



## PLANNING COMMITTEE

**MEETING** : Tuesday, 6th May 2014

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

### **Officers in Attendance**

Gavin Jones, Development Control Manager

James Felton, Solicitor

Neil Troughton, Highways Department, Gloucestershire County Council

Adam Smith, Principal Planning Officer, Major Developments

Caroline Townley, Principal Planning Officer

Andy Birchley, Senior Planning Compliance Officer

Parvati Diyar, Democratic Services Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllr. Bhaimia

### **256. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

### **257. MINUTES**

The minutes of the meeting held on 1 April 2014 were confirmed and signed by the Chair as a correct record.

### **258. 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 advised Members that the Chartwell Close residents had requested that, should the Committee be minded to grant consent, the following conditions be imposed:-

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- 1) Any future planting should not be close enough to the retaining walls of the Chartwell Close properties to damage them. the residents had suggested that any planting should be 3 metres from the boundary and, if possible, the trees should be an alternative species to the silver birch shown on the submitted plans. (Members were advised that Officers could discuss this with the landscape architect and it could be dealt with under the landscape condition 5 recommended in the Officer's report.)
- 2) The Chartwell Close residents should be provided with access to maintain their retaining walls. (Members were advised that this was a civil matter.)
- 3) Retain part of the grass verge adjacent to the access without a tarmac surface. (Members were advised that the Highway Officer and Agent agreed to this and it could be addressed by amending Condition 12 and agreements with the Highway Authority).

She reminded Members that the application had been deferred at the previous meeting to enable a committee site visit to be arranged.

**Mrs Linda Jordan of 4, Chartwell Close addressed the Committee speaking against the application.**

Mrs Jordan advised members that the Officer had covered most of her points in the presentation but asked that should the application be granted, the Committee give consideration to imposing the conditions requested by Chartwell Close residents. She noted that the objections had been well documented and she did not intend to repeat them.

She noted that the occupants of the proposed dwelling would be able to look down her back garden and into her bedroom windows while she would be able to look into theirs.

Councillor Hilton stated that he had visited the site independently and noted that it was difficult to appreciate how much the land fell away. He believed that the Chartwell Close residents had purchased their properties assuming that they would retain views of the Severn Vale. He believed that the proposed dwelling would be a blot on the landscape as it would be much higher than the fencing.

The Principal Planning Officer noted that the dwelling would be 4.7m from the damp proof course to the eaves and 7.9m to the ridge. She noted that loss of view not a planning consideration.

Councillor Hilton noted that the site was in a Landscape Conservation Area and the proposal would obscure the view. He did not believe that the proposal was infilling, it was on the edge of a hill where people had bought properties assuming there would be no more building.

Councillor McLellan had visited the site independently and he expressed concerns regarding egress especially regarding the location of the pumping station.

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The Highways Officer noted that the development proposed improvement and the level of usage and traffic speed were such that he was satisfied and there was no reason to refuse the application on grounds of highway safety. He confirmed that suitable access and egress could be achieved.

Councillor Lewis believed that the development would improve visibility although he agreed with not surfacing part of the access.

Councillor Toleman advised that he had arrived late for the site visit. He noted that the access was located on a bend and he expressed concern that should the pumping station be damaged the whole of Hempsted would be affected.

Councillor Smith expressed concern that the Council would incur costs if the application was allowed on appeal and the Chair noted that the Inspector would decide what conditions to impose.

Councillor Noakes believed that there were privacy issues. She disagreed with the Highways Officer and she expressed concern that there could be another two or three properties on the site.

The Principal Planning Officer advised that the current application was for one dwelling although the Council could not control the submission of any future applications which if submitted would need to be dealt with on their individual merits at that time.

The Chair noted that there could be lots of children using the top end of Rea Lane.

The Highways Officer explained that there must be a severe impact on the transport network to justify refusal in accordance with the National planning Policy Framework and one extra vehicle trip per hour could not be considered a severe impact.

