

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST JULY 2014**

ADDRESS/LOCATION : **ACCESS ROAD ADJ. UNIT 14 OLYMPUS PARK**

APPLICATION NO. & WARD : **14/00491/FUL
QUEDGELEY FIELDCOURT**

EXPIRY DATE : **24TH JUNE 2014**

APPLICANT : **MR M OZER**

PROPOSAL : **CHANGE OF USE OF HIGHWAY TO SITE
HOT FOOD VENDING VAN.**

REPORT BY : **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN
1 LETTER OF REPRESENTATION**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located off a spur road on the eastern side of Olympus Park, which services the delivery area to the Next store.
- 1.2 The proposed site is located upon the highway, to the south of the car park area to the Royal Mail depot and to the north of the car park which services the shops at the Quedgeley District Centre.
- 1.3 The nearest residential properties are set over 50 metres to the west of the site and on the opposite side of Olympus Park.
- 1.4 The application seeks planning permission to station a hot food trailer upon the northern side of the street, with a serving hatch facing the pavement.
- 1.5 The proposed hours of operation are 07:00 to 23:00hrs 7 days a week and 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decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework.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 Gloucestershire County Highways – Raised no objection.
- 4.2 Quedgeley Parish Council - There are a number of HGV's who need access for deliveries to the units together with vehicles who park to use the retail park and we consider this will lead to highway safety issues

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The occupiers of nine 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 one letters of representation has been received. The comments raised are summarised below:
- The road in question is used for parking by both Royal Mail and the Retail Park. It is also used as a Lorry Park at night.
 - Road used by articulated lorries gain access to the loading bays.
 - Siting a Vending Van on this road would not be a great idea due to the fact the lorries need constant access and it could possible become a safety hazard.
- 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 trailer, which would operate between the hours of 7am and 11pm daily.
- 6.2 The applicant has advised that the trailer would be removed from the site each day and that the hours operation sought are to give maximum flexibility to the applicant, who is unlikely to trade each and every day.
- 6.3 The character of the immediate area is commercial and industrial and the nearest residential properties are some 50 metres to the west. These properties back onto the western side of Olympus Park and are screened by a

substantial tree and shrub planting. As a result of the screening and separation, the proposal would not result in any demonstrable harm to residential amenities of the occupiers of those properties.

- 6.4 The proposed van would be viewed against the back drop of existing parking upon the highway and within the substantial car parks serving the shops and the Royal Mail depot. The proposed trailer would not therefore appear unduly prominent within the street scene.
- 6.5 An objector has raised concerns with regards to highway safety. The application and comments have been reviewed by the County Council Highways officer who has advised that the primary use of the highway is for the passing and re-passing of traffic. The stationing of the hot food van would not materially affect that purpose.
- 6.6 The junction with Olympus Park and the opposing side of the highway are subject to parking restrictions by the application of a traffic regulation order. Limited on-street parking is available to the east of the proposed location with public off-road car parking in the customer car park to the south. The pavement adjacent to the highway is of sufficient width to accommodate customers and pedestrians. For these reasons it is considered that the proposal would not have a severe impact on the highway safety.
- 6.7 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. And similarly a condition requiring the trailer to be removed from the site when not in use.
- 6.8 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 9th May 2014, 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: 07.00 and 23.00 Monday to Sundays including 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 and 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

The hot food trailer hereby permitted shall be removed from the site following the end of each day of trading and shall not be left upon the highway over night.

Reason

To define the terms of this permission and to protect the visual amenities of the area 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)

14/00491/FUL

Access Road Adj
Unit 14
Olympus Park
Quedgeley
Gloucester

Planning Committee 01.07.2014



From: David Jones
Sent: 06 January 2014 15:12
To: Joann Meneaud
Cc: Nathan McDonald; Paul Gooderson; Colin Huntley; Matt Haslam
Subject: 12/00448/REM - Kingsway Sports Pavilion, Revised brick proposal

Ref: 6527 Kingsway Sports Pavilion

Dear Bob Ristic,

I am emailing you with regards to the planning proposal "Change of use of highway to site hot food vending van".

The reference number for this proposal is 14/0049FUL

The road in question is used for parking by both Royal Mail and the Retail Park. It is also used as a Lorry Park at night.

However the main issue is that Artic Lorries gain access to the loading bays, therefore siting a Vending Van on this road would not be a great idea due to the fact the lorries need constant access and it could possible become a safety hazard.

Tracie Lee
DOM Support
Gloucester South Delivery Office