



## PLANNING COMMITTEE

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

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

**Officers in Attendance**

Gavin Jones, Development Control Manager

James Felton, Solicitor

Vincent Maher, Interim Planning Policy Manager

Justin Hobbs, Landscape Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllrs. Hobbs and Ravenhill

### 7. APPOINTMENTS MADE AT ANNUAL COUNCIL

The following appointments made at the Annual Meeting of the Council were noted:-

Planning Committee

Chair: Councillor Taylor

Vice-Chair: Councillor Lewis

Planning Policy Sub-Committee

Chair: Councillor Taylor

Vice-Chair: Councillor Lewis

Members: Councillors Dee, McLellan and Smith

### 8. DECLARATIONS OF INTEREST

Councillor Chatterton declared a personal and non-prejudicial interest in Agenda item 7, Confirmation of Tree Preservation Order 287.

### 9. MINUTES

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The minutes of the meeting held on 3 June 2014 were confirmed and signed by the Chair as a correct record.

**10. TREE PRESERVATION ORDER - CONFIRMATION OF TPO 287 (SUBJECT TO MODIFICATION) 287 STROUD ROAD**

Councillor Chatterton having declared a personal and non-prejudicial interest in this application took no part in the debate or vote.

The City Council Tree Officer presented the report which sought confirmation of Tree Preservation Order 287 made by the City Council on 8 May 2014 subject to the amendment of the title of the order to 'The Council of City of Gloucester (Land adjacent to 287 Stroud Road) Tree Preservation Order 2014.

He displayed photographs of the tree, a Corsican Pine which stood on a thin strip of land owned by No. 1 Willowtree Court and immediately adjacent to the southern rear boundary of 287 Stroud Road.

He advised that the tree was unlikely to grow much bigger and had shown no signs that it had suffered as a result of the construction of nearby dwellings in 2008. He agreed that the shed needles and cones were a nuisance but that did not justify removal of the tree.

**Paul Pepler of 285 Stroud Road and also representing the residents of 287 Stroud Road addressed the Committee in opposition to the confirmation of the Order.**

Mr Pepler was certain that this type of tree would not be planted in this location. He expressed concerns relating to health and safety and noted that the debris, needles and cone, presented a nuisance in blocking gutters which required a ladder to clear presenting a further potential health and safety hazard.

He disagreed that tree was an asset to the area as it was only visible for approximately 10° from the road. The residents of 287 Stroud Road were unable to see the tree from their property and local residents considered it to be an eyesore.

He appreciated fine trees and the contribution they made to the environment so he would support the replacement of the tree by a more appropriate species.

The Chair was advised that the tree predated the properties 285 and 287 Stroud Road which dated from 1953.

Councillor Mozol expressed concerns relating to possible liability falling on the Council raised by Mr Kilmister together with his written comments regarding the survey.

The Tree Officer advised that Orders were often made in reaction to a tree being placed under threat. He confirmed that this was national practice and how the legislation was intended to protect appropriate trees. He advised that this tree was at least 12 metres from the house and had a light canopy.

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He confirmed that responsibility for the tree remained with the owner who had indicated that she was happy for the order to be confirmed. He noted that there was no common law right for people to trim overhanging trees protected by a TPO without prior Council permission.

Councillor Dee believed the tree made a major contribution to the area and to visiting birds. He saw no grounds for not confirming the Order.

Councillor Smith believed that when purchasing houses with a tree they should be aware that a TPO could be made in the future. She noted that the tree was visible from the road and should the condition of the tree change the residents could contact the Tree Officer.

**RESOLVED that The Council of the City of Gloucester (287 Stroud Road) Tree Protection Order be confirmed subject to amending the title of the Order to the Council of the City of Gloucester (Land adjoining 287 Stroud Road) Tree Preservation Order 2014.**

**11. DLK FURNISHINGS, 5-7 STROUD ROAD**

The Development Control Manager presented the report which detailed the following applications at DLK Furnishings, 5-7 Stroud Road:-

**14/00381/COU** - Change of use from shop (Use Class A1) to hot food take-away (Use Class A5) with associated internal and external alterations to include installation of one extract flue concealed with cladding on rear elevation.

**14/00382/LBC** – Internal and external alterations to Listed Building in association with proposed change of use from shop (Use Class A1) to hot food take-away (Use Class A5).

He advised that the application had been presented to Committee at the request of Councillor Hobbs as he considered that the application site was on a very busy corner where there was no parking.

He referred Members to the late material which contained the comments of Gloucester Civic Trust Planning Appraisal Group, a query raised by the agent and the recommendation of the Development Control Manager.

He noted that the Flood Risk Assessment was acceptable, there were no objections from County Highways and the Design and Access Statement anticipated that 63 per cent of the business would be deliveries by vehicles using the service yard and accessing Trier Way.

**Owen Pike, agent for the applicant, addressed the Committee in support of the application.**

Mr Pike advised that the application, which had been prepared in accordance with national and local policies with no objections from the public or statutory consultees, was recommended for consent by Officers.

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He believed that the proposal, which was outside the City centre, would bring economic benefits including 20 full time jobs. There was no adjoining residential property therefore there would be no impact on dwellings. Although situated on a busy corner, the proposal was acceptable to County Highways. Delivery vehicles would use the rear yard where there were also two staff parking spaces. On street parking and car parks were available in the locality.