Councillor Hanman questioned the pumping station and was advised that Severn Trent had raised no objection subject to condition and the Environmental Health Officer had requested a noise condition.

The Development Control Manager confirmed that the development would not impact on the pumping station.

A motion to grant permission in accordance with the Officers' recommendation was defeated.

Councillor Hilton expressed concerns about privacy for the occupants of the proposed dwelling. The Solicitor advised that the applicants would be aware of what they were applying for and as such this would not stand up on appeal.

The Chair advised Members that a planning reason would be required before any motion to refuse could be considered.

Councillor Hilton believed that the application was an intrusion into the landscape to Conservation Area of Hempsted and with the privacy of both the new dwelling and

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those in Chartwell Close and the access was an unacceptable development in this location.

The Development Control Manager advised Members that solid justifiable reasons for refusal based on planning policy were required.

Councillor Lewis referred to paragraph 4.3 on page 26 of the report and noted that the 2012 Strategic Housing Land Availability Assessment noted that the site was suitable, available and achievable of delivering four dwellings.

Councillor Hilton moved the further motion that the application be refused as the development would be an intrusion into and detract from the particular landscape qualities and character of the Landscape Conservation Area and was not therefore in accordance with Policy LCA.1 of the Second deposit city of Gloucester Local Plan (2002).

The motion was carried and it was

**RESOLVED that the application be refused for the following reason:-**

**The proposed development would be an intrusion into and detract from the particular landscape qualities and character of the Landscape Conservation Area and is therefore contrary to policy LCA.1 of the Second Deposit City of Gloucester Local Plan i(2002).**

**259. APPLICATION FOR DETERMINATION -13/01261/OUT - INTERBREW UK LTD, EASTERN AVENUE**

The Principal Planning Officer presented the report which detailed an application for the redevelopment of existing warehousing and distribution site to provide wholesale/retail warehouse club (circa 13,025 square metres gross), creation of new signalled access and junction on eastern Avenue, Laying out of associated vehicle parking (circa 612 spaces) and associated servicing space, and erection of freestanding roadside restaurant (circa 420 square metres gross) and associated parking (circa 34 spaces) and servicing (outline application – means of access offered for consideration; appearance, landscaping, layout and scale reserved for future consideration) at Interbrew UK Ltd, Eastern Avenue.

He amended the second sentence of paragraph 6.18 of his report to refer to diversion of trade in the local area rather than Gloucester specifically.

He referred Members to the late material which confirmed that the applicant had withdrawn the restaurant element of the application and provided a revised Flood Risk Assessment and Drainage Strategy, the two comments already received about the application from interested parties and set out a revised Officer's recommendation.

**Mr Philip Staddon on behalf of the applicant, addressed the Committee in support of the application.**

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Mr Staddon advised that the application was for a major development on a Gateway to the City. The site had provided over 400 jobs in its heyday but most of the office space was currently empty. He considered the current site was unattractive.

He believed that the current application would open a new chapter in the history of the site as the warehouse club would serve a large catchment area.

He noted that there was no potential operator named at this stage but he confirmed that the application was a serious proposal which the applicant intended to deliver.

He advised that the nearest similar operations were located at Avonmouth and Birmingham. He considered that there were two big issues with the application – retail and highways. He believed that there would be no significant impact on retail trade in the City and noted that his view was shared by the Council's retail consultants, and noted that the proposed junction works and the modelling had been done.

In terms of the small issues he noted that the drainage had been resolved and expressed surprise that the application had been recommended for refusal due to the restaurant element which represented only 3 per cent of the total site area however he noted that the restaurant had been removed by the applicant to simplify matters.

He advised Members that the grant of planning permission would be an important step forward toward re-establishing the employment credentials of the site but it would not happen overnight.

The Chair referred to the comments made by Nathaniel Lichfield and Partners in the late material which implied that the Council would have difficulty in arguing that a similar sized out of centre A1 retail use would adversely affect the City centre. He was advised that an identical application would naturally have the same impacts but any new application would have to be assessed in terms of the relevant policy tests anyway. It was not considered to be a matter for concern.

