

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **12<sup>TH</sup> MAY 2015**

**ADDRESS/LOCATION** : **RIDGE AND FURROW PUBLIC HOUSE,  
GLEVEUM WAY**

**APPLICATION NO. & WARD** : **14/01220/FUL  
ABBEY**

**EXPIRY DATE** : **17<sup>TH</sup> OCTOBER 2014 (EXTENDED TO 9<sup>TH</sup>  
JANUARY 2015)**

**APPLICANT** : **WM MORRISON SUPERMARKETS PLC**

**PROPOSAL** : **DEMOLITION OF THE RIDGE AND FURROW  
PUBLIC HOUSE AND THE ERECTION OF A  
PETROL FILLING STATION TO INCLUDE  
NEW SALES KIOSK, 6 NO. FUEL PUMPS,  
CANOPY, FORECOURT, JET CAR WASH,  
FUEL STORAGE TANKS, ALTERATION TO  
BOUNDARY TREATMENT AND  
ASSOCIATED ACCESS ARRANGEMENT.  
(AMENDED SCHEME.)**

**REPORT BY** : **CAROLINE TOWNLEY**

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

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site relates to a corner plot of land located on the northern side of Abbeymead Avenue at its junction with Glevum Way. The site is currently occupied by the Ridge and Furrow Public House and is located adjacent to the District Centre. The Public House has recently closed and is no longer trading.
- 1.2 The site is bounded to the north by the medical practice and associated car park, an area of vacant land to the east with the watercourse and residential properties beyond. The southern boundary is adjacent to Abbeymead Avenue and the western boundary is formed by Glevum Way. The Morrison's store and other retail properties are located to the west of the site.
- 1.3 The site is currently accessed from Glevum Way with a car park located to the rear of the building.

- 1.4 The application proposes to demolish the existing public house and to erect a petrol filling station to include a sales kiosk, 6 no. fuel pumps, forecourt, above ground fuel tanks, jet car wash and staff parking.
- 1.5 The proposed sales kiosk would have a total gross floor area of 102 sq m and will sell motoring related goods together with a small range of essential grocery items.
- 1.6 The proposed jet car wash area would be located to the west of the kiosk. It is proposed to provide a staff parking area with 4 spaces to the north east of the site.
- 1.7 The two fuel tanks would be located adjacent to the southern boundary of the site to the rear of the proposed jet wash facility and sales kiosk and would front Abbeymead Avenue. The proposed tanks include one 120,000 litre petrol tank and one 120,000 litre diesel tank. Both tanks are double skinned and would be secured by 2 metre high palisade fencing.
- 1.8 The proposed diesel tank would measure 4 metres in height, 12 metres in length and be 4 metres wide. The petrol tank would measure 3.65 metres in height, 15 metres in length and 3.65 metres in width. A 2 metre high palisade fence is proposed around the tank together with new planting.
- 1.9 Access is proposed from the existing access point from Glevum Way with a one way system proposed within the site for all traffic.
- 1.10 It is intended that the petrol filling station would be open 24 hours a day, 7 days a week. The proposed opening hours for the car wash and jet washes being 07.00 to 23.00.
- 1.11 Officers advised the Applicant that the application would be reported to the March 2015 Planning Committee but it was deferred at the request of the Applicant to allow them to reconsider elements of the scheme including the siting of the fuel tanks. The Applicants have, however, now submitted an appeal on the grounds of non-determination. The application can now not be determined by the City Council but is brought to Committee to establish its view on the application and the decision it would have made. This will form the basis of the Council's case for the appeal. At the current time the Appellant has requested that the appeal be dealt with by way of the written procedure.
- 1.12 The appeal submission includes revised plans amending the extent of the proposed palisade fencing enclosing the fuel storage tanks to create an enclosure and the inclusion of security bollards on the outside of this enclosure. This amendment has also resulted in both the fuel tanks and palisade fencing being sited further forward closer to Abbeymead Avenue. The Agent has indicated that these measures have been put forward as an additional form of safety mitigation to address the comments of consultees. The Agent has suggested that *"Given the minor nature of these alterations it is considered appropriate that they be made through the appeal process, as they do not materially alter the nature of the proposed"*.

1.13 On the basis that these plans have not been submitted as part of the planning application and therefore not consulted upon, I consider that the Committee can only consider the originally submitted plans. It is suggested that if after further consultation as part of the appeal process, the Consultees confirm that these amendments address their concerns Officers advise the Inspector accordingly.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 Outline planning permission was granted on 6th May 1975 for comprehensive residential development and associated shopping amenities (Ref. P/1323/73).

2.2 An application for approval of reserved matters was subsequently granted on 12th March 1981 for the layout of the shopping centre and pub with associated car parking and service areas (Ref. P/4167/80). A further permission was granted in 1984 for the construction of additional car parking, improvements to Glevum Way and alterations to the existing loading bay.

2.3 Outline permission was granted to Safeway on 5th March 1996 for an extension to their existing store (Ref. 95/00598/OUT). The outline permission was for a 4,180 square metre extension with approval to siting and access. This extension was proposed to be located on the northern, eastern and southern sides of the existing store.

2.4 A full planning application was received on 24th November 1999 for the redevelopment of the site for a new foodstore, 6 retail units, associated car parking, landscaping, off site petrol filling station and associated highway works. Following the submission of various amended plans planning permission for this proposal was granted on 6th May 2000, (Ref. 99/00313/FUL).

2.5 A further application for the redevelopment of New Foodstore (A1) and 6 A1 (Retail) or A2 (Financial and Professional Services) Units associated Parking, Landscaping, the erection of Petrol Filling Station, Car Wash and associated Highway Works was submitted in August 2002 (ref. 02/00690/FUL). This application was reported to Planning Committee on 8<sup>th</sup> October 2002. Following the receipt of amended plans and the completion of a Section 106 Agreement to secure the implementation of a travel plan planning permission was subsequently granted on 19<sup>th</sup> September 2003.

2.6 The proposed petrol filling station included in the above applications was to be located on the vacant land to the east of the current application site. Part of this site had been previously reserved for a library with an alternative library site having been provided adjacent to the community centre car park. The proposed petrol filling station was to be accessed directly off Abbeymead Avenue with pedestrian access adjacent to the medical practice. It was intended that the proposed petrol station would be open 24 hours.

2.7 A further application was submitted by Morrison Supermarkets Plc in 2004 for a new foodstore and 5 retail units with associated car parking, servicing and

alterations to access road (ref. 04/01094/FUL). The application was reported to Planning Committee on 2<sup>nd</sup> November 2004 and planning permission was granted on 6<sup>th</sup> May 2005.

- 2.8 An application for the demolition of the Ridge and Furrow Public House and the erection of a petrol filling station to include sales kiosk, canopy, 6 no. fuel pumps, forecourt, underground fuel tanks, carwash, alterations to boundary treatments and associated access arrangements was originally submitted in May 2013 (ref. 13/00557/FUL). This application was on the agenda to be considered by Planning Committee on 4<sup>th</sup> February 2013 but was deferred on the advice of Officers following the submission of late material. The Environment Agency subsequently requested additional information in relation to the groundwater depth to demonstrate whether the proposals would have any impact upon controlled waters. Additional information was received from the applicants' consultants in May 2014 which indicated that groundwater is present on the site at relatively shallow depths which would result in the base of underground storage tanks being partially below the monitored groundwater levels. This indicated that the proposal would involve the storage of fuel within the water table and present an unacceptable pollution risk to ground water and on this basis the Environment Agency raised an objection to the planning application.
- 2.9 The Environment Agency agreed in principle to the use of partially underground tanks with tertiary containment with the base of the tertiary containment beneath the doubled skinned tanks to be located above the water table. Alternatively the Agency advised that if this approach was not desirable that an above ground storage solution could be explored on the site. This application was withdrawn on 3<sup>rd</sup> November 2014 following the submission of the current application.

