

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST JANUARY 2015**

ADDRESS/LOCATION : **FORMER ORCHARD PUBLIC HOUSE
OLYMPUS PARK**

APPLICATION NO. & WARD : **14/01158/FUL
QUEDGELEY SEVERN VALE**

APPLICANT : **CHIBROCO LTD**

PROPOSAL : **ERECTION OF A BUILDING TO PROVIDE
MIXED USE FACILITIES COMPRISING
RESTAURANTS/CAFES (USE CLASS A3/A5)
AND SITE MANAGERS OFFICE (USE CLASS
B1) AT GROUND FLOOR AND APART-
HOTEL UNITS (USE CLASS C1) AT FIRST
AND SECOND FLOOR. (ALTERNATIVE
PROPOSAL TO DEVELOPMENT APPROVED
UNDER APPLICATION NO.13/00420/FUL)**

REPORT BY **BOB RISTIC**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the eastern side of Bristol Road and to the north of the junction with Olympus Park. The site was formerly occupied by 'The Orchard' public house, which was destroyed by fire.
- 1.2 To the immediate east of the site is a recently constructed three storey Orchard Hotel building and to the north are a group of 2 storey office buildings. The nearest residential property is at 'Fox Mount' to the northwest of the site.
- 1.3 Planning permission was granted in June 2013 for a replacement pub building and managers flat and construction works are well advanced on site.
- 1.4 The built form presently being proposed is broadly the same design as the as the permitted pub building at the site but this current application seeks to use the ground floor of the building to provide 4 no. restaurant/café (Class A3) and/or hot food takeaway (Class A5) units. The first and second floors would be used as an 'apart-hotel' which would provide 10 no. guest rooms ranging in size from single room studios to 2 bed 'family' rooms.

- 1.5 The development would retain the existing access point and 'in-out' arrangement from Olympus Park, which is also shared with the Orchard Hotel. The parking and landscaping around the site would remain unchanged from that associated with the previous building at the site and the replacement pub scheme approved in 2013.
- 1.6 This application is brought before Members because the proposed gross floor area of the development is 1,021 square metres and would therefore exceed the 1,000 square metre limit to development which can be determined under officer delegated powers.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The application site has been subject to numerous planning applications. The most relevant are summarised below:

Former Orchard Pub Site

14/00790/REM - Variation of Condition 2 to amend approved drawings and removal of Condition 3 relating to materials of permission no.13/00420/FUL for replacement public house and restaurant and manager's accommodation - Grant

13/00420/FUL - Replacement public house and restaurant and manager's accommodation - Grant

S.10666/1/G - Erection of restaurant with lounge bar and car park - Grant (1987)

Adjoining Orchard Hotel Site

11/00578/FUL - Proposed retention of the Orchard Hotel and minor amendments to external appearance - Grant.

04/00742/FUL - Erection of a three storey hotel (56 bedrooms with associated parking facilities) - Grant

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 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:

BE.1 – Scale, massing and height

BE.7 – Architectural design

Policy BE21 – Safeguarding of amenity

Policy TR31 – Road safety

Policy S4a – New retail development outside designated centres

Policy T.3 - New hotel development in the central area

- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. 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

- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 PUBLICITY AND REPRESENTATIONS

- 4.1 The application has been advertised with a site and press notice and individual letters have been sent to twenty-six neighbouring properties and interested parties.

- 4.2 There have been no representations.
- 4.3 The full content of all correspondence on this application can be inspected online via the Councils website or at the reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

5.0 OFFICER OPINION

- 5.1 Planning permission for a replacement public house/restaurant (across two floors) and manager's accommodation (to the third floor) was granted in June 2013. This building is currently in the process of being constructed, in accordance with the previous extant consent.
- 5.2 The applicant has advised that they have been unable to secure a tenant or interest in the use of the building as a single pub/restaurant, even at a reduced rental and are therefore seeking permission for the proposed alternative uses for the building.
- 5.3 The applicant considers that the provision of four, smaller, more 'affordable' units to the ground floor of the approved building would appeal better to the market. The provision of an apart-hotel in place of the approved first and second floor pub/bar and manager's accommodation would contribute to the range of visitor accommodation in the city.
- 5.4 The main issue for consideration with this application relates to the principle of the proposed uses, highway safety and amenity.

