

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST APRIL 2014**

ADDRESS/LOCATION : **EDISON CLOSE QUEDGELEY**

APPLICATION NO. & WARD : **13/00887/FUL
QUEDGELEY FIELDCOURT**

EXPIRY DATE : **17TH FEBRUARY 2014**

APPLICANT : **MR OMER GUNEY**

PROPOSAL : **STATIONING OF A HOT FOOD CATERING
VAN.**

REPORT BY : **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN
4 LETTERS OF REPRESENTATION**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located upon the eastern side of Edison Close, which is a commercial cul-de-sac accessed from Telford Way and within the in Walterwells Business Park.
- 1.2 To the north and west of the site are numerous commercial and industrial buildings and lay-by parking and to the east of the site is commercial land yet to be developed.
- 1.3 Nearby developments include are the police custody centre which is currently under construction and 'Capital Venue' snooker academy at the far end of Edison Close.
- 1.4 The application seeks planning permission to station a hot food vending van on the eastern side of the street, with a serving hatch facing the pavement.
- 1.5 The proposed hours of operation are 18:00 to 23:00hrs 7 days a week. The van would be driven away from the site each day.
- 1.6 The application has been brought before the planning committee as the proposal is for a 'hot food takeaway' which has received public objections.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None

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decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework.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:

3.4.1 BE.21 - Safeguarding of Amenity

Planning permission will not be granted for any new building, extension or change of use that would unreasonably affect the amenity of existing residents or adjoining occupiers

3.4.2 FRP.11 – Pollution

Development that may be liable to cause pollution of water, air or soil, or pollution through noise, dust, vibration, light, heat or radiation will only be permitted if the quality and enjoyment of the environment would not be unduly damaged or put at risk.

Particular attention will be given to development of potentially polluting uses in close proximity to sensitive uses such as schools, hospitals, housing or offices.

Development of sensitive uses such as schools, hospitals, houses and offices will not be permitted where they would be adversely affected by existing polluting uses.

3.5 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Draft Joint Core Strategy in October 2013. 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 and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

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

4.0 CONSULTATIONS

4.1 Environmental Protection Officer – Raised no objections subject to conditions relating to opening hours.

4.2 Gloucestershire County Highways – Raised no objection.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of eighteen neighbouring properties were notified of the application by letter. The application was also advertised by a site notice.

5.2 At the time of writing four letters of representation have been received. The comments raised are summarised below:

- Poor highway visibility due to being located too close to a junction and on a bend. This would cause a hazard and also parked cars visiting the Van would also cause a hazard.
- There are 2 other purpose built food outlets in Waterwells Business Park close by
- These 2 premises are both restricted by opening hours and can not open after 18:00 hrs due to planning restrictions.
- As the owner of one of these other food establishments and other units adjoining we will also apply for late night opening on grounds of precedent.
- Would be totally out of character in this area,
- We have off road parking and facilities on site.
- I have not had notification of the application this is the case with several other near neighbours.
- Edison Close is a narrow business only site.
- Already very little parking and passing room.
- Installation of a hot food van would add additional traffic and interrupt existing business.
- The buildings were erected for B1 business use.
- There is no public parking for workers
- Edison Close is already under pressure, and proposals to convert some buildings to Retail.
- Parking, that problems will increase when rest of close is built.
- There are already food outlets within walking distance.

- Multiple "mobile" sandwich vans passing several times a day.

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

6.0 OFFICER OPINION

6.1 The application seeks planning permission for the stationing of a mobile hot food catering van, which would operate between the hours of 6pm and 11pm daily.

6.2 The character of the area is commercial and industrial and the nearest residential properties are some 120 metres to the north on Naas Lane. The proposal would therefore not result in any harm to residential amenities.

6.3 The proposed van would not be out of keeping with the industrial character of the area which is serviced by a variety of private and commercial vehicles.

6.4 As the proposed van will operate during evening hours it is considered that there will be little or no disturbance to the surrounding commercial properties.

6.5 Concerns have been expressed by existing catering operators, the nearest of which is at 1 Oakhill Court which is located on the western side of Telford Way and approximately 180 metres from the application site. It is not the role of the planning system to protect against competition.

6.6 An objector has also raised concerns with regards to his operating hours of his food business which are limited by condition to 6pm. A review of the relevant planning application reveals that the hours granted reflect what was applied for in that particular application. Should the objector wish to vary this condition he would be entitled to and the application as in this instance would be considered upon its own merits.

6.7 The proposed van would operate outside of principal business hours of the many of the surrounding commercial units, and would not therefore conflict with ore frequent daytime business activities.

6.8 The evening opening and transient nature of the takeaway customers is unlikely to result in any pressures upon existing parking provision, and it was noted on site that the adjoining highway is not subject to any parking restrictions.

6.9 Gloucestershire County Highways officer has raised no objections to the proposed change of use and it is concluded that the proposal would not have a severe impact on the highway safety.