### **3.0 PLANNING POLICIES**

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policies are relevant:

BE.7 – Architectural Design  
BE.21- Safeguarding of Amenity  
TR.31 – Highway Safety  
CS.1 – Protection of Community Facilities

The Glevum Way Shopping Centre is identified as a District Centre in the First and Second Stage Deposit Local Plan (June 2001 and August 2002). The policies seek to strengthen the role of district centres by permitting new retail development of an appropriate scale and type, provided that it would not have an unacceptable impact on Blackfriars and the Primary Shopping Area.

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<sup>th</sup> November 2014. Policies in the 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](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

4.1 **Gloucestershire County Council (Highways)** – The development proposal is similar to the previous application (13/00557/FUL) to which the Highway Authority recommended no objection. The current application is an amendment to the previous submission with the alteration of the positioning of the fuel tanks from underground to above ground.

The applicant undertook in depth discussions and agreed the scope of the Transport Assessment (TA) with the Highway Authority under the previous

application and has submitted a revised TA in support of the current application reflecting the changes to the positioning of the tanks. The revised TA has been carried out in accordance with Planning Practice Guidance and adequately deals with the transport impacts of the proposed development.

The Highway Authority has concluded that the proposed development provides a safe and suitable access and that residual cumulative impact on the adjacent transport network is not severe in accordance with Paragraphs 32 and 35 of the NPPF. On this basis no highway objection is raised subject to conditions.

- 4.2 **Environment Agency** – No objection raised to the application but make the following comments:

**Protection of Controlled Waters**

The Environment Agency objected to the proposals submitted under application 13/00557/FUL. This scheme comprised underground storage tanks (USTs).

*In the last email correspondence to you (dated 19 June 2014) the Agency advised:...'The additional monitoring carried out in April-May 2014 indicates that groundwater is present on the site at relatively shallow depths. The investigation finds that, based on a top tank level of 1.0m below ground level (bgl) and a 2.5m external tank diameter, the base of the underground storage tanks would be between 0.9m and 3.1m below the groundwater levels monitored in the boreholes. This would indicate therefore that the proposal would involve the storage of fuel within the water table. This would conflict with our position statement D3 within GP3 and present an unacceptable pollution risk to groundwater contrary to the advice at paragraph 109 of the NPPF.'*

*The EA concluded:.... 'We would also request at this stage that an improved conceptual model depicting groundwater depths and tank positioning is submitted, as Figure 1. Conceptual Ground Model (Source: GA report, 2014) is unclear and the axis cannot be interpreted. Alternatively, if the above suggested approach is not desirable, an above ground storage solution should be explored on the site.'*

National guidance on the storage of potential pollutants is set out in the EA's GP3 guidance (Groundwater Protection: Policy and Practice, 2013).

The EA has confirmed that the revised application for an above ground storage solution addresses the principle concerns raised and the proposal accords with policies D2 and D3 within GP3.

The EA has, however, queried whether tertiary containment is proposed. Plan PL\_08 (dated 09.09.14) is not sufficiently detailed in this regard. Under current legislation the Above Ground Storage Tanks (ASTs) should be banded. The EA advises that if the City Council is minded to grant planning

permission the provision of tertiary containment should be secured via condition, or revised plans submitted.

### **Pollution Prevention**

All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6 minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance in order to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:

- i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
- ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the 'shut' position.

### **Fuel Storage**

All above ground fuel storage tanks should comply with current guidelines. Domestic oil storage over 3,500 litres and oil storage containers larger than 200 litres used for business purposes must be banded under the Control of Pollution (Oil Storage) (England) Regulations 2001.

Further guidance is available at:

PPG3: Choosing and using oil separators

PPG7: Operating refuelling sites

PPG13: Vehicle washing and cleaning

- 4.3 **Gloucestershire Constabulary** – An objection was originally submitted to the application by the Counter Terrorism Security Officer based on the concern that the fuel in the above ground tanks could easily be accessed above ground making them more susceptible to significant leakage or fire due to theft, criminal damage or potential terrorism intent.

Concerns were also raised in relation to the vulnerability of the tanks being sited so near to the roadway and prone to potential ramming by any vehicle coming off the road at speed as a result of an accident or intentional attack. Concern was also expressed that the proposed two metre palisade fence line together with some organic screening would be insufficient to protect the tank installation from such an event whether it be accidental or intentional due to the potential run up speeds that could be attained prior to impact.

Having reviewed the submitted specifications of the proposed tankage no in principle objections are now raised to the use of above ground fuel tanks provided that the associated bunding is sufficient in capability according to the Petroleum Licensing Officer's requirements.

However, it is still considered that the proposed siting of the fuel tank installation adjacent to the public highway, without suitable vehicle mitigation, may pose a latent and unnecessary risk in the event of a vehicle successfully impacting the tanks themselves.

It is the Counter Terrorism Security Officer's view that the overall site security and aesthetics would benefit from the tank installation being relocated with suitable vehicle mitigation bollards installed in addition to the proposed palisade fencing. Such a relocation would lessen the visual impact and significantly reduce hostile vehicle run up to the tanks themselves.

In light of the information submitted in relation to the proposed tank specification Gloucestershire Constabulary's original objection to the use of above ground fuel tank installations has been withdrawn. However, it is recommended that the fuel tanks be moved and proper hostile vehicle mitigation measures be installed.

- 4.4 **Petroleum Officer** - Gloucestershire County Council is the Petroleum Enforcing Authority under the Petroleum (Consolidation) Regulations 2014 with this function being carried out by the Trading Standards Service.

No petrol may be kept at a dispensing premises unless a valid storage certificate is in force. A person wishing to store petrol at a dispensing premises must apply to the Petroleum Enforcing Authority for a storage certificate. The petrol enforcing authority will grant a petrol storage certificate where it is satisfied that the containment system for petrol at the dispensing premises, including storage tanks, pipework and dispensers, may reasonably be used to store petrol and would not create an unacceptable risk to the health and safety of any person. This is in addition to planning permission.



The Petrol Enforcing Authority will assess the containment system in accordance with the publication, "Design, construction, modification, maintenance and decommissioning of filling stations" often referred to as the Blue Book.

In a typical petrol filling station, the fuel tanks are located underground. There are various advantages in doing this but also this brings disadvantages. The main disadvantage is the risk of environmental damage from leaks. There is a risk that petrol tanks can leak and this is certainly a problem with single skinned tanks. However, any new development would require double skinned tanks with leak detection, where the space between the two skins of the tank is monitored. Should a skin fail, the leak detection system should detect this before fuel is lost. The main advantage in locating tanks below ground is that they are "out of harm's way" reducing the risk of malicious or impact damage. Currently, all petrol tanks on retail petrol filling stations in Gloucestershire are located underground.

In relation to above ground tanks, the Blue Book comments "above ground tanks are normally only used at filling stations for the storage of high flashpoint fuels [such as diesel] and have the advantage of being easily inspected for corrosion or other forms of degradation or impact damage. They should be provided with secondary containment (or a bund) to contain any leakage of fuel, including any spillage that may occur during delivery".

In relation to above ground tanks for petrol, there is no European Standard as there is for underground tanks. Instead, tanks should meet the requirements of UL 2085 and provide 2 hours fire resistance. Where above ground tanks are being considered, the Blue Book states that an assessment should be carried out to identify the hazards and quantify the risks arising from or associated with

- Fire and explosion
- Emergency venting
- Environmental pollution
- Spill containment
- Leaks
- Pumped deliveries
- Security
- Attempted theft
- Impact damage
- Malicious damage
- Maintenance, repair and replacement of ancillary equipment
- Operation
- Decommissioning

The location of petrol tanks above ground is very unusual and the above assessment will need to balance the environmental considerations with fire and explosion considerations.

4.5 **Fire Safety Enforcement Team** – Although not the preferred option the use of external (above ground) tanks are acceptable providing that the guidance

set out in the 'Petroleum Filling Stations Guidance on Managing the Risks of Fire and Explosion' (The Red Guide) and the 'Dangerous Substances and Explosive Regulations' 2002 (DSEAR) are followed.

Within the red guide there are a number of areas noted that will need due consideration for any new installation of stored petrol, especially those that are above the ground. These being:

- Section 6 managing the risk (pg 19) – The risks to the public and the environment need to be carefully considered with an appropriate risk assessment in place.

