

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **3RD MARCH 2015**

ADDRESS/LOCATION : **WINGET BOWLS CLUB, TUFFLEY AVENUE,
GL1 5NS**

APPLICATION NO. & WARD : **14/01484/FUL
PODSMEAD**

EXPIRY DATE : **4TH MARCH 2015**

APPLICANT : **GLOUCESTER CITY COUNCIL**

PROPOSAL : **ERECTION OF A SINGLE STOREY
BUILDING TO ACCOMMODATE THE
SERVICING AND STORAGE OF PLANT AND
EQUIPMENT USED BY THE CITY COUNCIL
COUNTRYSIDE UNIT, ERECTION OF 2.1
METRE HIGH BLACK POWDER COATED
PALISADE SECURITY FENCING, THE
PROVISION OF HARD STANDING AND
VEHICULAR CAR PARKING SPACES, AND
EXTERNAL ALTERATIONS TO EXISTING
GARAGES**

REPORT BY : **EMMA BLACKWOOD**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN
6 LETTERS OF REPRESENTATION**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The principal part of the application site is set back some 50 metres from Tuffley Avenue, on the southern side of the highway, and vehicular access to the site is currently obtained via an existing road from Tuffley Avenue, adjacent to no. 110 Tuffley Avenue. The full extent of the western side boundary of the application site lies adjacent to Tuffley Park, and the rear boundary of the application site backs onto the existing bowling green. Dwellings at nos. 110, 112, 114 and 124 Tuffley Avenue back onto the application site towards the northern and eastern sides.
- 1.2 The Design and Access Statement advises that the site is currently occupied by users of Tuffley Park, City Council contractors maintaining the park, and the various users of the social/bowls club. The applicant has confirmed that the proposed use of the existing garage and the proposed single storey building, for the servicing and storage of plant and equipment to be used by

the City Council Countryside Unit, would be in addition to its current use, and therefore the remainder of the site would remain unchanged.

- 1.3 The Design and Access Statement further states that the use of the proposed facility would only be by the Countryside Unit when they need to pick up and drop off machinery (including trailers, bailers, chippers and other farm equipment) for use on the Robinswood Hill, Alney Island, Hucclecote Hay meadows, and occasionally for maintenance of plant. The principal use of the site would be as a store, and the applicant has confirmed that the vehicles and plant which are used daily would continue to be stored at the Countryside Unit on Robinswood Hill, thereby lessening the number of vehicular movements. The applicant has subsequently confirmed in writing that *“Very little servicing would be undertaken on site as this would be done at the ranger centre. It may be the odd tyre replacement but generally very low key”*. It is proposed that the rangers would be provided with a bicycle as part of the proposal, to allow them to cycle to and from the facility.
- 1.4 It is proposed that the hours of operation would generally be from 08:00 to 18:00, although it is proposed that the hours of operation would be extended until 20:00 in the summer months.
- 1.5 It is proposed to erect a single storey building towards the northern side of the site, which would accommodate the servicing and storage of the City Council’s Countryside Unit’s larger plant and equipment that cannot be stored at the Ranger Centre on Robinswood Hill. The proposed building would measure 18 metres in width along its southern (front) and northern (rear) elevations, and 6 metres in length along its side elevations. Plans were originally received proposing that the rear elevation of this building would sit 0.4 metres from the site boundary shared with the rear garden areas of nos. 110 and 112 Tuffley Avenue. However, amended plans were received by the Local Planning Authority on 4th February 2015, showing this building moved slightly further east, with the rear elevation of the proposed building sitting 0.5 metres from the site boundary shared with the rear garden area of no. 112 Tuffley Avenue only.
- 1.6 The proposed single storey building would be designed with a north-facing mono-pitch roof, measuring 3.1 metres in height on its rear elevation and 5.2 metres in height on its front elevation. This would have softwood board vertical cladding on all elevations (150mm wide timber and 19mm gap), and corrugated zinc sheeting on the roof which would be coated in a silicone polyester top coat, dark green in colour. 4 no. galvanised roller shutter doors would be installed on the front elevation, and 1 no. pedestrian access door would be installed on the western side elevation. No fenestration is proposed for installation on the flank walls on the rear or eastern side elevation.
- 1.7 It is further proposed to refurbish an existing building towards the north-eastern corner of the application site, which is 20.3 metres wide along its western (front) and eastern (rear) elevations, and 4.3 metres deep on its side elevations. It is proposed to remove the existing roof on the building, and to replace it with Kingspan insulated roofing or similar, dark green in colour. 2

no. galvanised roller shutter doors would be installed on the front elevation, in addition to a replacement pedestrian access door and window. No new fenestration is proposed for installation on either side elevation or on the rear elevation of the existing building. It is proposed to repaint the building, the same colour as existing

- 1.8 The application also proposes the erection of 2.1 metre high black powder coated palisade security fencing. The amended plans show that this fencing would run parallel with the part of the northern boundary which is shared with the rear garden areas of no. 112 Tuffley Avenue, but would be set back 7.6 metres from this boundary. The fencing would also run parallel with the part of the eastern side boundary of the application site which is shared with the garden of nos. 116 and 124 Tuffley Avenue, but would be set back 4.2 metres from this boundary. The proposed single storey building and the existing building would be located within this palisade fencing, and 5 sets of double access gates would be provided within the extent of the proposed palisade fencing, providing access to and from these buildings.
- 1.9 Further, there are plans to replace any displaced parking within the curtilage of the site and to make good the existing surface. This would include the provision of self-binding gravel surface over an existing grassed area towards the western side of the site to allow for additional parking bays.
- 1.10 This application is presented to the Planning Committee for determination because the applicant is the Council, and letters of objection have been received from neighbouring properties.

