_00_XX_DR_L_0019 Rev A shall be provided and shall be kept clear of any obstruction and thereafter maintained so as to provide clear visibility between 0.26m and 2.0m above the adjacent carriageway level.

Reason

To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for

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all people that minimises the conflict between traffic, cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Full condition wording to control the car park lighting:

The light fixtures within the car park shown on plan ref D11-10749 Rev C shall not be brought into use until a strategy for their use has been submitted to and approved in writing by the Local Planning Authority. This strategy shall demonstrate an operational mechanism to ensure a reduced light emission after 2200hours and before 0700hours on any day (other than where a motion sensor type system is employed to provide a limited time period of heightened illumination for persons utilising the car park). The light fixtures within the car park shown on plan ref D11-10749 Rev C shall be operated only in accordance with the approved strategy.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Additional condition to secure details of the substation

The substation compound situated to the north of the public footpath shall only be constructed in accordance with precise details of its appearance shown in layout and elevation on scaled plans that have been submitted to and approved in writing by the Local Planning Authority.

Reason

To secure precise details and ensure that the design and appearance of supporting infrastructure is appropriate to the context in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the NPPF and Policy BE.7 of the Second Deposit City of Gloucester Local Plan 2002.

99. BARBICAN CAR PARK, LADYBELLEGATE STREET - 16/01525/FUL

The Principal Planning Officer presented his report which detailed an application for the re-development of the site for the construction of Phase 1 students' residences accommodation of 295 bedrooms, comprising studio flats, cluster flats and town houses, through the erection of new buildings and related/ancillary facilities, services and amenities, with associated works comprising access (including new pedestrian route from Ladybellegate Street to Barbican Road/Way), parking, hard and soft landscaping, public realm works, together with the creation and provision of temporary surface level car parking facility at Barbican car Park, Ladybellegate Street.

He drew Members' attention to the revisions to proposed conditions contained in the late material.

Mr Hilton McCarthy, Development Director of Cityheart Limited, addressed the Committee in support of the application.

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Mr McCarthy stated that the proposed development was on a key strategic site which would help stimulate the City economy and support the University's ambitions for growth.

He noted that the application was a result of collaboration and designed to respect the historic setting and the Conservation Area. He stated that the site was constrained by its setting and the surrounding archaeology and the proposals would not have an adverse impact.

He believed that the accommodation would attract students to Gloucester and would be controlled through tenancy agreements.

He believed that the site would act as a catalyst for economic regeneration and Phase 2 would deliver a further two hundred units of student accommodation built over the car park.

Councillor Dee noted that Barbican Road was the only comparatively level pedestrian route between the Docks and the City centre.

Councillor Lugg supported the application and asked if the Police had been consulted regarding the proposed pedestrianisation of the end of Barbican Road. The Highways Officer stated that the police had not yet been consulted although they would be if a Traffic Order was required. He noted that should the police require access this could be accommodated.

Councillor Morgan welcomed the scheme but believed the proposed design for Block A, the block nearest Commercial Road, was appalling.

Councillor Toleman expressed concern at the loss of public car parking. He was advised that the current public car park had only been intended as a temporary use as it was situated in a Conservation Area. He was advised that the University strategy required students to park at least three kilometres away.

Councillor D. Brown was advised that relocation of the coach drop off point would result in the loss of a couple of on-street parking places. He enquired about the right of way for National Cycle Route 41 and was advised that the details had not been finalised but national guidance stated that pedestrians and cyclists should have priority. This was the aim but the Highways Officer was unable to make a commitment at the present time.

The Vice Chair believed that Block A was similar to other buildings on Commercial Road and a great improvement over the existing use. He believed that the proposals mirrored the historic architecture of the Docks with an inner city look and provided a fantastic linkage between the Docks and the City Centre.

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

Time limit
Condition 1

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

Reason

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

Plans

Condition 2

The development hereby permitted shall be carried out in accordance with the following approved drawings received on 3rd December 2016

1. Location Plan Drawing no : 3348-FBA-00-00DR-A-05_10-11 P1.1
2. Proposed Site Plan Drawing No: 3348-FBA-00-XX-DR-A-05_10-00 P1.1
3. Block A Level 0 and 1 Plan Drawing no: 3348-FBA-A-XX-DR-A-00_10-000 P1.1
4. Block B Level 0 and 1 Plan Drawing no: 3348-FBA-B-XX-DR-A-00_10-000 P1.1
5. Block B Level 2 and 3 Plan Drawing no: 3348-FBA-B-XX-DR-A-00_10-100 P1.1
6. Circulation Strategy and Site Security Drawing no. N554-ONE-00-XX-SK-L-1002 Rev P01
7. Proposed Masterplan Drawing no. 3348-FBA- 00-XX-DR-A-O5_10-00P1.1

And in accordance with the following approved drawings received on 23rd January 2017

8. Proposed Site Section Drawings no: 3348-FBA-00-XX-DR-A-05_10-16 P1.2
9. Proposed Site Section Drawings no: 3348-FBA-00-XX-DR-A-05_10-17 P1.2
10. Block A Level 2 and 3 Plan Drawing no: 3348-FBA-A-XX-DR-A-00_10-100 P1.2
11. Block A Level Roof Plan Drawing no: 3348-FBA-A-XX-DR-A-00_10-200 P1.2
12. Block A Sections A Drawing no: 3348-FBA-A-XX-DR-A-00_10-01 P1.2
13. Block A Elevations Drawing no: 3348-FBA-A-XX-DR-A-00_10-51 P1.2
14. Block B Level 4 and Roof Plan Drawing no: 3348-FBA-B-XX-DR-A-00_10-200 P1.2
15. Block B Sections Drawing no: 3348-FBA-B-XX-DR-A-00_10-01 P1.2
16. Block B Elevations Drawing no: 3348-FBA-B-XX-DR-A-00_10-51 P1.2
17. Hard and Soft Landscaping Arrangement Drawing no. N554-ONE-00-XX-DR-L-1001 Rev P02
18. Block C Level 0 & 1 Plan 3348-FBA-C-XX-DR-A-00_10-000 P1.1
19. Block C Level 2 & 3 Plan 3348-FBA-C-XX-DR-A-00_10-100 P1.2
20. Block C Level Roof Plan 3348-FBA-C-XX-DR-A-00_10-200 P1.2
21. Block C Sections 3348-FBA-C-XX-DR-A-00_10-01 P1.1 P1.2
22. Block C Elevations 3348-FBA-C-XX-DR-A-00_10-51 P1.2
23. Block D Plans 3348-FBA-D-XX-DR-A-00_10-000 P1.2
24. Block D Sections 3348-FBA-D-XX-DR-A-00_10-01 P1.2
25. Block D Elevations 3348-FBA-D-XX-DR-A-00_10-51 P1.2

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26. Block E Plans, Sections & Elevations 3348-FBA-E-XX-DR-A-00_10-000
P1.1

And in accordance with the following approved documents received on 18th January 2017

1. Arboricultural Impact Assessment
2. Noise Assessment Report
3. Flood Risk Assessment
4. Ecological Appraisal
5. University of Gloucester Management Plan
6. Habitat Regulations Assessment

Reason

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

Archaeology

Condition 3

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 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 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit).

Condition 4

No development shall commence until a methodology for public outreach and engagement has been submitted by the applicant and approved in writing by the Local Planning Authority. Outreach and engagement works shall only take place in accordance with the approved methodology.'

Reason: To make evidence on heritage assets lost (wholly or in part) by the development publicly available in accordance with paragraph 141 of the National Planning Policy Framework.

Condition 5

No development shall commence until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

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The site may contain significant heritage assets. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 141 of the NPPF.

Condition 6

No development shall commence until a detailed methodology for all groundworks on site has been submitted by the applicant and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved methodology.

Reason

The site contains significant heritage assets. The Council requires that disturbance or damage by groundworks and landscaping is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 141 of the NPPF.

Environmental Protection

Condition 7

No demolition or construction works shall be carried out outside the following hours:

Monday to Friday – 0800 to 1800 hours

Saturday – 0800 to 1300 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

Reason

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

Condition 8

No burning of materials/substances during construction phase - No materials or substances shall be burnt within the application site during the construction phase.

Reason

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

Condition 9

The proposed development hereby permitted shall be designed and built in accordance with the summary and conclusions of the submitted noise report received on 3rd December 2016

Reason

To protect the residential amenities of the future occupiers of the properties in accordance with policy H4 of the Second Deposit City of Gloucester Local Plan (2002)

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Condition 10

No construction of the proposed student blocks A, B,C and D shall take place on site until details of a noise attenuation scheme to suppress the noise from the neighbouring electricity substation has been first submitted to and approved in writing by the Local Planning Authority. The use approved hereby approved shall not commence on site unless the noise attenuation scheme has been implemented in accordance with the approved details and it shall be retained as such at all times.

Reason

To safeguard the amenity of the student occupiers in accordance with Policy BE21 of the Second Deposit City of Gloucester Local Plan (2002)

Condition 11

The site shall be managed at all times in accordance with the University of Gloucestershire Operational Management Plan Version Number 2, unless otherwise agreed in writing with the LPA, and an agreed updated version of the Operational Management Plan be implemented

Reason

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

Condition 12

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 a suitable construction vehicle access;
- III. provide for the parking of vehicles of site operatives and visitors;
- IV. provide for the loading and unloading of plant and materials;
- V. provide for the storage of plant and materials used in constructing the development;
- VI. provide for wheel washing facilities;
- VII. specify the intended hours of construction operations;
- VIII. provide measures to control the emission of dust and dirt during the demolition and construction phases from ground works, haul roads, stockpiles and material handling/removal;
- IX. provide details of light from security compounds;
- X. provide for the storage of waste.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and to safeguard residential amenity and prevent pollution in accordance with policies TR.31 and BE.21 of the Second Deposit City of Gloucester Local Plan.

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Highways

Condition 13

The proposed car park access shall not be brought in to use until a scheme to restrict the vehicle use of Barbican Road and provide safe pedestrian and cyclist movement at the car park access has been completed in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that safe and suitable access to the site would be provided and to prioritise pedestrian and cycle movements in accordance with paragraphs 32 and 35 of the National Planning Policy Framework

Condition 14

The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which all of the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled or other reasonable exceptions to be specified) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the Local Planning Authority and the study bedrooms shall only be let on tenancies which include that clause.

Reason

In accordance with the applicants' stated position and to ensure that the development does not generate a level of vehicular parking that would be prejudicial to highway safety, in accordance with Policy TR.31 of the 2002 Second Deposit City of Gloucester Local Plan, Policies INF1 and INF2 of the Joint Core Strategy Pre-Submission Document 2014 and the NPPF.

Condition 15

Prior to the development being brought in to use a pedestrian crossing facility on Ladybellegate street shall be provided in accordance with details which have been previously submitted to and agreed in writing by the Local Planning Authority. The facility shall thereafter be retained in accordance with the approved details

Reason

To ensure safe pedestrian access and opportunities for sustainable transport in accordance with paragraph 32 of the National Planning Policy Framework

Condition 16

Prior to the development being brought into use or opened to the public, the proposed pedestrian street and associated infrastructure shall be completed in accordance with submitted drawing 3348-FBA-XX-DR-A-05-10.00P1.1

Reason

To ensure a safe and secure layout for pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework

Condition 17

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Prior to the buildings hereby being brought in to use the vehicle access and egress from Commercial Road and Ladybellegate Street respectively shall be completed in accordance with the approved details and shall remain in use for the duration of the development

Reason

To ensure a safe and secure layout for vehicle movements in accordance with paragraphs 32 of the National Planning Policy Framework and Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 18

The development hereby approved shall not be occupied until the covered bicycle storage has been provided in accordance with 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 19

No work shall start on the construction of buildings until details and a programme of implementation for the external access platform to be positioned at the eastern end of the pedestrian street adjacent to Ladybellegate Street have been submitted to and approved in writing by the Local Planning Authority. The external access platform shall be installed in accordance with the approved details and programme of implementation and thereafter retained in good working order.

To ensure a safe and accessible route for pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework "

Condition 20

No occupation of the student accommodation shall take place until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Green

Travel Plan shall incorporate the following:

- A.** Objectives and targets for reducing private car use
- B.** Measures to promote sustainable transports
- C.** Mechanisms for monitoring and review
- D.** Appointment and funding of a travel plan coordinator,
- E.** Means of funding of the travel plan, and;
- F.** Implementation timetable including the responsible body for each action

The approved travel plan shall be implemented in accordance with the approved details and implementation timetable.

Reason

To promote sustainable travel patterns, having regard to Policy TR.1 of the Gloucester Local Plan, Second Stage Deposit 2002.

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Condition 21

The pedestrian street shown on the approved drawings shall remain open to the public at all times.

Reason

To ensure good pedestrian access in accordance with paragraph 32 of the National Planning Policy Framework

Materials

Condition 22

No construction shall take place or external surfacing materials installed until details or samples of all materials to be used for built structures, landscaping and the public realm have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

Condition 23

Notwithstanding the approved drawings, no work shall start on the construction of buildings until details of the following shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:-

- A. Scaled drawings at 1:10 for window recesses, brick and panel details
- B. Scaled drawings at 1:5 or 1:10 for boundary wall and railings
- C. Scaled drawings for parapet and gable details
- D. Scaled drawings and details for the installation of rainwater goods
- E. Details of ventilation flues and grills
- F. Details of safety measures for roof access
- G. Details of seagull prevention
- H. Details of meter boxes and external cabling
- I. Parapet and gable finishing details

Reason

To ensure the satisfactory appearance of the development in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 24

Prior to the commencement of development (with the exclusion of groundworks), a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the buildings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

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In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with policy BE.1 of the Second Deposit City of Gloucester Local Plan (2002).

Landscaping

Condition 25

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site until a hard and soft landscaping scheme, to include tree planting along the Barbican Road boundary, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting of all new trees and shrubs and a programme of implementation.

Reason

In the interests of the character and appearance of the area, having regard to Policy BE.12 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 26

Prior to first occupation of the development, a site management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including the pedestrian street and access lift, shall be submitted to and approved in writing by the local planning authority . The site management plan shall be carried out as approved.

Reason

In the interests of visual and residential amenity in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 27

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of implementation. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in 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 defects period.

Reason

In order to protect the visual amenities of the area in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Drainage

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Condition 28

No development shall commence on site until a detailed design for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The on-site attenuation shall be designed using a 40% uplift on rainfall to allow for climate change. If an alternative surface water drainage strategy is required, it must be re-submitted to and approved by the Local Planning Authority before development commences. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding, and to accord with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 29

No part of the development hereby approved shall be occupied/put in to use until a scheme for the maintenance of all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation. The approved SuDS maintenance scheme shall be carried out in accordance with the approved details.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid the increase of flood risk to the site and elsewhere.

Condition 30

Prior to the commencement of the development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the buildings hereby permitted.

Reason

In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 31

Details of any floodlighting /external lighting proposed to illuminate the development, shall be submitted to and approved in writing by the local planning authority before 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 safeguard local amenities in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002).

Waste Management

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Condition 32

Prior to the occupation of the buildings the refuse recycling and storage provision as shown on the approved plan shall be implemented and thereafter retained for the life of the development

Reason

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

Condition 33

Prior to the construction of the development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be in place for the duration of the construction of the management plan.

Reason:

For the minimisation of waste and to accord with Policy SD4 of the Joint Core Strategy version 2104

Contaminated Land

Condition 34

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

Reason

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

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Condition 35

A. Site Characterisation

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

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

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

Reason

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

Condition 36

B. Submission of Remediation Scheme

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

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The scheme must accord with the provisions of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

Condition 37

C. Implementation of Approved Remediation Scheme

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

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

Reason

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

Condition 38

D. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

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approval in writing of the Local Planning Authority in accordance with part C.

Reason

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

Condition 39

E. Long Term Monitoring and Maintenance

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

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

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

Reason

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

Ecology

Condition 40

Prior to first occupation of the development, details shall be submitted providing the specification and location for bird and bat boxes. The boxes shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.

Reason

To secure biodiversity mitigation and enhancement in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Note 1

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Guidance on SUDS can be found in the Council's Adopted Supplementary Planning Guidance (SPG) 2001 and Ciria Document C696.

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100. DELEGATED DECISIONS

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

RESOLVED that the schedule be noted.

101. DATE OF NEXT MEETING

Tuesday, 7th March 2017 at 6.00pm.

Time of commencement: 6.00 pm

Time of conclusion: 8.30 pm

Chair

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Meeting:	Planning Committee	Date:	7 March 2017
Subject:	17/00037/TPO - Application to remove a protected perry pear tree at 37 Kestrel Gardens, Quedgeley, GL2 4NR		
Report Of:	Cabinet Member for Housing and Planning		
Wards Affected:			
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Justin Hobbs, Tree Officer		
	Email: justin.hobbs@gloucester.gov.uk	Tel: 396987	
Appendices:	1. Application form 2. Site plan 3. Photograph of the tree (summer) 4. Photograph of tree (winter) 5 – 7 – Responses in support of (1) and objecting to (2) the application.		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To consider an application to fell a protected pear tree at 37 Kestrel Gardens.

2.0 Recommendations

2.1 Planning Committee is asked to **RESOLVE** that

(1) The application to fell the protected pear tree is **REFUSED**.

3.0 Background and Key Issues

3.1 An application to fell a mature perry pear tree, protected by a Tree Preservation Order (TPO) at 37 Kestrel Gardens was received 18 January 2017 (refer to appendix 1). Refer to appendix 2 for a site location plan. Refer to appendices 3 & 4 for photographs of the tree.

3.2 The tree subject to this application is protected by Tree Preservation Order (TPO) No 71 (Green Farm, Quedgeley), made 1995. The tree is listed as T10 on the schedule of the TPO.

3.3 The reasoning for the works were stated on the application for as:

“A very large Perry Pear tree is situated in our front lawn directly in front of our property. The tree over the past 10 years has been losing quite a few substantial size branches due to dead wood and shear weight of fruit that is produced every October. I have 2 small children that play regularly outside, and there are lots of other children that also play outside and under the tree. I feel that the tree poses some danger, particularly when it's bearing fruit. It also causes considerable light loss to our lounge and bedroom. As fruit is falling, it falls onto the main road which runs in front of our house. This causes the surface to become very slippery, we have an elderly couple living 2 doors from us that need access on foot and I'm worried that someone could slip and injure themselves.

I would like to propose that this tree should be removed, I am happy to plant a much smaller tree that can be managed and maintained, unlike the current tree.”

3.4 Public consultation has resulted in three written responses: one in favour of removal and two objecting to removal. Refer to appendices 5 – 7 for responses.

3.5 Your tree officer inspected the tree in light of the application and the reasoning put forward in the application on 22 February 2017.

3.6 The tree is a mature perry pear in overall reasonable to good physiological and structural condition. No significant defects such as large amounts of dead wood, large cavities, fungal fruiting bodies, exposed roots, damaged or decayed branches, or major dieback was evident. The growth vigour on the tree is low but this is to be expected of a tree of this type and age. Whilst no tree can be deemed 100% 'safe' it is your tree officers opinion that the tree does not presently pose a serious health and safety risk.

3.7 The tree is approximately 10m high with a canopy spread of 4 to 6 metres all round. The tree has a fairly open canopy which, at its closest, is approximately 4 metres from the house. The tree is deciduous. The tree has reached its fully mature size and spread. It is your officers' opinion therefore that light loss to the house is not considerable.

3.8 The tree will drop fruit in the autumn. The canopy does not extend over the quiet cul de sac road to any significant degree thus fruit fall here will be minimal. Fruit fall can perhaps be seen as a seasonal inconvenience but it is your officer's opinion that this does not pose a serious health and safety hazard justifying the removal of this tree.

3.9 The tree once formed part of an orchard on land known as Green Farm prior to housing development in the late 1990's. Many of the trees were protected and retained in the adjacent open space (now known as Green Farm Orchard), with at least three trees being retained and incorporated into the housing development. The tree is therefore a link to the past land use in the area, it is an uncommon tree, it will have conservation value, and judging from the responses in favour of retaining the tree, it has public amenity value.

4.0 Asset Based Community Development (ABCD) Considerations

4.1 N/A

5.0 Alternative Options Considered.

5.1 Other than the application to remove the tree, no other options such as pruning, appear to have been considered. It is your officers' opinion that an application to undertake limited pruning would be looked upon favourably.

6.0 Reasons for Recommendations

6.1 As discussed in paras 3.6 – 3.9, inspection indicates the tree is not presently dangerous, it does not block light out to the property by a considerable amount, falling fruit is not a serious health and safety hazard, and the tree is of historic, conservation and public amenity value.

7.0 Future Work and Conclusions

7.1 If the Committee refuse the application, the applicant can appeal to the Planning Inspectorate. This process can take up to 4 months.

8.0 Financial Implications

8.1 There are no Financial Implications.

9.0 Legal Implications

9.1 The Tree Preservation Order makes provision for applications to be made for consent to carry out work to or fell any of the trees protected by the Order.

9.2 If the Council decides to grant consent it may, where it considers appropriate, impose conditions.

9.3 If the Council decides to refuse consent it must give clear reason why it has done so.

9.4 The applicant has a right of appeal (to the planning Inspectorate) against any refusal of consent or imposition of conditions.

9.5 In considering applications the LPA are advised:

- (1) To assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) In light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 N/A

11.0 People Impact Assessment (PIA):

11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

12.1

Sustainability

12.2

Staffing & Trade Union

| 12.3 N/
A

Background Documents: None



Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

Country:

Postcode:

Telephone number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

No Agent details were submitted for this application

3. Trees Location

Please provide the address of the site where the tree(s) stands (full address if possible):

House: Suffix:

House name:

Street address:

Town/City:

Postcode:

Description:

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Easting:

Northing:

4. Trees Ownership

Is the applicant the owner of the tree(s)?

Yes No

5. What Are You Applying For?

Are you seeking consent for works to a tree(s) subject to a TPO?

Yes No

Are you wishing to carry out works to tree(s) in a conservation area?

