



PLANNING COMMITTEE

MEETING : Tuesday, 7th October 2014

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

Officers in Attendance

Anthony Wilson, Head of Planning
Gavin Jones, Development Control Manager
Michael Jones, Locum Solicitor
Joann Meneaud, Principal Planning Officer
Caroline Townley, Principal Planning Officer
Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Hilton and Ravenhill

32. DECLARATIONS OF INTEREST

Councillor Dee declared a personal non-prejudicial interest in Agenda item 4, Gloucester Football Club, as he had been working with other Councillors and Club Directors on an entirely separate matter.

Councillor Toleman declared a personal interest in Agenda item 4.

33. MINUTES

The minutes of the meeting held on 2 September 2014 were confirmed and signed by the Chair as a correct record.

34. GLOUCESTER CITY FOOTBALL CLUB - 14/00685/OUT

The Principal Planning Officer presented the report which detailed an outline application for the redevelopment of Gloucester City Football Club comprising the erection of a replacement football stadium, associated engineering works involving the raising of ground levels, ancillary facilities, access and car parking (Means of access and siting not reserved) at Gloucester City Football Club.

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She referred Members to the late material which included an advisory letter from the Gloucestershire Constabulary, an additional letter from General Service Fabrications Ltd re-iterating concerns about flooding and highways issues and a representation from Cory Environmental expressing concerns regarding the potential of flooding to the culvert and access road to the Household Recycling Centre (HRC). She advised Members that the applicants' hydrological consultant, (JBA) had confirmed that the Cory access road and the culvert were both located some considerable distance from the zone impacted by the proposal. The extent of modelling and results show that there is no impact on the access road or culvert under the Cory access road as they are well away from the impacted zone. She also drew attention to the agent's comments set out in the late material in relation to paragraphs 1.3 and 6.15 in the report.

She advised that the Environment Agency had raised no objection subject to a £75,000 contribution to local flood alleviation measures and she confirmed that the Council's Drainage Engineer and the Local Highway Authority raised no objection to the application.

She drew Members' attention to the recommended revision to Condition 12 and the revised recommendation of the Development Control Manager in the late material.

Mike Dunston, Chairman of Gloucester City Football Club addressed the Committee in support of the application.

Mr Dunston advised that he had been a City supporter for over 30 years and had been volunteering at the Club for over 20 years. He believed that the application represented a major milestone for both the Club and the City.

The Club had been away for seven years and in that time had suffered loss of revenue and the lack of a solid operating base together with an erosion of the fan base.

He advised that much time had been spent in the preparation of reports since the application submitted in September 2012 and the current application represented an additional two years' work.

He noted that neither the Environment Agency nor the County Highways section had raised objection and that the Club had been consistently advised that should that be the case then planning permission would be forthcoming.

He took pride in the fact that the Club remained afloat for seven years without a home ground and believed that the application represented opportunities for all including the children of the City.

He stated that approval would bring certainty for the future of the Club, who had done what had been asked of them in 2012, and he asked Members to approve the application.

Jeremy Chamberlayne, Co-ordinator of Vale of Gloucester Flood Alleviation Group addressed the Committee regarding the application.

Mr Chamberlayne displayed a map illustrating the flood plain of the River Severn.

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He advised Members that he was not in outright opposition to the application but he believed that there were certain aspects which should be taken into account.

He noted that in previous times a defence bank had extended from Llanthony Weir, around Lower Parting to the Rea. The Hempsted meadows were the evacuation route for major flooding from Alney Island and the Gloucester area.

In 1947, when extreme weather led to the flooding of the Lower Westgate area of the City, there had been a largely free evacuation route across the Hempsted Meadows.

The same weather event today would produce much higher flood levels in Gloucester because the meadows have been filled with the landfill site and raised defence banks. The City then allowed levels in Spinnaker Park to be raised and the last possible relief channel was prevented by the development of the Pressweld factory.

This application in itself would not make matters much worse but there were measures that could be taken and he believed that any planning permission should require a significant contribution to such measures.

He noted that significant development upstream of Gloucester would compound with the Sudmeadow development to increase further the risk of flooding.