This will need to consider a number of areas including the method and capacity of storage, the number of vehicles passing near the site (especially from Abbeymead Avenue) and any potential vandalism.

With the latter the added risk to vandalism associated with above ground storage will need to be considered.

- Section 7 emergency procedures (pg 31 & 32) – This takes into account the external factors such as a vehicle crashing into an installation. The added risk of an above ground tank will need to identify control measures to mitigate the likelihood of this taking place, especially taking into account the number and size of vehicles that use Abbeymead Avenue and its proximity to the storage tanks.

It is noted that 2m palisade fencing is being erected around the tanks, but the protection they offer against a heavy goods vehicle is questionable and therefore other options such as heavy duty bollards should be considered.

- Section 8 storage (pg 55) – It states that when residential areas are in close proximity to the tanks additional control measures need to be in place to protect the nearby residents and the immediate environment. As mitigation it is expected that the storage tanks will provide a higher standard of containment due to the close proximity of residential areas and any leaks should be either protected by a bund or have appropriate drainage interceptors.

Finally under section 8 it also identifies that the immediate risk of fire and explosion from a leak from an above ground tank is greater than from an underground tank and states where tanks are installed, or are planned to be installed, above ground, an assessment should be carried out to determine the risks from the unloading process, a leak of petrol from the tank, a fire or explosion, site traffic arrangements which could lead to a vehicle colliding with the tank, other types of impact, and vandalism.

- 4.6 **Worcestershire Regulatory Services (Contaminated Land Advisors)** – The site investigation report has identifies significantly elevated levels of zinc to be present on site within sub-base materials. It is proposed that this material should be redistributed beneath areas of hardstanding and not used in landscaped areas so as to protect end users and vegetation on the site. No

objection is raised subject to the inclusion of the standard land contamination condition.

- 4.7 **Environmental Protection Officer** – No objection is raised to the application subject to the inclusion of conditions.
- 4.8 **City Archaeology** – The application site has some archaeological sensitivity. Previous archaeological investigations to the west and north have recovered finds of prehistoric and Roman date. The site is also located c.40m to the west of the known site of a medieval watermill. In view of the archaeological potential of the site it is recommended that a programme of archaeological mitigation should be undertaken so as to record any archaeological remains and finds which may be adversely affected by the proposed development. To facilitate this a condition is recommended.
- 4.9 **City Council's Drainage Engineer** – No objections subject to conditions.
- 4.10 **Urban Design Officer** – No objection to the proposed use or the siting of the pumps, canopy, kiosk or jet car wash. The proposed 4 metre high fuel tanks are proposed to be positioned adjacent to the roundabout on the most visually prominent position. The Urban Design Officer objects to the siting of the fuel tanks as a result of the potentially dominant visual impact on the character of the area. It is considered that the combination of the tanks, 2 metre high palisade fencing and structural and access frameworks between and above the tanks would form a significant character impact issue.

It is not considered that that the introduction of the proposed fuel tanks will either protect or enhance the character of the area and the Urban Design Officer considers that the proposal is in conflict with policies in both the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.

- 4.11 **Landscape Officer** – The fuel tanks are proposed on the most prominent part of the application site and the visual impact of siting these tanks here is likely to be very significant. Coupled with a 2 metre high steel palisade fence surrounding the tanks above-ground pipework associated with the tanks and an 8m high light column, the frontage to the proposed development would be extremely 'industrial' and unattractive to pedestrians and residents passing the site. Also behind this would be the high PFS canopy, jet wash area and kiosk building. The tanks and palisade fence should be coloured green or black to minimise the visual intrusion.

The landscaping strip proposed to screen the tanks and fencing would initially provide limited screening value. Once established (after 5-10 years) the tanks would probably be screened by vegetation - although Abbeymead Ave and it's pavement is notably located above the tanks and planting area, so the tanks could be visible from the road for many years. The proposed shrubs for the screening strip are a mix of evergreen and deciduous species and once established would provide suitable screening, as well as foraging and nesting sites for birds.

There is significant shrub planting proposed within the 8m sewer easement along the majority of the eastern boundary of the site. I am not sure that this would be acceptable, as generally any tree or shrub planting is opposed or restricted within an easement area by the utility companies (I assume Severn Trent in this instance). In this respect, the landscaping plan submitted is perhaps slightly misleading, in that the extensive buffer planting proposed to the eastern boundary might not be achievable, although the remaining undeveloped land to the east will provide some existing screening (unless this site is also developed). Further clarification should be sought from the applicant that this proposed planting is compliant with the ST easement restrictions.

It is not considered to be practical to retain the existing mature willow tree on the SW corner of the site. Firstly, the works required to construct the PFS forecourt would most likely have an impact on the tree roots and secondly it would be very difficult to establish any new planting under the tree canopy. As a weeping tree, there is normally very little planted under the canopies of such species. I think it would be much easier to replace the willow with a semi-mature tree or group of trees of a more appropriate species. Further tree planting along the Glevum Way frontage would be desirable.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the display of a site notice. In addition 165 neighbouring properties have been notified of the application in writing. These included all those who were notified of the original application together with those who made representations. As a result of this publicity 94 representations have been received including letters from Richard Graham Member of Parliament for Gloucester and Mr Staddon of PJS Development Solutions on behalf of the patrons and supporters of the Ridge and Furrow Public House.

5.2 The issues raised by these letters of representation can be summarised as:

### **Loss of Public House**

- Loss of valued community facility.
- Will result in the loss of a residential property / family home.
- People can walk to the pub. No other building in the community which offers the same options or atmosphere.
- There is support for the Ridge and Furrow to reopen and there are parties interested in doing this.
- To demonstrate that they respect local opinion, Morrison's should withdraw their application and persuade Trust Inns to surrender their lease and work with speed to find a new tenant.
- Provided a social amenity with facilities not provided by others in the locale. Also served a different clientele than other public houses.
- Important that facilities are available locally.
- Pub should be revitalised not demolished.

- True community pub with bands, sports teams, family fun days with safe children's play area. Pub has been involved in fund raising for local and national charities.
- Has good disabled access.
- Name of public house is a reference to the agricultural history of this area.
- Building is a classic design and a bonus to the estate and far more appealing than a brightly lit filling station.
- Pub is listed as a "Community Asset".

### **Traffic / parking**

- Will increase traffic congestion and volume of traffic.
- This is a residential area and PFS would encourage more traffic and noise disruption for residents.
- Located right on the roundabout making access and exit extremely hazardous for motorists which could lead to accidents.
- Cannot expect elderly people to walk uphill from Community Centre car park to doctors/vets.
- Concerned about easy access for emergency vehicles.
- Roads leading to and out of roundabout are busy junctions with two main roads leading to both Heron and Abbeymead schools. This creates extra traffic at certain times of the day and many families walk their children to school crossing roads and junctions near the location of the Ridge and Furrow.
- Site is unsuitable because the very busy roundabout with access all day to Morrison's supermarket, healthcare centre, pharmacy, community centre and vets. A garage will generate extra short visit car movements in the area as a whole. Already have difficulty crossing the road on Abbeymead Avenue and it's an area older people from Abbeymead Court have difficulty with.
- Pub car park was sometimes used as additional parking for the medical practice. Concerned about pedestrian access to the medical centre crossing the forecourt of the petrol filling station.
- Will be located between two infant and junior schools making it more hazardous for young children.
- Complicated access to proposed filling station.
- Believe linked trips with shopping in Morrison's will be minimal given stores location in the centre of Abbeydale/Abbeymead.
- Will result in more difficulty for elderly residents crossing the road.

### **Flood Risk**

- Possible flood risk to adjacent properties following the tarmacing of large areas of flood plain allowing water to spill over the brook.
- There have been floods in the area adjacent to the site and continued problems with drains and build up of water in wet weather.

### **Noise / light pollution**

- Increased noise and disturbance to residents.