2.0 RELEVANT PLANNING HISTORY

- 2.1 14.11.1995 (reference 95/00546/FUL, Planning permission granted) – Erection of club house to replace existing and provision of additional car parking facilities
- 2.2 13.05.1997 (reference 97/00117/FUL, Planning permission granted) – Single storey extension to provide function room and toilet facilities and provision of additional car parking
- 2.3 23.08.2011 (reference 11/00951/ADV, Advertisement consent granted) – Erection of 3 metre high non-illuminated "V" shaped entrance sign

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 (NPPF) has been published and is also a material consideration.

- 3.2 For the purposes of making decisions, the NPPF 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 NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 3.3 The policies within the 1983 Local Plan and existing County Structure Plan remain the statutory adopted policies for the City and policies within the 2002 Local Plan are a material consideration where they are consistent with the NPPF.
- 3.4 From the Second Stage Deposit Plan policies B.10 (Trees and Hedgerows on Development Sites), FRP.9 (Light Pollution), FRP.10 (Noise), FRP.11 (Pollution), BE.1 (Scale, Massing and Height), BE.5 (Community Safety), BE.7 (Architectural Design), BE.21 (Safeguarding of Amenity), TR.9 (Parking Standards) and TR.31 (Road Safety) are relevant
- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20 November 2014. Policies in the submitted 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 CONSULTATIONS

- 4.1 The Local Highway Authority raises no objection.
- 4.2 The Landscape Officer was consulted and has not replied within the timescale given nor requested further time.

- 4.3 The Environmental Health Officer raises no objection subject to conditions.
- 4.4 The Tree Officer raises no objection.
- 4.5 By virtue of concerns raised by neighbouring properties in relation to the originally received set of proposed plans regarding security, the Police Architectural Liaison Officer was consulted on the amended set of plans. However, they have not replied within the timescale given nor requested further time.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice and 19 neighbouring properties were consulted by letter on the original set of plans. 6 letters of representation have been received in the 21 day statutory consultation period or since. The main points raised relate to:

- This area is a designated sports ground and leisure facility and would not be suitable as a storage and repair department for machinery. *“Plant machinery entering and leaving the proposed depot would also be in strict contrast to the existing users of this entrance to Tuffley Park – parents with pushchairs and small children, dog walkers, cyclists, schoolchildren, sports club and social club members, private cars etc. I feel this would have a limiting and reducing effect on the enjoyment of the park that is currently available to its users”* (occupiers of 112 Tuffley Avenue). *“I have only recently moved into our home here. One of the attractions is how peaceful it is at the rear of our property. I enjoy taking a stroll through Tuffley Park. This proposal will ruin that with beeping reversing heavy good vehicles and a noisy work shop”* (occupiers of 118 Tuffley Avenue);
- The described “barn-like” appearance of the proposed building would not be appropriate in a suburban residential area;
- The proposed building would be *“unsightly”* (occupiers of 118 Tuffley Avenue);
- The proposed 2.1 metre high security fence would be *“an eyesore in a residential area”* (occupiers of 124 Tuffley Avenue), and would *“enclose a significant area of what is currently an open space and part of the park”* (occupiers of 112 Tuffley Avenue);
- Impact on amenity of adjoining occupiers: *“The presence of such a building and its proposed uses will have a very direct impact on my property and on several other adjoining residential properties. Given the location of the proposed development, the building of an industrial/agricultural depot, with all associated activities, will be in strict contrast to the entirely residential and social nature of the area, and can only have a negative impact on the lives of those already living there”* (occupiers of 112 Tuffley Avenue);
- Light pollution from proposed external security lighting. *“The existing light is already a problem, and has necessitated the growing of mature trees on my property in order to prevent the house from being bathed in light. Any additional lighting, and any pruning of these trees would substantially worsen the problem”* (occupiers of 112 Tuffley Avenue);
- Noise pollution by virtue of the proposed use of the site, for the storage and maintenance of large plant. *“The nature of these noises will be in addition*

and in contrast to the noises already associated with this residential and social area. All of the many and varied noises emanating from such a depot are going to be coming from directly the other side of my property boundary, and will therefore be only a short distance away from my house. During the summer months, the impact of such noise pollution will be particularly detrimental, for obvious reasons, and will extend from early morning well in to the evening (and past the bedtime of my small children)” (occupiers of 112 Tuffley Avenue);

- Concern raised about the proposed operational hours. *“In the future this could easily change to early mornings and late evenings. Again this is not acceptable for a residential community*” (occupiers of 118 Tuffley Avenue)
- Air pollution;
- Concern raised that there would be scope to easily change the use of the building in the future;
- The proposal would encourage crime, theft and vandalism – Neighbouring properties have advised that, over the years, the Club has been burgled as well as some dwellings nearby, with access to their properties provided from Winget. *“We already have noisy and troublesome gatherings there late at night and I am seriously concerned that giving even more reasons for theft by storing maintained plant will add to this problem. I certainly would feel less safe”* (adjoining occupier, address not specified on letter of representation). Concern raised from occupiers of no. 110 Tuffley Avenue that a burglar may decide to approach the facility from the rear via their garden.
- Road safety concerns re vehicular trips between the application site and Robinswood Hill – traffic is already badly congested with vehicles parked on both sides of Tuffley Avenue, and this is a main road for two local schools with many parents taking and collecting their children to and from school. The extra traffic caused by the comings and goings of slow moving and bulky “plant” and heavy machinery would only add to the problem, not only on Tuffley Avenue, but also on Stroud Road, St Barnabas Roundabout, and Reservoir Road – request to assess accident statistics for the St Barnabas roundabout. *“We have so many problems gaining access to and from our properties during the school run and the prospect of heavy vehicles also using Tuffley Park is unthinkable”* (occupiers of 137 Tuffley Avenue);
- Road safety concerns re the vehicular access to the application site by virtue of the number of vehicles which are parked on either side of Tuffley Avenue at most times of the day, which makes it difficult to see safely in both directions and which makes it difficult for large or towing vehicles to turn in or out of the gate. *“The Avenue seems to be used as a “rat run” by some who do not always obey the speed limit. We fear that “plant” moving could add to these dangers”* (occupiers of 110 Tuffley Avenue);
- Road safety concerns re the single track driveway which leads into the Club car park – *“Despite the traffic calming humps, many drivers do not approach with caution and an accident could occur here as well as at the entrance”* (occupiers of 110 Tuffley Avenue);
- Loss of space for car parking resulting in a spill out of cars onto Tuffley Avenue: *“The club car park is not big enough now given the number of sporting and social events in all seasons of the year and vehicles spill out to park on the Avenue. The area is much used by dog walkers – without exaggeration some 30/40 each day – who bring their pets by car as well as on*

foot and parents collecting children from nearby schools also use the car park. Large vehicles make deliveries to the Club and need room to turn around and it is used as a turning point for other vans and lorries” (occupiers of 110 Tuffley Avenue);