The Chair expressed concern about parking and the possible stationing of vehicles in front of the premises.

Councillor Smith was also concerned about parking. She noted that the local roads were full in the evenings and referred to paragraph 6.5 of the Officer's report that noted that the retail park parking was restricted to park patrons. She believed that parking in the bus stop could cause problems and suggested bollards to prevent parking in front of the premises.

Councillor McLellan expressed similar concerns but noted that County Highways were satisfied. He noted that penalty charges had been imposed on non-patrons in the retail park in the past and could be re-introduced. He did not consider that two parking spaces would be sufficient for staff.

Councillor Chatterton noted that the bus stop was used by the No.10 service which was one of the busiest in the City.

The Development Control Manager reiterated that there was no highways objection therefore it would be difficult to sustain a refusal at appeal. He noted other businesses operated locally without providing car parking and the premises had the benefit of A1 use so could be used as a retail store.

Councillor Lewis noted that the business customers would require short stay parking and asked if this could be conditioned or bollards could be installed. He stated that he was happy with the change of use other than the parking aspects.

He was advised that the land in question was not in the applicant's control so could not be conditioned although County Highways could consider installing bollards or barriers.

The Development Control Manager explained that County Highways had to work to the policies contained within the National Planning Policy Framework which was based on a presumption in favour of sustainable development.

Councillor Smith suggested that County Highways be asked to monitor parking at the site and this was agreed.

Councillor Dee believed that street furniture and layout of the corner could be improved.

**RESOLVED that**

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- 1) **subject to no substantive objections being received as a result of the publicity by 2 July 2014, planning permission and Listed Building Consent be granted subject to the conditions in the report; and**
- 2) **a letter be sent on behalf of the Committee to Gloucestershire County Council Highways section requesting that they ensure that the junction is monitored.**

**12. ACCESS ROAD ADJACENT TO UNIT 14 OLYMPUS PARK**

The Development Control Manager presented the report which detailed an application for change of use of highway to site for a hot food vending van at the access road adjacent to Unit 14, Olympus Park.

He noted that the application had been presented to Committee due to the objection from Royal Mail appended to the report. He advised that the access road width was 7.5 metres and the van was 1.7 metres wide which left 6 metres clearance on the highway. He noted that there had been no highways objection.

Councillor Chatterton believed that the highways officer could not have visited the site as there were four articulated lorries parked there every night. He believed that the application was neither sensible nor safe.

Councillor Mozol agreed with the previous speaker and drew Members' attention to the comments of Quedgeley Parish Council at paragraph 4.2 of the report.

Councillor Dee also agreed and pointed out that the Royal Mail would be intensifying operations at their delivery office and the public would be able to post and collect parcels from the premises greatly increasing traffic.

He called for the Planning Policy Sub-Committee to discuss the need for a policy for hot food vending vehicles and he also noted that there was a lack of guidance in other areas such as hand car washing businesses.

Councillor Lewis noted that there was a constant need for lorry access to the Royal Mail premises.

The Development Control Manager advised that there had been a detailed response from County Highways and the van would be of less width than a heavy goods vehicle.

Councillor Chatterton suggested that Royal Mail be requested to provide projected vehicle movement figures.

Councillor McLellan moved that the application be deferred for the attendance of a highways officer and further information from Royal Mail regarding projected vehicle movements.

**RESOLVED that the application be deferred for the attendance of a highways officer and further information from Royal Mail regarding projected vehicle movements.**

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**13. ELMBRIDGE PARK AND RIDE**

The Planning Policy Manager presented the report that detailed a consultation by Gloucestershire County Council on the Elmbridge Transport Scheme as part of a planning application by the highways authority.

He advised Members that the scheme comprised improvements to the Elmbridge Court roundabout, a Park and Ride Scheme and a bus gate and bus lane at Arle Court roundabout.

He noted that the Park and Ride scheme, with a capacity of 1,000 cars at busy times, was to be located in the Green Belt and Government Advice was that transport projects that can demonstrate a requirement for a Green Belt location are not inappropriate forms of development. The principle of a Park and Ride scheme was compatible with the emerging development plan and had been endorsed by the three Joint Core Strategy authorities of Gloucester, Cheltenham and Tewkesbury Councils.

The Chair noted that a similar arrangement to that proposed for Elmbridge Court roundabout operated successfully in Nottingham.

Councillor Lewis asked if the scheme would be completed in time for the Rugby World Cup in 2015.

Councillor Dee was advised that the scheme would not necessarily compromise any future scheme for a Parkway Station to serve Gloucester and Cheltenham.

Councillor Hilton believed that the proposal would not affect the Parkway Station scheme and he noted that the proposals had attracted significant Government funding.

**RESOLVED that the principle of the Elmbridge Transport Scheme be supported and that the comments set out in section 4 of the report be forwarded to Gloucestershire County Council.**

**14. DELEGATED DECISIONS**

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

**RESOLVED that the schedule be noted.**

**15. DATE OF NEXT MEETING**

Tuesday, 6 August 2014 at 18.00hours.

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**Time of commencement: 18:00 hours  
Time of conclusion: 19:25 hours**

**Chair**