- Noise and fumes associated with the use and car wash has to be considered health and wellbeing of residents in nearby (mainly elderly) accommodation facing the area.
- Effect of lighting on residents especially at night could affect their quality of living and eventually affect their health.
- Noise levels from people using the petrol station and tankers will increase.
- Large tankers refuelling late at night would be disturbing,
- Will result in light pollution for local residents.

### **Health and Safety**

- Concerns about health and safety aspect
- Would increase pollution
- Adverse impact on doctor's surgery with fumes seeping into the surgery.
- Inappropriate/ potentially dangerous to surrounding community uses including community centre, children's park, adjacent doctors surgery, water course and veterinary surgery.
- Any fuel spillage could seep into the River Twyver or worse.
- Concern about safety of above ground tanks.
- Appears to be no protection to protect tanks from run-away vehicle.
- Possible danger to local residents and schools.
- Any fire would block the only vehicular access to the Glevum Centre making access for the emergency vehicles and evacuation of shoppers, community and medical centre users and staff difficult.
- Evidence that links petrol stations to health problems and should not be located between 3 primary schools, a park and community centre – largely for young children.
- Concerned that local children will have health problems associated with the petrol filling station.
- Position of tanks next to footway and close to roundabout. Believe there have been three injury accidents in the last three years. It is conceivable that a vehicle travelling towards the roundabout could mount the verge and collide with the storage tanks.

### **Number of PFS**

- The area is already well served by petrol stations including the new one proposed by Morrison's at the Railway Triangle and no need for another.
- There are more than enough in local area.
- No economic or community case for another petrol station.

### **General**

- Abbeydale is a residential area.
- If site is to be redeveloped it should be something to benefit the whole community.
- Local residents have been shabbily treated with closure of the car park especially for older residents visiting the surgery and pharmacy.

- Pub should be replaced with another family based pub/restaurant to provide an additional leisure venue to compliment the existing community centre.
- Question how Morrison's survey was organised to include local residents. Survey was carried out before the requirement for above ground storage tanks was made public.
- Proposal would be detrimental to the appearance of the area.
- Appear to be many more reasons against this proposal than for it and the Planning Department should be listening to local residents.
- Wish to see a more aesthetically and community orientated use of the site.
- Pub offered a pleasant and useful social amenity and we were not aware of any problems associated with it. Its removal would be a loss to the local community.
- Ridge and Furrow has served as a necessary and generally used social amenity for the benefit of the neighbourhood. Locality is poorly served with social meeting places.
- A filling station should not be situated on a residential housing estate.
- Land could be put to better use by extending the doctors car park and pharmacy moved into a permanent building.
- Have a greater need for car parking to access the medical centre.
- Car park should be open in interim for use by the Health Centre and Pharmacy.
- Site would be better used as a 'state of the art' medical facility.
- Large, beautiful, old, well established Weeping Willow tree will probably be destroyed in the process.
- The site together with the adjacent woodland should be developed into a community facility.
- Not wanted, needed or desired.
- Removal of existing eyesore, bill boards and on site fast food van would be no bad thing but its replacement with a filling station with exposed storage would be nothing less than a 'like for like' situation.
- Proposal goes against original planning permission which included a mix of community uses.
- Devaluation of property prices and higher insurance prices.
- Do not recall being included in the 'card vote' survey undertaken by Morrison's and question how this was organised to include local residents. Survey was carried out before requirement for above ground storage tanks was made public – does this invalidate survey?
- Land should be put to better use e.g. small business units, coffee shop, restaurant, boutique type shops, apartments, new doctor's surgery, pharmacy, car parking or sports/entertainment venue.
- Part of public house could be turned into a library or drop in centre for the elderly.
- Part of car park could be converted into a small park garden associated with the doctor's surgery.
- Loss of nature spots and potential historic archaeology from the area.
- Proposal does not evidence that it enhances the sustainability of the community and residential environment.

- Petrol station will increase likelihood of more anti-social behaviour changing the atmosphere of the area.
- Loss of residential unit not mentioned in planning application.

### **Above Ground Tanks**

- Above ground petrol tanks are dangerous, a safety risk with potential fire risk, open to accidents, vandalism in a residential area. There was previously a major incident at the site when Safeway caught fire.
- Above ground tanks are unsightly and an eyesore and inappropriate in a residential area.
- An area of grass and trees would be lost.
- Exposed tanks visually unacceptable should be a considered evaluation of alternative layouts.
- Would be a terrorist magnet.
- Would make a quiet, green, residential/shopping area would feel more like an industrial site with consequent adverse impact on local property values. Proposed planting will not grow to maturity for 5 years.
- 2 metre high fence would be very unsightly.
- Nearby wildlife including foxes den, birds and squirrels will be disrupted.

### **Support (1 letter)**

- Would find a petrol filling station at this location very useful and convenient.
- Ridge and Furrow is already becoming an eyesore with little possibility of it being used as a community asset. Question who would fund it and there is already a community sports and recreation facility within 100 metres.
- Unless an organisation like Wetherspoons is willing to take over a petrol station seems a reasonable use of land and will provide a valuable service to the local community appropriately situated next to other community facilities.
- No objection to demolition of the Ridge and Furrow as the needs of the area are well served by the Community Centre and Turmut Hoer. Saintbridge Sports and Social Club, The BMI and Kings Head are all within walking distance.

### **Richard Graham MP –**

#### *Does the community support this application?*

*As a result of the flawed survey commissioned by Morrison's I personally wrote to over 6,475 residents in the Abbey Ward and the nearest residents in Hucclecote last year. I received responses from 2,361 residents, a response rate of 35% of whom 67% adamantly preferred the community pub to stay rather than a petrol station. In direct mail history this is a high response rate and an overwhelmingly clear message. This is backed by a petition signed by over 2000 residents, letters and emails. Not one Abbey City or County Councillor or community group's leader that I am aware of has come out in favour of the application. It is simply not credible to insist, as the Morrison's*



*Head of Asset Management has done again recently by letter to me, that the community supports this application. Overwhelmingly it does not.*

*Does the Council recognise the pub has community value?*

*Under the Localism Act the Ridge and Furrow has been listed by the City Council as a Community Asset, recognising its value to the community. It would be completely incompatible with the status of Community Asset for Planning to then approve the demolition of the Asset.*

*Is the application compatible with the National Planning Policy Framework (NPPF)?*

*The NPPF implies a higher degree of protection for Community assets. A number of planning appeals that might be termed speculative development proposals have been overturned and several councils have taken proactive steps to adopt pub protection policies. My reading of the NPPF is that this application is contrary to government policy.*

*Is there any future for a community pub on this site?*

*The argument of Trust Inns that it was impossible to run the pub viably has not been tested. Any publican will struggle to make money while paying high rent to both landlord and pubco. It is not the same thing as arguing the pub is not viable. I have interest in writing for a tenancy from an experienced local business. There is every reason to believe that the right tenant would be able to make a success of the Ridge and Furrow which was Trust Inns' National Pub of the year 4 years ago.*

*Are over ground fuel tanks a positive development?*

*The two proposed fuel tanks are a visual nightmare and a public safety issue. The reason they are normally stored underground is because of safety. Blue book guidance states clearly that retail petrol tanks should be stored below ground, and Morrisons' own consultant Weetwood noted (in the original application) that "there are serious health and safety issues in above ground installations and ... no good safety or environmental reason why fuel storage tanks should be installed above ground". They are a major negative impact.*

*Overall in whose interest is the proposed application?*

*Morrison's wish to make more money out of their real estates holdings, including the Ridge and Furrow site. This cannot be done by bullying through a petrol filling station with above ground fuel storage tanks next to a GP's surgery, a children's play area, beer garden, community centre, stream and dog walking field. It is incompatible, not complementary, with a community led vision on site.*

*There was a time when Morrison's' made convincing play of its interest being those of the community: but this application clearly shows that the naked commercial interest is pursued even when it's at odds with community interests. The complete disregard for their own consultant's health and safety advice is a stark departure from supermarket as community partner.*

*In summary this application is incontestably opposed by large numbers of residents, contrary to the Council listing of the Ridge and Furrow as a community asset and is incompatible with the direction of the NPPF. It is ugly, detracts from the rest of the area and is unsafe for the public even according to the applicant's consultants. Above all it is unneeded, unwanted and not in the community or city interest*

**PJS Development Solutions** (On behalf of the Save the Ridge and Furrow Community Campaign Group) – A 14 page letter of representation has been received summarising the opposition to the previous application together with some of the key events that have occurred since the submission of the previous application in May 2013.