- “The turning circle is inadequate for entry and egress” (occupiers of 118 Tuffley Avenue);
- The access for delivery vehicles to the Wingate Bowls Club and to The Wagon Works Social Club would be severely restricted if the proposed security fencing would be constructed as planned in front of the two buildings;
- Plans for the rangers to cycle between Robinswood and Tuffley Avenue is “ludicrous” (occupiers of 110 Tuffley Avenue) – safety concerns, and query raised by occupiers of 110 Tuffley Avenue about sanitation and litter disposal measures, which are not shown on the plans: “*Will the rangers and/or repairers cycle elsewhere for tea and lunch breaks etc?*”. Further concern raised that bikes on the premises would “*attract more potential theft*” (occupiers of 118 Tuffley Avenue);
- The proposed fencing would block access to two existing pedestrian entrances from the Winget Social Club car park to the rear gardens of nos. 112 Tuffley Avenue and one which appears to lead to the rear garden of no. 116 Tuffley Avenue;
- Devaluing of neighbouring properties;
- Query raised from occupiers of 124 Tuffley Avenue – How would maintenance be carried out on site, if the only supplied services would be electric (no toilets or waste disposal)?
- Query raised from occupiers of 124 Tuffley Avenue – “*Does the above planning application also include the removal of the unsightly rusty 40ft container which has been sitting next to our boundary for the last.... years? (Or are containers not covered by planning applications?)*”;
- Request to look at alternative sites for the proposed plant store, as the need is clearly elsewhere. Alternative sites suggested by adjoining occupiers include Robinswood Hill, the grounds of the Crypt School, Stroud Road by the Railway Bridge, or on the abandoned allotments, or next to the railway line where the old railway siding used to run.

5.2 21 neighbouring properties were also consulted by letter on the amended set of plans. No letters of representation have been received in the 14 day statutory consultation period or since.

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 It is considered that the main issues with regards to this application are as follows:

6.2 Impact on Character and Appearance of Area and Street Scene:

Adjoining occupiers have requested that alternative sites are used for the proposed servicing and storage of plant and equipment used by the City Council Countryside Unit, and have suggested a number of alternative sites. However, the application proposes the development at Winget Bowls Club, and therefore the planning merits of the proposal must be assessed as set out in planning policies, law and guidance. Nevertheless the applicant has advised that the site at Winget Bowls Club was chosen by virtue of its proximity to Robinswood Hill, and because it would bring back in to use the garage block that was used previously by the grounds maintenance staff.

The external alterations to the existing building would be minor in nature, and the proposed building would be similar in scale and form to the existing garages on site.

A large part of the site is currently used for vehicular parking, and the remainder is occupied by non-residential buildings. In the context of the existing site, which is large in size, and taking into consideration its existing use, it is considered that the proposed development would be of materials, scale, massing and height which would sit comfortably with the height of existing adjacent buildings and the surrounding built environment.

The proposed buildings would be erected towards the northern and eastern sides of the site, which back onto existing boundary treatment, as opposed to the open western boundary of the site which backs onto Tuffley Park. This open western boundary of the application site would therefore be unaffected by the proposed development. By virtue of the location of the proposed security fencing and the proposed building, in close proximity to existing boundary treatment, it is judged that these would appear unobtrusive.

The application site predominantly lies adjacent to areas of open space. The existing grassed area towards the western side of the site is relatively small in size, and it is therefore judged that the proposed provision of self-binding gravel surface over this grassed section would not unreasonably detract from the character and appearance of the area.

6.3 Impact on Residential Amenity:

The existing garages on site would not be extended. The proposed external alterations to this building are not judged to unreasonably affect the amenity of adjoining occupiers.

The proposed single storey building would be designed with a north-facing mono-pitch roof, measuring 3.1 metres in height on its rear elevation and 5.2 metres in height on its front elevation, and would sit 0.5 metres from the northern site boundary, which is shared with the rear garden area of no. 112 Tuffley Avenue. No fenestration is proposed for installation on the flank walls on the rear or eastern side elevation.

The proposed building would largely be screened from view when stood within the curtilage of adjoining residential properties by virtue of the existing

boundary treatment (in the form of close boarded fencing some 1.8 metres high with dense and mature trees behind this along the northern boundary, and in the form of the existing garages and a brick wall some 2 metres high along the eastern side boundary). As such, it is judged that there would be no significant detrimental impact on adjoining occupiers in terms of overshadowing or overbearing impact, or in terms of overlooking or loss of privacy.

Adjoining occupiers have raised concern that the proposed use of the site would result in noise disturbances. The use of the site is currently non-residential, and there is therefore already some impact on adjoining occupiers of residential properties in terms of noise disturbance, in terms of the comings and goings of vehicles, and in terms of light pollution by virtue of the existing lighting on site which is attached to the existing building at an elevated level.