Yes No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s) enter its title or number below

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

A very large Perry Pear tree is situated in our front lawn directly in front of our property. The tree over the past 10 years has been losing quite a few substantial size branches due to dead wood and shear weight of fruit that is produced every October. I have 2 small children that play regularly outside, and there are lots of other children that also play outside and under the tree. I feel that the tree poses some danger, particularly when it's bearing fruit. It also causes considerable light loss to our lounge and bedroom. As fruit is falling, it falls onto the main road which runs in front of our house. This causes the surface to become very slippery, we have an elderly couple living 2 doors from us that need access on foot and I'm worried that someone could slip and injure themselves.

I would like to propose that this tree should be removed, I am happy to plant a much smaller tree that can be managed and maintained, unlike the current tree.

8. Trees - Additional Information

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall:

If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Yes No

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives.

If YES, you are required to provide for:

Yes No

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing additional information in support of your application?

Yes No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application:

9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

10. Trees - Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date

12/01/2017

17/00037/TPO

Planning Committee March 2017

Appendix 2 – Site Location Plan







Gloucester City Council
Development Control
Herbert Warehouse
The Docks
GL1 2EQ

John Bigland
39 Kestrel Gardens
Quedgeley
Gloucester
GL2 4NR

26th January 2017

Fruit Tree Outside 37 Kestrel Gardens and mine.

Your ref: 17/00037/TPo

Dear Sirs

The tree in question is not in it's correct setting. The part of the estate surrounding the tree has been built in a historic orchard. The tree is out place. I know that numerous other trees were removed when Wimpey built the estate, why not this one? The tree produces a lot of growth in the form of leaves and fruit which gets thrown away during the seasons. A large percentage falls onto my garden and I have to spend hours in total clearing it up. It's dirty!

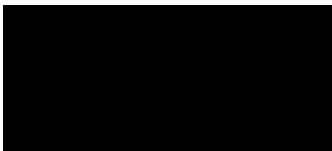
Can I invoice the Council for the inconvenience and the time as it is belongs to the Council and time is time? I will!

The tree is lovely but I will not support the work involved in clearing up any more.

Another concern I have is that the roots seem to be causing eruptions on the road and might be too close to my properties foundation.

Yours sincerely


John Bigland.



12 February 2017

>>

>> Dear Sirs,

>>

>> Your ref: 17/0003/TPO

>>

>> We are writing to object to the felling of the Perry pear tree in our neighbours front garden. Although we did not receive notice of this application from yourselves, we have been made aware of it. We are extremely disappointed that notice was not sent to ourselves as we directly overlook the tree.

>> The reasons for our objection are numerous. There is a similar tree in our immediate neighbours back garden (at number 23) and I understand that several years ago a similar application was made for the removal of this, which was refused. The trees on the original Wimpey Hedgerows estate are all protected by Tree Preservation Order, and are part of the reason we bought this house. I have personally lived in my property for 17 years and feel the tree is an important part of the history of the estate, retaining the integrity of what was the old Green Farm. The tree also forms part of the nearby Perry pear orchard which we understand is the oldest surviving orchard in Gloucestershire, and possibly the UK. The tree provides shelter and food for numerous kinds of protected wildlife, and provides endless enjoyment watching the birds, squirrels, foxes and other creatures that habit near to, or in it.

>> Mr Howe states the tree is next to a main road. This is not true. The roadway immediately adjacent is privately owned by the properties bordering it. The elderly neighbours he refers to now rarely leave their home, as they are both in their 90's, and well known to us. They certainly have not walked past the tree recently, and only pass in a car.

>> In the 17 years of living here I can only ever remember the tree losing one branch, in extremely high winds. Perhaps if Mr Howe took steps to have the tree professionally maintained, which we believe he never has, he could manage his expectations better.

>> I agree the falling pears can be an issue, but as stated above we have similar issues with our neighbours tree and manage to collect and dispose of any waste, for the approximate 3-4 weeks of the year this happens, without any issues.

>> Felling of the tree would cause ground heave of all nearby properties, also including the adopted highway at the front of our home, and the above mentioned private road, and to underground services. I doubt Mr Howe will be happy to incur the cost of repair or remedial work caused by the felling of the tree in his property.

>> Finally, the tree was here before Mr Howe bought his house, and before he had his children, and he would have been aware of any issues, as I was when I purchased our property in 2000. Any decision made by yourselves will set a precedent for future applications, and could be devastating for our local environment.

Yours faithfully,

Susannah Smith and Sean Butler.

>>

>> Sent from my iPad

Your Ref: 17/00037/TPO

I would like to raise an objection to the request to remove the tree situated on the above property. My reasons are many which I will outline below.

Unlike the applicants, I have lived in the property since it was built from new in 1997. One of the main factors in me choosing to buy my house, was the location in which it was situated and the outlook provided, the tree in question, being very much an important part of this. I also took reassurance in that the tree was protected, so that it could continue to provide a lovely outlook and enjoyment for those living in the area.

We were made aware when buying the house that various trees had been cut down in building the estate and that the area held an historic importance, being the oldest surviving orchard in Gloucester. I feel strongly then to remove any more trees in this area would be at a great detriment to this history, which should be protected.

The tree was in place prior to any building works and the developers would have taken this into their consideration when building all the local houses. The developers gave me this assurance, prior to me deciding to purchase my home.

The tree was also in place prior to the applicants buying the property, and has not grown greatly since this date. The applicants would have been made fully aware at the time of their purchase of the tree's status and I feel it was their choice to proceed to buy the property. They still decided to go ahead with their purchase knowing the tree was there & had to stay. I feel this is an extremely important part in the consideration of this request.

I did not feel it would be fair to chop down such a lovely testament to the area, just because the fruit & leaves cause extra work for the occupants. I too am also right by other trees in the orchard & regularly have to do the same. I feel this is a small price to pay for living in such a beautiful part of Quedegely. Any property comes with its fair share of maintenance which we all do, to keep the area in which we live in a pleasure to be around.

Saying the tree has lost quite a few substantial branches is just not true. In the whole time I have lived here I have ever only known one branch to fall down and that was during a heavy storm period, in which many fences, trees and roofs suffered storm damage. I actually lost some roof tiles personally during this storm.

Another piece of inaccurate information is regards the elderly neighbours that live in our close. I am very good friends with the people in question, and do a lot to help support them, so they can continue to live in their home. It's true that many years ago they would go for an afternoon walk after their lunch but due to their health they have not done this for some considerable years. Mr is housebound & Mrs only ever goes out by car - either with me or another relative & occasionally drives herself. I can categorically state this tree poses no risk to them whatsoever.

The tree is not on a main road but at the junction leading into a cul de sac where 7 properties are situated. It is not a through road, does not have a heavy volume of traffic, and poses no risk to any of the houses in that area.

While children play in our area, other than the applicants children, I have rarely seen other children playing under the tree, as it is situated on the applicants property & children do not venture there, unless invited. Again, I also in the entire time I have lived in the property, have never known any child to have been injured as a result of this tree being there.

The tree is in good health, as is apparent by the amount of fruit it can produce. We have various protected wildlife in our area & the tree provides them with a valuable food source, which needs to be maintained.

As the builders took into account the tree and its roots when building the property and its foundations, I would also be concerned about the risk of Heave, should the tree be removed. I feel this a very real risk & would not hesitate in taking further action, if my property were then to suffer this damage, if the tree was removed. If so, I would then also strongly consider if the council had been negligent in letting the tree be removed in the first place.

Any decision made here i feel could also have a bearing on any other applications made in the local area & as this has the potential to bring about a devastating result for the area & wildlife, feel consideration also has to be given to this important aspect.

Finally, I have also not known the applicants ever make a request or any attempt to maintain the tree, which based on everything in my e-mail, I would suggest would be a much better way forward.

Regards

Tracey Pitcher

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7 MARCH 2017**

ADDRESS/LOCATION : **Quayside and Blackfriars Area, Including the Area to the North West of the Magistrates Court and Police Station (Quayside) and Land South East of the Magistrates Court up to Ladybellegate Street (Blackfriars).**

APPLICATION NO. & WARD : **16/01510/LDO
WESTGATE**

APPLICANT : **GLOUCESTERSHIRE COUNTY COUNCIL**

PROPOSAL : **A Residential Led Draft Local Development Order that when adopted would grant planning permission for predominantly residential uses with other supporting uses and car parking, and that includes an Environmental Statement**

REPORT BY : **RON MOSS**

NO. OF APPENDICES : **SITE PLAN**

1.0 Purpose of Report

This report provides the background information and justification for a Residential Led Draft Local Development Order that when adopted would grant planning permission for predominantly residential uses with other supporting uses and car parking. It seeks for the Planning committee to resolve to adopt this Local Development Order (LDO).

The full set of documentation for the LDO can be viewed via the following link.

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

The two key documents are:-

- Draft Local Development Order and Statement of Reasons
- Draft Design Guide

The Environmental Statement Non-Technical summary then provides a short clear summary of the Environmental Statement

2.0 Recommendations

That the Planning Committee resolve to adopt this Local Development Order.

3.0 Site Location and Context

- 3.1 The site comprises approximately 2.9 hectares of land across Quayside in the western part of the site and Blackfriars in the south eastern part of the site. It is entirely within an area bounded by Quay Street, Bearland/Longsmith Street to the north, Ladybellegate Street to the east, Commercial Road to the south and The Quay to the west, although it excludes the Gloucester Prison in the south east part of the site, as well as buildings fronting on to Bearland/Longsmith Street. Gloucester City Centre is less than 200 m to the east.
- 3.2 The Quayside area is adjacent to the River Severn to the west and bound by the A4301. To the north Quay Street, is lined with four and five -storey residential flats and offices with associated car parking, the seven-storey Shire Hall complex and a bus garage. The south is bounded by Barrack Square and Barbican Way with the former prison located beyond. To the east is the western edge of the Blackfriars area.
- 3.3 The Blackfriars area is situated south east of the Quayside area. The Planning Committee in February 2017 permitted a proposal for student

accommodation and parking on this part of the site. The area is bound to the west by Barbican Road with the former prison beyond. The north of the area comprises predominantly three -storey offices along Longsmith Street including the old fire station which has now been converted to a four - storey office development. The south is bound by Commercial Road and the substation along Commercial Street. The east is bound by Ladybellegate Street which is lined by predominantly three- storey residential properties and offices.

- 3.4 The site is wholly situated within the Barbican Conservation Area. The City Centre Conservation Area borders the site to the north- east, divided from the Barbican by Quay Street. The Docks Conservation Area lies to the south of the site, on the south side of Commercial Road. There are no statutory listed buildings within the site itself, however the Quayside area contains two undesignated heritage assets in the form of the county garage dating from 1852 – 1872 and the art deco The Ship public house dating from 1938.
- 3.5 The site is however surrounded by a number of listed buildings. It is adjacent to the Former HMP Gloucester which consists of numerous designated heritage assets including a Governors House, Debtors Prison, Outer Gatehouse and perimeter brick walls which are all Grade 2 listed, together with the Central Cell Block and Chapel, which are Grade 2 *. To the east of the Blackfriars section of the site then lies the listed buildings associated with the Blackfriars Scheduled Monument, including the Grade 1 Listed Blackfriars Church, and the Grade 2* listed 13,15 and 17 Ladybellegate Street. The Grade 1 listed Ladybellegate House is then located to the north east of the site, while to the north lies the Grade 2 * Bearland House.
- 3.6 Interspersed between these historic buildings are more modern buildings. To the north and the north west are the 7 storey Shire Hall building, the telephone exchange building and a multi storey car park.
- 3.7 With regard to below surface matters there is underground archaeology within the Blackfriars area of the site, in the form of parts of the Glevum Roman Colonia Scheduled Monument, while in Quayside there are elements of the site in flood zones 2 and 3. Ground contamination affects a large element of the site, while electrical cabling is prevalent in the Blackfriars area linked to the previous uses.

4.0 Purpose of the Local Development Order

- 4.1 The purpose of an LDO is to accelerate delivery of development. Instead of waiting for the market to come forward with a proposal, they allow local authorities to initiate development activity by granting planning permission for the kind of development they would like to see come forward on the site. This

makes getting planning permission easier, less expensive and less risky for developers, while enabling the local authorities to get proposals to meet their own development priorities. They grant planning permission for the specific type of development detailed in the Local Development Order.

4.2 This area of Quayside and Blackfriars is very prominent in the city and sits between the already regenerated docks area and the city centre itself. Unfortunately, however it has struggled to attract development for many years. Both the City and County Councils recognise the importance of getting this key area regenerated to provide the high quality link between the docks and city centre, as well as to improve connections with the river at the Quay. A Quayside/Blackfriars regeneration board was therefore set up, incorporating members of both the City and County Councils, to look at how to improve and bring this area forward. Funding of £4.13 m was obtained via GFirst LEP for a number of projects here to include investigative works at the Fleece Hotel, highway improvements to the Quay, photovoltaics on the refurbished Shire Hall and archaeological investigation and ground contamination works. The Board also decided to seek to attract development here by using a Local Development Order to make it quicker and easier for development to take place. There is recognition also that success in regenerating this area would likely act as a catalyst for further development in the centre of Gloucester.

4.3 It is worth noting that whilst the recently approved student accommodation development on the Barbican site did not come through the LDO process, the scheme was able to utilise the assessments already undertaken as part of the preparation of the LDO, in particular with regard to archaeological investigations and ground contamination surveys. This enabled the developers to move quickly with their planning application without a time delay for undertaking surveys as well as allowing a clearer understanding and certainty of development costs (underground works by their very nature being hard to cost until extensive surveys have been undertaken.)

5.0 Legislation Governing the LDO process

5.1 Local Development Orders were first introduced with the Planning and Compulsory Purchase Act 2004 and allow local planning authorities to remove the need for planning permission for certain specified forms of development. The Planning Act 2008 then removed the requirement for LDO's to implement policies set out in adopted local development documents. Paragraph 199 of the National Planning Policy Framework recognises LDO's as a means of relaxing planning controls in appropriate areas, to promote economic, social or environmental gains, such as boosting enterprise. The role and process of an LDO in extending permitted development rights in a Local Planning Authority area is set out in the National Planning Policy Guidance (NPPG) (2014). The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act, as amended by section 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015.

6.0 The Local Development Order Process to Date

- 6.1 The decision to construct an LDO was approved by the Quayside Blackfriars Board on 16th December 2015. Stakeholder Groups including city and County council officers have been working with Peter Brett Associates and external consultees in preparing the order.
- 6.2 As with a standard planning application the LDO is also subject to the same need to be screened to check whether an Environmental Impact Assessment (EIA) is required. Under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 a screening opinion was undertaken as to whether the development fell within the threshold specified within schedule 2 of the Regulations. The Local Planning Authority gave its screening opinion in June 2016. The screening opinion concurred that the limited current information about the scheme coming forward in conjunction with the sensitivities of the scheduled monument on site, the site being in a conservation area and with a number of listed buildings bordering, that the development would require a full Environmental Impact Assessment (EIA) . A Scoping opinion was then undertaken to inform the EIA and the final EIA scoping report was then adopted by the Council as the EIA Scoping opinion in October 2016.
- 6.3 On 20th September 2016, a public consultation event was carried out at Greyfriars to seek the views of the public. Around 60 persons attended.
- 6.4 The draft LDO and the accompanying Environmental Statement went out to statutory consultation as required by Article 38 of the Development Management Procedural Order 2015 (as amended) on 27 November 2016.

7.0 The Local Development Order

The LDO grants planning permission for the specific uses detailed in the order. In this case, there has been the recognition of the priority for housing and therefore the focus has been on a residential led approach with student accommodation and dwellings being the primary accepted uses, supported by Class A1- Retail, Class A2 – Financial and Professional Services, Class A3 - Restaurants and Cafes, clinics, health centres, creches, day nurseries, day centres, non- residential education and training centres as well as gymnasiums.

- 7.1 The table below sets out these uses and whether they are acceptable at ground or higher level. As can be seen the intention is for the non-residential uses to be at ground floor to provide activity and vitality, and to compliment the residential uses.

Within the boundaries of the plan in Schedule 1, this draft LDO grants planning permission for development listed in the table below in the following Use Classes:	
At Basement:	
Use Class	Limitations
Car parking	
At ground floor level:	
Use Class	Limitations
A1 – Shops	New space not to exceed 300sq m (GIA)
A2 – Financial and Professional Services	
A3 – Restaurants and cafes	
C2 – Residential Institutions	
C3 – Dwelling Houses	
D1 – Non Residential Institutions.	All excluded except for clinics, health centres, crèches, day nurseries, day centres, non-residential education and training centres.
D2 - Assembly and leisure	All excluded except for gymnasiums.
Car park	Surface car park
Sui generis	Student accommodation only.
At first, second, third, fourth, fifth and sixth upper floor levels:	
Use Class	Limitations
C2 – Residential Institutions	Student accommodation only.
C3 – Dwelling Houses	
Car park	Decked car park
Sui generis	Student accommodation only.

7.2 The LDO is accompanied by a Design Guide that supports the parameters of the LDO. It gives key background and contextual information about the site and sets out principles with regard to the design of development within the LDO area. Its aim is to ensure that future development here will integrate as part of the city, while at the same time improving connections with the river at the Quay and the docks area itself. The overall aim is to ensure that development will revive this part of the city. The guide does not set down precise rules for development. Its role is purely to provide guidance within a

set of parameters. The design does however provide indicative layouts that have been viability tested to demonstrate potential solutions to developing out the area, subject to all constraints being met.

7.3 The Design Guide relays a set of sense of place principles. It recognises that Gloucester is historically connected to the water and its past and seeks to create clear legible linkages from the River Severn and the Docks to the city centre, thereby allowing people easy access to and from the water front and the heart of the city. The Guide shows that the sense of place is also obtained through the historic fabric of the area, in particular the heritage buildings that can be found bordering the site. The distinctiveness of the two areas of Blackfriars and the Quayside is clearly highlighted in the guide and differing design approaches are shown for developing each area.

7.4 For the Blackfriars area the general design principles are the following:-

- a) Use development to provide a block which is enclosed by Longsmith Street to the north, Commercial Road to the south (both existing elevations), Ladybellegate Street to the east and Barbican Road to the west (much smaller lanes may divide the block but shouldn't usurp the primary larger block structure);
- b) Use development to repair both Ladybellegate Street and Barbican Road as the most recognisable routes North -South across the area by re-introducing the second side to each of these streets;
- c) Reflect the City's adjacent character of a continuous perimeter elevation which encloses private and service areas to the rear and creates an overlooking relationship with the street around the perimeter;
- d) The adjacent city context provides good precedent for varied roof forms and building heights

7.5 For the Quayside area the general design principles are the following :-

- a) Use development to provide a block which is enclosed by The Quay to the west, Quay street to the north, Barrack Square to the south and the re-created Castle Lane to the east;
- b) Around the perimeter of this primary block, development should respond in different ways to the 4 different adjacent conditions: The river front and Quayside, the prison and gatehouse, the council offices and carpark and the remnant of historic industrial character along Quay Street.

- c) Using this primary structure of existing streets and new block form, the legibility of the river front from the city and of the city from the waterfront should be enforced using building form and building heights. This will include carefully considering the form and massing of buildings to make use of existing catalogued views to important city landmarks, and to take the opportunity to create new views, which may utilise new buildings as landmarks;
- d) Where additional minor streets are used to divide the primary block form, these should not detract from the primary block form and the streets remain subservient in hierarchy to the surrounding perimeter streets. This includes reducing building heights within the block/along minor streets to preserve the primacy of existing perimeter streets.

7.6 The actual block principles for the Blackfriars area, which act as a clear guide for the development to shape position and heights are shown as follows :-

1) Maintain a continuous block perimeter:

- The building line should not vary at all at ground level along any elevations.
- Elevations should remain continuous with minimal gaps for entrances and access but the height variation and setbacks of upper storeys is encouraged in order to reflect the complex City roof scape.
- The primacy of Barbican Road and Ladybellegate Street should not be undermined by the division of the block with a lane east-west.

2) Using the topography:

- The level change between Ladybellegate Street and Barbican Road is approximately 5m with the majority of this change in existing ground level being achieved by a steep (approx 1:1) slope nearer to Ladybellegate Street.

3) Building Heights

- The proposal shows 'up to' maximum heights for the built form. This is predominantly up to 3, 4 and 5 storeys along the edges with a variety of lower heights in the middle to frame landmarks and help create views.

1

4. Architectural Composition

- Design of elevations should demonstrate how: roof form and eaves line variations strengthen the urban design framework; the use of vertical and horizontal variation

create an elevation suitable to its street, the use of setbacks at higher levels improve the relationship with the street; and, how materials are used intelligently to underpin all of the above and maintain the aspiration for high quality architecture which contributes to the character of the Blackfriars setting.

7.7 The block principles for the Quayside are then as follows:-

1. Respond to the different edges conditions:

- The waterfront as a primary frontage.
- Quay Street historic industrial character.
- South elevation and prison wall & gate.
- Easterly outlook towards Blackfriars

2. Maintain a continuous block perimeter

- The building line should only vary along the elevation by up to 2m maximum with minimum variation along the primary frontage of the Quay.
- Sub divisions of the block can create lanes which have a distinct enclosed character.
- Gaps between buildings around the perimeter should be minimised (including at junction to Lanes) to achieve a continuous building elevation.

3. Building Heights

- Up to a maximum of 3, 4, 5 and 6 storeys around the perimeter of the development, with a variety of lower heights in the centre to frame landmarks and help create views.

4. Flood Risk

- To create flood resilient development the finished floor level of plots is required to be 11.2m (300mm above that of the level of flood water (10.8m)). (All levels are AOD).
- Basement parking can be provided below this level but access should be located where flood water cannot flow into the basement.