Councillor Noakes welcomed the proposal. She considered it was a run down site in a gateway location. She expressed regrets at the removal of the restaurant as there was only one other pub restaurant in Barnwood. She assured Members that the Costco warehouse clubs were quality operations and she believed that such a business on this site would create jobs and attract people to Gloucester. She noted that it was not a 'normal' retail operation.

Councillor McLellan welcomed the regeneration of a derelict site but noted the comments of Costco who were acknowledged experts in this field, and the lack of clarification on their specific queries was of concern. Overall he supported the proposal.

Councillor Hobbs supported the application which was considered to be a welcome part of the regeneration of Eastern Avenue but called for anti-seagull measures to be installed on the flat roof. It was agreed that this be added as a condition.

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Councillor Dee supported the application but would have preferred to see a named operator. He noted concern, hoping that this would not turn into a different operation so as to circumvent planning policy.

The Chair emphasised that the proposed S.106 terms were important to secure the type of proposal, such as not being an A1 use – providing ‘safety’ against some of the stated concerns.

**RESOLVED that outline planning permission is granted subject to conditions and the completion of a s106 legal agreement to secure the terms as set out below, with the addition of a condition to secure measures to dissuade birds roosting and nesting on the roof and subject to there being no new material planning considerations raised in any new representations received by the Local Planning Authority before 28<sup>th</sup> May 2014 during the re-consultation period:-**

Draft S106 legal agreement heads of terms

- A limit on the maximum amount of floorspace
- The annual turnover of sales to trade/individual members (65% trade members / 35% individual members)
- A restriction on the number of items on sale
- A requirement to target items at trade members and package mainly in institutional sizes and multi packs
- An acknowledgement that use of the premises as a Class A1 shop would require planning permission
- The operation of a specified membership system to be defined in the agreement
- The restriction of sales to members only
- A requirement to supply the Council with information on goods on sale upon request, and rights to enter the premises during trading hours for verification purposes
- A s106 clause or Condition to restrict the proportion of floorspace that can be used to sell different categories of goods, in order to maintain the mixed character of the activity and to prevent the specialisation of the offer on one sector of goods.

Conditions

- The standard outline planning permission conditions (commencement of development, submission of reserved matters, etc)

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- A condition to secure conformity to the approved 'parameter' plans
- A condition to prevent the installation of mezzanine or other additional floors

**Environmental matters**

- A condition to secure the submission for approval and implementation of drainage plans to an appropriate specification including a Sustainable urban Drainage System
- A condition to secure the stated commitment to standards to address climate change and sustainability
- A condition to secure 10% of energy from renewable sources
- A condition to secure compliance with a site waste management plan for the demolition and construction phase
- A condition to impose an overall noise limit generated from items of plant and equipment
- A condition to secure an appropriate programme of land remediation

**Design**

- A condition to secure approval and implementation of facing materials
- A condition to secure approval and implementation of boundary treatments
- A condition to secure details and implementation of measures to discourage seagulls roosting and nesting on the roof of the building

**Landscaping**

- A condition to require soft landscaping within the car park
- A condition to secure the implementation of all the landscaping
- A condition to secure the maintenance of all the landscaping for 5 years

**Archaeology**

- A condition to secure a further phase of archaeological trial trenching
- A condition to require reserved matters applications to be informed by the results of the trial trenching

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- A condition to secure a final phase of archaeological work within the footprint of the existing building, if necessary
- A condition to secure details of the foundation design

**Construction phase**

- A condition to restrict hours of demolition and construction operations
- A condition to secure a construction method statement to address environmental pollution matters

**Highways**

- A condition to secure the provision of fire hydrants
- A condition to secure details of parking, turning and loading/unloading facilities and their implementation
- A condition to prevent usage until approved access works (including the new junction, cycleway, carriageway, footways, surface water drainage/disposal and street lighting) have been completed
- A condition to secure a Construction Method Statement for highways matters

**260. PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT: JANUARY - MARCH 2014**

The Senior Planning Compliance Officer presented the report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement Team between January and March 2014.