The applicant has confirmed that the site would predominantly be used for storage purposes, and that that the vehicles and plant which are used daily would continue to be stored at the Countryside Unit on Robinswood Hill, thereby lessening the number of vehicular movements. It has further been confirmed that very little servicing would be undertaken at the application site (e.g. a tyre may be replaced on site), as servicing of vehicles and plant would predominantly be done at the Ranger Centre. The Environmental Health Officer raises no objection to the proposed use of the site, subject to the addition of conditions to any approval of planning permission restricting the hours of operation and maintenance of all plant and machinery on the premises and restricting the hours of operation for the carrying out of processes and for the deliveries of plant/machinery to/from the site. It is further recommended that a condition be attached to any approval of planning permission for all servicing works to take place internally within the existing garages or within the building proposed under this planning application. Subject to these conditions being attached to any approval of planning permission, it is considered that the development would not generate levels of noise which, in this location, would be unacceptable either in volume or duration.

The applicant has confirmed that security lighting (LED spotlights) would be installed on the buildings, facing onto the car park, and directed away from neighbouring dwellings. As such, I consider that there would be no significant adverse effect on adjoining occupiers in terms of light pollution. The applicant has indicated the extent of vegetation/trees which would be cut back to the boundary line and from the garage roof on drawing no. 3002/013C. When visiting the site it was clear that there is not a significant amount of overhang into the application site, and consequently the trees should not be harmed to a significant degree, thereby maintaining most of the existing screening.

6.4 Community Safety

The existing car park is currently illuminated to some extent. When visiting the site it was clear that there was existing lighting attached to the existing building on the application site, at an elevated level.

It is proposed to install security lighting (LED spotlights) on the buildings, facing onto the car park, and directed away from neighbouring dwellings. These would be set up so that they would come on when anyone enters the fenced off area, for added security. Further, the applicant has confirmed that the buildings would be alarmed.

It is judged that the proposal to erect 2.1 metre high palisade security fencing around the full extent of the existing storage building and the proposed building would increase levels of security to adjoining occupiers who back onto this part of the site. Further, by virtue of the location of the proposed security fencing, in close proximity to existing boundary treatment, and the positioning of the proposed lighting, facing away from neighbouring dwellings, it is judged that these security measures would appear unobtrusive.

6.5 Impact on Road Safety

Tuffley Avenue is a busy Class 3 highway and link road with footways and street lighting. There are no parking restrictions in the local area, and there is a local bus service that connects the area to the national rail and road network. The area has shops, schools, public houses and a variety of local amenities within walking distance.

There are plans to replace any displaced parking and to make good the existing surface within the curtilage of the application site. There would be no net loss in marked parking spaces

It is proposed to make use of the existing vehicular access to the site. As such the precedent of vehicular access has already been set. The Local Highway Authority has advised that the vehicular access to the application site gives visibility splays of from 2.4 m back from the carriageway edge for a distance exceeding the deemed to satisfy standards of 54m.

The Local Highway Authority has researched the recorded accident data and has confirmed that there is no recorded data for this location.

The current use of the site has a fluctuating vehicular movement; this is due to the current use of the site as a sports club, cricket ground, bowls club, etc. The proposal has an expected increase of up to 8 movements a day, and for the occasional maintenance of plant. The Local Highway Authority has advised that this increase would not cause a severe residual cumulative impact upon the surrounding highway network.

The Local Highway Authority has considered the likely increase in vehicle trips as a result of the proposed development and do not consider that there would be a material increase to justify and robustly defend a recommendation of refusal given the low vehicle trip generation. Therefore no highway objection is raised to this application.

Following the receipt of all letters of representation from adjoining occupiers, I forwarded the concerns regarding highway safety matters to the Local Highway Authority Officer for their comments. They have reiterated that the increase of 8 vehicular movements a day is not considered to have a severe residual cumulative impact upon the adjacent highway network.

The Local Highway Authority has confirmed that there is no recorded personal injury collision for the location.

Any vehicles associated with the proposed development would not be parking on the highway as there is sufficient parking supplied within the site curtilage. Further, the Local Highway Authority is satisfied that the turning provided within the site is adequate for the size of the proposed vehicles using the site. There is an existing passing bay on the access road within the curtilage of the site adjacent to the gated entrance which would allow vehicles to wait.

Concerns were raised from occupiers of neighbouring dwellings that the proposal for rangers to cycle between Robinswood and Tuffley Avenue would be unsafe. The Local Highway Authority has advised that there are cycle lanes and signage along the main roads (Stroud Road, Finlay Road and Cole Avenue, including the roundabout) leading from Robinswood Hill to the junction with Tuffley Avenue. Both Reservoir Road and Tuffley Avenue are residential streets that do serve through traffic but are subject to local speeds of 30mph, with footways and street lighting, which are not considered to be unsuitable for cycling.

Taking into account all of the above, it is judged that the residual cumulative impact of the proposed development on highway safety grounds would not be severe.

6.6 Impact on Trees and Hedgerows

All vegetation to the northern boundary is on adjacent land and, where appropriate, the 'Proposed Layout' (drawing no. 013C, received by the local planning authority on 10th February 2015) shows that this would be cut back to the boundary. Any vegetation growing over the existing garages would also be removed.

The City Council's Tree Officer has confirmed that these are not protected trees, and therefore the applicant would be acting within their common laws right to cut the overhanging vegetation back to the boundary line. The Tree Officer raises no objection to the proposal, advising that there is not a significant amount of overhang, so the trees should not be harmed to a significant degree.

No other existing trees or hedgerows would be affected by the proposed development.

6.7 Blocking of a Private or Public Right of Way

Letters of representation which have been received from occupiers of nos. 112 and 124 Tuffley Avenue advise that the proposed fencing would block access to two existing pedestrian entrances from the Winget Social Club car park to the rear gardens of nos. 112 Tuffley Avenue and one which appears to lead to the rear garden of no. 116 Tuffley Avenue.

Legal advice was sought on this matter. This advice confirmed that, if these entrances are only private rights of way, then any impact upon them is not relevant to the planning considerations, and the local planning authority should not take such matters into account because the private land rights do not in themselves constitute material planning considerations. It is for the respective private landowners to deal with issues relating to any future alleged obstructions to access. The legal advice stated that objectors may always instigate legal proceedings for an injunction to protect the alleged private access points from obstruction. However, this is not a material planning consideration.