5. Architectural Composition

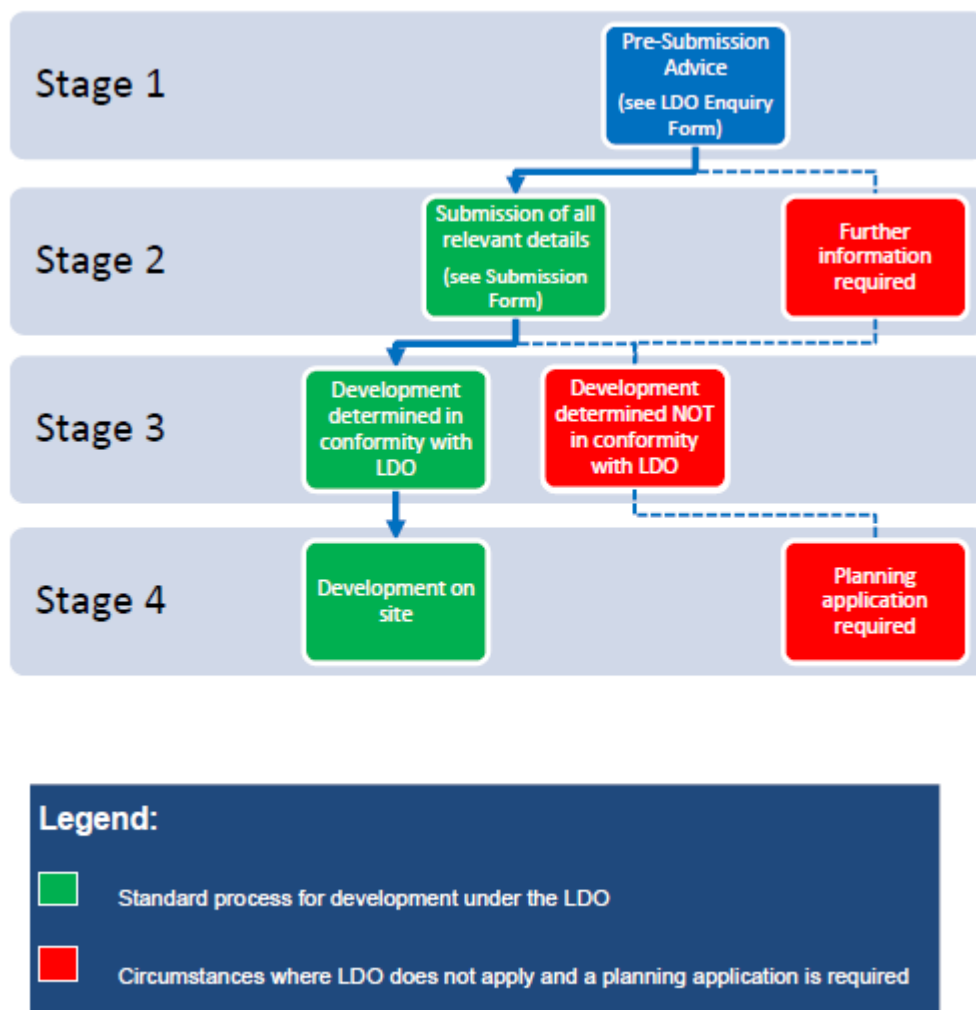
- Design of elevations should demonstrate how: roof form and eaves line variations strengthen the urban design framework; the use of vertical and horizontal variation create an elevation suitable to its street; the use of setbacks at higher levels improve the relationship with the street; and, how materials are used intelligently to underpin all of the above and maintain the aspiration for high quality architecture which contributes to the character of the Quayside setting.

7.8 Indicative layouts are in the draft design guide to show how the respective Quayside and Blackfriars areas could be developed. They have been subject to viability testing, however they would not be adopted as part of the LDO, due to fact that the LDO is setting parameters and not giving approval for specific schemes.

8.0 The LDO Process Post Adoption

8.1 Under Article 38 (11) of the Development Management Procedural Order 2015 should the Planning Committee chose to adopt the LDO, then a copy of the LDO and the Environmental Statement must be sent to the Secretary of State as soon as reasonably practical and no later than 28 days after the Local Planning Authority has adopted the Order. The Secretary of State has the power to intervene to revoke or direct a revision to the LDO.

8.2 Should the LDO be adopted and the Secretary of State decide not to intervene, the following diagram shows the LDO Conformity process from pre submission to decision.



8.3 Developers will be encouraged to seek early engagement with the Local Planning Authority (LPA) to consider conformity with the LDO and the implications of the specific requirements and conditions, in particular which conditions would relate to their proposal. It is also suggested that they engage at this stage with other key stake holders to address matters such as building control and highways. Early engagement with the Gloucester Design Review Panel will also give opportunity to get independent advice on the design of any submission and its performance when measured against best practice and the Design Guide.

8.4 The developer/applicant will then submit all the necessary information to the LPA, as specified in Schedule 3 of the LDO.

8.5 The LPA will provide a written response will provide a written response within 8 weeks or if the proposal is for Major Development, within 13 weeks, and in this response they will state whether :-

The proposed development is in conformity with the LDO; or

Adjustments are required to enable the development to be in conformity with the LDO;

Further information is required to enable the proposal to be in conformity with the LDO.

The proposed development is not in conformity with the LDO and therefore requires the submission of a planning application should the developer wish to proceed.

If further information is required to make an assessment or a decision cannot be reached be reached within the 8 or 13 week process, then the LPA will seek to agree a reasonable extension of time with the applicant/developer.

8.6 Members of the Planning Committee need to note that as part of the process technical consultees such as Transportation and Drainage along with external bodies such as Historic England and the Environment Agency will be consulted on the proposals to ensure their compliance with the LDO and the draft Design Guide. There will however be no further neighbour notification beyond that carried out as part of this current notification for this draft LDO. Furthermore, the submissions would be determined and signed off by the Development Manager.

8.7 Submissions that are deemed to be compliant will be given a Certificate of Compliance. The developer then finally needs to submit a Notice of Commencement form to inform the LPA that development is due to start on site. This should be done at least 14 days prior to the day of commencement and is to allow the LPA to monitor the site.

9.0 Fee for Submission

For fee paying purposes the submissions shall be treated in the same way as fees for a reserved matters following outline planning approval, under The Town and Country Planning (Fees for Applications, Deemed Applications , Requests and Site Visits) (England) Regulations 2012 as amended.

10.0 Lifetime of the LDO

10.1 The LDO and the terms within it will be active for a period of 10 years following the day of its adoption and will expire following the end of this period.

10.2 The LPA will review progress with the LDO on the fifth anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes in planning policy, market conditions and material considerations. At the end of the review the Council will determine whether to;

- Retain the LDO as it stands for the remaining 5 years of its life
 - Retain but revise some elements
 - Review the viability of the site in terms of quantum of development
 - Revoke and cancel the LDO
- 10.3 Proposed amendments to the Order following review by the LPA will be subject to the consultation procedures set out in the Town and Country Planning (Development management Procedure) (England) Order 2015 (or any order revoking and /or re-enacting that order with or without modification).
- 10.4 From the date of expiry of the Order no further operational development or change of use will be allowed, without express planning permission; unless it is a permitted change of use as prescribed by the Use Classes Order or in the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and /or re-enacting that order with or without modification).
- 10.5 Upon expiry of the Order, the LPA may either reintroduce the Order with or without revisions; or revoke the Order and return to the established planning system.

11.0 Control over Development

- 11.1 This LDO does not prevent applicants from applying for express planning permission for development that is not permitted by this Order.
- 11.2 The LDO does not grant planning permission for any developments other than those expressly listed in Schedule 2. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.
- 11.3 The LDO does not allow for changes of use between Use Classes, other than those that would otherwise be permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and / or re-enacting those orders with or without modification).
- 11.4 The LDO does not alter, restrict or vary in any way, permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and / or re-enacting those orders with or without modification).

- 11.5 Implementation of the LDO will be monitored over the 10 year period by the LPA to ensure development remains compliant with the conditions and other requirements.
- 11.6 If development is not carried out in accordance with the terms of the LDO and is unlawful, the Local Planning Authority can use the usual range of planning enforcement tools to ensure compliance or remedy any breaches of planning control.

12.0 Revocation of the LDO

- 12.1 The Council may exercise its powers to amend or withdraw the LDO (under Section 61A [6] of the Town and Country Planning Act 1990) if it is satisfied that the LDO has consistently failed to meet its objectives and it considered that amendments to the LDO would not overcome these; or that a material change in circumstance indicates that the LDO should be revoked, amended or revised.
- 12.2 Development that has commenced lawfully before the Order is revoked, amended or revised (as the case may be), may be completed notwithstanding that the effect of the revocation, amendment or revision is to withdraw permission for the same.

13.0 Consultations

- 13.1 The draft LDO and the accompanying Environmental Statement went out to statutory consultation as required by Article 38 of the Development Management Procedural Order 2015 (as amended) on 27 November 2016. The following comments were received.

- 13.2 Highway Authority

The site is located adjacent to Gloucester City centre and is sited within a controlled parking zone, with numerous traffic regulations orders including parking and waiting restrictions. The site is an accessible location approximately 800m from the city centre, which offers a significant range of local services and facilities along with access to public transport both rail and bus.

The proposed LDO would provide for new internal streets and as well as amendments to the existing streets within the LDO area. Full details of these streets or their junctions with the existing highways has not been provided at this point and it is recommended that these details be required by planning condition.

The development site is comprised of brownfield and occupied land which means that the vehicle trips associated with the development land should not be considered new, but instead compared to the existing or extant land use of the site area. This exercise shows that the proposed development which could come forward under the LDO would generate fewer vehicle movements in the network peak hours than the existing and extant users of the site.

Running the transport model shows that there would generally be a reduction in traffic across the local network. The model was re run to take account of the approved planning application for the student accommodation and car parking on the Barbican car park reference 16/01525/FUL that removes the vehicle link between Barbican Road and Ladybellegate Street. The conclusion of this work was that the local transport network could accommodate this alteration with the development proposed in the rest of the LDO area.

In conclusion recommend that no highway objection be raised subject to the conditions indicated in the LDO document and additional conditions in the form of improvements to the signalised junction at The Quay /Quay Street prior to occupation of development in the Quayside, submission of details of a crossing on Ladybellegate Street prior to occupation of development on the Barbican part of the site, and the details of tactile paving on the surrounding streets.

13.3 The Police have not commented

13.4 The Environment Agency

The Environment Agency originally had objections to the LDO due to an inadequate assessment of land contamination matters and the potential impact on the water environment, therefore failing to ensure that this EIA development would be in accordance with paragraphs 109 and 121 of the NPPF. They also had concerns about the proposed basement car parking from a flood risk perspective.

On agreement to carry out further intrusive investigation, risk assessment, hydrogeological conceptual modelling, remediation and validation on areas currently still covered by building, the EA then removed the above objection, subject also to a suite of contaminated land conditions being attached to the LDO.

With regard to flood risk the EA confirms that the submitted Flood Risk Assessment has correctly identified both the level of risk upon the site and the vulnerability classification of proposed use as shown in their Flood Map for Planning. They are generally satisfied with the mitigation measures provided, including the setting of finished floor levels, provision of appropriate access and flood plain compensation, but while not formally objecting to the

basement car parking, they wish it flagged up that they have concerns about it due to the potential for rapid inundation should mitigation measures fail in a flood event.

In conclusion, they accept the proposed LDO, subject to conditions on land contamination and flood risk mitigation

13.5 Historic England

The site lies in a historically significant part of the city, with evidence of human presence and activity dating back to Roman times. The site has experienced much physical change in the post war period and lost a sense of coherent identity, being dominated by the presence of late 20th century developments such as Shire Hall. There is therefore much potential to reinforce surviving and fragmented aspects of historic townscape and to regenerate and revitalise the area through new uses and high quality development.

A Historic Environment Study has been produced to inform the LDO submission, which includes a design guide based on this evidence and other considerations. This has resulted in a conceptual masterplan, which proposes perimeter block development along lines of historic communication. This improves connectivity within the site and with its context, recreating a system of streets with built frontages. This approach is commended and is welcomed in broad terms.

There is however an aspect of their content that gives concern. The Historic Environment Study identifies the heights of buildings in the area as 2,3 and 4 storeys, but the guide advocates building up to 6 storeys in key locations, particularly facing the Quay. These taller elements could impact upon strategic views of this part of the city, while the regime of proposed building heights along Quay Street and Barbican Way could generate uncomfortable street scenes in these locations instead of unifying them.

The guide also shows the loss of the C19 County Garage and the 1938 Former Ship Public House, which are both undesignated heritage assets, but the latter in particular is a positive contribution to the conservation area. The site investigation has also revealed the significance of below ground archaeology and that it cannot be assumed that the implementation of base parking cannot take place without causing harm to this asset, particularly in the Quayside area.

The supporting information to the LDO recognises that there is likely to be a degree of harm to heritage assets as a consequence of these impacts, however there is an absence of justification in relation to paragraphs 132 - 135 , 137 -139 of the NPPF. Overall it is felt that there is a limit as to what the evidence to date can support in the LDO, and therefore there is a need for conditions to confirm precisely what it covers, qualify the role and status of the design guide, and to identify what work is required to develop and substantiate a scheme capable of delivery in accordance with the historic environment provision of the NPPF.

In summary a holistic approach to the regeneration of the area is welcomed here and there is no objection in principle to the use of an LDO for this purpose, subject to a schedule of conditions to ensure the protection and enhancement of relevant designated heritage assets.

It should be noted that Scheduled Monument Consent is also likely to be required.

13.6 Urban Design

Your urban design officer makes the following comments:-

The suitability of the LDO approach is questioned for a site of this scale, complexity, and sensitivity. However, the final two main documents, the LDO and the Design Guide, are considered acceptable in design terms. Both are considered a basis for the potential to achieve high quality development. In terms of urban design, the document refers to the Design Guide for more detailed guidance and mentions the use of design review panels to assess any designs for the sites. Parking is stated as being based on justified local demand which is supported by relevant local and national guidance. The emerging City Plan and Public Realm Strategy are both referenced in the document, as is the Heights of Buildings SPD. There is therefore a sound base here.

During the course of the development of the Design Guide (DG), there have been numerous alterations and adjustments. The resulting document sets out key principles which development within the LDO area should follow. Most of the important changes have been made to the DG which have previously been raised, including adding in the 'up to 5-storeys' wording on pages 54 and 58, which provides a top limit but also allows flexibility within those parameters. There are now suitably clear caveats on the illustrative nature of the cross-sections diagrams and the indicative layouts to allow the more negative outcomes to be resisted, but still with flexibility for a range of positive design approaches within certain limits.

13.7 Conservation

Your conservation officer makes the following comments :-

The site of the proposed LDO consists of a large area identified as negative open space within the Barbican Conservation Area Appraisal, the civic buildings of Shire Hall dominate the townscape here and further add to the negative aspect of the site.

The Quayside area contains two undesignated heritage assets in the form of the County garage and the art deco The Ship public house. The LDO proposes the demolition of these buildings in advance of the redevelopment scheme. The Quay print building is identified in the conservation area appraisal as a negative building and there are no objections to its proposed loss.

While the site itself has limited upstanding built heritage, the redevelopment has the potential to have a significant impact upon the character and

appearance of both the Barbican and surrounding designated heritage assets and conservation areas.

The accompanying Historic Environment Study should inform the masterplan proposals in form, character, layout, height, massing and materials, therefore it is disappointing that concepts moved away from the principles that were established in this document. The heights in the indicative scheme would have a harmful effect on the designated heritage assets in some places and do not respond to the character of the area, which is predominantly 2, 3 and 4 storey in height with mixed plot widths and irregular massing. Of particular concern is the 6 storey block shown next to the prison and Barrack Square.

Therefore, while the LDO itself is acceptable in principle, any forthcoming scheme would need to demonstrate that the proposed heights and articulation of the buildings would not have a harmful impact on the setting of surrounding designated assets. The Historic Environment Study should be used as the starting basis and historic impact assessments should be used to assess the final proposed schemes. An interim ground cover scheme should also be conditioned as part of the LDO for the sites of the undesignated heritage assets between the time of their demolition and before the new redevelopment takes place to ensure that the demolition sites then do not have a further negative impact on the conservation area.

13.8 Archaeology

The City Archaeologist makes the following comments:-

The approach outlined in the LDO documents is acceptable and robust with regard to archaeology. The approach is informed by, and references, appropriate guidance and the NPPF. A considerable amount of upfront archaeological assessment has been undertaken to inform this application including an archaeological evaluation and a deposit model. If the LDO is adopted, further archaeological investigations will be needed, most especially in the Quayside area of the LDO. The scope and requirements for that further work have been covered appropriately. The supporting information required from applicants will be sufficient to allow an informed assessment of the likely impact of any development on archaeological remains. The provision for archaeological mitigation (by condition) within the LDO is robust and consistent with all appropriate policy.

That said, the LDO approach remains an uncomfortable fit with the requirements of the archaeology. There is concern with regard to the proposals in the design guide for underfloor parking in the Quayside area. Whilst these are indicative proposals (and it's made clear that the approach will not be acceptable if significant archaeological remains are present) they give the impression that this approach is both acceptable and viable. This may be the case, but it's currently unproven.

13.9 Local Lead Flood Authority

The existing site is affected by the risk of flooding from fluvial and pluvial sources, any future development of the site must demonstrate how it will mitigate these risks as well as manage any flood risk arising from the development. Whilst the FRA and drainage strategy identify the flood risk to the site and the potential for flood risk from the development it does not provide a definite and viable scheme to demonstrate how these risks will be mitigated.

Further it is noted that it is proposed to restrict flows so they are no greater than the flows from the existing site and make allowance for a 20% increase for the effects of climate change. This falls short of the current requirement to allow for a 40% uplift for climate change and any submitted scheme would need to work to this figure or demonstrate why it couldn't achieve it. Also more information is needed on existing site run off, finished floor levels, managing exceedance events, and proposals for managing water quality. A viable strategy for draining the site also needs to be provided at the design stage. In conclusion should the local planning authority seek the adoption of the LDO, conditions on drainage details, a scheme for surface water treatment and a SUDS maintenance plan are required.

13.10 County Economic Development and Strategic Planning

Residential development will give rise to additional need for community infrastructure and mitigation will be required where appropriate. As the development will be predominantly residential, this will likely impact on nearby education provision and on local libraries. Financial contributions would likely be sought. Welcome further input as details emerge.

13.11 Energetics

Confirm no plant within the specified area

13.12 Wales and West Utilities

Wales and West Utilities have pipes in the area. Should the LDO be adopted, then the promotor of the works should contact them directly to discuss requirements in detail before any works commence on site. Should diversion works be required, these shall be fully chargeable.

13.13 Natural England

Natural England originally stated there was insufficient information to enable Natural England to provide a substantive response to the consultation. This was due to the lack of provision of a Habitat Regulations Assessment (HRA) screening opinion. The requirement for this opinion was due to the relative proximity to the Cotswold Beechwoods Special Area of Conservation (SAC), and the Walmore Common Special Protection Area (SPA) and Ramsar site, which are European designated sites. There was therefore the need to assess the potential impact of future Quayside/Blackfriars residents visiting the sites

Following the submission of further details and a HRA screening opinion, Natural England accepted that there would be no likely significant effects based on the following :-

The nature of the proposal, comprising largely student accommodation and flats, and the likely demographic of the residents;
The presence of nearby recreational resources which are considered likely to attract the majority of recreational activity;
The actual distance from the site of 6.9 km.

13.14 Ecologist

Fully satisfied with the details submitted for the HRA screening opinion and that there would be no significant effects on the Cotswolds Beechwoods SAC.

13.15 Worcestershire Regulatory Services

With regard to contaminated land Worcestershire Regulatory Services state that the site has a considerable history of contaminated land with the Quayside having current vehicle and repair including underground storage tanks, former gas works, former iron works, brass foundry, coach works and engineering works and Blackfriars having former electricity and printing works. They recommend that the standard land contamination conditions are attached to the LDO.

13.16 Pollution Control officer

The Pollution Control officer requires the following conditions be attached to the draft LDO. These conditions being in relation to submission of noise assessment and attenuation, details of lighting, hours of opening, hours of deliveries, details of extraction/ventilation, refuse and storage. Further suggested conditions on preventing new development to create a street canyon to allow pollution dispersion and ensuring habitable rooms are located away from busy roads. Officer note: It is considered that these further conditions should be addressed in the design rather than via condition

13.17 Public Rights of Way officer

This development does not appear to affect any public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity

13.18 The Canal and River Trust

The proximity to the docks and canal basin requires the impact of the development to be carefully considered in terms of drainage, flood implications, possible pollution, ground contamination and ecological impact, as water from the River Severn flows into the main dock basin, and therefore the Gloucester and Sharpness canal, via Gloucester Lock. The application makes clear that the development has been subject to an Environmental Impact Assessment, which would cover these matters. The EA should still consider them.

14.0 Publicity and Representation

14.1 791 neighbouring properties were notified and press and site notices were published. Four responses were received.

- 14.2 City and Country who are the owners of the neighbouring former prison site and who are seeking to find a viable use for it would like greater detail on the proposed form and materiality of the new buildings, to help them bring forward their site. They would also like to see a combined highway strategy for all the developments taking place here and to know the timing/triggers for the proposed highway works. They support the opportunity to improve the public realm here and consider that redevelopment here should be considered in a comprehensive manner.
- 14.3 Three other representations were received, two of which emphasised the importance of having adequate parking with the new proposals and stating that there were current parking problems as well as suggesting that the state of the pavements on surrounding roads be improved, while one representation raised concerns about state of the pavement in Westgate street.

15.0 Planning Policies

- 15.1 Paragraph 199 of the National Planning Policy Framework (NPPF) states that :-
'Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.'

Section 188 of the Planning Act 2008 amended Section 61A of 'The Town and Country Planning Act 1990' to omit the requirement that an LDO can only be made to implement a policy in a development plan document or local development plan.

Notwithstanding the above, this report will set out the planning policies for developing the area. Obviously if there are any parts of the LDO which were to contravene planning policy, then your officers would consider it important to flag up the disparity and to state the justification for going contrary to planning policy. It is officer's opinion however that this LDO is policy compliant, subject to appropriate conditions.

