



## PLANNING COMMITTEE

**MEETING** : Tuesday, 1st April 2014

**PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), McLellan, Hilton, Hobbs, Smith, Noakes, Ravenhill, Hanman, Dee, Mozol and Randle

**Officers in Attendance**

Gavin Jones, Development Control Manager

Adam Smith, Principal Planning Officer, Major Developments

Caroline Townley, Principal Planning Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllrs. Bhaimia and Toleman

### 247. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

### 248. MINUTES

The minutes of the meeting held on 4 March 2014 were confirmed and signed by the Chair as a correct record.

### 249. APPLICATION FOR DETERMINATION - 13/00710/FUL - LAND AT JCT OF CLIFTON ROAD AND BRISTOL ROAD

The Development Control Manager presented the report which detailed an application for the demolition of an existing building and the erection of a Class A1 food store (1,680 m<sup>2</sup> gross; 1,125 m<sup>2</sup> net) with associated access, parking and landscaping on land at the junction of Clifton Road and Bristol Road.

He referred to the representations and petitions received detailed at paragraph 5.2 of the report. He drew Members' attention to the recommended amendment to Condition 16 and additional representations contained in the late material.

He believed that the choice of materials especially the choice of brick would be of great importance to the development and he noted that the application was acceptable to the highways authority.

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He noted that there would be some adverse impact on the Seymour Road local centre but this was not considered significant enough to warrant refusal and he referred Members to paragraphs 6.8 – 6.14 of the report together with the recommended conditions 22 and 23.

**Mr Dan Templeton, of Turley Associates on behalf of the applicant, addressed the Committee speaking in support of the application.**

Mr Templeton advised Members that the site had the benefit of planning permission for commercial development which had not been taken up. Extensive discussions had taken place with Council Officers both before and after submission of the application and both the design and the retail implications had been rigorously tested.

He believed that the site currently made no real contribution to the area and the design proposed recessed panels with detail in blue engineering brick to reflect the former wagon works and Morelands factory buildings.

Mr Templeton referred to the retail impact assessment and advised Members that Aldi tended to compete with other large food stores not small local shops. He believed any impact on the Griffin's Cornershop would be limited and was not a material consideration. He noted that the sequential test had indicated that no suitable sites were available and other recent refusals had involved different retail offers.

He asked Members to approve the recommendations of their officers as the development of this site, which had been unused for 20 years, would bring improvements to the townscape and employment opportunities.

**Mr Richard Holmes of Mid Counties Co-op addressed the Committee speaking in objection to the application.**

Mr Holmes referred to the policy section of the report and the Joint Core Strategy health check analysis which indicated that floor space capacity was more than sufficient until 2013.

He believed that the proposal would take trade away. loss of trade would lead top loss of profit and ultimately closure with loss of a service to the community and particularly the vulnerable.

He noted that the Tredworth and Seymour Road retail areas were afforded protection by policy. The Lidl store had had a harsh impact on the Co-op store. He was not satisfied that the proposal had satisfied the sequential test and asked Members to refuse the application.

**Mrs Lisa Bayes addressed the Committee speaking in objection to the application.**

Mrs Bayers objected strongly ton the application which she considered failed PPS6 (3.9). She urged the Committee to listen to the community they served and who understood how to shape and protect against inappropriate development. She

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noted that the Localism Act 2011 stated “Take power from officials and put it in the hands of local people who know their neighbourhood”.

The 2002 local plan noted “Corner shops provide an important service to local people” which she believed was particularly true of the Griffins’ store which had been a family business since 1940 and had become the lifeblood of the community. The store provided a valuable free delivery service to elderly and disabled residents, organised street parties and supported local causes.

She believed that the application had failed to satisfy the sequential test and it would have an adverse impact on Seymour Road Local Centre as the estimated profit of £7.14 million would result in trade loss to other local businesses.

She believed that the suggested job creation of the application could not be justify the negative impacts and noted that other sectors in the neighbourhood had concerns relating to traffic and parking.

The Development Control Manager introduced Mr Duncan McCallum of DPDS Ltd, retail consultants retained by the Council and invited him to comment on the impact on Seymour Road Local Centre.

Mr McCallum stated that it was difficult to forecast precisely the impact of the application and advised that the benefit of the doubt be given to the applicant as it would be difficult to defend a refusal at appeal. He noted that the Seymour Road Co-op was trading to the expected average and should continue so to do.

He noted that independent stores could close for a variety of reasons and that the Seymour Road centre was dependent on ‘top-up’ shopping. He advised Members that refusals on the grounds of impact on local centres did not tend to receive support from the Government on appeal.

In answer to a question, Mr McCallum advised that Aldi customers purchased an average of 14 items which was considered to require a trolley and there were no sequentially preferable sites available with parking accessible to trollies. He noted that it was intended to allocate 500 m<sup>2</sup> for a food store in Kings Quarter which was much smaller than required by the applicant.