In contrast, if the status of the access is a public right of way then the impact upon the public right of way is a material planning consideration. Evidence can be obtained through an investigation into the historic use of the access, and if the evidence available shows that the access has been used as a matter of right by all members of the public for a continuous period of twenty years then it is presumed to be a public right of way by prescription. This task may be undertaken by the applicant or the objectors if they so wish. They should be given the opportunity to present any evidence that they may have showing that the access is a public right of way. Evidence may include witness statements relating to use over the last twenty years.

Private rights of way may also be acquired by prescription by use as such over twenty years as of right by the landowners. The legal advice confirmed that this issue similarly can only be established by the presentation of evidence by interested parties.

All of the above points must be taken into account based on the evidence supplied by the applicant and the objectors.

The applicant has confirmed in writing that these are private accesses serving the individual residences and do not form a public right of way. The applicant further advises that, when visiting the site, it was clear that the gates had not been used for many years, with both exhibiting a degree of vegetation overgrowth, blocking any use. There is some case law that indicates that if an access has not been used for a very long time then it may be held to have been abandoned and therefore lost.

An email was also sent to occupiers of neighbouring properties who had raised concern in their letters of representation that the proposed fencing would block access to two existing pedestrian entrances from the Winget Social Club car park to the rear gardens of nos. 112 Tuffley Avenue and one which appears to lead to the rear garden of no. 116 Tuffley Avenue (emails sent to occupiers of nos. 112 and 124 Tuffley Avenue on 11th February 2015),

giving them the opportunity to present any evidence that they may have showing that the access is a private or a public right of way.

An email was received from occupiers of 112 Tuffley Avenue on 17th February 2015, confirming that the pedestrian access leading to this property from the Winget Bowls Club is a private entrance and not a public entrance. To date, no information has been received from occupiers of 124 Tuffley Avenue in response to this email.

The two existing pedestrian entrances appear to be private rights of way, by virtue of their location and the properties they serve. The details which have been submitted from the applicant and from occupiers of the neighbouring property support this, and it is considered that sufficient information has been provided to verify that the two existing pedestrian entrances form private rights of way. As such, taking into account the legal advice which was given, any impact upon them is not relevant to the planning considerations, and the local planning authority should not take such matters into account because the private land rights do not in themselves constitute material planning considerations.

6.8 Other matters raised in letters of representation:

There is an existing storage container to the south of the existing garages on the application site, which, adjoining occupiers have advised, has been in this location for a number of years. Adjoining occupiers have been advised that, if the storage container has been located here for a continuous period of 4 years, this would then become immune from enforcement action and would become lawful in terms of planning. Neighbours have advised that it is likely that this container has been in this location for more than 4 years, although this has not been proven.

The existing storage container is similar in height to the existing garages on site, and is not judged to have any significant adverse effect on adjoining occupiers in terms of overshadowing or overbearing impact. However, the applicant has confirmed that this storage container would not be retained on site and that arrangements would be made to remove it. The applicant is advised that, once an alternative location has been found for the existing storage container, they should seek pre-application advice from the planning department, to determine if planning permission would be required for this relocation.

Concern has also been raised from adjoining occupiers that there would be scope to change the use of the building in the future. The application can only be determined in accordance with the current proposals, as any future proposals cannot be forecast. Any proposals to change the use of the building at a later date would need to be assessed under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 in order to determine if planning permission would be required.

In terms of the other concern raised by adjoining occupiers that the proposed development would result in the devaluing of neighbouring properties, this does not constitute a material planning consideration, and is not directly covered by planning legislation, policies or guidance. Consequently, this can hold no weight in the determination of this planning application.

The applicant has confirmed that no bins or toilet facilities would be provided within the site, as this would predominantly be used for storage purposes. The rangers would make use of facilities on Robinswood Hill.

7.0 CONCLUSION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.2 Taking into account all of the above, it is concluded that the proposed development would comply with policies B.10, FRP.9, FRP.10, FRP.11, BE.1, BE.5, BE.7, BE.21, TR.9 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002) and the principles of the NPPF. Consequently, it is recommended that planning permission is granted subject to conditions.

7.3 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.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is granted subject to the following conditions.

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.

2. The development hereby permitted shall be carried out in accordance with the following details:

- Approved drawing nos. '3002/014' and '3002/015' received by the local planning authority on 23rd December 2014;
- Photograph showing the design of the proposed palisade fencing received by the local planning authority on 6th January 2015;

- Details within the email from the applicant entitled “*RE: Winget Bowls Club, Tuffley Avenue, Gloucester (planning application reference 14/01484/FUL)*.” received by the local planning authority on 28th January 2015;
- Approved drawing no. ‘3002/013C’ received by the local planning authority on 10th February 2015;
- Details within the three emails from the applicant entitled “*RE: Winget Bowls Club, Tuffley Avenue (planning application reference 14/01484/FUL)*” received by the local planning authority on 10th February 2015;
- Details within the three emails from the applicant entitled “*RE: Winget Bowls Club, Tuffley Avenue (planning application reference 14/01484/FUL)*” received by the local planning authority on 12th February 2015; and
- 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).

3. No Plant or machinery, including maintenance thereof, shall be operated on the premises outside the following times: Monday-Friday 8.00am-6.00pm, Saturday 9.00am-1.00pm, nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

4. No process shall be carried out and no deliveries of plant/machinery shall be taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-8.00pm, Saturday - Sunday 9.00 am-7.00pm, nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

5. No materials or substances shall be burnt within the application site.

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

6. All servicing and maintenance of vehicles and plant within the proposed development site shall take place internally, within the existing garages or within the single storey building hereby permitted.

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

Notes

1. Adjoining property rights

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

2. Building Regulations

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.

3. Party Wall Act 1996

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication *The Party Wall Act 1996 - explanatory booklet*. Copies are available from the Herbert Warehouse Reception, The Docks, Gloucester.