- 15.2 The NPPF sets out the following core planning principles

Planning should:

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

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

The NPPF further includes relevant policy on promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Planning obligations and conditions

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

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

Planning conditions should only be imposed where they are

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

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

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

15.3 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

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.

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).

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 it has been adopted for development control purposes. The following policies are relevant to the development proposed by the LDO.

2002 Plan Policies

- B.7 – Protected species
- B.8 – Non-identified sites
- B.10 – Trees and hedgerows on development sites
- LCA.1 – Development within landscape conservation areas
- FRP.1a – Development and flood risk
- FRP.3 – Obstacles in the flood plain
- FRP.5 – Maintenance of water courses
- FRP.6 – Surface water runoff
- FRP.9 – Light pollution
- FRP.10 – Noise
- FRP.11 – Pollution
- FRP.15 – Contaminated land
- BE.1 – Scale, massing and height
- BE.2 – Views and skyline
- BE.4 – Criteria of the layout, circulation and landscape of new development
- BE.5 – Community safety
- BE.6 – Access for all
- BE.7 – Architectural design
- BE.12 – Landscape schemes
- BE.21 – Safeguarding of amenity
- BE.23 – Development Affecting the Setting of a Listed Building
- BE.29 – Development within Conservation Areas
- BE.31 – Preserving sites of archaeological interest
- BE.32 – Archaeological assessment

BE.33 – Archaeological field evaluation
BE.34 – Presumption in favour of preserving archaeology
BE.36 – Preservation in situ
BE.37 – Recording and preserving archaeology
TR.1 – Travel plans and planning applications
TR.2 – Travel plans – planning obligations
TR.9 – Parking standards
TR.10 – Parking provision below the maximum level
TR.11 – Provision of parking for people with disabilities
TR.12 – Cycle parking standards
TR.31 – Road safety
TR.32 – Protection of cycle/pedestrian routes
TR.33 – Provision for cyclists/pedestrians
TR.34 – Cyclist safety

15.4 Emerging Plans

In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

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

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

15.5 The following policies in the JCS would be of relevance to the type of development proposed by the LDO on this site. 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
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network

The City Plan is at a very early stage and therefore carries limited weight.

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

16.0 Officer Opinion

16.1 It is considered that the main issues with regard to this draft Local Development Order are as follows :-

- Value of the LDO
- Potential impact of development proposed by LDO on the Appearance of the Area
- Potential impact of development proposed by the LDO on the appearance of the Conservation Area and setting of Neighbouring Listed Buildings
- Archaeology
- Traffic and Transport
- Potential Impact of development proposed by LDO on Amenity of Neighbouring Occupiers/Creation of Satisfactory living environment for potential occupiers
- Land Contamination
- Drainage and Flooding
- Ecology and Landscaping
- Infrastructure Requirements

16.2 Value of the LDO

The site has remained undeveloped for a considerable number of years. While the site is shown non –designated in the adopted 1983 Local Plan, part of it was designated for Mixed use Allocation and part for Major Commercial Leisure in the Local Plan Second Stage Deposit 2002 This plan was to set policies and proposals for future development for the period up to 2011. In 2004 the Gloucester Heritage Urban Regeneration Company (CHURC) was sanctioned by the Government with the purpose to facilitate the regeneration of the many historic areas of Gloucester and the larger Blackfriars area was identified as a key regeneration priority. Then in 2006 the Council's draft Central Area action plan was published and within it the Greater Blackfriars area was allocated under Policy CA19 for mixed use development, including office, hotel, leisure and cultural, food and drink, and residential.

Following this work, the Greater Blackfriars Planning Brief was produced, which set out the Council's approach for the development of the Greater Blackfriars area. (the larger area within which the site falls) This has been adopted by the Council as interim planning guidance for the purposes of development control. In response to this planning brief CHURC then produced a Masterplan for the eastern part of the Greater Blackfriars area and this

Masterplan has been now been endorsed by the city council and forms a material consideration when determining future proposals in the area. Key to the vision of the plan was the aim to make Greater Blackfriars a distinctive new city quarter in its own right through the design of the development and its proposed uses.

The LDO has had regard to these plans and initiatives in its creation, following the general earlier layouts and also looking to create an area with its own distinct character recognising the city of Gloucester integral links to the water and the need here to provide a high quality link between the Docks and the City Centre. There has to be recognition though that for all these earlier efforts to redevelop the site, very little has come to fruition. The LDO is therefore a delivery vehicle that seeks to accelerate matters beyond just master planning and site allocation to actually helping de risk proposals for development, by doing all the time consuming and uncertain ground investigation work for the developer up front and giving very clear parameters within the document and design brief as to exactly what would be acceptable on the site. The student accommodation application granted recently on the Barbican car park had very tight timescales to ensure delivery of the development and benefited enormously from the available wealth of underground information regarding flooding, contamination and archaeology.

The LDO proposes a mix of uses as have all the previous plans and incentives, but with greater emphasis on residential. This reflects the current need for housing and the recognition that Housing Zone Status was awarded to Gloucester in March 2015 to accelerate the delivery of new homes on brownfield sites. It also reflects the first key principle aim of the emerging City Plan which is:-

‘To ensure development contributes to the delivery of a transforming City which brings regeneration benefits, promote sustainable development and makes the most efficient use of brownfield land and buildings.’

In conclusion the LDO can be seen to fully accord with direction of the local plans for the area, while providing more certainty, and clearer and more practical help for developers.

16.3 Potential Impact of Development Proposed by LDO on the Appearance of the Area

The draft LDO sets parameters for the development as opposed to stipulating development is built in an exact way. As stated earlier the key principles behind the design guide were the linking of the city to the water and the linking of the city to its past, along with the recognition that this area needs to have its own character and create a transition area from the docks to the city centre.

The draft Design Guide does provide indicative layouts that have been viability tested and whilst only illustrative they do give an indication of how the development would generally be set out. The positions of the development blocks and streets are likely to be as indicated for any development that

comes forward, while the maximum heights of buildings would be an approved parameter under any adoption of the LDO, but are subject to ensuring satisfactory relationships with neighbouring development. Built heritage statements will form part of any submission where development is in close proximity to heritage assets such as listed buildings.

Viewing the Quayside Indicative layout the development can be seen to be of continuous perimeter block form, with greater heights of buildings shown around the edges and lower heights in the middle of the block. The street patterns would then be set to provide clearly identified permeable routes through the blocks along more typical historic lines. The Quay, Quay Street and Barrack Square form the interface streets with existing development, while the newly created Quayside streets would have new development on both sides. In terms of building heights development could be up to a maximum of 6 storeys along the Quay, up to 5 storeys in proximity to Shire Hall and on the very western end of Quay street, 3 storeys on the more sensitive element of Quay street where development opposite is of lower height and 4 storey along Barrack Square.

Viewing the Blackfriars Indicative layout the development is predominantly shown to front Ladybellegate street, Barbican Road and a new street shown running through the site in an east –west direction linking Ladybellegate street to Barbican road. Court yard areas are then shown to the rear of these building blocks, both private and semi- private areas. Development along Ladybellegate Street would be up to maximums of 3 and 4 storeys, while along Barbican Road maximum heights of 3, 4 and 5 storeys are shown, with the 5 storeys at the entrance to the newly proposed street. In terms of street hierarchy the new east west link whilst providing a key link to the Quayside would be clearly identified as a secondary route to respect the primary route functions of Ladybellegate street and Barbican road.

The indicative layouts in plan form are not dissimilar to the approved Greater Blackfriars design brief and your officers consider that the layouts are based on sound urban design principles with the development blocks and the street hierarchy positioned in a format to best meet the overriding principles of linking the city centre to the waterfront and with a street/building pattern reminiscent of the city's historic past. At the same time building along the principles of the draft design guide would allow the area to form its own character.

Currently the area is generally fairly unprepossessing in appearance with rough unsurfaced car parking on the Blackfriars area and with fairly bland functional buildings on the Quayside. With the caveat in the draft design guide ensuring that all heights of buildings are up to a maximum rather than set at this height, your officers are confident that any development coming forward under the LDO will improve the appearance of the area. The actual design and appearance of the buildings will be key to their acceptable height.

16.4 Potential impact of development proposed by the LDO on the appearance of the Conservation area and setting of the neighbouring listed buildings.

The LDO development site sits within the Barbican Conservation Area. The Barbican Conservation Area Character Appraisal notes the key characteristic of the conservation area being the number of high quality listed buildings inside and directly bordering the area as well as long views to the cathedral and to the water meadows. On the negative side the appraisal sees the key issues as being large amount of poor quality open spaces, the number of large unattractive modern buildings and the lack of green spaces and trees.

As stated in the paragraph above, your officers are confident that development following the principles of the LDO would improve the appearance of the area and therefore at a minimum, preserve the appearance of the conservation area. The parameters in the LDO would ensure good quality development, which would obviously involve the removal of the current poor quality open spaces and some of the unattractive modern buildings. The LDO also provides the opportunity to get some green space and trees on to the site, again helping to overcome the negative aspects of the conservation area. The Conservation Officer and Historic England express some disappointment at the loss of the undesignated heritage assets (garage and former public house), but have more concern that they are not simply demolished and the sites left vacant for a long period to the detriment of the appearance of the conservation area. A condition was added to the LDO document for details to be submitted of an interim scheme for the area post demolition, which the conservation officer and Historic England consider satisfactory.

Around the site are a number of high quality listed buildings. Along the eastern side of the site is the very significant Blackfriars scheduled monument with Grade 1 listed Blackfriars church and Grade 2* listed 13, 15 and 17 Ladybellegate street. The Grade 1 listed Ladybellegate House is then located to the north east of the site, while to the north lies the Grade 2 * Bearland House. To the west are the listed elements of the former prison. Your conservation officer and Historic England had concerns regarding the height in certain areas of the development coming forward under the LDO. In particular, the elements up to 6 storeys in key locations, such as along the Quay, which they felt could impact upon strategic views of this part of the city, as well as cause harm the setting of the listed former prison. A lot of discussion has taken place around this matter, particularly as Historic England were concerned that there was insufficient regard to the NPPF's requirement that local planning authorities should not accept development that would lead to significant harm to designated heritage assets. As a result of this discussion amendments were made to the draft Design Brief to indicate that the height parameters state 'up to' a maximum heights rather than simply accepting development at this height. Also as part of the pre submission discussions developers will be informed whether their submission would need to be accompanied by a Built Heritage Statement. The submissions for development would therefore have to clearly demonstrate that they did not cause harm to the setting/strategic views of heritage assets.

16.5 Archaeology

The site is one of the most archaeologically sensitive locations in Gloucester, with remains of national importance, two areas of which have statutory protection as scheduled monuments. The City Archaeologist considers however that the approach outlined in the LDO is acceptable and robust with regard to archaeology. As stated earlier in this report a lot of upfront archaeological assessments have been carried out already. The City Archaeologist is generally satisfied that the provision for archaeological mitigation (by condition) within the LDO is robust and consistent with all appropriate policy. The one concern is that the indicative Quayside proposal shows under floor parking, which may or may not be possible, subject to whether there are archaeological remains present. As stated earlier in this report the indicative drawings are just indicative and do not become approved under any adoption of the LDO. If significant archaeological remains were found then it is likely that underground parking would simply not be able to go ahead.

16.6 Access and Transport

There would be a number of access/egress points throughout the site to assist in distributing the impact of the local development proposals on to the local highway network. The LDO would provide for new internal streets as well as amendments to the existing streets within the area. The new streets would be located between Ladybellegate Street and Barbican Way and within the Quayside area to provide a link between Barrack Square and Quay Street. Barbican road would be blocked to motorised vehicles at the northern point next to the Magistrates Court building.

The traffic impacts have been modelled out using the standard TRICS (Trip Rate Information Computer System) and it is shown that as modelled the development would likely generate less vehicle movements in the network peak hours than the existing and extant uses on the site. The model has been tested with a scenario of a site accommodation of 438 flats, 7 townhouses, approx. 300 beds of student accommodation and a small amount of other uses such as office, gym and nursery. Taking this level of development there would be 216 and 227 two way vehicle movements in the morning and evening peaks compared to 312 and 274 two way trips respectively for the existing situation.

The proposal has also been modelled using the Saturn network model to assess impact on the Highway network. The first assessment demonstrated that there would be a considerable reduction in traffic across the local network with a small increase in traffic on the Quay street /the Quay junction.

Further modelling was then carried out in light of the planning application for the student accommodation on the Barbican car park coming forward (ref:16/01525/FUL) and the fact that it showed the east – west route from Ladybellegate street to Barbican road as pedestrianised rather than open to vehicles as in the LDO and with its car park accessed via Barrack way. This

further modelling that now tested Barrack Way as a two way route rather than one way, also demonstrated that there was capacity in the road network.

The Highway Authority is satisfied that the road networks would work for development coming forward under the LDO subject to conditions requiring:-

- Improvements to the signalised junction at the Quay/Quay street to include controlled pedestrian facilities
- Details of a crossing on Ladybellegate street
- Dropped kerbs and tactile paving on the surrounding streets
- Details of engineering layouts for new accesses and closure of existing access points.

With regard to car parking it should be noted that the site is in a very centralised sustainable location and that a framework travel plan accompanies the LDO, the adherence to which forms a condition of the LDO. The indicative plans show a proportion of residential dwellings to be provided with 1:1 parking and then a smaller element with no parking provision. It is accepted that any student accommodation would not require parking provision.

With specific respect to parking areas the indicative plan shows parking in the following areas :-

- Basement parking in the Quayside subject to no archaeological issues
- On street parking
- Reconfiguration of surface parking around Shire Hall
- Undercroft parking in the Blackfriars area
- Courtyard surface parking

The Highway Authority is satisfied with this approach, subject to a condition that a developer submits supporting information for the level of parking they propose and a car park management plan. Along with the travel plan mentioned above, the LDO contains a condition for submissions to produce a transport statement to demonstrate access for pedestrians and cyclists.

16.7 Potential Impact of development proposed by LDO on Amenity of Neighbouring occupiers/Creation of a Satisfactory Environment for Future Occupiers

Your officers are generally satisfied that development following the parameters of the LDO would not harm the amenities of neighbouring occupiers. The most sensitive areas would be the southern end of Ladybellegate street the boundary with the rear of the properties in Longsmith street and Quay street. Even at the maximum heights shown it is felt that these relationships would likely be acceptable. However any submission would still be assessed by officers in relation to impact on neighbouring amenity, particularly where it is proposed to go to maximum acceptable height.

With regard to the amenities of future occupiers of the LDO site, conditions are shown attached to the LDO with regard to submission of noise assessments and attenuation, lighting schemes, hours of opening, loading and unloading, deliveries and extractors/ventilation to ensure the amenity of the area and the occupiers are protected.

16.8 Land Contamination

The site has a considerable history of contaminated land with the Quayside having current vehicle and repair including underground storage tanks, former gas works, former iron works, brass foundry, coach works and engineering works and Blackfriars having former electricity and printing works. As stated above a very significant benefit of the work undertaken to support the LDO is the de-risking of the site from contamination concerns. Worcester Regulatory Services are happy with the LDO subject to the standard land contamination conditions being attached to it.

16.9 Drainage and Flooding

With regard to flooding it is the Quayside area of the site that is affected, with parts in flood zone 2 and 3, while the Blackfriars area of the site is in flood zone 1. The sequential test outlined in the NPPF has been applied as part of the process for identifying this area for regeneration and in establishing the LDO. As part of the site is within Flood Zone 3, the Exception test has to be applied to 'More Vulnerable development', such as residential. The EA confirm that the submitted Flood Risk Assessment has correctly identified both the level of risk upon the site and the vulnerability classification of proposed use as shown in their Flood Map for Planning. They are generally satisfied with the mitigation measures provided, including the setting of finished floor levels, provision of appropriate access and flood plain compensation.

The EA did originally have concerns regarding the adequacy of assessment of land contamination matters and the potential impact on the water environment, therefore failing to ensure that this EIA development would be in accordance with paragraphs 109 and 121 of the NPPF. They also had concerns at the proposed basement car parking from a flood risk perspective. It was then made clear to the EA that it wasn't currently possible to provide a full preliminary risk assessment at this stage due to the historic uses currently in situ and the archaeological considerations. The need for more detailed investigations was recognised for parts of the site and agreed with the EA., particularly in relation to those areas of the site currently covered by buildings.

The EA have now removed their objection, subject to a suite of contaminated land conditions being attached to the LDO. (the same set as required by WRS). They also accept that proposed flood mitigation measures work for the likely levels of flooding that would occur, however they do flag up that should the measures fail in any way or the flood level exceed the expected maximum level, the basement car parking in the Quayside area would lead to rapid inundation of water.

With regard to drainage, the Council's Drainage Officer originally had some similar concerns to that of the EA.

Both he and the LLFA now consider that the LDO is acceptable subject to conditions on submission of drainage details, a scheme for surface water treatment and a SUDS maintenance plan.

16.10 Ecology and Landscaping

An ecology appraisal was submitted with the proposal, that showed no evidence of protected, rare or locally important species either within or adjacent to the site. None of the trees are suitable for bats and whilst mammals such as badgers may pass through the site, no evidence was found of animals residing on it. The habitats are also considered common habitats, which are of low ecological value in terms of their vegetation.

Due to the size of the development there was a requirement to carry out a Habitat Regulations Assessment (HRA) screening to check the impact of the proposal on European designated sites. In this case the two European designated sites within the potential zone of influence are the Cotswolds Beechwoods Special Area of Conservation and Walmore Common Special Protection Area (SPA) and Ramsar site. The screening assessment concluded that due to the distance of the development site from these designated sites and likelihood that nearer sites would be used for recreation such as the Local Nature Reserve of Alney Island, no likely significant effects would occur.

The Council's Ecologist is satisfied with the information submitted for the HRA.

With regard to landscaping as stated previously in this report, the site currently is lacking in greenery and trees. As a condition on the LDO there would be a requirement for soft landscaping and your officers would ensure this would be high quality and include tree planting for both public and private areas.

16.11 Affordable Housing

On any submission for 15 dwellings or more the Local Planning Authority would seek the provision of affordable housing, normally to be obtained via the signing of a section 106 agreement between the LPA and the developer. Attaching a section 106 agreement to the LDO itself would not be considered best practice nor easily practicable. However, the Local Planning Authority would obviously still wish to ensure affordable housing provision was made. As part of any submission for 15 dwellings or more the Local Planning Authority would request a Statement on Affordable Housing. The LPA would require all proposals to be policy compliant with regard to affordable housing or to demonstrate through the submission of a viability statement as to why it could not be fully provided. A separate legal agreement between the LPA and developer could then be used to secure the affordable housing.

16.12 Infrastructure Provision

Larger Residential schemes would be required to provide public open space, education, and library provision/contributions. These would also normally be obtained via a section 106 agreement between the Local Planning Authority and the developer. As stated in the section above attaching a section 106 agreement to the LDO would not be considered best practice nor easily practicable. The Local Planning Authority would obviously still however wish to ensure these provisions were obtained. As part of any submission for larger scale housing the Local Planning Authority would request a Statement on how the proposal would mitigate its effects on current open space, education and library provision. The LPA would require all proposals to be policy compliant in terms of these provisions or to demonstrate through the submission of a viability statement why they cannot be fully provided. A separate legal agreement between the LPA and developer could be used to secure them.