Mr Birchley advised Members that a planning Compliance Officer had been recruited to replace Heidi Clarke who had left the Council's service.

He illustrated recent activity with a series of photographs including:-

- Gasworks fence, Podsmead
- Untidy land at Bybrook Gardens
- 35, London Road
- Rear of Awebridge Way
- Interplay
- Kebab Van at Gloucester Rugby Club
- Signs at Lock Warehouse
- Untidy land at 119, Cheltenham Road

Members thanked Mr Birchley for his efforts and Councillor Hobbs requested that he investigate a new unauthorised sign at the Peel Centre.



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**RESOLVED that the report be noted.**

**261. SECTION 106 MONITORING PROGRESS REPORT 2013/14**

The Senior Planning Compliance Officer presented the report which detailed new Section 106 agreements entered into, contributions received and other benefits realised as a result of Section 106 Agreements in the 2013-14 financial year.

He advised Members that the monies had been received for public art on the Railway Triangle site. Plans had not been finalised and he hoped to be able to report further to the next meeting.

**RESOLVED that the report be noted.**

**262. APPLICATION FOR DETERMINATION -14/00145/REM - RAILWAY TRIANGLE, METZ WAY**

The Principal Planning Officer presented the report which detailed an application for the approval of reserved matters (means of access, layout, scale, appearance and landscaping) for Phase 3 of the Railway Triangle redevelopment pursuant to planning permission 11/00902/OUT.

The Chair supported the design and welcomed the delivery of employment uses on the site.

Councillor Hobbs supported the comments of Councillor Taylor and welcomed the inclusion of photovoltaic cells and solar panels.

**RESOLVED that reserved matters approval be granted subject to the conditions contained in the report.**

**263. APPLICATION FOR DETERMINATION -14/00260/ADV AND 14/00261/LBC - LOCK WAREHOUSE, THE DOCKS**

The Principal Planning Officer presented the report which detailed applications for the following applications at Lock Warehouse, The Docks:-

14/00260/ADV – Temporary banners promoting the residential apartments (completed in March 2013) and the business of the new ground floor tenant (Ableworld). Proposed to be in place temporarily for a four month period.

14/00261/LBC – External works to a Grade 2 Listed Building comprising 2 banners promoting the residential apartments (completed in March 2013) and the business of the new ground floor tenant (Ableworld). Proposed to be in place temporarily for a four month period.

Council Hobbs called on the Committee to refuse the application.

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Councillor Hilton reminded Members that the Committee had been firm in resisting wall mounted advertisements on North Warehouse. He was concerned that granting them would set a precedent. The signs were considered totally out of place and would ruin the appearance of the Docks.

Councillor Lewis referred to the value of the historic building to the docks complex and called on the Committee to refuse the proposals.

Councillor Smith suggested that the Council ensured the removal of the signs by talking direct action immediately if required.

Councillor McLellan agreed with Councillor Smith's comments and noted that there was a sequence of failures to remove unauthorised banners and erecting new ones without consent.

Councillor Dee expressed concern regarding signs on the elevation facing the dock. He was advised that those signs were not authorised and the applicant had removed some other signs previously erected at the ground floor following discussions with Conservation and Enforcement Officers.

The Chair considered that the applications should be refused.

**14/00260/ADV**

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

**14/00261 /LBC**

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

**264. APPLICATION FOR DETERMINATION -14/00243/FL - 1, STEWARTS MILL LANE**

The Development Control Manager presented the report which detailed an application for an extension to provide a garage and store at 1, Stewarts Mill Lane.

He advised Members that the application had been presented to Committee as the applicant was a City Council employee.

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

**265. DELEGATED DECISIONS**

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

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**RESOLVED** that the schedule be noted.

**266. DATE OF NEXT MEETING**

The date shown on the agenda was incorrect and it was noted that the next meeting would be held on **Tuesday, 3 June 2014 at 18.00hrs.**

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

**Time of conclusion: 19:45 hours**

**Chair**