The Chair was pleased that officers had reached agreement with the Environment Agency but he expressed concerns regarding the properties on Sudmeadow Road. He called for assurance that the money allocated to relieve this should be spent before the land was raised.

Councillor Hobbs welcomed the application as a significant improvement on the previous one considered by the Committee. He called for the alleviation works to be completed as soon as possible.

Councillor Smith concurred and believed that it was important that the alleviation works should be completed before the land-filling as Members had a responsibility to ensure that there were no adverse effects upon the City.

Councillor Lewis noted that the Club had spent money on modelling work to prove that the development would not adversely affect the people of the City to whom the Council had a duty of care. He believed that Members had to take note of the expert advice and that it was about time that the Club returned to its home as the heart of football in the City.

Councillor McLellan asked if there was any evidence that an alternative access had been sought. He was advised that Spinnaker Road would have provided a more preferable access but that to date it had not been possible to secure this and the current application proposed access from Sudmeadow Road. The application is supported by a traffic report/statement and subject to conditions the local Highway Authority had raised no objection to the application.

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The Principal Planning Officer advised that the contribution of £75,000 to the Environment Agency was required for betterment and that the environment Agency had indicated that payment of the contribution in six annual instalments of £12,500 would be acceptable. She advised that the results of the modelling conclude that the impact of any increased flood depths would be contained entirely within the application site with the exception of the ditch running alongside Cory Environmental's land and within the strip of land between the application site and Gantry Railings building within the 590-year flood event. The modelling also indicated there would be no increase in flood depths across Sudmeadow Road. A plan showing the modelling results for the 50-year flood was displayed. It was further reported that the Environment Agency had stated that it was satisfied that the modelling showed that the development would not cause an increase in flooding to third party properties or infrastructure.

Councillor Toleman referred the flooding in 1947 and 2007. He noted that such events would result in only a small amount of water on the pitch if the works were carried out.

Councillor Wilson indicated that he had voted to refuse the previous application with a heavy heart and supported the current application.

Councillor Smith questioned whether staged payments would delay the implementation of alleviation works.

The Principal Planning Officer read the following response received from the Environment Agency on 3 October 2014 with regards to the £75,000 contribution:

“It was agreed between us that the £75,000 would secure flood improvement works and the preferred option will be dependent on which solution is the most viable based on design, cost and environmental impacts. It was agreed that it is important to ensure a guarantee and flexibility that the money can be used on the best option. For example, it would not be prudent to spend the monies on personal level protection (PLP) if an Environmental Agency scheme was subsequently delivered in the area. We have proceeded on this basis.

“We note your desire to secure delivery works and single payment contributions. We have discussed a phased payment of the £75,000 to assist GCFC as you will be aware. Whether paid in one payment or six, this will not impact on our timescales for feasibility work or implementation of flood improvement works locally, including PLP or not. The final improvement works are dependent on further feasibility work. If you are not content with phased payment we leave this with you to discuss with the applicant.

“We have reviewed the FRA and modelling and have been satisfied with the conclusions that the proposals will not materially increase flood risk to third parties. The flood improvement works which may be secured via the UU do not offset impacts but would provide enhancement to the local area.”

Councillor Noakes indicated her support for the application.

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RESOLVED that authority be granted to the Development Control Manager to grant outline planning permission, subject to the satisfactory completion of a Unilateral Undertaking to secure a financial contribution of £75,000 towards local flood improvement works subject to the conditions in the report with Condition 12 amended to read as follows:-

1. No development shall commence (including the raising of ground levels) on site until:
2.
 - (i) A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.
 - (ii) A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
 - (iii) A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
 - (iv) The works detailed in the approved Remediation Method Statement (other than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.
 - (v) A copy of the contract for the erection of the replacement stadium entered into between the applicant and a construction company has been duly submitted to, and approved in writing by, the Local Planning Authority.
3. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.
4. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and

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agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

Reason

To ensure that the scheme may be implemented in accordance with the permission, that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

35. 26,HEMPSTED LANE - 13/01216/FUL

The Development Control Manager presented the report which detailed an application for the demolition of existing buildings and construction of new facility for commercial vehicle repair and sales centre at 26, Hempsted Lane.