6.10 I consider it reasonable to include a condition requiring a bin to be provided during trading hours in order to minimise possible impacts from litter and Vermin.

- 6.11 In the unlikely event of any anti-social behaviour associated with the proposal, this is best controlled by the police and the city licensing officers.

6.0 CONCLUSION/REASON FOR APPROVAL

- 6.1 The impacts of the siting and operation of the hot food vending van have been carefully considered. It is concluded that on balance and subject to compliance with conditions, the proposed use would not result in demonstrable harm to the character of the area or highway safety. For these reasons the proposal is considered to be in accordance with policies BE.21 and FRP.11 of the Gloucester City Council Second Deposit Local Plan 2002.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 7.1 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 use hereby permitted shall be carried out in accordance with the submitted application form, supporting information, received by the local planning authority on 23rd December 2013, as well as any other conditions attached to this permission.

Reason

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

Condition 3

The use hereby permitted shall only open to the public between the following hours: 18.00 and 23.00 Monday to Sundays and Bank Holidays.

Reason

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

Condition 4

A litter bin shall be provided at the site at all times that the van is stationed and open for business. The litter & bin shall be removed from the site every day.

Reason

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

Condition 5

Prior to the commencement of the development a waste management plan relating to waste oil, shall be submitted to and approved in writing by the local planning authority. The approved plan will be implemented before the first use of the development and shall be adhered to for the duration of the use.

Reason

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

Decision:

Notes:

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Person to contact: Bob Ristic (Tel: 01452 396822)

13/00887/FUL

Edison Close
Quedgeley
Gloucester

Planning Committee 01.04.2014



Dear Bob,

Many thanks for taking the time to send me the plans for 13/00887/FUL, and also for taking the time to discuss the issue in such detail. You will no doubt see an objection from me through the web portal. I feel that I should withdraw this objection, as local "mis-signposting" by our developer led me to believe that the proposal was within what you call Stanley Court rather than Edison Close. I therefore feel it would have no impact on business in Stanley Court. I would like to take this opportunity however to point out that visibility exiting Edison Close to Telford Way is restricted at all times, and poorly lighted at night, especially when considering the well used cycle path crossing the Edison Close exit. I don't think that this will effect this proposal, but the increasing use of Edison Close in general may mean that it may warrant attention.

With regard to the application relating to Unit 1, our only concern would be one of access and customer parking, (similar to my initial objection for the above). Currently Quedgeley Carpets are good responsible neighbours, but the nature of their business and advertising leads us and other residents of Stanley Court to be concerned about a longer term plan to encourage a change of use of the building to retail, something that we would object to unless adequate parking and access could be demonstrated. It is my understanding that only 3 spaces are allocated to the unit, and these appear to be already used by the company's employees.

Sincere Regards,

Simon Turner
S.A.L. Trading Ltd,
3 Stanley Court
Edison Close,
Waterwells Business Park,
Gloucester
GL2 2AE

Hello

Comments have been submitted regarding proposal [Stationing of a hot food catering van. at Edison Close Quedgeley Gloucester](#). The following objection was made today by Mr Charlie Oakhill.

I object to the Planning Application in Edison Way for a Mobile Hot Food Retail outlet on the following grounds. 1. Poor Highway visibility due to being located too close to a junction and on a bend. This would cause a hazard and also parked cars visiting the Van would also cause a hazard. 2. There are 2 other Purpose built Food outlets in Waterwells Business Park close by both are in purpose built buildings. These 2 premisses are both restricted by opening hours and can not open after 18:00 hrs due to planning restrictions. Should this application be passed as the owner of one of these food establishments and other units adjoining we will also apply for late night opening on grounds of precedents being set, and this would be totally out of character in this area, we have off road parking and facilities on site. We may consider more than one outlet. A site meeting would show without doubt the unsuitability of this proposed site. Please acknowledge my objections as previously they were not posted.

Mr C Oakhill

As one of the nearest neighbours to this location I have not had notification of the application this is the case with several other near neighbours. It could easily be construed that it has been a deliberate ploy not to raise any objections from neighbouring businesses who would most likely be the most affected.

Mr Charlie Oakhill

Edison Close is a narrow business only site. When access to the Industrial Units loading bays are taken into account there is already very little parking and passing room. Approaches have already been made to the developer about the inadequate parking for the units already. Installation of a hot food van would add additional traffic and antagonise existing parking concerns, and seriously interrupt existing business. The buildings were erected for B1 business use. There is no free public parking for workers for some distance other than the two narrow parking spaces per unit, clearly inadequate in the modern environment. Edison Close is already under pressure due to the developments around the area, and proposals to convert some buildings to Retail. One can only assume that when the other half of the Close's development is completed with a similarly low level of parking, that problems will increase. There are already food outlets within walking distance of the limited number of business in Edison Close, in addition to multiple "mobile" sandwich vans passing several times a day so this will not benefit the business residents of Edison Close at all.

Mr Simon Turner
9 Cosford Close Kingsway
Quedgeley
Gloucester
GL2 2BQ