Proposed alternative uses

- 5.5 While the previous application was a replacement for the former public house at the site, the current application introduced uses which are defined by the NPPF as 'main town centre' uses which should in the first instance be located in existing designated centres.
- 5.6 The nearest 'centre' to the application site is Quedgeley District Centre, some 700 metres to the south along Bristol Road. the District Centre is substantial and spans from Olympus Park, to Bristol Road, Severnvale Drive and School Lane.
- 5.7 It is evident that this centre is thriving, with national chain operators such as Next, Boots, Tesco, Aldi, Harvester and Costa, as well as numerous smaller independent businesses.
- 5.8 The absence of available units within the district centre is already manifesting itself with numerous non-employment users expressing interest to open premises within employment units along Olympus Park.
- 5.9 The existing local centre is sited in the heart of Quedgley while the application site is on the northern edge of the area and is predominantly surrounded by

commercial development, which the applicant proposes will be the sites primary catchments area, while complimenting the District Centre.

- 5.10 Considering the absence of any obvious vacant units within the centre or other available sites closer to the centre, it is reasonable to conclude that, the provision of four small café/takeaway units and additional hotel accommodation would not unreasonably affect the vitality or viability of the established local centre.
- 5.11 It is also understood that the proposed food outlets would compliment the Orchard Hotel which does not have its own restaurant and can only offer a limited breakfast menu.
- 5.12 In order to protect amenities and retain a suitable mix of café/takeaway uses at the site I consider it reasonable require a condition limiting the number of Class A5 units at the site.
- 5.13 The apart-hotel element would provide guest 10 rooms, ranging from single room studio to two bedroom 'family' rooms and offer more comprehensive accommodation to a traditional bedroom only hotel room.
- 5.14 Apart-hotels typically operate on the same basis as standard hotels with a 'booking system' but offer the option of longer term stays (without the requirement of a fixed contract) and guests can check-out at any time.
- 5.15 Such serviced apart-hotels are more commonly found within larger cities and are popular with business users on longer stays as they provide larger suites with kitchenette and lounge facilities.
- 5.16 It is considered that the proposed apart-hotel would compliment the more traditional hotel offer in the city and as a result of its scale and siting would not prejudice the provision of any future city centre hotels.

Highways

- 5.17 The proposed development would be served by 52 parking spaces (including 3 no. disabled spaces) and 62 spaces in total when considered with the existing 10 spaces at the adjoining Orchard Hotel spaces, which are in the same ownership as the application site. This parking arrangement as well as the in-out access arrangement would remain unchanged from the previously approved pub development at the site.
- 5.18 The Highway Authority have confirmed that the proposal for an apart-hotel and four smaller commercial units is likely to result in a similar trip generation to the extant pub permission and therefore would not lead to an significant impact upon highway safety.

Amenities

- 5.19 The nearest residential property to the site is located a significant distance away from the proposed building and is screened by a substantial brick wall. Conditions relating to hours of construction, hours of operation and enclosures to any external plant will ensure that the development does not adversely impact the residential amenities of the occupiers of nearby residential properties.
- 5.20 Similarly the suite of environmental protection conditions will ensure a satisfactory level of amenity to the occupiers of the proposed apart-hotel and adjoining hotel site.
- 5.21 The external appearance of the development would be the same as that previously approved building and would not result in any adverse impacts upon the visual amenities of the area.

Human Rights

- 5.22 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop and use land buildings in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

6.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

- 6.1 That planning permission is granted with the following conditions to be applied:

Condition 1

The development hereby permitted shall be carried out in accordance with the submitted application form, supporting information and approved drawing nos. PG/02, 03, 04, 05 and 06 received by the Local Planning Authority on 29th September 2014 as well as any other conditions attached to this permission.