17.0 **Conclusion**

- 17.1 As indicated in this report this is key regeneration site for both the City and County Councils, located in a very prominent position between the Docks and City centre. There have been many attempts through master planning, design briefs and initiatives to encourage development. However disappointingly it has remained undeveloped for very many years. Therefore, there has to be recognition that for all these earlier efforts to redevelop the site, very little has come to fruition.
- 17.2 The LDO is a delivery vehicle that seeks to accelerate matters beyond just master planning and site allocation to actually helping de risk proposals for development, by doing all the time consuming and uncertain ground investigation work for the developer up front and giving very clear parameters within the document and design brief as to exactly what would be acceptable on the site. It has already shown its value in the timely processing of the student accommodation application granted recently on the Barbican car park. This scheme benefited enormously from the extensively available underground information regarding flooding, contamination and archaeology.
- 17.3 Whilst there is not a requirement for the LDO to specifically implement policies of the Local Plan in this case the LDO can be seen to be compliant with the current adopted 1983 and 2002 Second Stage Deposit Draft plans, as well as the NPPF and the emerging City Plan and Joint Core Strategy. It is seeking to promote sustainable development on a brown field site to the social, economic and environmental benefit of the City of Gloucester. It also will play a key part in accelerating the delivery of new homes on brown field sites, which is the primary aim of the Housing Zone status accorded to Gloucester in 2015.
- 17.4 Your officers are satisfied that the parameters of the draft design brief along with the LDO and its agreed conditions will bring forward high quality development, while at the same time giving developers more confidence and certainty. The layouts are based on sound urban design principles with the development blocks and the street hierarchy positioned in a format to best

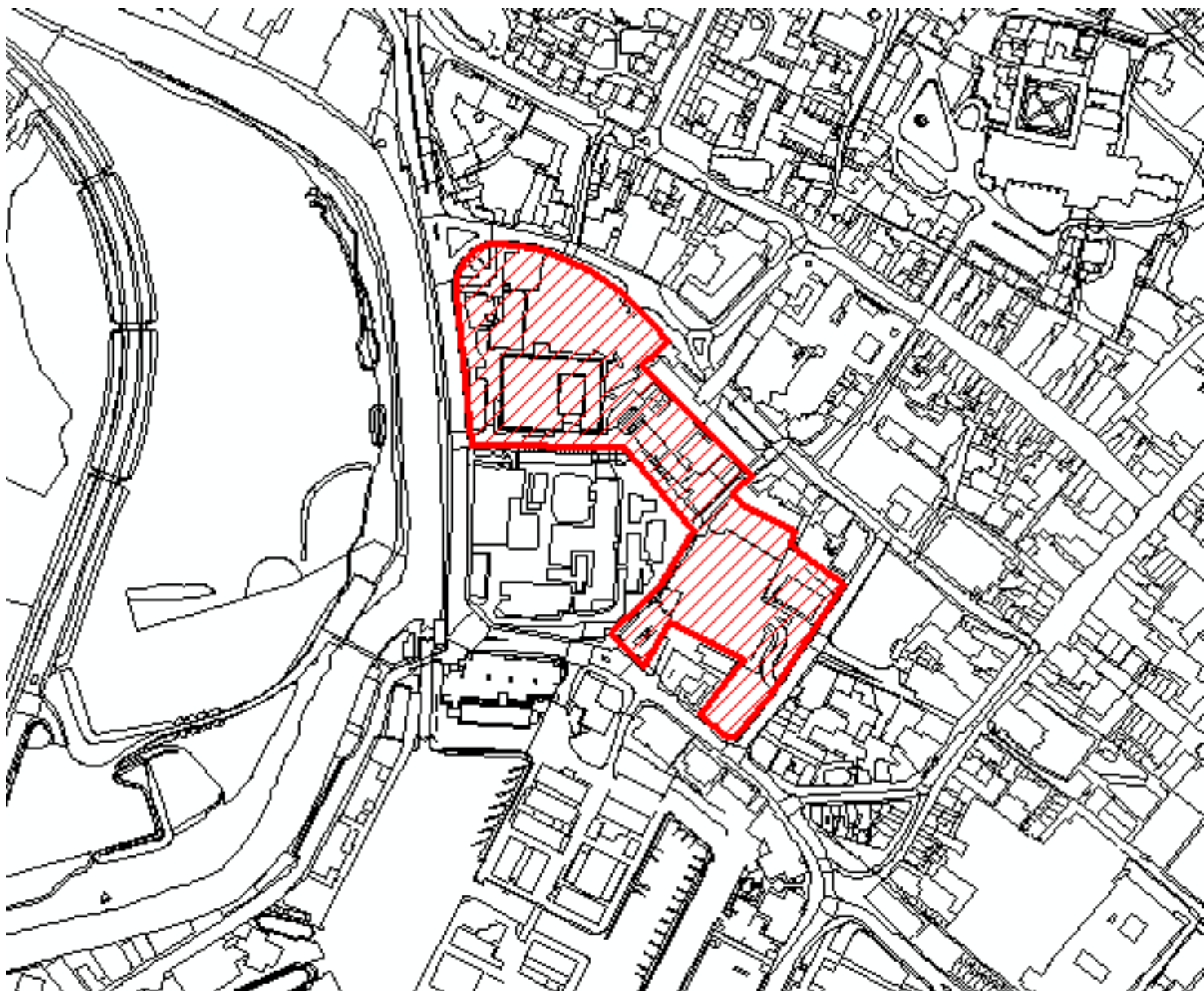
meet the overriding principles of linking the city centre to the waterfront at the Quayside and with a street/building pattern reminiscent of the city's historic past. At the same time building along the principles of the draft design guide would allow the area to form its own character. The concerns of Historic England (HE) and the conservation officer are noted, but there is confidence that the mechanisms in the LDO i.e required Built Heritage assessments, design review panel assessments, opportunity for HE to comment, ensures that due regard will be taken with respect to impact on heritage assets.

- 17.5 Therefore in conclusion your officers recommend that members adopt the Local Development Order as a means to encourage development that would bring regeneration benefits, promote sustainable development and make the most efficient use of brown field land.

16/01510/LDO

Quayside And Blackfriars Area , Including The Area To The North West Of The Magistrates Court And Police Station (Quayside) And Land South East Of The Magistrates Court Up To Ladybellegate Street (Blackfriars).

Planning Committee 07.03.2017



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GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7 MARCH 2017**

ADDRESS/LOCATION : **GILLMANS ELECTRICAL, ST OSWALDS ROAD, GLOUCESTER**

APPLICATION NO. & WARD : **16/00957/FUL
KINGSHOLM AND WOTTON**

EXPIRY DATE :

APPLICANT : **ROBERT GILLMAN**

PROPOSAL : **Part demolition of existing building, erection of a three storey building, single storey front extension, and new first floor linkway in connection with the existing use of the site**

REPORT BY : **RON MOSS**

APPENDICES : **SITE PLAN**

1.0 Site Description and Proposal

- 1.1 The application site is located on the eastern side of Mercia Road parallel to S Oswald's Road in a mixed commercial area, including Class B2, B8 and car show rooms. The existing building fronts towards St Oswald's road and comprises a single storey painted, brick and cladding glazed frontage with a two storey element set further to the rear. Access to the site is obtained via Mercia Road and roundabout on to St Oswalds road. Mercia Road operates as a 1 way signed loop road system. There are two vehicular site accesses on Mercia road and two pedestrian accesses to the east and west of the store. The application site itself is approximately 0.3 ha in size and currently provides 2,618 square metres of commercial floor space along with 39 parking spaces and a service yard.
- 1.2 The site currently operates a mixed use operation to sell and service major domestic appliance brands, with an installation service. Gillmans have a show room fronting St Oswalds Road and sell to visiting members of the public. At the same time they also run an internet sales service. The site currently comprises 785 square metres of retail floor space (Class A1), 415 square metres of offices (Class B1a), 43 square metres of workshop space (Class B1c) and 1183 square metres of storage (B8), with 192 square metres of ancillary space, staff area etc. The space is laid out with the show room fronting St Oswalds road and wrapping round the corner in to Mercia road and the storage area/small workshop set to the rear and accessed via Mercia Road. At first floor level are located further storage space and the office element.
- 1.3 In terms of constraints on the site it should be noted that the site would be considered out of centre for any town centre assessment purposes under the NPPF. It is also predominantly within Flood zone 2, with a small southern section in Flood zone 3.
- 1.4 The proposal seeks the partial redevelopment of the existing site. The front show room would remain as would the first floor office element on the part of the site facing the southern section of Mercia road. The rear storage areas including the first floor storage section would be demolished. In place of the old rear storage buildings would a heavy storage area with a three storey ceiling height and a workshop , storage and spares area with single storey ceiling height . At first floor level above the new storage/spares/workshop space would be offices, a call centre and conference room. Then at second floor level above the offices/ call centre /conference room would be further storage space and toilets. This redevelopment would be on the same footprint as the current storage/warehouse element. A walk way would link the existing two storey building to the new build at first floor level, while a small single storey front extension would be added to the front of the building. In terms of parking and access, the number of spaces and access positions would remain the same. With regard to floor space there would be the following increases:-

Use	Current floorspace	Proposed floorspace	Net gain Sq m / %
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	Sq m	Sq m / %			
B8 storage and distribution	1,183	1,535	41%	+352	+30%
A1 retail	785	1,020	27%	+235	+30%
B1a office	415	707	19%	+292	+70%
B1c workshop	43	112	3%	+69	+160%
Ancillary (staff area etc)	192	416	11%	+224	+116%
	2,618	3,790	100%	+1172	+45%

2.0 Relevant Planning History

- 2.1 05/00056/FUL Single storey and two storey extension to existing building to provide showroom space on ground floor and office space on first floor
Granted 11.03.2005
- 2.2 09/00892/FUL External alterations and installation of glazed entrance Canopy
Granted 28.09.2009
- 2.3 10/00135/FUL External alterations to building involving installation of replacement aluminium window frames and composite panelling to front elevation
Granted 07.04.2010

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.

The NPPF includes relevant policy on promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Planning obligations and conditions

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

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

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;

- Precise; and
- Reasonable in all other respects.

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

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.

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

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

3.7 2002 Plan Policies

FRP.1a – Development and flood risk

FRP.6 – Surface water runoff

FRP.9 – Light pollution

FRP.10 – Noise

FRP.11 – Pollution

FRP.15 – Contaminated land

BE.1 – Scale, massing and height
 BE.2 – Views and skyline
 BE.4 – Criteria of the layout, circulation and landscape of new development
 BE.5 – Community safety
 BE.6 – Access for all
 BE.7 – Architectural design
 BE.12 – Landscape schemes
 BE.21 – Safeguarding of amenity
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.33 – Archaeological field evaluation
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 TR.2 – Travel plans – planning obligations
 TR.9 – Parking standards
 TR.10 – Parking provision below the maximum level
 TR.11 – Provision of parking for people with disabilities
 TR.12 – Cycle parking standards
 TR.31 – Road safety
 TR.32 – Protection of cycle/pedestrian routes
 TR.33 – Provision for cyclists/pedestrians
 TR.34 – Cyclist safety
 E1 - Mixed Use Allocation
 S4a - New Retail Development Outside Designated Centres

3.8 Emerging Plans

In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

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

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

3.9 The following policies in the JCS 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

SD3 – Retail Hierarchy

SD5 – Design requirements

SD9 – Historic environment

SD15 – Health and environmental quality

INF1 – Access to the transport network

INF2 – Safety and efficiency of the transport network

INF3 – Flood Risk Management

The City Plan is at a very early stage and therefore carries limited weight.

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

4.0 Consultation Responses

4.1 Lead Local Flood Authority

The LLFA has no formal records of surface water flooding at this site and considers the site to be at low risk of surface water flooding, while in terms of surface water management the submitted drainage strategy meets local standards and climate change has been considered appropriately
Recommend no objection subject to conditions on submission and approval of surface water drainage strategy and a scheme for the maintenance of all SuDs/attenuation features

4.2 Drainage officer

Initial Comments – The development site is located in flood zone 2/3 and modelled flood levels demonstrate that the ground floor could suffer flooding during a 100 year fluvial , 2 year tidal and cc event. No work on sequential test is required as is simply an expansion of an existing business . The application would appear to involve a loss in flood plain storage, through a possible increase in build footprint, slight ground level raising and the likely increased water resistance of the new build. The applicant needs to provide mitigation for this loss.

Revised Comments – Have discussed with applicants drainage engineer and are happy to condition the mitigation against flood risk and loss of flood plain storage.

4.3 Environmental Protection officer

EH have not received any complaints regarding the current operation

No objection subject to conditions requiring an Environmental management scheme, restriction of hours during construction and no burning of materials

4.4 Worcester Regulatory Services .

The history of the site indicates that there may be contamination issues. As a result , in order to ensure the site is suitable for its proposed use and in accordance with the NPPF the standard suite of contaminated land conditions for site investigation and remediation where necessary, are recommended

4.5 Highway Authority

Initial comments – The Highway Authority originally required clarification on visibility splays and a justification for the parking level.

Revised comments - The expansion would be likely to increase the vehicle trips to the site, intensifying both of the site accesses. The requirements deemed to satisfy visibility standards require emerging splays of 54m to the left and at a 2.4 m set back from the centre line. The required 54m visibility splays can be achieved allowing the development to achieve adequate levels of visibility in accordance with paragraph 35 of the NPPF. A parking assessment has been undertaken for the site that shows an under provision of parking for the proposal on the site. The existing parking provision of 39 spaces would remain for both staff and customers, although the evidence shows that the maximum parking demand for the Class B1 office and Class A1 retail during the peak week day period would be 64 spaces, a short fall of 25 spaces.

There are is some concern at this potential deficiency, however there are currently no parking standards for Gloucestershire. Paragraph 39 of the NPPF states;

If setting local parking standards for residential and non- residential development, local planning authorities should take into account:

- The accessibility of the development
- The type , mix and use of development
- The availability of and opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high – emission vehicles

Whilst not in the city centre the site is still in a fairly sustainable location, the car parking provision is accepted subject to conditions requiring the submission of a travel plan and cycle storage. These measures are more aimed at the staff rather than the customers, however car sharing and cycling to work would reduce the pressure on car parking.

No highway objection subject to conditions to provide satisfactory visibility splays, cycle parking, a travel plan and to restrict the uses to those detailed in the planning application.

4.6 Archaeologist

The occurrence of organic material at depth beneath the site is noted. The location of the remains within the route of the old Severn and the depth at which discovered could give the potential for archaeological significance. In

view of this fact a programme of archaeological mitigation should be obtained via condition on any approval.

5.0 Officer opinion

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

- Principle of Development
- Design of Proposal and Impact on Appearance of the Area
- Traffic and Transport
- Land contamination
- Flooding
- Archaeology

5.2 Principle of Development

The proposal would involve floor space increases in all the current uses on the site i.e in Class A1 retail, Class B1a office, Class B1 c workshop, Class B8 storage, and with the ancillary uses. If the uses were to be considered separately in isolation, then both the Class A1 retail uses and the Class B1 office uses, being 'main town centre' uses as designated in the NPPF, would need to be sequentially tested.

The sequential test requires 'town centre uses' to be located in town centres, Then in edge of centre locations, and only if suitable sites are not available should 'out of centre' sites be considered. It follows that when considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre, (Section 2 – Ensuring the vitality of town centres, paragraphs 24-27 in the NPPF).

The Mansfield judgement (Aldergate Properties vs Mansfield District Council and Regal Sherwood Oaks Ltd (2016) EWHC 1670). then helps clarify whether the sequential test applies to extensions. It determined that suitability in the sequential test was the suitability of the site for the broad type of development proposed and not the individual retailer. This clarification is of fundamental importance to the way the sequential test is carried out and it is also clear from this judgement that the sequential test applies to extensions.

The application site while relatively close to the city centre forms an out of centre location for town centre use assessment purposes. However whilst the redevelopment would constitute a 45% increase in floor space, the biggest increase in the quantum of floor space would be the class B8 warehousing and distribution element , followed by the class B1 office and Class A1 retail. Your officers are therefore of the view that whilst the development includes retail and office which are defined as main town centre uses, the wider mix of uses and the integrated way in which the parts operate, effectively means that the overall proposal should be considered a sui generis use i.e not falling within any of the designated classes of the Use Classes Order. As a sui generis use there would be no requirement to sequentially test the proposal.

However, even if the approach was taken to treat all the elements of the proposal separately thereby triggering the need for a sequential test for the B1 and A1 uses your officers would state the following with regard to the sequential test.

As mentioned above, the development site is in an out-of-centre location as defined by the NPPF; at its closest point it is 644 m from the edge of the Primary Shopping Area (PSA) (Local Plan 2002). When identifying sequentially preferable opportunities, the NPPF sets out that local planning authorities should ‘...require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge of centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre’. Given the close proximity of this site to the town centre (in this case the defined PSA), and the accessibility of the site to the PSA by different modes of transport, it is the case that only sites and premises in and on the edge of the PSA should be considered and not any other locations that would be considered ‘out-of-centre’.

At present there are several sequentially preferable sites and premises within the PSA. These include the former BHS unit in King’s Walk Shopping Centre, which is currently vacant, and other sites identified through the emerging Local Plan and adopted Regeneration and Economic Development Strategy, namely King’s Quarter, Greater Blackfriars and Land adjacent to Eastgate Shopping Centre. Whilst consideration must be given to flexibility in scale and format when considering sequentially preferable opportunities, it is not considered appropriate to disaggregate different components of the proposal to separate, sequentially preferable sites. There is clearly a synergy between the different uses. Equally however, it would clearly not be appropriate for the combination of proposed uses to be located in a PSA location; for example the B8 warehousing and distribution element requires highways access and layout that is not conducive to a PSA location with pedestrianized streets and constrained highways movements.

From an impact perspective, the proposal is for the development of significantly less than the default 2,500 sq m NPPF threshold for which a full retail impact assessment would be required. Notwithstanding this, having regard to the amount of type of floor space proposed, there is the view that the proposal would not have a significant adverse impact on the city centre (Primary Shopping Area), or any of the designated district or local centres.

Overall therefore the principle of the proposal is considered acceptable.

5.3 Acceptability of Proposal in Terms of Design

The current buildings on the site are low level business units of relatively unprepossessing appearance in an area characterised by typical looking modern and slightly older commercial units. The main proposed alteration is the replacement of the existing storage area located within a series of three

'double pitched roof' connected buildings with a new single three storey height heavy storage buildings. In specific height terms the three current buildings have eaves height of 3.7 m and roof apex heights of 7 m, while the proposed building would be 9.7m in height with a flat roof. This increase in height would make the overall building still no higher than eaves level on the neighbouring Heritage and Wise building.

The proposed flat roofed first floor walk way would be set from the St Oswalds road frontage and partially concealed by the parapet wall on the single storey front element. Therefore whilst not being the most attractive design concept, it wouldn't appear too prominent and also would appear in character with the rest of the flat roofed redevelopment. The small front extension would not be out of keeping with the existing ground floor show room. It would be fair to say that the existing double pitched roofed buildings have more architectural character than the newly proposed large flat roofed storage area, however officers recognise the limitations on their practical use for modern working, in particular their low roof heights, and the newly proposed storage building would still be in keeping with the appearance of the general area.

Officers consider that the redevelopment is acceptable on design grounds subject to the submission of external materials, and that the proposal therefore meets policies BE1, 7 and 9 of the second stage deposit plan 2002.

5.4 Potential Impact on Neighbouring Occupiers

As stated above the application site sits within a mixed commercial area. The site is bordered by roadways on three sides, with commercial operators located opposite. The proposed new building would not impact upon them. The main occupier with potential to be affected is the neighbouring adjoining site, Heritage and Wise. The redevelopment whilst taller than the existing development in proximity to this adjoining occupier would still sit on a similar footprint and abuts the blank flank elevation of this neighbouring building. Furthermore it would be no higher in height than the eaves level of the Heritage and Wise building. There would be some intensification of the use of the site with greater vehicle movements, however not to a level that harms neighbouring amenity. Transportation matters are fully considered in the next section. Noise from the operation would be no greater than as current and is not to a level that would affect neighbouring occupiers. The proposal would therefore accord with policy BE21 of the second stage deposit Local plan 2002.

5.5 Traffic and Transportation

The level of vehicle parking for both staff and visitors would remain as the existing situation on the site and a Transport Assessment was submitted with the proposal to seek to demonstrate that this would be satisfactory for the operation on the redeveloped site. The Highway Authority originally questioned retaining the existing level of parking for the more intensive redeveloped use of the site.

However after discussion with the applicant and the submission of further information the Highway Authority stated the following :

‘ The expansion would be likely to increase the vehicle trips to the site, intensifying both of the site accesses. The requirements deemed to satisfy visibility standards require emerging splays of 54m to the left and at a 2.4 m set back from the centre line. The required 54m visibility splays can be achieved allowing the development to achieve adequate levels of visibility in accordance with paragraph 35 of the NPPF. A parking assessment has been undertaken for the site that shows an under provision of parking for the proposal on the site. The existing parking provision of 39 spaces would remain for both staff and customers, although the evidence shows that the maximum parking demand for the Class B1 office and Class A1 retail during the peak week day period would be 64 spaces, a short fall of 25 spaces. There is some concern at this potential deficiency, however there are currently no parking standards for Gloucestershire. Paragraph 39 of the NPPF states;

If setting local parking standards for residential and non- residential development, local planning authorities should take into account:

- The accessibility of the development
- The type , mix and use of development
- The availability of and opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high – emission vehicles

Whilst not in the city centre the site is still in a fairly sustainable location, the car parking provision is accepted subject to conditions requiring the submission of a travel plan and cycle storage. These measures are more aimed at the staff rather than the customers, however car sharing and cycling to work would reduce the pressure on car parking.

No highway objection subject to conditions to provide satisfactory visibility splays, cycle parking, a travel plan and to restrict the uses to those detailed in the planning application. ‘

In conclusion the proposal is therefore considered to accord with the NPPF and emerging local plan policy.

5.6 Land Contamination

The history of the site gives an indication that there could be matters of contamination on the site and Worcester Regulatory services had some concern that the information submitted on this matter was over 10 years old. They have confirmed however that they have no objection to the proposal, subject to the standard suite of contaminated land conditions requiring site investigation and remediation where necessary.

5.7 Flooding

Paragraph 100 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk , but where development is necessary , making it safe without increasing flood risk elsewhere. ' One of the mechanisms for doing so, is the application of a sequential test. Paragraph 101 of the NPPF states that 'The aim of the Sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. '

The Environment Agency flood maps show the site as predominantly being in Flood zone 2 (medium risk) with a small section of the southern part of the site being in flood zone 3 (higher risk). It should be noted that none of the areas subject to redevelopment falls within this flood zone 3 section. Furthermore the finished floor levels of this part of the site are 0.17 m above the modelled flood levels for flood zone 3. The focus of concern is therefore on the area of the site within flood zone 2.

With regard to an area of search for a less vulnerable site i.e in flood zone 1, some regard needs to be taken as to the practicality and purpose of requiring the owner to put the new floor space in a new less vulnerable location. As stated in paragraph 5.2 of this report officers are of the opinion that the operations and uses on the application site are so integrated, that it would be difficult for them to function separately. Realistically therefore officers would conclude any area of search should go no further than the boundaries of the site itself. Looking at the site the proposal shows the redevelopment only for the area in flood zone 2 and not 3, thereby in the least vulnerable part of the site.

Also accepting the proposal as development within flood zone 2, the next stage is to assess the vulnerability category. The NPPF considers commercial development as being less vulnerable in terms of flood risk and the NPPF Flood Risk Vulnerability and Flood Zone Compatibility matrix indicates that 'less vulnerable development' is appropriate in flood zone 2.

Notwithstanding the above the application has submitted a Flood Risk Assessment showing flood mitigation measures. The LLFA have accepted that the development would be safe and resilient to flooding in the critical design flood events with an acceptable level of residual risk and no loss of flood plain storage or impedance of flood flows. The proposal would also ensure that the finished floor levels of the proposed development are set at a minimum of 100mm above the predicted 1 in 100 year plus climate change flood level, and this could be conditioned on any approval.

Concern was raised by the drainage engineer with regard to flood plain storage loss, however he is now happy that this can be dealt with by a condition on any approval. Drainage is considered acceptable subject to the standard conditions on any approval for submission of a sustainable drainage strategy and details of maintenance.

The proposal is therefore considered to accord with the NPPF, policies FRP1a and 6 of the 2002 Local Plan and INF3 of the Joint Core Strategy.

5.8 Archaeology

The City archaeologist states that the occurrence of organic material at depth beneath the site is noted. Furthermore he states that the location of the remains within the route of the old Severn and the depth at which discovered could give the potential for archaeological significance. In view of this fact a programme of archaeological investigation and mitigation where necessary, should be obtained via condition on any approval.