4. Relocation of Existing Storage Container

Once an alternative location has been found for the existing storage container, as required by condition 2 of this permission and as confirmed within the email from the applicant entitled "*RE: Winget Bowls Club, Tuffley Avenue, Gloucester (planning application reference 14/01484/FUL)*." received by the local planning authority on 28th January 2015, the applicant is advised that they should seek pre-application advice from the planning department, to determine if planning permission would be required for this relocation.

Decision:

Notes:

.....

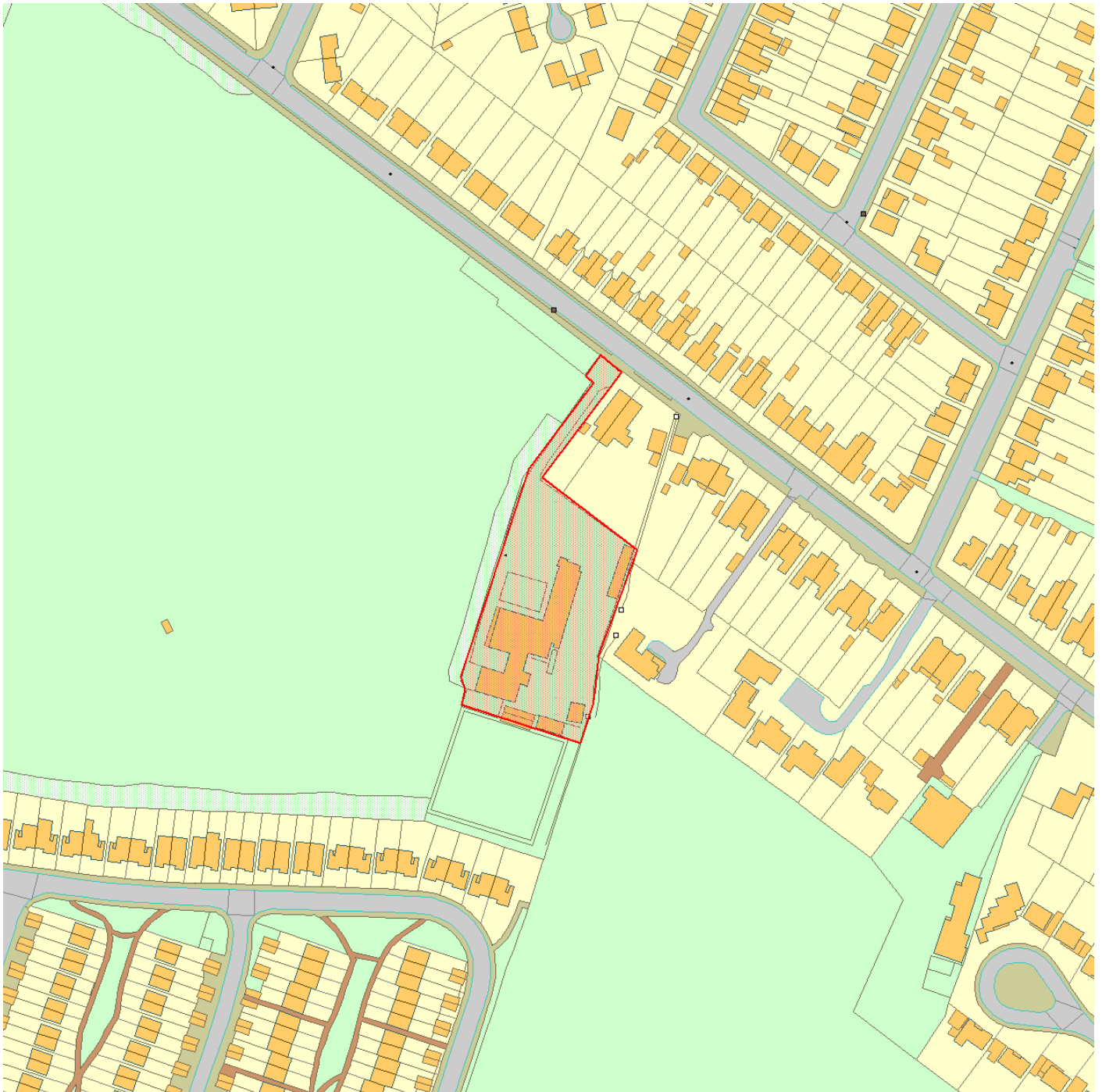
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Person to contact: Emma Blackwood
(Tel: 01452 396732)

14/01484/FUL

Winget Bowls Club
Tuffley Avenue
Gloucester
GL1 5NS

Planning Committee 03.03.2015



Dear Emma Blackwood

I have tried to access GCC Planning portal numerous times to find this application but the site appears to be down as error messages pop up despite trying to access it from different computers. Could you please notify me when this is working properly or alternatively send me the details of the proposals.

Tuffley Avenue is predominantly a residential area not an industrial area. This development is industrial. For all intents and purposes it is a maintenance garage for industrial machinery with storage facilities. The working environment will be extremely noisy. The horrific building will be unsightly. There will be added air pollution and light pollution. This will be a magnet for theft and vandalism.

There is a lack of thought and design gone into this. Tuffley park is a lovely park with a social club not a commercial development. Ugly high 2.1m palisade fencing does not belong in such an environment however it is sugar coated / coated in black paint! It will look awful. Has a landscape architect even been consulted on this?

The access road is not fit for regular commercial vehicles. The turning circle is inadequate for entry and egress from the site. The visibility splays from this access is terrible and therefore the risk to pedestrians and motorists will increase considerably with this frequent traffic. There is also a lack of room on the access road for visitors in their car passing these commercial vehicles. It is a dangerous set up with potential risk. The access road is not fit for purpose for this industrial unit.