Reason

To ensure that the development 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 2

No construction shall take on the premises before 08:00hrs on weekdays and 08:30hrs Saturdays nor after 18:00hrs on weekdays and 13:00hrs on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 3

No power tools or machinery shall be used on the site, other than portable hand tools between 08:00hrs and 08:30hrs Monday - Friday or between 08:30 and 09:00hrs Saturdays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

No materials or substances shall be burnt within the application site during the construction phase.

Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

PRIOR TO OCCUPATION

Condition 5

All external plant and machinery shall be enclosed with sound insulating material in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of use, and the approved acoustic enclosure shall be retained for the duration of the authorised use.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

The development hereby permitted shall not be brought into use until the hard and soft landscaping scheme including the demarcation of parking areas has been laid out in accordance with details shown on approved drawing no. PG/02 received by the Local Planning Authority on 29th October 2014 and shall be similarly maintained in accordance with those approved details for the duration of the use.

Reason

To ensure a satisfactory appearance to the development in accordance with policy BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Prior to the first occupation of each of the ground floor commercial units, precise details of equipment to suppress and disperse fumes and/or smell produced by cooking and food preparation (where appropriate), shall be

installed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be effectively operated and maintained in accordance with the manufacturers specifications for so long as that use continues.

Reason

To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of local residents in accordance with policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Prior to the first occupation of any of the ground floor commercial units, a comprehensive scheme of noise mitigation shall be implemented to protect the occupiers of the apart-hotel accommodation from associated noise, which shall be undertaken in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the occupiers of the hotel accommodation from noise associated with the ground floor uses and in accordance with Policies BE.21 and FRP.10 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

The development hereby permitted shall not be brought into use until secure and covered cycle storage facilities have been provided in accordance with details shown on approved drawing nos. PG/02 received by the Local Planning Authority on 29th October 2014 and these facilities shall be retained in accordance with those approved details for the duration of the use.

Reason

To ensure that adequate cycle parking is provided and to promote cycle use, in accordance with Policies T.1 and T.3 of the Gloucestershire Structure Plan Second Review.

POST-OCCUPATION

Condition 10

The Class A3/A4 uses hereby permitted shall not be open to the public outside the hours of 07:00hours to 00:00hours Monday to Fridays, 07:00 hours to 02:00hours Saturdays and 07:00hours to 00:00hours Sundays and Public Holidays.

Reason

To protect the amenities of neighbouring occupiers in accordance with Policies FRP.10 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraphs 109 and 123 of the National Planning Policy Framework.

Condition 11

The apart-hotel element of the development should have a glazing configuration of 4/16/4 or similar to achieve 27dB RW + Ctr in habitable rooms and shall be similarly maintained thereafter.

Reason

To protect the residential amenities of the occupiers of the flat in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 08:00 to 20:00 Mondays to Saturdays and Sundays and bank holidays 10:00 and 16:00.

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 13

All deliveries shall be taken within the site and there shall be no loading or unloading on Bristol Road or Olympus Park.

Reason

In the interest of highway safety and in accordance with policy TR.31 of the Gloucester City Council Second Deposit Local Plan 2002.

Condition 14

The ground floor commercial units hereby permitted shall at no time be occupied by more than two Class A5 (hot food takeaways).

Reason

To define the terms of this permission and ensure a satisfactory mix of uses in order to protect the amenities of neighbouring occupiers in accordance with policies BE.21 and TR.31 of the Gloucester City Council Second Deposit Local Plan 2002.

Reasons for Approval

The application relates to a former pub site which was destroyed by fire. The impact of the replacement building and mix of uses has been carefully considered and it is concluded that subject to compliance with conditions there would be no demonstrable harm to the occupiers of nearby residential properties, the character and appearance of the street scene, established centres or highway safety. For these reasons the proposal is considered to be in accordance with Policies S.4a, T.3, FRP.11, BE.21 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during

the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

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Person to contact: Bob Ristic
(Tel: 396822)

14/01158/FUL

**Former Orchard
Olympus Park
Quedgeley
Gloucester
GL2 4NF**

Planning Committee 02.12.2014