6.0 Conclusion

The proposal would help secure the future of an important business to Gloucester, with the redeveloping of the site to improve its efficiency. The redevelopment of the proposal site also fully accords with the aim of the NPPF to make efficient and sustainable use of brown field sites. Your officers have carefully considered the policy implications of the increased floor space in this location and are fully satisfied that there is no justification for seeking a more central site and even if this approach was taken, the nature of the business and its operating behaviour means that there would be no suitable site for its relocation.

In terms of design, the proposed redevelopment would provide a building of similar appearance to the neighbouring commercial buildings and is considered acceptable subject to a condition on facing materials, while its location in a commercial area ensures there are no residential occupiers nearby and therefore no amenity issues with residents. While a relatively large scale development, the fact that the new build would be on a similar footprint to the existing storage buildings and still lower in height than the neighbouring building, Heritage and Wise, ensures that the amenity of neighbouring occupiers would be preserved.

The Highway Authority have given the proposal careful consideration and while originally have some reservations regarding the fact that the intensity of the use would be increasing, with no increase above the current level of parking, they now consider that due to the relatively sustainable location, the agreement to provide a travel plan and with cycle parking provision, that the proposal would be acceptable.

Finally the archaeologist and contaminated land officer confirm that they are satisfied with the scheme subject to conditions on any approval.

7.0 Recommendation

Overall therefore it is recommended that planning permission be granted subject to the conditions shown below.

Conditions

1) Commence full planning permission

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) Approved Documents – Planning permission

The development hereby permitted shall not be carried out unless in strict accordance with drawing numbers 1,2,3A,4A,5A,6H,7H,9G,11,18A and 20A received on 4th August 2016, drawing number 12 received on 4th October 2016 and drawing numbers 8G and 10E received on 6th December 2016.

Reason: To ensure the development is carried out in strict accordance with the approved drawings and to allow provision for the approved drawings to be amended by means of an application to vary this condition under Section 73 of the Town and Country Planning Act 1990.

3) Facing and roofing materials samples

No external facing or roofing materials shall be applied unless in accordance with a) a written specification of the materials; and b) physical sample/s of the materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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.

Environmental Health

4) Environmental Management Scheme:

Prior to commencement of the development hereby permitted, an Environmental Management scheme shall be submitted to and approved in writing by this Authority which specifies mitigation measures in respect of the following issues (including demolition and preparatory groundworks) in order to prevent nuisance. The use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues. The scheme shall include details of how dust will be qualitatively monitored: –

Dust from demolition

Dust from groundwork's

Dust from stockpiles and material handling/removal

Storage of waste

Keeping highways clear of mud

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

5) Restriction of hours during construction

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

6) No burning of materials/substances during construction phase

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

Reason: To safeguard residential amenity and prevent pollution in accordance with policy BE.21

Contaminated Land

7) .Land affected by contamination – Site characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent , scale and nature of contamination;

An assessment of the potential risks to :

- human health,
- * property (existing or proposed) including buildings , crops, livestock, pets , woodland, and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

An appraisal of remedial options , and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk risks to workers , neighbours and other offsite receptors.

- Land affected by contamination – submission of remediation scheme
- 8) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk risks to workers , neighbours and other offsite receptors.

- 9) Land affected by contamination – implementation of approved remediation scheme
- In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved scheme of remediation has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- Following completion of the measures identified in the approved remediation scheme , a verification report that demonstrates the effectiveness of the remediation strategy carried out must be produced , and be approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk risks to workers , neighbours and other offsite receptors.

- 10). Land affected by contamination – Reporting of Unexpected Contamination
- In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with

the requirements of Condition 7) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8), which is to be submitted to and then approved in writing by the Local Planning Authority

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared and submitted to and then approved in writing by the Local Planning Authority, in accordance with condition 9).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk risks to workers , neighbours and other offsite receptors.

Flood and Drainage

11) Floor Levels and Drainage

All finished floor levels shall be set a minimum of 100mm above the predicted 1 in 100 year flood plus climate change level (11.46m AOD), unless otherwise agreed by the Local Planning Authority.

Reason: To mitigate against the risk of flooding

12) No development shall commence on site until a detailed design for the surface water drainage strategy, and for the 'loss in flood plain storage' mitigation works, has been submitted to and approved in writing by the Local Planning Authority. If an alternative surface water drainage strategy is required, it must be submitted to and approved by the Local Planning Authority before development commences. The detailed design for the surface water drainage strategy and for the 'loss in flood plain storage' mitigation works shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and to mitigate against the risk of flood risk increasing both on site and elsewhere. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

13) No part of the development hereby approved shall be occupied/brought into use until a scheme for the maintenance of all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation. The approved SuDS maintenance scheme shall be carried out in full in accordance with the approved details.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid the increase of flood risk to the site and elsewhere.

Transportation

14) Visibility

The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been adjusted to provide visibility splays 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 to the left. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and 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 the National Planning Policy Framework.

15) Car park retention

The existing parking and turning areas as shown on drawing no. 06 revision H received on 4th August 2016 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.

16) Cycle Parking

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 6 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: - To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

17) Travel Plan

No works shall commence on the development hereby permitted until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out;

- objectives and targets for promoting sustainable travel,
- appointment and funding of a travel plan coordinator,
- details of an annual monitoring and review process,
- means of funding of the travel plan, and;
- an implementation timetable including the responsible body for each action.

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

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

18) Use Class Restriction

The gross retail floorspace shall not exceed 1020 square metres as identified on drawing no 18 Rev A and shall be used only for the sale of electrical goods and car accessories and any goods ancillary to these uses and for no other purpose without the prior express planning permission of the Local Planning Authority. The gross Class B1 a) office use shall not exceed 707 square metres as indicated on drawing numbers 07 Rev H and 18 Rev A.

Reason: To define the terms of the permission, in accordance with the submitted details, and to protect the vitality and viability of the City Centre in accordance with the principles of Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

19) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the floorspace hereby permitted shall be used solely as indicated on drawing numbers 07 Rev H, 08 Rev G and 18 Rev A, shall operate ancillary to Gillmans Electrical and shall not be used for any other purpose falling within Use Classes A1, B1 (a), B1 (c) and B8; without express planning permission.

Reason: - Alternative uses would require further assessment by the Local Planning Authority of the impacts upon the vitality and viability of the City Centre and further consideration of the traffic and parking implications of the proposed development in accordance with the principles of Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

20) Archaeology

No development or groundworks shall take place within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment

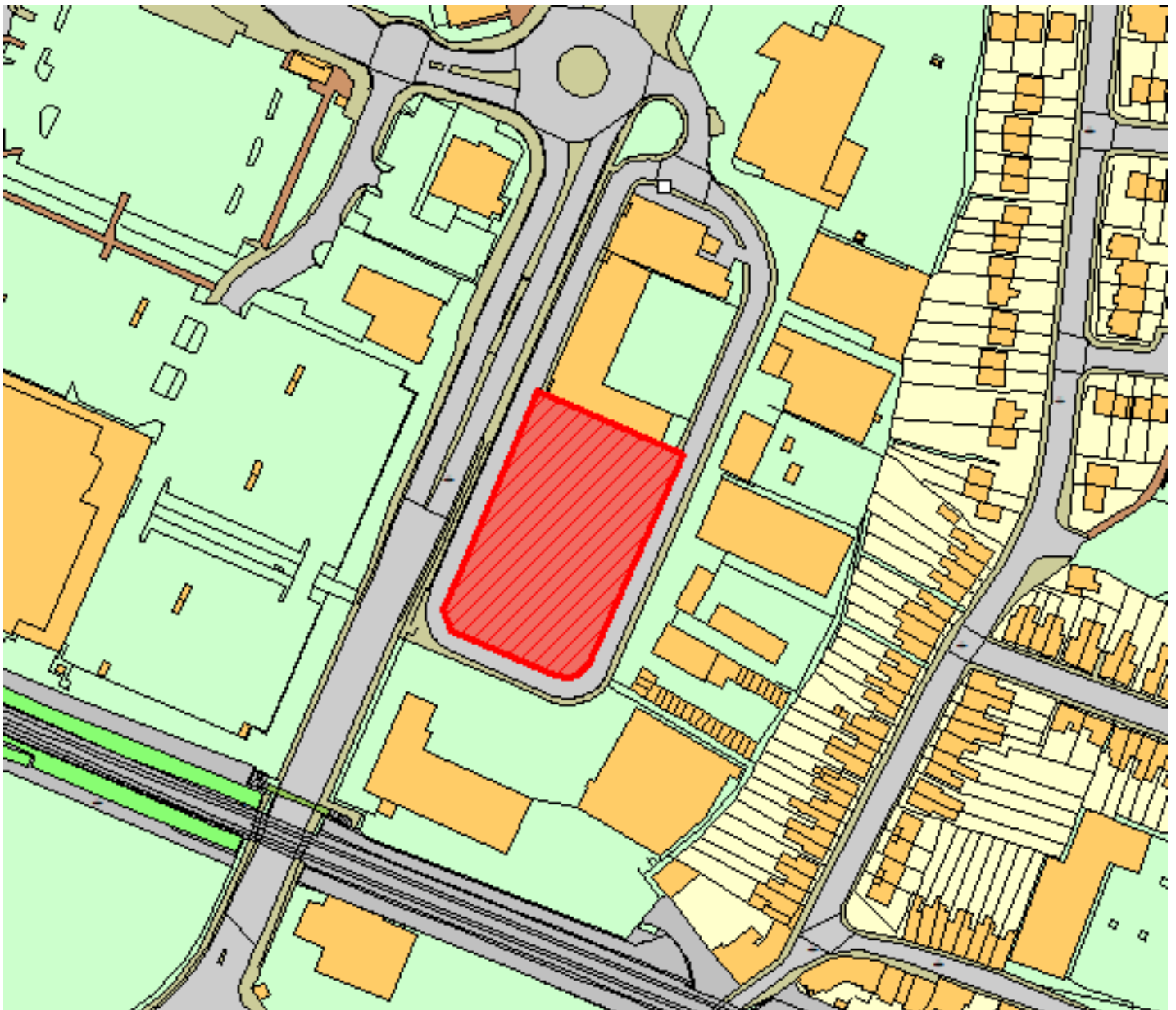
work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological monitoring and recording (a 'watching brief') during ground works related to the development proposal, with the provision for appropriate archiving and public dissemination of the findings.

Reason: The proposed development site has potential to include significant elements of the historic environment. If present and revealed by development works, the Council requires that these elements will be recorded during development and their record made publicly available. This accords with paragraph 141 of the National Planning Policy Framework.

16/00957/FUL

Gillmans Electrical
St Oswalds Road
Gloucester
GL1 2SG

Planning Committee 07.03.2017



GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH MARCH 2017
ADDRESS/LOCATION	:	26 TUFFLEY LANE, GLOUCESTER, GL4 0DU.
APPLICATION NO. WARD	:	16/01367/COU TUFFLEY
EXPIRY DATE	:	13TH JANUARY 2017 (TIME EXTENSION AGREED)
APPLICANT	:	FLOURISH CHILD SERVICES
PROPOSAL	:	CHANGE OF USE FROM EXISTING RESIDENTIAL DWELLING TO PLANNING CLASS C2. INTERNAL ALTERATIONS AND REVISED FENESTRATION TO SOUTH EAST ELEVATION.
REPORT BY	:	AERON REES
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the north east of Tuffley Lane and north west of Campden Road. The property is a two storey detached house with four bedrooms. It has an entrance off Tuffley Lane and an entrance off Campden Road which leads to a garage.
- 1.2 This proposal is for the change of use of the property from a four-bed dwellinghouse to a residential institution (C2) with internal alterations and revised fenestration to South East Elevation.
- 1.3 The revised fenestration to the south east elevation will consist of the removal of one of the windows to the first floor of the south-east elevation and its replacement with two separate windows. The internal alterations will consist of the division of the dining room at the ground floor level to an office and dining room and the division of a bedroom into two separate bedrooms at the first floor level.
- 1.4 Supporting information from the applicant gives further detail on the proposal and how it would be managed.

- 1.5 The home will be for a maximum of 4 young people aged 11 - 17 living at the home at any one time. The home will be a mainstream children's home, supporting young people who are looked after in care. All young people will have an impact assessment completed, in consultation with Gloucestershire's County Council's Children's Team prior to moving in and have visits in order to best match young people with the home and to ensure that their needs can be met at the home.
- 1.6 The home will be staffed at all times by professional staff who will work in shift patterns with 2 staff sleeping in at the home with the young people. As such the home will be operating at all times as young people will live there as their home. Depending on the assessed needs of each child, there will be between 2 and 4 staff present in the day from 7am until 10pm, with a minimum of 2 staff providing sleep in cover from 10pm to 7am. The service will also have a fully qualified and OFSTED Registered Manager on site 5 days a week. In addition, there will be 24-hour on-call emergency line to staff contingency.
- 1.7 Amended plans indicate 3 parking spaces off the Tuffley Lane access and the Campden road entrance being closed up.

2.0 RELEVANT PLANNING HISTORY

- 2.1 92/01738/FUL
Double garage with bedroom over at side. Permitted July 1992.
- 92/01960/FUL
Demolition of double garage and erection of detached dwellinghouse.
Refused October 1992
- 95/00225/FUL
Alterations to existing boundary walling to provide 1.8 metre high enclosure.
Permitted May 1995

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National

Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policies are relevant:

Policy CS.7 (Change of use of dwellings to residential institutions)

Policy FRP.10 (Noise)

Policy BE.6 (Access for All)

Policy BE.21 (Safeguarding of Amenity)

Policy TR.9 (Parking Standards)

Policy TR.12 (Cycle Standards)

Policy TR.31 (Road Safety)

Policy H18a (Supported and Special Needs Housing)

3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

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

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

3.7 All policies can be viewed at the relevant website address: - Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Communities and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

4.1 Gloucestershire County Council (Highways)

Initial response:

The proposal would result in a potential intensification of the site accesses associated with visitors, staff and possibly residents compared with the existing dwelling. Vehicle and pedestrian visibility is substandard onto Campden Road. Due to the bend on Campden Road there were concerns about vehicle visibility splays being achieved.

The access onto Tuffley Lane is considered suitable in terms of vehicle and pedestrian visibility splays. Within the Tuffley Lane drive way, it is considered that 2 or 3 cars could be accommodated.

Local objections regarding traffic and parking associated with the change of use are noted, however with the proposed 2-4 staff on site at a time, four 11-17 year old young people and occasional visitors it is not considered that any additional parking on-street would be detrimental to highway safety on the unrestricted adjacent roads. In addition the site is sustainably located on a regular bus route, within walking distance for staff within the local Tuffley area and to various local amenities reducing reliance on private vehicle use in accordance with the National Planning Policy Framework.

There have been no recorded collisions on the road safety collision database in the immediate vicinity of the site accesses in the past 5 years. An objection mentions a car parked on street in the area was damaged by passing vehicle, however there is no evidence to confirm this incident.

Additional Highway comments received on the 23/02/2017 following amended plan indicating Campden Road entrance being closed up and provision for 3 parking spaces:

Following the previous comments (see above) revised layout 006 has been submitted stopping up the existing Campden Road vehicle access and reinstating the footway removing the access without restricted visibility, with just pedestrian access provided. This removes the safety concern of this access and allows additional on-street parking spaces

The access onto Tuffley Lane is considered suitable in terms of vehicle and pedestrian visibility splays. Internally within the Tuffley Lane drive way drawing 006, illustrates 3 parking spaces. It is noted these are not all independently accessible from Tuffley Lane, however as a small single C2 institution, it is expected users could manage and organise internally their access arrangements, with associated users of the parking, when required to enter and leave the site.

Local objections regarding traffic and parking associated with the change of use are noted, however with 2-4 staff proposed on site at a time, four 11-17 year old young people, of which only the 17 year olds could legally drive, and occasional visitors it is not considered that any additional parking on-street would be detrimental to highway safety on the unrestricted adjacent roads.

No highways objection, subject to the following conditions;

1. The building use hereby permitted shall only be occupied with the vehicular parking area accessed from Tuffley Lane in general accordance with the submitted plan 006 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 the National Planning Policy Framework 35 and TR.12 of the 2nd Stage Deposit Local Plan.

2. The building use hereby permitted shall only be occupied with the vehicle access permanently stopped up in general accordance with drawing 006.

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 the National Planning Policy Framework 35 and TR.12 of the 2nd Stage Deposit Local Plan.

Note; The proposed development will require the removal of a footway/verge crossing with reinstatement of the footway and the Applicant/Developer is required to obtain the permission and highway works agreement from the County Council before commencing any works on the highway.

4.2 Environmental Health Officer

Slight concerns regarding the planning statement information that, '*there is a large variety of reasons that young people come into care so it would be difficult to define the specific needs of the young people at the home.*' there has been experience of noise complaints in regards to residents from care homes, therefore recommend the following condition be attached to any permission:

Scheme of measures for controlling noise - 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 the provisions to be made for the control of noise emanating from the site. 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).

4.3 Housing Strategy and Enabling Service Manager

The County Council have identified a need for this type of specialist residential accommodation, across the city where those being accommodated are likely to have support networks, and have therefore commissioned providers accordingly. Currently, there are approximately ten other properties

providing similar provision throughout the City, including the following areas: - Barton, Tredworth, Westgate, Coney Hill, Quedgeley and Longlevens areas.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the display of a site notice. In addition 11 properties have been notified of the application in writing.

5.2 As a result of this publicity, 10 letters of representation have been received, The letters of objection have raised the following summarised comments:

- Parking – Doubt there is a turning circle on the driveway especially when other cars are already parked on it, lack of parking. Increase in on street parking. Unless the garden area in Campden Road is altered to allow for more parking and turning circles, the present layout of the parking space at the front of the property in Tuffley Lane would not accommodate six cars and turning circles. There are currently parking issues in Campden Road from nursery at No.28 where parents park to drop off/ pick up sometimes blocking driveways. A parked car has previously been damaged due to parking issues.
- Traffic – Increased traffic compared to a family home due to more vehicles, day and night, e.g. staff, manager, social services, medical staff, visiting parents. May increase the risk of accidents to the public, school children, visitors and staff, and children visiting the nursery.
- Noise – Loss of amenity due to noise, intensification of use. Change of use from a private family home to a commercial care property would potentially alter the quiet residential character of this property and the surrounding properties, and generally result in loss of amenity. There could potentially be more noise over each 24 hour period from more special needs children.
- Devaluation of house prices.
- Already existing businesses in the area, 68 Tuffley Lane - don't need more.
- Unsuitable use next door to a day nursery
- Have experienced antisocial behaviour from children at the existing children's home and were advised by staff to contact the police.
- Concerns from operator of nearby children's home about proximity (7 doors away) may impact on the registered person of the new home being able to safeguard children in their care. The current children's home has been open for over 14 months with little impact evidenced by lack of complaints, and the homes proactive approach in maintaining links with local services.

- Application at 28 Tuffley Lane for substantial increase in children places for the Nursery run there. The increase in overall child numbers at 28; coupled with the new use at 26 will result in a dramatic alteration to the residential nature of this locality.

5.3 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=16/00840/FUL>

6.0 OFFICER OPINION

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

6.2 The main issues for consideration with the application are whether the proposed use is acceptable in a residential area and whether the proposal is acceptable in terms of residential amenity and highway safety.

The Principle of the Development

6.3 26 Tuffley Lane is a detached house currently providing 4 bedrooms. It has amenity space to the south east and south west of the main dwellinghouse by way of a garden and entrance off Tuffley Lane and entrance off Campden Road which leads to a garage.

6.4 One of the principles of the National Planning Policy Framework is to provide for a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF requires planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to families with children older people, people with disabilities, service families and people wishing to build their own homes)".

6.5 From the Second Deposit Local Plan, Policy H18a (Supported and Special Needs Housing) is relevant to the consideration of this application. It states:

Proposals for special need and supported housing will be permitted in locations which are close to amenities and facilities and provide sufficient amenity space for the type of housing involved.

The preamble to this policy recognises that there are a wide range of special needs groups and that the provision of special needs housing is important in

meeting the core policy of the local plan in terms of creating a healthy and socially inclusive city.

- 6.6 The Second Deposit Local Plan Policy CS7 (Change of use of dwellings to residential institutions) is also relevant and states:
Planning permission for the change of use of residential properties to residential institutional uses will be permitted where:
1. *The property has five bedrooms or more; and,*
 2. *Adequate parking can be provided on-site; and,*
 3. *An appropriate amount of amenity space is available for the proposed use; and,*
 4. *The change of use would not lead to an unacceptable mix of accommodation in the locality.*

Regarding criteria 1 of policy CS7 above, it should be noted that there has been an appeal decision (02/00922/COU - 38 Denmark Road) where the inspector questioned the requirement for five bedrooms so this part of the policy carries little weight.

- 6.7 Tuffley Lane is dominated by family housing with some non-residential uses such as the 'Best Friends Day Nursery' to the side (north west) of the application site along with a CO-OP to the south west of the site, there are also good bus routes that enable access to local services such as doctors surgeries.
- 6.8 I consider that the proposal meets the requirements of policy H18a, in that it is located close to amenities and criteria 3 of policy CS7 in that the property does have a reasonable sized garden.
- 6.9 As regards criterion 4 of Policy CS7, although there are some other non C3 uses in the surrounding area, including a day nursery next door and a children's home at 68 Tuffley Lane (14/00438/COU), the majority of properties are C3 dwelling houses. I am also mindful that under the provisions of class C3 of the Use Classes Order, the property could be occupied by up to 6 individuals living together as a household without the need for any planning permission.
- 6.10 Therefore I do not consider that the proposed use would have a harmful impact upon the residential character of the area. In land use planning terms the proposed use is essentially to provide specialist residential accommodation and therefore its location in a residential area is acceptable in principle. However, the implications of the proposed change of use for the amenity, parking and traffic implications of the proposed use requires consideration and is assessed below.