In addition the Group make the following representations to the Planning Committee:

- All previous representations in respect of the earlier application should be reported to the Committee. The amendment to the fuel tank has no bearing on the issue of principle.
- Members are requested, in particular, to consider the substantive planning case for refusal set out in the Campaign Group's letter dated 18<sup>th</sup> November 2013.
- Members are asked to consider carefully the findings of the MP's neutral and comprehensive 2014 survey which received a high response rate and 67% of respondents want to see the pub saved.
- The Community Asset Listing is not irrelevant as suggested by the Applicants. Key point is that evidence of community asset value has been demonstrated and is a highly material consideration in the determination of this application. Good planning decisions do not involve destroying community assets.
- Amendments to introduce above ground fuel tanks raises two significant planning issues of i) visual amenity and ii) public safety.

Overall, this is a most unwanted and unacceptable development proposal. It would do substantial harm and do nothing to enhance the community it would be imposed upon. It is urged that the Committee refuse planning permission for the following reasons:

- A. Loss of a much valued community pub, which makes a significant a positive contribution to the well-being of the local community, which would be in conflict with the principles of sustainable development and, in particular, with paragraphs 7, 69 and 70 of the National Planning Policy Framework.*
- B. That the proposed replacement petrol filling station would have no tangible compensatory community value (for the losses set out in reason1) and would not fulfil a need identified within the district centre.*
- C. The detrimental impact of the large external fuel storage tanks on the streetscene and the visual amenities of the area.*

*D. Public safety reasons of over ground mass fuel storage in a residential area.*

**Abbeydale Community Centre** – The Community Association, as owner of neighbouring property has no objection to this proposed development and our view has not changed since our letter of 17<sup>th</sup> June 2013 in connection with the previous application. Believe that the general appearance of the shopping centre site has been adversely affected by the closure of the public house and its deteriorating condition is an eyesore. Consider there to be much benefit from making a clear decision on this matter. Wish to draw the Committee's attention to the car parking in the area. When the area was initially planned all the car parks were free to use by all, including the spaces next to the pub. 20 or so spaces have been permanently lost following the closure of the pub, despite the fact that demand for parking has increased. Suggest that this is an opportunity for the car parking capacity of the whole site to be improved to reflect the nature of current demand.

- 5.3 Morrison's commissioned Sharpe Communications to distribute leaflets setting out the plans for a new petrol filling station on the site seeking residents views on the proposal via a pre-paid reply card. The cards asked residents their preference either for or against the plans and to provide any comments. These leaflets were distributed to 16,000 properties on 7<sup>th</sup> October 2013. An in-store event was also held on 7<sup>th</sup> and 8<sup>th</sup> November 2013 at which customers were provided an opportunity to give feedback. This consultation related to the previous planning application.
- 5.4 Sharpe Communications has indicated that in total they received 603 completed reply cards and of these a total of 403 (66.83%) residents support the proposals and 185 (30.68%) of respondents were not in favour of the plans, with 15 (2.49%) undecided. Following the completion of the report a further 63 photocopied leaflets were received by Sharpe Communications with 62 of these responses opposing the petrol filling station. Taking into account these additional responses the figures would be 60.4% of respondents in support of the petrol filling station, 37.2% not in support and 2.4% undecided. A copy of the original 603 responses was submitted as part of the report.
- 5.5 The submitted report includes a map and analysis of the responses received from those that live within the Abbey Ward, with 216 (61.89%) in support, 123 (35.24%) are against and 10 (2.87%) were undecided).
- 5.6 The Statement of Public Consultation and Community Engagement submitted in support of the current application also includes an analysis of key comments, 'things people liked about the scheme', suggestions and issues/concerns raised.
- 5.6 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01220/FUL>

For background information full details of all correspondence relating to the previous application, (ref. 13/00557/FUL) can be viewed via the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=13/00557/FUL>

## **6.0 OFFICER OPINION**

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

- Policy
- Traffic and Transport
- Residential Amenity
- Flooding
- Ecology
- Trees and Soft Landscaping

### Policy

6.2 The site lies outside but adjacent to the edge of the Abbeydale District Centre at Glevum Way as identified on the Second Deposit City of Gloucester Local Plan (2002) proposals plan.

6.3 The Second Deposit City of Gloucester Local Plan (2002) has been adopted by the City Council for development control purposes. Policy CS.1 relates to the protection of community facilities. However, a public house is not identified in this policy as being a 'community facility' and this policy is therefore not afforded significant weight.

6.4 The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied. The NPPF promotes sustainable development with paragraph 7 explaining that the three dimensions of sustainable development are economic, social and environmental. Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

6.5 Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

6.6 Section 8 relates to promoting healthy communities with Paragraph 70 having particular reference to the determination of the current application, it states:

*“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- *Ensure that established shops, facilities and services are able to develop and modernize in a way that is sustainable, and retained for the benefit of the community; and*
- *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

6.7 It is considered that the second bullet point in this paragraph is particularly pertinent when assessing the current planning application.

#### Local Pub Policy

6.8 The closure of public houses was raised by Members as an issue that requires planning policy guidance in order to protect against the loss of these facilities. This issue will be dealt with fully as part of the ongoing City Plan process a draft of which is expected to undergo public consultation this autumn.

6.9 In the meantime a draft Interim Policy Statement has been produced in order to help focus the direction and content of the future policy, and to scope out the evidence base required to support any policy which will eventually form part of the City Plan.

#### **The Draft Interim Policy Statement:**

Public houses are considered to be a valuable social and community facility. As such the council will seek to protect against the loss of public houses. Planning permission for the redevelopment or change of use of a public house will be permitted only when the following can be clearly demonstrated:

- i. It is no longer viable to run the property as a public house, and;
- ii. The public house has been appropriately and positively marketed for a reasonable period and no reasonable offers have been received, and;
- iii. Any proposed development would not have a detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscene, and;
- iv. There is an alternative public house within walking distance, or;

- v. A replacement community facility will be provided on part or all of the site, or within walking distance of the site. The size and nature of this facility will be determined through evidence of extensive engagement with the community and the Council's Partnership and Engagement team to ensure that the replacement facility meets the needs of the community that it will serve and is fit for purpose.

In the case of historic pubs, where permission is granted for redevelopment the applicant shall be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in accordance with the Council's emerging heritage policy and in line with best practice guidance published by English Heritage.

Supporting Text

*Viability and Marketing*

*Where applications for a change of use or redevelopment of a public house are received, the Council will require evidence that:*

- a. a comprehensive sustained marketing campaign (agreed in advance by the Council) has been undertaken, offering the public house for sale as a going concern and using an agreed realistic valuation of the premises;*
- b. the marketing campaign has run for a period of at least twelve months before the planning application is submitted;*
- c. if marketing has been based wholly or partly on an alternative community or employment use, there has been prior discussion with the Council on the principle of the proposal;*
- d. the public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents;*
- e. it can be demonstrated that the public house is not financially viable; in order to determine if this is the case, the Council will require submission of trading accounts for the last three full years in which the pub was operating as a full-time business;*
- f. the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes (to be shared with the Council) have demonstrated that the public house is no longer economically viable.*

6.10 The planning policy team undertook public consultation on this 'Interim Planning Policy Statement' from 5<sup>th</sup> January until 3<sup>rd</sup> February 2015. The statement, along with the comments received during the consultation, was reported to Planning Policy Sub-Committee (PPSC) on 12<sup>th</sup> February 2015.

6.11 In order to take this Interim Policy Statement forward as part of the City Plan the report to PPSC outlined that the following works will need to be undertaken:

- Survey work to establish the extent of the issues facing Gloucester's pubs. The number of pubs the City currently has along with the number of losses and gains over recent years will need to be examined.
- Mapping work to visually map the existing and closed pubs to establish the spread and therefore any concentrations or gaps in the provision of facilities.
- Establish a suitable 'walking distance' in order that the policy can be used in the assessment of planning applications.