I have only recently moved into our home here. One of the attractions is how peaceful it is at the rear of our property. I enjoy taking a stroll through Tuffley Park. This proposal will ruin that with beeping reversing heavy good vehicles and a noisy work shop, not to mention it will likely devalue properties within the vicinity.

The cycle element of the plan isn't sustainable. Let's be honest, that is a hopeful plan which will not last. If anything, it will increase the curiosity of a criminals where the building would attract more potential theft. Bike theft is higher than ever, and this magnet for criminals would likely spread to us residents who live around it.

I am also concerned with the proposed operational hours. In the future this could easily change to early mornings and late evenings. Again this is not acceptable for a residential community. In addition there will be scope to easily change the building use in the future which makes me nervous.

The parking capacity is currently insufficient for the users of the park and the club. It is known that parked cars spill into Tuffley Avenue at busy times. The development will only make matters worse, especially with two rugby clubs just metres up the road from it as well as the local schools.

If the main use of this site is for Robinswood hill then surely it should be sited at Robinswood hill. I would like to be informed of the real reason why it isn't, as it cannot be due to limitations on space? Something tells me it is instead because it may hinder the natural beauty of the country park, scaring the landscape and proving unpopular noisy hindrance to visitors and residents there. So why should the families, residents and users of Tuffley Park/Avenue suffer instead?

I request you seek an alternate location.

Yours sincerely

Gareth & Karina Jones

Dear Emma Blackwood

We write to object to the proposed plan to erect a building on part of the car park of the Winget Sports and Social Club. We live at [REDACTED] immediately adjacent to the entrance gate and drive of the Club and playing field, with our garden backing on to the car park.

- This area is a designated sports ground and leisure facility and so is not suitable as a storage and repair department for machinery. The proposed building is described as barn-like in appearance which is hardly appropriate in a suburban residential area.
- The club car park is not big enough now given the number of sporting and social events in all seasons of the year and vehicles spill out to park on the Avenue. The area is much used also by dog walkers - without exaggeration some 30/40 each day - who bring their pets by car as well as on foot and parents collecting children from nearby schools also use the car park. Large vehicles make deliveries to the Club and need room to turn around and it is used a turning point for other vans and lorries.
- We have been concerned for a while about dangers near the entrance to the sports ground and are intending to write to the Road Safety Partnership on this matter. There are vehicles parked on either side of the Avenue at most times of the day including two 7/8 seater taxis just outside the entrance which make it difficult to see safely in both directions and for large or towing vehicles, difficult to turn in or out of the gate. The Avenue seems to be used as a "rat run" by some who do not always obey the speed limit. We fear that "plant" moving could add to these dangers.
- The driveway to the Club is single track and leads into the car park "blind". Despite the traffic calming humps, many drivers do not approach with caution and an accident could occur here as well as at the entrance.
- Over the years the Club has been burgled as well as some houses nearby so a new building containing machinery and tools could act as a magnet for burglars. We note the plan for security lighting but no alarm is mentioned. We have erected a fence around our property but on a couple of occasions when a football has come into the garden, rather than ask to retrieve it young men have vaulted our fence and clambered out again. Could it be that some determined burglar might decide to approach the facility from the rear via our garden - it is a worrying thought.
- There is nothing in the plans about sanitation or litter disposal. Will the rangers and/or repairers cycle elsewhere for tea and lunch breaks etc.? The cycling aspect in the plan is ludicrous!

It seems to us that this plan requires much more thought and consideration than is shown in the application. The building will not enhance the area and could cause considerable disruption.

Yours sincerely
Brian and Bridget Cullis

I write to protest and object to the above planning application following the notice I have received and my subsequent examination of these plans.

First, I am somewhat at a loss as to understand why this is planned to be situated where it is when the need is clearly elsewhere. I assume you have tried to find somewhere near to where this will be required and failed however placing it where you suggest it certainly not helpful for those of us who live in Tuffley Avenue.

I have lived here for 14 years and have had three break in in that time, most recently 18 months ago when my house was burgled whilst I was at home asleep. In all cases the access from Winget played a part. We already have noisy and troublesome gatherings there late at night and I am seriously concerned that giving even more reasons for theft by storing maintained plant will add to this problem. I certainly would feel less safe.

From what I can see, mine would be one of the properties most affected by any security fence which worries me.

Clearly, what is a residential area with the related traffic, would be affected by the to-ing and fro-ing of heavier machinery on the road. This is a main road for two local schools with many parents taking and collecting their children to and from school. There are enough problems in terms of safety and I would be seriously concerned for any additional traffic of this nature.

I strongly object and ask that further consideration be given to situating this nearer to the place where it is required in a suitable place which does not inconvenience those who live near Robinswood Hill.

Yours Faithfully,

Irene T Fritchie

Dear Emma Blackwood,

We refer to your letter regarding the above which we received on 14th January. Unfortunately we have been away and therefore have not replied until now.

We have a great deal of concern regarding the proposed planning application and due to the limited time given to reply we have not been able to gain all the facts we would like. We tried to access the website as recommended to establish where the proposed building would be sited but, the map service was unavailable. We have spoken to other residents this weekend to try and find out more information and was shown a plan of the proposed development. We must say that we feel that this sort of information should be sent to people who are going to be affected much earlier to allow for circumstances like ours. It is very little time to establish facts when one has been on holiday.

We have so many problems here with traffic in general and also the amount of people who use Tuffley Park. It is wonderful to have this lovely open space where lots of people walk and play sport and we are in complete agreement with this. Unfortunately this also brings problems with increased traffic which we as residents have to live with. However, it would appear that there will be loss of space for car parking which will create a huge problem. Whenever there are sports events, which is quite often, and parties and events at the social club, which again is quite often, the spill out of cars on our road is dreadful. We have been understanding and patient as residents but, this proposal is too much. This is a huge urban area with a massive amount of traffic due partly to the local schools, in particular Ribston Hall which creates absolute chaos for us. Buses parked in Tuffley Avenue, parents parking in Tuffley Avenue and Tuffley Park we might add. We have so many problems gaining access to and from our properties during the school run and the prospect of heavy vehicles also using Tuffley Park is unthinkable.