He noted that the JCS retail study was intended to indicate if the Council should make further provision for further retail floor space. He also noted that Aldi would be limited to a range of 2,000 items.

Councillor Hobbs expressed concerns regarding the safety of the crossing of Clifton Road and suggested that a contribution be sought to upgrade the crossing. He was advised that the highway authority had not requested a contribution towards road safety measures.

The Development Control Manager advised that the store in New Street did not have the benefit of policy protection. He reiterated the view of the Council’s retail consultant that the impact of the application was not sufficient to justify refusal or to be upheld on appeal. He undertook to request the highway authority to look again at the pedestrian crossing and road junction.

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**RESOLVED that permission be granted subject to the conditions in the report with Condition 16 amended as follows:-**

**Amended Condition 16**

*Finished floor levels should be set at least 330mm above the modelled 1 in 100 year peak flood level (including an allowance for climate change) on the Sud Brook of 12.37 metres above Ordnance Datum (AOD). Prior to the commencement of the development details of flood resilience measures to be employed within the design and construction of the building up to a height of 12.97metres AOD shall be subject to the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

Reason

*To protect the development from flooding in accordance with policy FRP.1a of the Second Stage Deposit City of Gloucester Local Plan (2002).*

**250. APPLICATION FOR DETERMINATION - 13/00977/FUL - LAND SOUTH OF RECTORY LANE**

The Principal Planning Officer presented the report which detailed an application for the erection of a detached three bedroom dwelling house on land south of Rectory Lane.

She drew Members' attention to the late material which contained further representations, the comments of the Contaminated Land Officer, the Agent's response to late representations and an additional condition.

**Ms Sandra Potente on behalf of Chartwell Close Residents Association, addressed the committee in opposition to the application.**

Ms Potente advised Members that the proposed tree planting was too close to boundary walls. She noted that Rectory Lane formed part of the Severn Way and became congested at times especially at the start and end of the school day and during events causing road safety concerns. She believed that the proposals contravened Building Regulations in respect of fire appliance access.

She noted that the site was in a Landscape Conservation Area, that the owners had closed a permissive footpath and had allowed the site to become overgrown. The proposal was overbearing and intrusive and would have a clear view into the bedrooms of three houses, contravening Article 8 of the European Human Rights.

She noted that there was an overflowing manhole in Rectory Lane and newt access would be compromised should further tarmac be laid.

The Chair advised that he had visited the site and found the access to be poor and he expressed concerns on access during the construction phase. He also had concerns on overlooking.

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The Principal Planning Officer advised that there would be no windows in either side of the dwelling to overlook neighbours. She noted that the proposed dwelling was contained between the built form of Chartwell Close and Foxleigh and was therefore considered to be an infill site. She confirmed that the highway authority had raised no objection. A construction method statement would be secured through a planning condition.

Councillor McLellan believed the access to be poor and the egress to be dangerous.

Councillor Hobbs saw no planning reason to refuse the application and expressed surprise that only one dwelling had been proposed.

Councillor Smith agreed that the proposal was infilling but she noted that the 20 metre gap between buildings would prevent overshadowing or the building being overbearing. The lack of windows in the side elevations would prevent overlooking and she believed that a refusal could not be justified in planning terms.

In answer to a question, the Development Control Manager advised that no contribution to highway improvements had been requested by the highways authority.

It was moved and seconded that consent be granted in accordance with the officer's recommendation. When the vote was put there was an equality of votes and the Chairman exercised his prerogative of a casting vote, so the motion fell.

A further motion to defer the application to visit the site with a highways officer invited was carried.

**RESOLVED to defer the application for a site visit to be organised with an invitation to attend being sent to a Gloucestershire County Council highways officer.**

**251. APPLICATION FOR DETERMINATION -13/1203/FUL - NEWARK FARM HEMPSTED**

The Principal Planning Officer presented the report which detailed an application for the demolition of existing farm buildings and construction of eight dwelling houses and associated garages and parking and formation of new vehicular access from Ladywell Close.

He drew Members' attention to the late material which confirmed that a number of issues had been resolved including building recording and bat issues and additional highway conditions. He confirmed that the Section 106 Agreement had been completed.

**Mr Tom Sheppard, Design Manager for Newland Homes, addressed the Committee in support of the application.**

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Mr Sheppard advised that the proposal was the result of extensive pre-application discussions. Newland Homes understands and enhances the sites it develops and the application responds to the character of the existing site.

He advised that most of the existing buildings had become unsafe and were beyond repair but he believed that the application represented an exciting proposal for their replacement.

The application had been revised to improve the relationship with 11, Ladywell Close. An existing barn would be rebuilt and some windows had been repositioned to prevent overlooking.

In conclusion, Mr Sheppard noted the contribution for education and the environmental benefits of the proposals which would deliver new homes in Hempsted on a brownfield site.