At its meeting on the 12<sup>th</sup> February the PPSC resolved to endorse:

- (i) The Interim Policy Statement for the protection of public houses (with the addition of the word 'reasonable' to paragraph iv); and
- (ii) To endorse the consultation response report; and
- (iii) The future work required to evidence a draft policy for the City Plan.

- 6.12 There is much more work to be undertaken to ascertain the extent of the issues facing pubs in Gloucester. While there have been some pub closures, the City has also seen some pubs successfully renovated and brought back into viable use, and granted planning applications for new pubs and restaurants with bars. The way pubs are used and the habits of consumers have changed significantly in recent years. More evidence is required in order to fully understand the issues and to compose a planning policy that can benefit from full adoption in the future. At this stage no actual survey work or mapping has been carried out. The Statement therefore does not have the necessary evidence base to be considered as adoptable planning policy or be afforded any significant weight in the decision making process.
- 6.13 The Interim Policy Statement cannot be adopted as interim planning policy at this time as it has not yet been properly evidenced or produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, or the council's own Statement for Community Involvement (SCI).
- 6.14 The Statement will only be able to be used in determining planning applications once it has been evidenced and taken forward for adoption as part of the City Plan process. At this time, the City Plan is programmed to reach adoption stage in the summer of 2017. The draft policies in the plan will gain some weight in the decision making process as the City Plan progresses to its adoption. Clearly it would be unreasonable to delay decision making on current planning applications until that time.
- 6.15 On this basis the main policy consideration with regard to this application at the current time is over the terms in the NPPF of paragraph 70, specifically bullet point 2
- 6.16 When considering applications for changes of use it is the practice of the local planning authority to request information on the viability of the use to be lost in order to best understand the economic circumstances surrounding an application. In this instance where the application relates to a use that might

be considered to be a use of 'value' to the local community the viability argument is all the more compelling.

- 6.17 The Agent for the application has stated that the decision to cease trading as a public house on 16<sup>th</sup> December 2013 was made independently by the former operator Trust Inn's, as the business was unviable and had been trading at a loss for several years. Reference is made to the information submitted by the agent, in support of the previous application, on 16<sup>th</sup> January 2014 which states that the business had suffered a general decline in trade due to pressure on prices and competition from larger conglomerate pub operations, with composite barrellage reducing successively over the last 4 years of trading. Within its core catchment area, the Ridge and Furrow had faced increased competition from the Abbeydale Social Club, which is able to operate on a lower cost basis and provide drinks at a lower price, and the Turmet Hoer, which has recently had a large refurbishment. The enhanced experience offered by both facilities through better layouts and economies of scale, enable them to sell both food and drink at a cheaper price than the Ridge and Furrow.
- 6.18 It has been stated that the public house had experienced a 33% decrease in gross profit and 98% decrease in net profit between April 2011 and April 2012. Other factors affecting the viability of the business are also cited including the age and design of the building; increasing fuel costs; increases in rates and the new licensing regime amongst others. More detailed financial information was submitted as evidence against the application to list the building as an Asset of Community Value.
- 6.19 It is also the practice of the local planning authority to request information on the marketing of a site to demonstrate that it is not attractive to another user to operate for either the existing use or another employment use. No marketing information has been submitted to support the application.
- 6.20 The community's agent cites that the public house had been used by a variety of groups including sports teams and that bands played at the pub twice a week.
- 6.21 The agent on behalf of the applicant states that the public house was no longer utilised by any sports teams; that the skittles alley remained unused for 95% of the time and that no live music events had been held for approximately 12 months.
- 6.22 It is accepted that the Ridge and Furrow clearly had some community value to its customers. However, the question has to be asked that if the public house was of 'value' to the wider local community why was it no longer being used by a wide range of community groups; why was general patronage not higher and therefore why was it not more viable as a business in terms of income generation.
- 6.23 Local competitors in terms of the food and drink offer include the Turmet Hoer public house in Abbeymead, the Abbeydale Community Centre Bar and



Morrison's café which offers a meeting place and is open until mid evening selling a range of hot meals and drinks.

- 6.24 While the original representation submitted by PJS Development Solutions stated that the Turmet Hoer is over 1km away along Abbeymead Avenue it is also accessible from Abbeydale District Centre via a strategic footpath and cycle link that provides a direct link to the Abbeymead local centre and is also accessible from Abbeydale by public transport via Stagecoach bus service No. 5.
- 6.25 Other meeting facilities that exist for community use by groups in the immediate vicinity include the Abbeydale Community Centre and Christchurch Abbeydale both of which are active in terms of providing activities for the local community and which also have rooms to hire for community groups. In addition the planning application for a community building on Lobleys Drive has a resolution to grant planning permission subject to conditions and the completion of a legal agreement.
- 6.26 The NPPF does not define what the '*day to day needs*' of a local community are, however neither is there a reference to a public house being required to meet such needs. It would seem reasonable to assume that '*day to day needs*' refer to local convenience shopping, local healthcare facilities, local primary education and pre-school facilities and some local community facilities – all of which can be found within Abbeydale District Centre (with or without the Ridge and Furrow as an active public house).

#### Asset of Community Value

- 6.27 Part 5 Chapter 3 of the Localism Act 2011 provides for a scheme called 'Assets of Community Value' (ACV). This requires the City Council to maintain a list of 'community assets'. The Act and Regulations place a duty on local authorities to administer a scheme to identify assets of community value.
- 6.28 Community assets can be nominated by parish councils or by groups with a connection to the community. If the nomination is accepted, local groups will be given time to come up with a bid for the asset when it is sold.
- 6.29 The right to bid only applies when an asset's owner decides to dispose of it. There is no compulsion on the owner to sell it and the scheme does not give the group any preference or a community right to buy the asset, just to make a bid. This means that the local community bid may be unsuccessful. The provisions do not place any restriction on what an owner can do with their property once listed if it remains in their ownership subject to the necessary planning permissions.
- 6.30 Property owners objecting to the listing of their building as an ACV can appeal first to the Council to review its decision, then to the Property Chamber's First Tier Tribunal.

- 6.31 The City Council originally received a nomination to list the Ridge and Furrow as a Community Asset in 2013. In assessing such applications Asset Management Services have to consider the following criteria when determining whether a property should be listed:
1. **Does the usage further social wellbeing or social interests of the local community?**
  2. **Is it realistic that the use, that will further the social wellbeing or social interest of the local community, will continue in the future (say the next five years)?**
- 6.32 After due consideration it was concluded that the first nomination did not meet both of the criteria of Section 88 of the Localism Act 2011 and the application was unsuccessful.
- 6.33 A second nomination to list the Ridge and Furrow Public House was submitted on 15<sup>th</sup> January 2014 and the Council confirmed its decision to list the property as an Asset of Community Value on 11th March 2014.
- 6.34 In consideration of the first criteria that the use furthers the social wellbeing or social interest of the community the Council concluded that on the basis of the information provided as part of the nomination, while there are alternative establishments nearby that offer most of the services provided it is considered that the application demonstrated that the Ridge and Furrow offers some benefits to further the social and wellbeing of the community that are not provided for elsewhere.
- 6.35 The second consideration is whether it is realistic that the use can continue or that there is a time in the next 5 years when it could further the social wellbeing of the community. The Save the Ridge and Furrow Group provided information showing cash flow forecasts for the public house. The owner's solicitors provided comments disputing these figures. While the Group indicated that they have spoken to potential business backers they did not provide any precise business model of how a community led operation would work. The Council's Asset Manager considered that sufficient information had been received to consider that it was not unrealistic to say that there could be a use of the Ridge and Furrow within the time period that would further the social wellbeing or social interest of the local community.
- 6.36 The applicants appealed to the Council to review its decision. This review was unsuccessful.