He advised that there had been no objections from the statutory consultees or members of the public.

The Chair supported the application which would result in smarter buildings on the site and would present the Council with an opportunity to impose appropriate conditions.

Councillor Lewis believed that the applicant had been concerned about some of the requirements of the conditions proposed but he believed that implementing these could be to the applicant's advantage when the surrounding area was developed for housing.

Councillor McLellan believed that the proposal would bring improvement to the area but asked if the drainage issues identified at paragraph 6.18 of the report had been addressed by a suitable condition. He was advised that Condition 5 required a Sustainable Urban Drainage Scheme which sought 20% betterment.

Councillor Hobbs was advised that vehicles would be prevented from exiting using the eastern access point (Condition 11).

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

36. UNIT G, THE AQUARIUS CENTRE , EDISON CLOSE - 14/00288/FUL

The Principal Planning Officer presented the report which detailed an application for the erection of one industrial unit containing up to three individual units (Class B1/B8) with associated servicing area, car parking and landscaping. (Revised

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layout of Unit G previously granted planning permission under ref. 08/00169/FUL) at Unit G, The Aquarius Centre, Edison Close.

She referred to the late material which corrected paragraph 1.5 of the report to state that the building would be located to the east of the previously approved Unit G.

Councillor Hobbs called for a condition to require that the rolling doors should remain closed at all times when not being used for the protection of residents' amenity. He was advised that the doors were not located on the elevation facing Naas Lane and that an acoustic fence would be provided. The application was for Use Class B1 (light industrial) and Class B8 (storage and distribution). B1 use was light industrial and any use creating noise, smoke, dust or smell would fall outside that use class.

The Solicitor suggested that such a condition could be imposed to ensure that the door remained closed unless ingress or egress should be required. He advised that such a condition would be difficult to enforce.

Councillor Chatterton noted the condition prohibiting alarm boxes on the elevation facing Naas Lane and called for this to be extended to include air conditioning or other equipment likely to generate noise.

He also questioned the length of the acoustic fence shown on the plan and was advised that, notwithstanding the details submitted, Condition 3 required the submission, approval and implementation of a scheme for boundary treatments including the acoustic fence.

RESOLVED that permission be granted subject to an additional condition to require that doors should remain closed except when ingress or egress was required and the amendment of condition 19 to include air conditioning equipment.

37. UNIT 3/4 EASTERN AVENUE - 14/00316/FUL

The Principal Planning Officer presented the report which detailed a hybrid planning application for the variation of conditions 7 and 9 of planning permission 53102/01/OUT to enable the reconfiguration of Unit 3 (1279 sqm) and Unit 4 (459 sqm), removal of mezzanine within Unit 4 and to extend the goods to be sold from the resultant units, together with the provision of a new 57.6 sqm mezzanine floor for non-trading purposes within reconfigured Unit 4 (total of 516 sqm) at Units 3 and 4, Eastern Avenue.

She advised Members that Iceland had been identified as potential occupiers of Unit 4 but no potential occupier had been identified for Unit 3. She referred Members to the late material which contained an additional representation from the agent.

Councillor McLellan was advised that the reference to 'Barnwood Road at Hucclecote' in paragraph 5.10 should refer to Silverdale Parade.

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Councillor Smith noted that Iceland sold items such as nappies and cleaning materials. She was advised that a small number of ancillary products was normally acceptable.

The Chair believed that the proposal was to be preferred to the existing unrestricted Class A1 use and that granting permission would be a better position to protect the city centre.

Councillor Noakes supported the application as she believed that there had been too many empty units in Barnwood for far too long.

Councillor Hobbs asked for the provision of an appropriate number of suitably located mother and child and disabled parking spaces. He was advised that the car park did not form part of the current application but Officers would pass on the request to the applicants.

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

38. DELEGATED DECISIONS

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

RESOLVED that the schedule be noted.

39. DATE OF NEXT MEETING

Tuesday, 4 November 2014 at 18.00hrs.

Time of commencement: 18:00 hours

Time of conclusion: 19:35 hours

Chair