The most important fact is the danger of access in and out of Tuffley Park and the unsuitability of adding agricultural vehicles to this problem. Agricultural and urban do not marry and there must be a more suitable site in Gloucester for this proposal. The fact that the existing site is apparently Robinswood Hill and it is intended to relocate to Tuffley Avenue, a residential area, is unthinkable.

We would have liked to have had a lot more time to establish the full facts and studied the information and plans in full but, this has been denied to us due to circumstances. However, we do hope you will take our concerns most seriously and review your procedure of informing residents of such matters. This is important to us, this is our home.

Trevor and Jacky Bace

FAO: Emma Blackwood

Dear Ms Blackwood

Re: your letter of 12th January 2015 regarding Planning Application 14/01484/FUL

As the owner and occupant of Tuffley Ave, the proposed development in the Winget Social Club car park will affect us significantly. After viewing the application, considering the impact on us and our family and the wider area, and discussing the matter with other affected residents, my wife and I feel that we must object to the proposals.

The presence of 'large plant' on the roads of the area would be to the general and on going detriment of the local traffic conditions. Given that traffic on Tuffley Ave, Stroud Rd, Reservoir Rd and St Barnabas Roundabout is already heavy and mixed (especially at rush hour and school run times), with significant pedestrian and cycle traffic, the addition of slow moving and bulky vehicles is simply going to make the situation worse. The traffic conditions on Tuffley Ave in particular are already problematic, with cars parking on both sides and the road frequently being reduced to effective single lane usage.

Plant machinery entering and leaving the proposed depot would also be in strict contrast to the existing users of this entrance to Tuffley Park - parents with pushchairs and small children, dog walkers, cyclists, schoolchildren, sports club and social club members, private cars etc. I feel this would have a limiting and reducing effect on the enjoyment of the park that is currently available to its users, as would the proposed fencing, which would be an eyesore (7ft high with a triple spike) and would enclose a significant area of what is currently an open space and part of the park.

The presence of such a building and its proposed uses will have a very direct impact on my property and on several other adjoining residential properties. Given the location of the proposed development, the building of an industrial/agricultural depot, with all associated activities, will be in strict contrast to the entirely residential and social nature of the area, and can only have a negative impact on the lives of those already living there.

Light pollution. The necessary security lighting will add significantly to the existing light on the site. The existing light is already a problem, and has necessitated the growing of mature trees on my property in order to prevent the house from being bathed in light. Any additional lighting, and any pruning of these trees would substantially worsen the problem.

Noise pollution. All of the activities associated with a depot for the storage and maintenance of large plant will produce noise. The nature of these noises will be in addition and in contrast to the noises already associated with this residential and social area. All of the many and varied noises emanating from such a depot are going to be coming from directly the other side of my property boundary, and will therefore be only a short distance away from my house.

During the summer months, the impact of such noise pollution will be particularly detrimental, for obvious reasons, and will extend from early morning well in to the evening (and past the bedtime of my small children).

Loss of access. There exists a pedestrian entrance to my property from the Winget Social Club car park. The proposed development would block this entrance.

In all, I feel that this proposal is not viable or appropriate, and would create problems where none exist. I feel certain that there are more suitable sites for such a facility. Would it not be possible and more desirable in every way for such a facility to be constructed in Robinswood Park?

Yours sincerely

William Gaylor

From: SUSAN BEADLE [<mailto:> [REDACTED]]
Sent: 29 January 2015 07:33
To: Emma Blackwood
Cc: Pete Egan
Subject: Fw: planning application 14/01484/FUL

Subject: planning application 14/01484/FUL

Copy of planned objection to planning application
I have tried to send to the council
(currently unable to email as their website is down!)
please make sure it gets listed as an objection

Dear Sir/Madam

Re: your letter dated 12th January 2015
about Planning Application 14/01484/FUL
in the car park at GL1 5NS
we object on the following grounds

1) Putting up a 7ft (2.1Metre) security fence
is firstly an eyesore in a residential area and
secondly, will attract undesirables who may try to break in, and
remove proposed items being stored in the open!

The proposed siting is already an area where petty criminals/druggies
often frequent during the dark hours of midnight >3am,
due to the easy escape route across the adjacent Old Boys Rugby Field
if they are disturbed.

2) Access to Tuffley Avenue

Tuffley Avenue is a Residential Area,

yet you are planning to put up an industrial building where Heavy plant will be maintained & Driven?

Traffic is already badly congested with vehicles parked on both sides of the Avenue.

The Extra traffic caused by the comings & goings of slow moving "Plant" will only add to the problem,

not only on Tuffley Avenue but also on Stroud Road, St Barnabas Roundabout, & Reservoir Road.

The Idea of a bicycle being supplied to commute between Robinswood & Tuffley Avenue

is Madness .Negotiating Robinswood Roundabout in a car is bad enough,have you tried it on a bicycle?

Suggest you look at the accident statistics for that junction.

3)Health & Safety

No services apart from electric are being supplied

No toilets or waste disposal, yet maintenance will be carried out on site?

4)Light pollution

Extra external security lighting is mentioned .

The reason why the residents have grown the mature trees is to reduce the amount of existing light

entering their bedrooms yet the plans are to cut down/prune the trees & add to the light pollution?

5) The planned Security fence will block existing access to two garden entrances

6) Restricted access due to security fence

The access for delivery vehicles to The Wingate Bowls Club & to The Wagon Works Social Club

will be severely restricted if the Security fence is constructed as planned in front of the two buildings

To sum up

I would suggest that this is a poorly thought out plan with little consideration to the local residential area.

Surely it would be better to put this proposed building or indeed a larger industrial Secure building closer to,

or in the grounds of Robinswood hill & that the gates are upgraded to improve security at the entrance to the hill?

Yours sincerely

Peter & Sue Beadle