Impact upon the Amenity of Neighbouring Properties

- 6.11 Policy BE.21 provides that planning permission will not be granted for changes of use that would unreasonably affect the amenities of existing residents or adjoining occupiers. This reflects NPPF paragraph 17 guidance, that planning

should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. The application has generated significant local interest with objections from residents within the immediate locality of the property along with objections from the Best Friends Day Nurseries located to the side of the application site.

- 6.12 The potential impacts on neighbouring properties arise from the external alterations, i.e. replacement of a first floor window with 2 windows to the rear elevation to enable an increase in the number of bedrooms from 4 to 5 and from the change in the use of the property from a four bed dwelling to a residential care home for 4 children. As set out in paragraph 1.6, in addition to the 4 children, there will be between 2 and 4 staff at the property at any given time. There will be changes in the activity in the immediate vicinity of the site with shift changes resulting in more comings and goings than might be expected in a normal household. Therefore there is potential for increased noise and disturbance compared to a typical single family unit.
- 6.12 The existing house at the application site adjoins 28 Tuffley Road which is used as a day nursery, the "Best Friends Day Nurseries" and is located to the side (northwest) of the application site. The vehicular access, parking and entrance to the proposal adjoin the boundary with no 28. Furthermore, the house itself adjoins the boundary to rear garden to no 28. Although much of the comings and goings associated with the proposed use will be concentrated along the boundary with this property, the impact will be limited as that part of no 28 is adjoining the site is used as a day nursery and its frontage is used for parking. Therefore, there is already a considerable level of activity associated with this non-residential use.
- 6.13 No.1 Campden Road adjoins the site's northeast boundary. The application site's amenity area adjoins this boundary and therefore there is potential for noise and disturbance arising from the use of the amenity area. However, that part of no 1 immediately adjoining the application site contains a garage and driveway. The house itself is approximately 13 metres from the boundary and it is considered that the proposed use will not have an unacceptable impact.
- 6.14 The proposed first floor windows will face Campden Road rather than adjacent properties and therefore it is not considered that there would be any overlooking implications arising from this proposed alteration.
- 6.15 The application has been considered by the Council's Environmental Health Officer who suggests a condition requiring a noise management plan as there has been experience of complaints associated with care homes. While the applicant advises that the proposal would be staffed at all times by professional staff, I consider that a noise management condition is necessary to minimise the potential for noise disturbance and to protect the amenity of neighbouring properties. Subject to this condition and a condition limiting the use to 4 children, I consider that the proposal is acceptable in terms of the impact upon the amenity of neighbouring properties.

Parking and Highway Issues

- 6.16 Paragraph 32 of the NPPF indicates that developments that generate significant amounts of traffic movements should only be prevented or refused on transport grounds where the residual cumulative impact of developments would be severe.
- 6.17 The Highway Authority considers that the access onto Tuffley Lane would be suitable in terms of vehicle and pedestrians and do not consider that additional parking on-street would be detrimental to highway safety on the unrestricted adjacent roads. Furthermore, the site is sustainably located on a regular bus route, within walking distance for staff within the local Tuffley area and to various local amenities reducing reliance on private vehicle use in accordance with the National Planning Policy Framework. Finally it is noted that one of the objections mentioned a car parked on street in the area was damaged by a passing vehicle, however highways have no evidence to confirm this incident or that it was associated with the site accesses or a result of driver error.
- 6.18 The Highways Authority originally expressed concerns regarding the access onto Campden Road, however the applicant subsequently submitted an amended drawing showing that access blocked up and the footpath re-instated. Highways commented on the amended drawing, with no highway objection subject to conditions.

Housing Need and Housing Mix

- 6.19 Paragraph 50 of the NPPF calls for inclusive and mixed communities and that there should be plans for a mix of housing based on current and future demographic trends and the needs of different groups in the community. The applicant has provided published information in support of the need for the proposal. This includes the 2016 Sir Martin Narey report into Residential Care in England which recommends that local authorities take more responsibility in steering the location and type of homes to meet the needs of an area and the need for young people to be normally located near, or in their community.
- 6.20 The Applicant has also provided information indicating how the proposal would meet the needs for residential care for young people in Gloucestershire (based on the Sufficiency Statement for Gloucestershire). Currently 62.5 % of young people in residential care are living out of the county and the majority of young people requiring residential care are aged 13-17. Therefore the applicant considers that the proposal would meet the Gloucestershire need for residential care for young people.
- 6.21 The Council's Housing Strategy and Enabling Service Manager has also confirmed that there is a need for the specialist type of residential accommodation proposed. Therefore it is considered that the proposal would contribute towards a specific housing need in the area.

- 6.22 Concerns have been raised about the harmful implications arising from the concentration of children's care homes in the locality. Consideration has been given above to the impacts of the application proposal on the amenity of neighbouring properties, traffic and parking. It is not considered that the additional impacts arising from the proposal would result in unacceptable harm.

Conclusion

- 6.23 Taking all the above into account, it is considered that the proposal is acceptable in principle having regard to policies CS7, H18a and NPPF paragraph 50. The site is located in a sustainable location, will widen accommodation choice and will contribute towards inclusive and mixed communities. The proposal would not be markedly different in either appearance or usage to a large family occupied dwelling and the residential character of the local area would be retained. The proposal has been considered having regard to potential impacts in relation to amenity, traffic, car parking and housing need and it is considered that notwithstanding the objections received, that subject to conditions including restriction of the use, the proposal is acceptable as it is considered to cause no greater harm than the existing use.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That planning permission is granted subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of 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 details included in the application form, planning statement, proposed elevations (004) and proposed floor plans (003) received by the Local Planning Authority on the 06/11/2016 and the amended site access plan entitled (Plan showing Existing Site Access with Proposed Alternative Road) (006) received by the Local Planning Authority on the 20/01/2017 together with 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

Prior to the first use of the property as a residential institution a noise management plan shall be submitted and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The use of the development shall be carried out in accordance with the approved details.

Reason

To protect the amenity of the neighbouring properties in accordance with policy BE.21 of the Gloucester City Council Second Deposit Local Plan (2002)

Condition 4

The premises shall be used only as a registered children's home for up to four young people between the ages of 11 and 17 and for no other purpose, including any other purpose in Class C2 of the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the local planning authority.

Reason

To ensure that the use remains compatible with the surrounding area and to protect the amenity of neighbouring properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Prior to the commencement of the use hereby permitted the existing access onto Campden Road shall be closed up in accordance with the details indicated on drawing no 006. The vehicular parking area shown drawing no 006 shall be provided prior to the commencement of the use and shall be kept available thereafter for the parking of vehicles.

Reason:

To ensure appropriate parking provision and a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework and policy BE21 and TR31 of the Second Deposit City of Gloucester Local Plan (2002).

Notes to Applicant

1. Your attention is drawn to the requirements of the Building Regulations, which might be needed 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 require the removal of a footway/verge crossing with reinstatement of the footway and the Applicant/Developer is required to obtain the permission and highway works agreement from the County Council before commencing any works on the highway.

NPPF

In accordance with the requirements of the NPPF the Local Planning Authority Has sought to determine the application in a positive and proactive manner by Offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision:

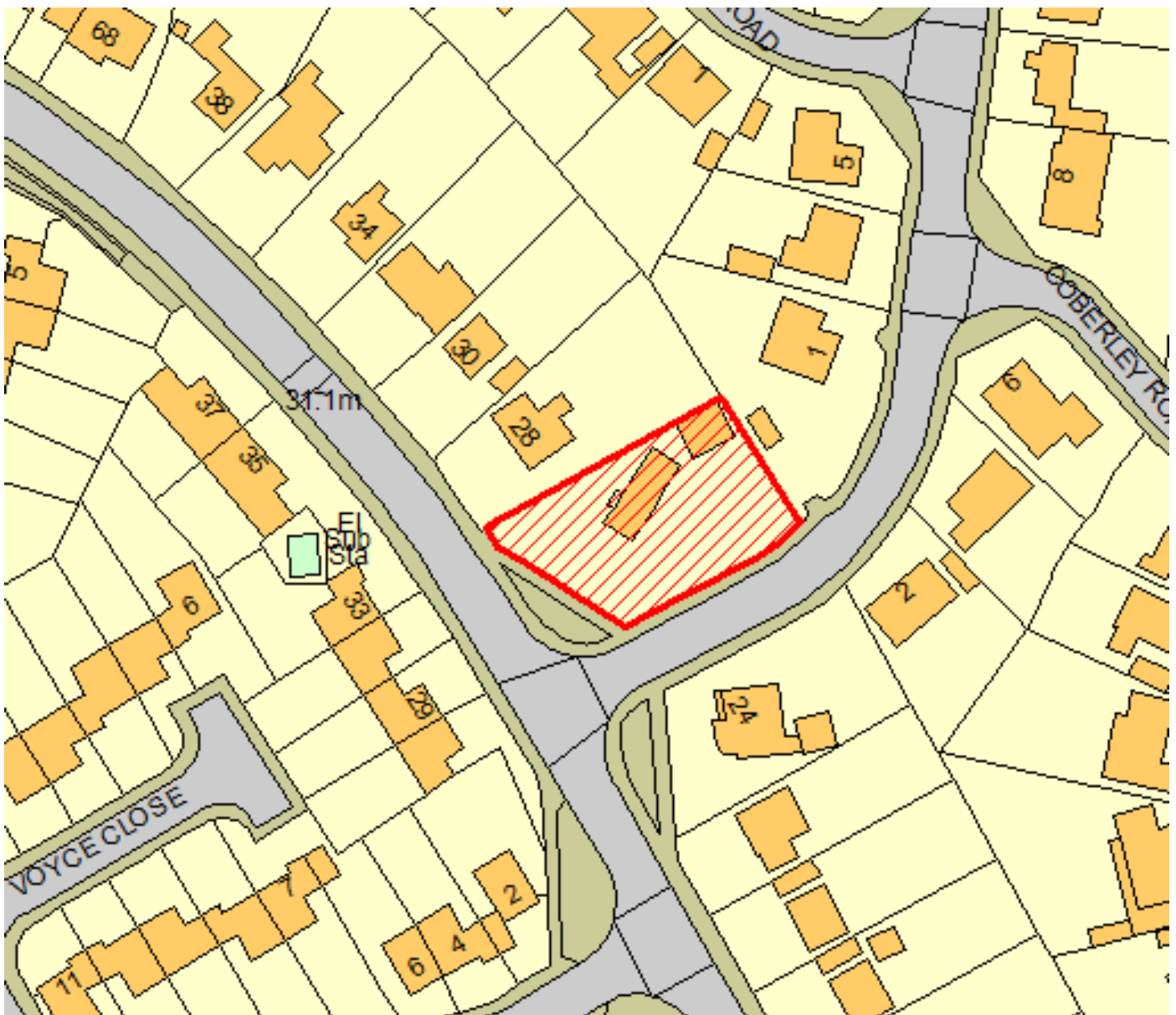
Notes:

Person to contact: Aeron Rees
(01452 396732)

16/01367/COU

26 Tuffley Lane
Gloucester
GL4 0DU

Planning Committee 07.03.2017





Meeting:	PLANNING COMMITTEE - 7th March 2017	
Subject:	PLANNING ENFORCEMENT PROGRESS REPORT (JULY to DECEMBER 2016)	
Report Of:	ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER	
Wards Affected:	ALL	
Key Decision:	No	Budget/Policy Framework: No
Contact Officer:	ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER	
	Email: andy.birchley@gloucester.gov.uk	Tel: 396774
Appendices:	1. SUMMARY OF ENFORCEMENT ACTIVITY	
	2. NOTICES IN EFFECT AT 1st JANUARY 2017	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To identify the level and nature of enforcement activity undertaken by the Planning Enforcement team between July and December 2016. From 2016 onwards progress reports to committee are half yearly rather than quarterly, as agreed by planning committee
- 1.2 To provide an update on formal action being taken against more serious planning breaches, including the results of legal actions undertaken.

2.0 Recommendations

- 2.1 Planning Committee is asked to RESOLVE, subject to any questions or issues arising, that planning enforcement performance be noted.

3.0 Background and Key Issues

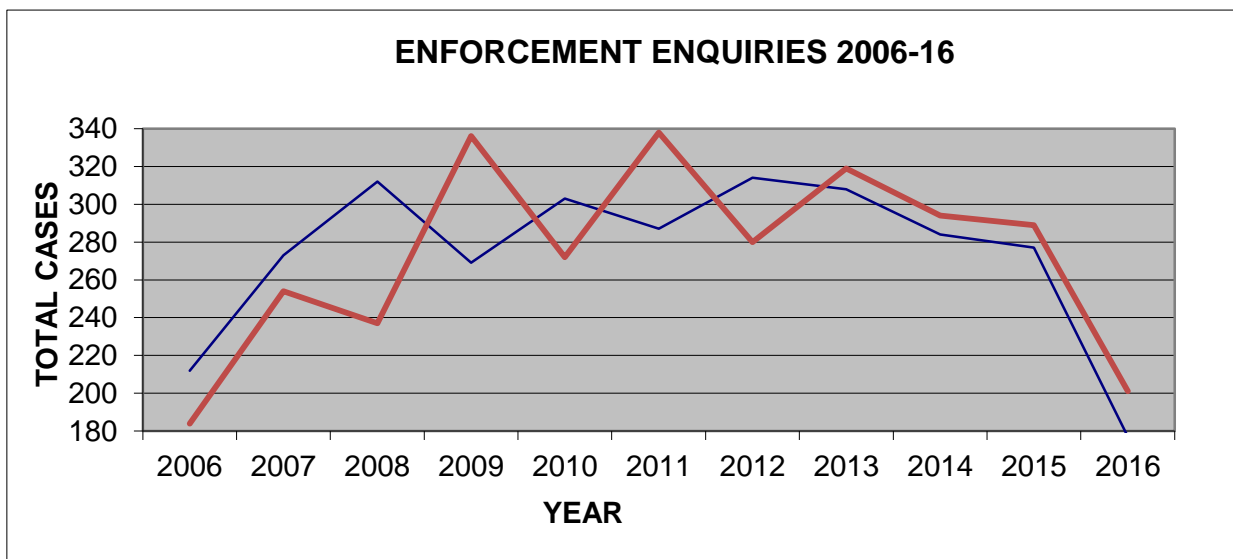
- 3.1 Gloucester City Council's Planning Enforcement function is based in the Private Sector Housing team, and is part of the Council's Public Protection Service. The team is normally made up one full time Enforcement Officer, and a Senior Planning Compliance Officer, and also involves the monitoring of Section 106 legal (planning) agreements.
- 3.2 Up until June 2016 the team operated according to the provisions of the Planning Enforcement Plan, approved by members in September 2013, and revised (with member approval) in November 2015. This policy is supported by a set of customer

service standards, priorities for action, and is supplemented by agreed office procedures.

- 3.3 Since June 2016 the team have been reduced to one member of staff. 'Interim arrangements' have been agreed and in place since that time, pending the outcome of the 'Together Gloucester' review. Operationally this has resulted in a reduction in the number of new investigations taken on (in accordance with the priorities contained within the Planning Enforcement Plan), with a focus on resolving those investigations not concluded by the Enforcement Officer before leaving.

4.0 Caseload and progress

- 4.1 A more detailed breakdown of performance, including types of cases investigated, is provided in Appendix 1.
- 4.2 177 new enforcement enquiries have been investigated in 2016, with 70 cases since June. The team has undertaken an average of around 300 investigations per year since 2007 when staff posts were increased from 1 to 2.
- 4.3 Additionally, the types of investigations undertaken in 2016 vary from other years. In particular no untidy land (s215) or advertisement breaches have been investigated since June. Further, there has been a considerable increase in Breach of Condition investigations which might reflect a more relaxed approach by some developers towards complying with council planning requirements.



- 4.4 The number of cases concluded has also fallen, but is proportionately higher as the focus has been on concluding the Enforcement Officer's outstanding investigations.
- 4.5 While in general the reasons for closing cases remain as for other years, there has been a noticeable reduction in 2016 in investigations where compliance with the Council's requirements have been met, and an increase in cases closed where further action was not 'expedient'.

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 1st January 2017, showing progress against the Council's stated requirements. 3 new Notices were served between July and December 2016, with (another) 9 complied with in the same period. 10 Notices are currently awaiting compliance.

5.3 Enforcement appeals have been made against the following Notices, but because of a conflict of interest for the Senior Planning Compliance Officer, these cases have been concluded by officers outside of the current Planning Enforcement team:

- *Land at 7 St Albans Road (Keyway)* – engineering operations to remove bund providing visual and acoustic protection for adjacent residents. Appeal allowed, subject to provision of landscaping scheme to be agreed between developer and Council.
- *Land at Cherry Tree Cottage* – raising of land levels, unauthorised accommodation, enclosure of land. Appeal not considered due to defective Notice – planning officer in discussions with developer, and is reconsidering reissue of Notice.
- *Ferndale Villa, Naas Lane* – Use of static caravan as an independent unit of accommodation. Appealed allowed

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

- 13 Parkwood Crescent - Untidy gardens cleared by Council contractor, with new owner paying for the works.
- 42 Hopewell Street – Overgrown vegetation in untidy rear garden cleared, and weed membrane laid.
- 2 Fairmile Gardens – Untidy front, side and rear gardens cleared.

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

5.5 The owners of the Picturedrome were prosecuted in November 2016 for failure to comply with a Listed Buildings Enforcement Notice requiring the reinstatement of certain heritage features within the building. The owners are also required to ensure the requisite works are undertaken, and discussions continue with the Conservation team.

6.0 Other work

6.1 s106 systems (as operated up to July 2016) were audited and found to be robust and 'fit for purpose', with some improvements suggested.

6.2 As outlined in Section 3, a review of the planning enforcement role has been under way since June 2016, with a view to exploring and adopting different ways of

working across other similar teams as part of the 'Together Gloucester' review. This has involved detailed discussions and significant staff time input as every part of the function has been carefully looked at and considered.

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 Senior Planning Compliance Officer currently has 66 cases under investigation, and will receive further enquiries during the January to June 2017 period, working to try to resolve or meet a satisfactory outcome in as many of these cases as possible.

9.2 In February Cheltenham Magistrates will hear the case against the owner of Severnside Farm for breaches of 2 Enforcement Notices relating to the use of the farm office for accommodation, and two barns for vehicle storage and repairs, as well as failure to provide information required under a Planning Contravention Notice.

9.3 The 'Together Gloucester' restructure will inevitably have implications for the Council's planning enforcement service in terms of resources available, and how things are done, including the monitoring of s106 Agreements. The officer in post will work with other officers to review the service and how it will operate, with a view to revising the Planning Enforcement Plan and Customer Service Standards for member consideration.

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>2012 TOT</i>	<i>2013 TOT</i>	<i>2014 TOT</i>	<i>2015 TOT</i>	<i>2016 TOT</i>
NEW INVESTIGATIONS UNDERTAKEN	314	308	284	277	177
TYPE OF BREACH (New enquiries):					
Operational development	94	98	88	114	67
Breach of Condition	28	31	31	22	35
Unauthorised change of use	60	70	60	67	46
Works affecting a Listed Building	9	9	6	8	4
Unauthorised advertisement	94	40	50	30	5
Section 215 (Untidy land / property)	21	41	43	24	7
General Amenity	2	1	0	1	5
Tree Preservation Order	1	0	0	0	0
Conservation Area	4	16	6	11	6
Not Planning Enforcement	1	2	0	0	0
S106 breach					2
PROGRESS:					
Total cases worked on in period		421	396	384	267
Unresolved at period end	123	112	102	90	66
<i>Total Notices issued</i>	23	23	29	12	16
<i>Total prosecutions</i>	1	3	3	0	1
<i>Total cases closed</i>	280	319	294	289	201
REASON FOR CASE CLOSURE:					
No evidence of breach	82	107	73	105	67
No further action taken	37	59	54	39	54
Complied with Retrospective Planning Permission given	140	116	127	110	57
Other Powers Used	21	37	35	35	23
			5		0

APPENDIX 2 – NOTICES IN EFFECT – 1st JANUARY 2017

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
244 Stroud Road	Raised platform to rear of property, overlooking neighbours	Enforcement Notice	In discussion with owners, Notice compliance period not yet reached
<i>Lock Warehouse</i>	<i>Use of flats for short term lets</i>	<i>Planning Contravention Notice</i>	<i>Notice returned with information required. Short term lets ceased or ceasing by end of February 2017</i>
<i>Papa Johns, 10 Silverdale Parade</i>	<i>Doors and windows are being left open (required by condition to be closed), causing odour issues to local neighbours.</i>	<i>Breach of Condition Notice</i>	<i>Notice is being complied with (since issue on 20th September)</i>
90 Longford Lane	Use of outbuilding as a self-contained unit of living accommodation	Enforcement Notice	Occupant relocated and works carried out as required. No longer being lived in.
255 Stroud Road	Breach of condition – obscure glazed side window removed	Breach of Conditions Notice	New window now obscured.
13 Parkwood Crescent	Untidy front side and rear gardens	S215 Notice	Works undertaken by new owners
42 Hopewell Street	Untidy rear garden	S215 Notice	Works undertaken by Council in default

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
<i>25 Damson Close</i>	<i>Significant amount of public verge land enclosed into private garden</i>	<i>Enforcement Notice</i>	<i>Correct boundary now reinstated by owner, including realignment of fence</i>
<i>2 Fairmile Gardens</i>	<i>Untidy land to front side and rear gardens, consisting of overgrown vegetation and discarded items on land</i>	<i>S215 Notice</i>	<i>Works undertaken by Council in default</i>
<i>122 Eastgate Street</i>	<i>Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area</i>	<i>Enforcement Notice</i>	<i>Works to reinstate shopfront now complete</i>
93 Westgate Street	Damage to rear wall of Listed Building, knocked through to insert a door	Listed Buildings Enforcement Notice	Works not undertaken. Conservation team to take direct action to restore features
Cherry Tree Cottage	Unauthorised development to construct house, stationing of mobile home, raised land levels, and unauthorised enclosure, including land not in applicant's ownership	Enforcement Notice	Working with owners to resolve issues, considering re-issue of the Notice
7 St Albans Road (Keyway)	Removal of landscape (visual and acoustic) bund and replacement with unauthorised concrete block wall	Enforcement Notice	Appeal allowed conditional on landscaping strip provided. Owner working with Council's Landscape Architect to agree/provide scheme.