**Mr Robert Fleming of 11, Ladywell Close addressed the Committee in opposition to the application.**

Mr Fleming considered the proposals to be excessive and not sympathetic with a loss of privacy. He noted that the garage of plot 1 encroached over its site and other plots had small rooms which suggested there was not enough room on the site and could lead to conversion of garages in future. He questioned the access through Ladywell Close and believed that bungalows would be more appropriate than terraced dwellings on the site.

He had enjoyed the privilege of viewing wildlife from his home for 14 years and questioned the loss of habitat for a gain of only eight dwellings. He had lived in Hempsted for 43 years and was sure that there would be residents interested in downsizing to bungalows.

In answer to a question, the Principal Planning Officer advised that although Conservation Area Consent was no longer required for the demolition of the buildings the process had become part of the assessment of a full planning application. The applicant had advocated the reuse of materials where possible and this was supported by Officers. He noted that if it were to be retained and converted, Barn 2 would require the whole roof and much of an exterior wall replacing. The barn building had limited architectural value in itself but made a contribution as part of the collection of building – it was the group of buildings that has significance.

Several Members spoke in favour of the design and considered it sympathetic to the area.

Councillor Taylor was pleased that access was not via the lane which was not acceptable.

Councillor Hobbs understood the concerns of the neighbour but considered the scheme was not overbearing or overdeveloped and was happy with the rebuilding of the barn at plot 4.

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Councillor McLellan also considered the access was acceptable and supported the contributions to education.

He undertook to strengthen the wording of condition 6 in the late material to address Members' concerns over the future conversion of integral garages to residential use.

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

**Additional Condition**

*No development shall commence (including demolition) and no vehicles, plant or materials shall be brought onto the site, until the alternative bat roost (as set out in the Protected Species Ecology document received by the Local Planning Authority on 20<sup>th</sup> March 2014) has been implemented and verified by a licensed bat ecologist (documentary evidence of which shall be provided to the Local Planning Authority prior to the commencement of demolition), and it shall be retained for the duration of the development.*

**Reason**

*In the interests of ecological preservation in accordance with Policy B.7 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.*

**Amended Condition 12**

*The Badger Mitigation shall be undertaken in accordance with the Methodology received by the Local Planning Authority on 19<sup>th</sup> November 2013. The existing sett on site shall not be closed and no development shall commence (including demolition) and no vehicles, plant or materials shall be brought onto the site until the alternative sett is shown to be active and such evidence has been submitted to and agreed in writing by the Local Planning Authority.*

**Reason**

*In accordance with the submitted ecological report and to preserve ecology, in accordance with Policy B.7 of the City of Gloucester Second Deposit Local Plan 2002 and the NPPF.*

**Delete the building recording condition 17**

**Additional Condition**

*Prior to any works commencing on site, the vehicular access where it joins the public highway known as Ladywell Close shall be laid out and constructed in accordance with the submitted plan ref. 192-1.1 Rev. B and it shall be maintained for the duration of the development.*

**Reason**

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*To reduce potential highway impact by ensuring the access is suitably laid out and constructed in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 32 of the NPPF.*

**Additional Condition**

*No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.*

**Reason**

*In the interest of highway safety to ensure safe and suitable access has been provided for all people in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 32 of the NPPF.*

**Additional Condition**

*No dwelling hereby permitted shall be occupied until the car parking associated with that dwelling (including garages where proposed) has been provided in accordance with the submitted plan ref. 192-1.1 Rev. B, and shall be maintained available for that purpose for the duration of the development.*

**Reason**

*To reduce potential highway impact by ensuring that vehicles do not have to park on the highway in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 32 of the NPPF.*

**Informative note**

*The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.*

**252. APPLICATION FOR DETERMINATION -13/00887/FUL - EDISON CLOSE, QUEDGELEY**

The Development Control Manager presented the report which detailed an application for the stationing of a hot food catering van at Edison Close, Quedgeley.

Councillor Dee suggested that the Planning Policy Sub-Committee should consider a policy for hot food catering vehicles. Councillor Noakes noted there would also be implications for the Licensing and Enforcement Committee.

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

**253. MATTERS FOR REPORT**



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The Development Control Officer presented the report which detailed the six appeals lodged since the previous report to Committee in October. In addition the report included details of the six appeals dismissed and the one appeal allowed in that period.

Members congratulated Officers on the report.

**RESOLVED that the report be noted.**

**254. DELEGATED DECISIONS**

Consideration was given to a schedule of applications determined under delegated powers during the month of January 2014.

**RESOLVED that the schedule be noted.**

**255. DATE OF NEXT MEETING**

Tuesday 6 May 2014 at 18.00hrs.

**Time of commencement: 18:00 hours**

**Time of conclusion: 20:52 hours**

**Chair**