The DCLG's non-statutory advice note for local authorities on ACV (October 2012) states that *"the provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open for the Local Planning Authority to decide whether listing as an asset of community value is a material consideration of*

*an application for change of use is submitted, considering all the circumstances of the case.”*

- 6.37 A material consideration is a matter that should be taken into account in determining a planning application or appeal. Any consideration which relates to the use or development of land is capable of being a material consideration. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision taker.
- 6.38 Following on from a Ministerial Statement in January 2015 in relation to community pubs, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 removes the permitted development rights for the change of use or demolition of pubs that are listed as assets of community value.

#### Highways

- 6.39 The application is supported by a revised Transport Assessment detailing the expected trip generation, the resulting net change in traffic and therefore the impact of the development on the Local Highway Network.

#### **Site Location and Accessibility**

- 6.40 The site is located opposite a local shopping centre and adjacent to a doctor's surgery and veterinary practice. The site had a previous use as a public house accessed off an arm of an existing roundabout with footways including pedestrian dropped kerbs and is considered to be located in an accessible location. There are footways including pedestrian dropped kerbs available on all roads leading to the site including the roundabout junction with Heron Way/Wheatway/Abbeymead Avenue with signalised pedestrian/cycle (Tucan) crossings on Heron Way and Abbeymead Avenue providing safe pedestrian/cyclist crossing facilities linking to the site. There are also cycle lanes on road in both directions along Abbeymead Avenue. There is also access to high quality public transport infrastructure with high frequency services approximately 175 metres from the site which is considered to be within reasonable walking distance.
- 6.41 The site is well located to maximise the use of sustainable transport modes for employees of the petrol filling station (PFS) but it is noted that the majority of trips to a petrol filling station are required to be made in the vehicle requiring fuel, and therefore the TA is focused mainly on this mode of travel and the impact on the adjacent highway network.

#### **Existing Conditions**

- 6.42 Traffic Counts were undertaken at the following locations as agreed within the scope of the study area at the following locations on the 9th February 2013 between the hours of 11:00-14:00 15:30-18:30:

Abbeymead Avenue/Glevum Way/Heron Way/Wheatway Roundabout;

Glevum Way north/Glevum Way south/Shopping centre access/public house access

From these surveys it was determined that the peak hour of the adjacent highway network were 11:15-12:15 on Saturday and 17:00-18:00 on a Friday.

Traffic counts from the existing access serving the Ridge and Furrow public house were also undertaken at the same time as surveys above.

### **Access**

- 6.43 It is proposed to alter the existing access from the roundabout serving the public house to provide a segregated in and out access as shown on the submitted proposed site layout plan. The proposed access arrangement has been subject to an independent Stage 1 Road Safety Audit and Non-Motorised User Audit and the recommendations made have been complied with. The proposed site layout plan shows that a petrol delivery tanker can safely manoeuvre in and out of the site along with adequate internal pedestrian access and cycle provision. The safety audit did not consider that providing pedestrian access and cycle provision. The safety audit did not consider that providing pedestrian access across the site access would be acceptable and therefore this has been removed from the design in agreement with the Highway Authority.

### **Road Safety/Accident Analysis**

- 6.44 An analysis of recorded personal injury collisions has been submitted between the periods of 1<sup>st</sup> January 2009 – 30<sup>th</sup> September 2012 and have been attached as Appendix BGH5 of the TA. The recorded collisions vary between pedestrian/cyclists and motorists but were all a result of poor behaviour/judgement and do not suggest that there are issues with the safety of the adjacent highway network. On the basis that the accident analysis is now over a year out of date the Highway Authority has reviewed the most recent data and confirmed that there is no further evidence to suggest that the safety of the adjacent highway has changed.

### **Trip Generation**

#### Base trip generation

- 6.45 The existing trip generation for the Ridge and Furrow has been surveyed and is reproduced in Section 5.4 Table 5.1 of the TA. The weekday PM peak was a total of 64 vehicle trips with the Saturday peak being 54 vehicle trips. The proposed vehicle trip generation for the PFS has been undertaken using the Trip Rate Information Computer System (TRICS) which is the national standard for trip generation analysis. Section 5.6 Table 5.3 provides the estimated trip generation for the PFS with a weekday PM peak of 40 vehicle trips and the Saturday peak of 130 vehicle trips. It can be seen from Table 5.4 of the TA that there will be a decrease in the vehicle trips in the AM peak of 4 vehicles and an increase in the Saturday peak of 76 vehicles.

#### Linked Trips and Pass by Trips

- 6.46 Linked trips and pass by trips are trips that are already on the local highway network. An example of a linked trip is a journey from home to the superstore to the petrol station before returning home, therefore the trip to the petrol station is linked to the trip to the superstore.

- 6.47 Pass by trips are already on the highway network immediately adjacent to the destination. In this case a vehicle travelling from Abbeymead Avenue to Heron Way via the petrol station would be a pass by trip.
- 6.48 Very few trips to a petrol station are a Primary trip, that is a trip where the petrol station is the sole purpose for the journey (home – petrol station – home).
- 6.49 The Highway Authority therefore considers that by using the above trip rates to assess the impact on the adjacent network will provide a robust assessment of the capacity of the adjacent highway network.

#### **Traffic Assessment Scenarios/Highway Network Growth**

- 6.50 The traffic impact of the proposed development has been assessed from the year of submission/opening 2013-2018 (5 years post submission) including background growth for traffic. The existing baseline traffic flows have been growthed in accordance with industry recognized growth figures to predict future levels of use on the existing highway network. The Highway Authority has noted that the current application would require a future year of 2019 but consider that as the junctions assessed are operating well within their predicted theoretical capacity then it is not considered reasonable to require further junction capacity modelling to be undertaken to support the application as the result will be similarly well within capacity.

#### **Junction Capacity Analysis**

- 6.51 The new trips have been added to the existing highway network trips and all trips have been subject to the junction capacity modelling ARCADY software.
- 6.52 Scale drawings showing existing and proposed junction layouts annotated with necessary geometric parameters for each roundabout approach arm (v, e, l', r, D and Phi for standard roundabouts and V, Vm, e, l'm, An, K and G50 for mini roundabouts) have been submitted.
- 6.53 A junction is considered at its theoretical capacity when it reaches an RFC (Ratio of Flow to Capacity) value of 0.85. A junction operating below this value is considered to be operating within capacity; likewise a junction operating at or above this value is considered to be operating at over capacity.

#### Abbeymead Avenue/Heron Way roundabout 2013 weekday PM peak

- 6.54 Currently this roundabout is operating well below the theoretical capacity during the week day PM peak period. The highest RFC value at this junction is 0.56 on the Abbeymead Avenue arm of the junction. The longest delay amounts to 5.77 seconds per vehicle on the Wheatway arm.

#### Abbeymead Avenue/Heron Way roundabout 2013 Saturday peak

- 6.55 Currently this roundabout is operating well below the theoretical capacity during the Saturday peak period. The highest RFC value at this junction is 0.45 on the Abbeymead Avenue arm of the junction. The longest delay amounts to 5.08 seconds per vehicle on the Wheatway South arm.

Abbeymead Avenue/Heron Way roundabout 2018 weekday PM peak  
6.56 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value of 0.59 on the Abbeymead Avenue arm. The longest delay amounts to 6.15 seconds per vehicle on both Glevum Way south and Wheatway.

Abbeymead Avenue/Heron Way roundabout 2018 Saturday peak  
6.57 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value of 0.48 on the Abbeymead Avenue arm. The longest delay amounts to 5.37 seconds per vehicle on both Glevum Way south.

Abbeymead Avenue/Heron Way roundabout 2018 weekday PM peak with development  
6.58 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value being 0.59 on the Abbeymead Avenue arm of the junction. The longest delay is 6.18 seconds per vehicle on the Wheatway arm.

Abbeymead Avenue/Heron Way roundabout 2018 Saturday peak with development  
6.59 The roundabout is predicted to remain operating well below the theoretical capacity with the highest RFC value being 0.50 on both Glevum Way south and Abbeymead Avenue. The longest delay is 5.79 seconds per vehicle on the Glevum Way south arm.