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
Ferndale Villa	Use of static caravan as a unit of independent accommodation	Enforcement Notice	Appeal allowed
Severnside Farm	Further information required relating to various works and operations on the land	Planning Contravention Notice	Notice only part completed, legal action being undertaken
Severnside Farm	Unauthorised use of farm office for accommodation	Enforcement Notice	Notice not complied with, legal action being undertaken
Severnside Farm	Unauthorised use of barns for vehicle repair and storage	Enforcement Notice	Notice not being complied with, legal action being undertaken
Land adjacent to Gospel Hall, Matson	Field not reinstated to previous condition (including levels) following use as a works compound	Enforcement Notice	Scheme of works to be undertaken from April 2017
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 prosecuted for failure to comply with Notice. Further discussions under way seeking compliance with Notice or alternative scheme.

Notices in bold served within July to December 2016 period

Notices in italics have been complied with or otherwise concluded during July to December 2016 period.

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Abbeydale

16/01500/TPO
Paget Cottage The Wheatridge Gloucester GL4 4DF

JJH

WDN 09/01/2017

16/01520/FUL
19 Badger Close Gloucester GL4 5EY

RHIAM

Single storey extension at front and garage conversion

G3Y 17/01/2017

17/00021/FUL
5 Sudbrook Way Gloucester GL4 4AP

AEROR

To create parking space for 1 to 2 cars at front of house with dropped kerb access. To remove existing kerb stone's x7 and tarmac footpath and replace with dropped kerbx7 and re tarmac footpath to regulation. Then remove all foliage and concrete footpath

WDN 20/01/2017

17/00040/LAW
5 Sudbrook Way Gloucester GL4 4AP

Dropped Kerb

WDN 20/01/2017

Abbeymead

16/00720/FUL
7 Birdwood Close Gloucester GL4 5UF

FEH

Erection of 1 bed 2 storey attached dwelling to the side of 7 Birdwood Close

NPW 12/01/2017

Barnwood

09/00140/FUL
Sainsburys Barnett Way Gloucester GL4 3RT

CJR

Extension of existing store to provide 1,455 sq m net of new retail floorspace, alterations to existing car parking and cycle route, reconfiguration of Barnett Way / car park access junction and new link road onto Corinium Avenue.

NPW 30/01/2017

16/00662/FUL JOLM
Units 3 - 4 Eastern Avenue Retail Park Eastern Avenue Gloucester GL4 3EA
Provision of full height glazing to front elevation and replacement entrance
feature together with the provision of a 769 sq.m. mezzanine floor
WDN 09/01/2017

16/01358/FUL FEH
Territorial Army Centre Carne Place Gloucester GL4 3BD
Site access and circulation alterations, including the creation of 2 no. new
vehicular accesses each to be served by a sliding gate, relocation of 1 no.
pedestrian access gate, laying of new carriageway, relocation of 2 no.
G3Y 13/01/2017

16/01365/ADV BOBR
Halfords Eastern Avenue Gloucester GL4 4LP
1no. internally illuminated flexface sign 2no. non illuminated fascia signs
3no. poster frames 1no. forecourt sign
GFY 23/01/2017

16/01381/TPO JJH
96 Barnwood Road Gloucester GL4 3JH
Re- Pollard 18no Lime trees either side of the drive leading to 96 Barnwood
TPDECS 03/01/2017

16/01453/FUL AEROR
31 Brookfield Road Gloucester GL3 3HE
Single storey front extension, two storey side extension, two storey rear
G3Y 10/01/2017

17/00045/TPO JJH
EDF Energy Ltd 7 Barnett Way Gloucester GL4 3RS
T415 Lime - adjacent to Barnwood Road. Dead. Fell to ground level.
T40 Horse
Chestnut. Mature tree in arboretum. Faulted limb with developing limb with
coalescing decay seem and exudate. Endweight faulted SE lateral by 2-3m
and reshape, stabilise major d
WDN 25/01/2017

Barton & Tredworth

16/00683/FUL FEH

55 Hopewell Street Gloucester GL1 4HQ

Proposed 1 bedroom flat between 55 and 57 Hopewell Street and construction of single storey extension to side of 55 Hopewell Street

RET 12/01/2017

16/01377/FUL AEROR

21 Adelaide Street Gloucester GL1 4NL

Two storey rear extension

G3Y 05/01/2017

16/01513/FUL RHIAM

62 Salisbury Road Gloucester GL1 4JQ

Single storey rear extension.

G3Y 26/01/2017

16/01514/FUL AEROR

56 Ryecroft Street Gloucester GL1 4LY

Two storey side and single storey rear extension

G3Y 20/01/2017

Coney Hill

16/01116/FUL AEROR

25 Billingham Close Gloucester GL4 4SS

Proposed car parking space and pedestrian footpath

G3Y 10/01/2017

16/01383/FUL FEH

Saintbridge Pharmacy Askwith Road Gloucester GL4 4SH

Single storey side extension to the Pharmacy and construction of ramped

WDN 27/01/2017

Elmbridge

16/01347/FUL FEH

44 Nine Elms Road Gloucester GL2 0HB

Proposed first floor and single storey rear extensions, removal of front balcony and railings and changes to fenestration at front

G3Y 13/01/2017

16/01369/FUL		BOBR
138 Cheltenham Road Gloucester GL2 0JR		
The erection of a detached dwelling, alterations to No. 138 Cheltenham Road and formation of vehicular accesses to serve the existing and proposed dwellings. (Amended description and plans)		
G3Y	25/01/2017	
16/01370/FUL		AEROR
28 Liddington Road Gloucester GL2 0HL		
Single storey side and rear extension.		
G3Y	10/01/2017	
16/01436/COU		BOBR
162 Elmleaze Gloucester GL2 0LB		
Change of use from domestic to shared domestic and beauty salon.		
G3Y	10/01/2017	
16/01438/FUL		RHIAM
8 Ogbourne Close Gloucester GL2 0HU		
Demolition of Garage and erection of a two storey side and single storey rear extension.		
G3Y	10/01/2017	
16/01464/FUL		AEROR
2 Coltman Close Gloucester GL1 3QJ		
Outbuilding to replace existing, for ancillary use for the first floor flat.		
WDN	20/01/2017	
16/01580/PDE		AEROR
39 Liddington Road Gloucester GL2 0HL		
Single storey rear extension (depth: 6 metres from rear elevation of original dwellinghouse, maximum height: 2.75 metres, height of eaves: 2.45 metres)		
ENOBJ	27/01/2017	

Grange

16/01329/FUL		RHIAM
19 Osborne Avenue Gloucester GL4 0QN		
Single storey side extension.		
G3Y	17/01/2017	

16/01555/OUT
Gladiator Inn Tuffley Lane Gloucester GL4 0PZ
Erection of 2 lock-up shops, four flats and stationing of storage containers
RET 11/01/2017 FEH

Hucclecote

16/01363/LAW
35 Pitt Mill Gardens Gloucester GL3 3ND
Single storey rear extension.
RET 27/01/2017 RHIAM

16/01444/LAW
7 The Orchards Gloucester GL3 3RL
Retention of existing 2 No. pigeon lofts and aviaries.
WDN 30/01/2017 BOBR

17/00027/CONDIT
1 Chosen View Green Lane Gloucester GL3 3RE
Discharge of condition 4 (materials) of permission 14/00702/FUL for a two storey side extension
ALDIS 20/01/2017 FEH

Kingsholm & Wotton

16/00444/FUL
Former 16 Newland Street Gloucester GL1 3PA
Attached building comprising 4no. flats.
NPW 05/01/2017 BOBR

16/01209/TPO
29 Tewkesbury Road Gloucester GL2 9AY
Copper Beech - Pollard to a height of 20 Feet.
WDN 04/01/2017 JJH

16/01489/FUL
45 Tewkesbury Road Gloucester GL2 9BD
Proposed 2no. dormer windows (Amended description & plans)
G3Y 17/01/2017 BOBR

16/01499/FUL	ADAMS
Unit 2 Triangle Park Triangle Way Gloucester GL1 1AH	
Erection of extractor flue and 2 no. condenser units	
WDN	20/01/2017
16/01506/JPA	FEH
London House 10 - 12 London Road Gloucester GL1 3NE	
Prior approval for change of use from offices (B1) on first and second floor to 4 residential apartments (C3)	
NRPR	27/01/2017
16/01522/FUL	RHIAM
148 Estcourt Road Gloucester GL1 3LJ	
Single storey rear extension	
G3Y	17/01/2017
16/01587/TRECON	JJH
48 London Road Gloucester GL1 3NZ	
T2 Prunus avium - shorten laterals growing into grounds by 3 to 4m. T3 Group of Cherry - shorten lateral branches extending into garden area by 3 - 4 m. All other works do no require notification.	
TCNOB	23/01/2017
16/01596/TRECON	JJH
Guild House 2A Denmark Road Gloucester GL1 3HW	
London Plane (T1) located at the front of the property/roadside - Lift crown over parking bays to 4 metres, sever ivy from around the base of the tree.	
Robinia (T2) located at the left front corner of the property - Clear phone lines by 1 metre and sever	
TCNOB	23/01/2017
16/01597/TRECON	JJH
St Margarets London Road Gloucester	
Horse Chestnut (T1) located at the front of the property/London Road - This is to be removed as it is declining, there is lack of vigour, the tree has a codominant stem from 4 metres and the bark is split from ground level to the	
TPDECS	23/01/2017

Kingsway

16/01552/TPO JHH
19 Lyneham Drive Kingsway Quedgeley Gloucester GL2 2AW
T1, T2, T3 - Crack Willow - re-pollard, T4 - Ash - Dead - Fell. T5 Ash - Twin
stemmed - Fell
TPDECS 20/01/2017

Longlevens

16/00850/CONDIT BOBR
Land Adj 38 Beaumont Road Gloucester
Request for confirmation that Condition 1 - (Apporved drawings) & Condition
2 - (Drainage arrangements) of permission no. 16/00330/FUL have been
NPW 05/01/2017

16/01327/FUL AEROR
39 Park Avenue Gloucester GL2 0DZ
Single Storey Rear and Side Extension and Renovation of Existing Garage Roof
and Parapet
G3Y 13/01/2017

Matson & Robinswood

16/01356/CONDIT AEROR
Saintbridge House 189 Painswick Road Gloucester GL4 4QQ
Discharge of condition 3 (materials) and condition 4 and (Drawings, scaled
drawings for aluminium windows, doors and roof structure) of previously
permitted application 16/00818/FUL
ALDIS 25/01/2017

16/01364/FUL AEROR
70 Well Cross Road Gloucester GL4 6RA
Erection of boundary fence
REF 10/01/2017

16/01387/FUL AEROR
68 Marlborough Road Gloucester GL4 6GD
First floor rear extension.
G3Y 27/01/2017

16/01451/FUL AEROR
1 Mulberry Gardens Gloucester GL4 6BN
Partial garage conversion
G3Y 10/01/2017

17/00011/TCM DTJ
PCP Re-Shell Matson Avenue Gloucester
New BT cabinet
NOB 09/01/2017

Moreland

16/00840/FUL CJR
Lidl Supermarket Canada Wharf Bristol Road Gloucester GL1 5TE
Demolition of existing Lidl foodstore and construction of larger replacement store with associated car parking, servicing and landscaping.
G3Y 11/01/2017

16/01512/FUL AEROR
2B Robinson Road Gloucester GL1 5DL
Single storey side and rear extension
G3Y 20/01/2017

16/01540/TPO JJH
Rose Bank 170 Stroud Road Gloucester
(T31) Hornbeam at the front
TPDECS 04/01/2017

16/01566/PDE AEROR
170 Calton Road Gloucester GL1 5ER
Erection of rear conservatory (depth: 3.1 metres from rear elevation of original dwellinghouse, maximum height: 3 metres, height of eaves: 2.1
ENOBJ 27/01/2017

Podsmead

16/01376/ADV AEROR
Unit E5 Goodridge Business Park Goodridge Avenue Gloucester GL2 5EB
Flush acrylic sign on south elevation of Unit E5. Non-illuminated.
GFY 10/01/2017

16/01523/FUL AEROR
10 Romney Close Gloucester GL1 5NT
First floor side and rear extension and single storey element with new roof
G3Y 27/01/2017

Quedgeley Fieldcourt

16/00604/REM JOLM
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Construction of new access road and associated drainage and services, from
Rudloe Drive within Framework Plan 5 (Access road 1)
AR 16/01/2017

16/01093/REM JOLM
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Construction of new access road off Rudloe Drive within Framework Plan 5
employment area (access road 3).
AR 18/01/2017

16/01162/REM CJR
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Construction of access road (number 5) drainage and services to serve
employment land in Framework Plan 5.
AR 27/01/2017

16/01277/FUL FEH
Land To East Stephenson Drive Quedgeley Gloucester
Removal of condition 9 (hours) and variation of condition 2, 18 and 19
(design) of permission 16/01022/FUL. (Erection of 6 B1/B8 Industrial Units
together with associated parking and landscaping)
G3Y 25/01/2017

16/01352/FUL AEROR
228 Church Drive Quedgeley Gloucester GL2 4US
Two storey rear and side extension
G3Y 03/01/2017

16/01448/CONDIT JOLM
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Discharge of conditions 22 (construction traffic strategy), 23 (temporary
parking) and 24 (site fencing) of outline planning permission 13/00585/OUT,
in relation to the construction of access road 5 on the employment area,
ALDIS 18/01/2017

16/01454/ADV AEROR
Unit J The Aquarius Centre Edison Close Quedgeley Gloucester GL2 2FN
New Signage
GFY 20/01/2017

16/01480/TCM FEH
Dimore Playing Field School Lane Quedgeley Gloucester
The installation of a 15m shrouded monopole, 2no. microwave dishes, 3 no.
equipment cabinets, along with ancillary works
GATCMZ 12/01/2017

Quedgeley Severnvale

16/01380/TCM RHIAM
Unit 4 Olympus Park Quedgeley Gloucester GL2 4NF
Installation of Microwave Radio
RET 05/01/2017

16/01547/TPO JJH
Olympus Park Quedgeley Gloucester
T1 _ T2: 2x Willow located adjacent to pond. Pollard back to previous
pollarding points approximately 2m from ground level.
TPDECS 05/01/2017

16/01562/LAW RHIAM
55 Curtis Hayward Drive Quedgeley Gloucester GL2 4WJ
Proposed single storey rear extension.
LAW 24/01/2017

Tuffley

16/00034/FUL BOBR
Land Adjacent 1 & 3 Woods Orchard Woods Orchard Gloucester
4 bedroom detached dwelling, 1 bedroom detached annexe with double
garage below and formation of new vehicular access.
WDN 05/01/2017

16/00121/NMA BOBR
244 Stroud Road Gloucester GL4 0AU
Minor amendment to permission no.15/00542/FUL comprising revisions to
rear elevation and roof design and obscure glazed windows to northern side
NOS96 18/01/2017

16/01473/FUL RHIAM
31 Fox Elms Road Gloucester GL4 0BG
Single storey rear and side extension.
G3Y 17/01/2017

16/01474/FUL AEROR
19 Hillborough Road Gloucester GL4 0JG
Single storey side and rear extension
G3Y 13/01/2017

16/01475/FUL RHIAM
58 Falfield Road Gloucester GL4 0NE
Single storey rear extension.
G3Y 16/01/2017

Westgate

14/01147/PREAPP BOBR
Severnside Farm Walham Lane Gloucester GL2 9NF
Residential development
NPW 05/01/2017

14/01482/ADV BOBR
Phones 4U 2 Southgate Street Gloucester GL1 2DH
Internally illuminated fascia and projecting signs. (Retrospective
RAD 16/01/2017

16/00185/FUL BOBR
Vodafone 2 Southgate Street Gloucester GL1 2DH
Installation of a TV aerial (amended description).
G3Y 10/01/2017

16/00450/CONDIT JONSU
Land At Gloucester Bus Station Market Parade Gloucester
Partial discharge of conditions 6 (Environmental Management Scheme) , 11
(Treatment to Elevations) and 17 (Bats) of permission 15/01142/FUL
ALDIS 03/01/2017

16/01049/FUL AEROR
Northend Vaults 86 - 88 Northgate Street Gloucester GL1 1SL
New aluminium and glazed roofed extension with bi fold doors to the rear,
adaption to existing fire escape stair and new fire escape door to the front of
G3Y 27/01/2017

16/01050/LBC AEROR
Northend Vaults 86 - 88 Northgate Street Gloucester GL1 1SL
New aluminium and glazed roofed extension with bi fold doors to the rear,
adaption to existing fire escape stair and new fire escape door to the front of
GLB 27/01/2017

16/01169/FUL BOBR
48 Westgate Street Gloucester GL1 2NF
Single storey extension to rear (to enclose courtyard area) and 2nd Floor
extension to rear with alterations to roof.

G3Y 25/01/2017

16/01170/ADV BOBR
48 Westgate Street Gloucester GL1 2NF
Externally illuminated fascia and hanging sign.

GFY 18/01/2017

16/01183/COU FEH
79-81 Northgate Street Gloucester GL1 2AG

Convert part of first floor into a 1 bedroom flat, new rear access staircase
and construction of three timber storage sheds at the rear

RET 12/01/2017

16/01195/FUL ADAMS
Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By
Variation of Conditions 14 (landscape scheme), 44 (travel plan) and 46 (car
park management) of permission ref. 15/01144/FUL to amend the timing for
compliance

Original development is - Alteration, including partial
demolition, refurbishment and restorat

WDN 30/01/2017

16/01273/FUL CJR
Bruton Court Bruton Way Gloucester GL1 1DA
Creation of surface level car parking for the Asda Store.

G3Y 18/01/2017

16/01275/CONDIT ADAMS
Llanthony Wharf Car Park Llanthony Road Gloucester
Application for discharge of Conditions 3 (surfacing materials), 4 (street
furniture), 5 (retained railway tracks), 6 (drainage), 8 (construction
management), 9 (delivery management) and 10 (access management) of
permission ref. 16/00829/FUL (new public s

ALDIS 19/01/2017

16/01309/COU	FEH
2 Clarence Street Gloucester	
Change of use of ground floor office (Use Class B1) to 1 no. one bedroom residential flat with bin storage	
G3Y	19/01/2017
16/01310/LBC	FEH
2 Clarence Street Gloucester	
Change of use of ground floor office (Use Class B1) to 1 no. one bedroom residential flat with bin storage	
GLB	19/01/2017
16/01318/FUL	AEROR
28B Hempsted Lane Gloucester GL2 5JA	
Proposed First Floor Extension.	
WDN	05/01/2017
16/01401/FUL	FEH
Land South Of Rectory Lane Gloucester	
Erection of garage for detached dwelling approved under permission Ref 13/00977/FUL	
G3Y	27/01/2017
16/01455/CONDIT	ADAMS
The Fountain Inn 53 Westgate Street Gloucester GL1 2NW	
Discharge of Conditions 1 (commencement of development, 2, (approved plans), 3 (works to outbuilding), 5 (works to porch), 6 (methodology for internal works), 7 (methodology for external works) and 8 (lighting, canopies, arches) of listed building consent	
WDN	23/01/2017
16/01461/FUL	FEH
5 - 7 Brunswick Road Gloucester GL1 1HG	
Alterations to Jumpin Jacks nightclub to create a new pub and restaurant. Formation of new window and door openings and proposed external metal	
WDN	20/01/2017
16/01463/CONDIT	ADAMS
Llanthony Priory Llanthony Road Gloucester	
Discharge of Conditions 3 (archaeological work), 17 (tree protection), 19 (drainage), 20 (noise generation), 21 (construction times), 22 (bat mitigation), 23 (lighting strategy) and 27 (construction management) of planning permission ref: 15/01271/FUL.	
PADIS	30/01/2017

16/01476/CONDIT	ADAMS
The Fountain Inn 53 Westgate Street Gloucester GL1 2NW	
Discharge of Conditions 1 (commencement of development), 2, (approved plans), 3 (works to porch), 4 (works to existing outbuilding) and 5 (hours of construction) of permission ref. 16/00887/FUL	
WDN	23/01/2017
16/01478/LBC	BOBR
31 Westgate Street Gloucester GL1 2NW	
Installation of new non-illuminated fascia sign.	
G3L	10/01/2017
16/01484/COU	BOBR
6 - 8 The Oxebode Gloucester GL1 1RZ	
Change of use from A1 (Retail) to A3 (Cafe).	
G3Y	13/01/2017
16/01509/CONDIT	CJR
Land East Of David Hook Way Gloucester	
Discharge of Condition No. 19 (Bat Boxes) No. 21 (Flood Warning) and No. 35 (Waste Management Plan) on Planning Permission Ref: 14/01195/FUL.	
ALDIS	25/01/2017
16/01537/FUL	AEROR
82 Hempsted Lane Gloucester GL2 5JS	
Erection of conservatory.	
RET	27/01/2017
16/01571/CONDIT	FEH
St Michaels Tower Eastgate Street Gloucester GL1 1PD	
Submission of method statement for the installation of new lighting and cabling for an external lighting scheme to provide enhanced night time illumination of St Michaels Tower (condition 3 of permission 16/00951/LBC)	
ALDIS	13/01/2017
16/01595/TRECON	JJH
Flat 1 St Bartholomews 57 Park Road Gloucester GL1 1LR	
Cherry T1 located at the back of St Bartholomews. In decline - remove _	
TCNOB	23/01/2017
17/00008/LBC	AEROR
Unit 72A Gloucester Quays Designer Outlet St Ann Way Gloucester GL1 5SH	
Add two number extraction vents to right hand rear of building above fire exit	
RET	27/01/2017