Glevum Way Roundabout 2013 weekday PM peak  
6.60 Currently this roundabout is operating well below the theoretical capacity during the weekday PM peak period. The highest RFC value at this junction is 0.43 on the Morrison's arm of the junction. The longest delay amounts to 7.09 seconds per vehicle on the Ridge and Furrow arm.

Glevum Way Roundabout 2013 Saturday peak  
6.61 Currently this roundabout is operating well below the theoretical capacity during the Saturday peak period. The highest RFC value at this junction is 0.51 on the Morrison's arm of the junction. The longest delay amounts to 7.31 seconds per vehicle on the Heron Way arm.

Glevum Way Roundabout 2018 weekday PM peak  
6.62 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.45 on the Morrison's arm of the roundabout with the longest delay of 7.23 seconds per vehicle on the Ridge and Furrow arm of the roundabout.

Glevum Way Roundabout 2018 Saturday peak  
6.63 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.53 on the Morrison's arm of the roundabout with the longest delay of 7.70 seconds per vehicle on the Morrison's arm of the roundabout.

#### Glevum Way Roundabout 2018 weekday PM peak with development

- 6.64 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.45 on the Morrison's arm of the roundabout with the longest delay of 6.58 seconds on the same arm. The longest delay has reduced from the 2018 peak without the development due to the minor decrease in expected trips.

#### Glevum Way Roundabout 2018 Saturday peak with development

- 6.65 The roundabout is predicted to remain operating well within capacity with the highest RFC value being 0.54 on the Morrison's arm of the roundabout with the longest delay of 8.03 seconds on the same arm.

- 6.66 The junction capacity tests indicate that both roundabouts will continue to operate well within capacity during the peak trading and highway network peaks. This also further supports no requirement for additional modeling to be undertaken to reflect the 5 years post application submission of 2019 as the junctions are broadly operating with 50% spare capacity.

#### **Conclusions and Recommendation**

- 6.67 The Highway Authority is satisfied that the proposed development provides safe and suitable access and that the residual cumulative impact on the adjacent transport network is not severe in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework. On this basis no highway objection is raised subject to the inclusion of conditions.

#### Impact on Residential Amenity

- 6.68 The closest residential properties are those in Abbeydale Court to the south of the site. These premises are separated from the site by Abbeymead Avenue and at its closest the application site is approximately 34.5 metres from the closest building within this development.
- 6.69 To the east of the site are residential properties in Staunton Close and Didbrook Mews. The application site is approximately 89 metres from the rear garden boundary of the closest residential property to the east in Staunton Close and approximately 90 metres to the side wall of the closest property in Didbrook Mews. These properties are separated from the application site by the watercourse and intervening land.
- 6.70 It is common for petrol filling stations to be adjacent to residential properties and the Environmental Protection Officer has carefully considered the application and subject to conditions has raised no objection to the application.
- 6.71 Overall it is considered that the site is sufficiently far away from the closest residential properties that the proposed use would not have any significant adverse impact on the residential amenity of the occupiers of surrounding residential properties.

### Flooding

- 6.72 A Drainage Impact Assessment, (revised in December 2014), has been submitted in support of the application. This report confirms that the application site is located wholly within Flood Zone 1 and as such is considered as 'low risk' and assessed as having a less than 1 in 1000 annual probability of river flooding in any year.
- 6.73 The Assessment demonstrates that a technically feasible drainage solution exists for the site and presents an assessment of flood risk at and in the vicinity of the site to inform and justify the design of the surface water drainage scheme. The City Council's Drainage Engineer and the Environment Agency have confirmed that they have no objection to the application subject to the inclusion of a condition requiring the submission and approval of a detailed drainage scheme prior to the commencement of development.

### Ecology

- 6.74 It is acknowledged that there is an active badger sett on the adjacent land, the Environmental Planning Service Manager has visited the site on a number of occasions and has confirmed that there is no evidence of any activity, either animal tracks or holes immediately adjacent to the application site. The set is in excess of 30 metres from the existing building. This is an existing developed site enclosed by a timber fence with no signs of badger activity within it. On this basis it is not considered that the existing sett would be compromised by the proposal and no objection is raised.
- 6.75 Details of the proposed lighting have been submitted as part of the application and this has been assessed to ensure that there will not be significant light spill which may cause disturbance to any bats potentially using the adjacent woodland area.

### Trees and Soft Landscaping

- 6.76 The Tree Officer has confirmed that a number of trees on land within the applicants ownership adjacent to the application site that are protected by a Tree Preservation Order and the land will need to be fenced off during construction to prevent any storage of materials in this area.
- 6.77 The landscaping strip proposed to screen the tanks and fencing would initially provide limited screening value. Once established (after 5-10 years) the tanks would probably be screened by vegetation - although Abbeymead Ave and it's pavement is notably located above the tanks and planting area, so the tanks could be visible from the road for many years. The proposed shrubs for the screening strip are a mix of evergreen and deciduous species and once established would provide suitable screening, as well as foraging and nesting sites for birds.
- 6.78 There is significant shrub planting proposed within the 8m sewer easement along the majority of the eastern boundary of the site. The Landscape Officer has raised questions as to whether be acceptable, as generally any tree or shrub planting is opposed or restricted within an easement area by the utility companies. In this respect, the landscaping plan submitted is perhaps slightly



misleading, in that the extensive buffer planting proposed to the eastern boundary might not be achievable, although the remaining undeveloped land to the east will provide some existing screening (unless this site is also developed).

- 6.79 The Landscape Officer has questioned the practicality to retain the existing mature willow tree on the SW corner of the site. Firstly, the works required to construct the PFS forecourt would most likely have an impact on the tree roots and secondly it would be very difficult to establish any new planting under the tree canopy. As a weeping tree, there is normally very little planted under the canopies of such species. On this basis the Landscape Officer has recommended that the willow be replaced with a semi-mature tree or group of trees of a more appropriate species. Further tree planting along the Glevum Way frontage would also be desirable.
- 6.80 An amended landscaping plan has been submitted as part of the appeal submission which will be reviewed by the Landscape Officer and any further comments will be made to the Planning Inspector.

#### Visual Amenity

- 6.81 The application proposes a fairly standard petrol filling station with associated uses and there is no objection to the design, siting or scale of the fuel pumps, canopy, kiosk or jet wash areas. However, the current application also involves the siting of above ground fuel storage tanks. Taken together and including the above ground pipework the tanks would extend for a length of approximately 34 metres at a height of 4 metres for the diesel tank and 3.65 metres for the petrol tank with an equivalent width. These above ground tanks are proposed to the front of the site in the most visually prominent position adjacent to Abbeymead Avenue at its junction to Glevum Way and it is considered that the impact of the tanks in this location will be very significant. Taken together with the proposed 2 metre high palisade fence, the 8 metre high light column and associated above ground pipework it is considered that the frontage would appear 'industrial' in nature.
- 6.82 While it is proposed to provide a landscaping strip, comprising a mix of evergreen and deciduous species, to help screen the tanks, the Landscape Officer has indicated that this would initially provide limited screening value. Once established (after 5-10 years) the tanks would probably be screened by vegetation although Abbeymead Avenue and its pavement are located at a higher level and the tanks are likely to be visible for many years.
- 6.83 In terms of the planning and urban design issues, it is considered that the most significant issue would be the impact of the fuel tanks on the character of the area. At present, the area is characterised by predominantly residential uses, set within areas of generous landscaping, set back from the main roads through the area. The buildings within the District Centre, including the pub site are also set back from the main roads. Building materials are generally a yellow/buff coloured brick. The feel of the area is suburban with a definite out of town centre residential character and local centre.

- 6.84 Overall it is considered that given the scale, design and appearance, nature and siting of the fuel tanks on this very prominent site, the above ground fuel tanks would have a visually dominant and unacceptable impact on the visual amenity and character of the area. On this basis it is considered that the proposal is in conflict with the principles and policies from the Second Deposit City of Gloucester Local Plan (2002) and the NPPF, specifically:

Second Stage Deposit Local plan 2002

*Para 4.9 - Proposals that are inappropriate to their context, such as those that are out of scale or incompatible with their surroundings, or other poor designs will be rejected. (p.42)*

*Para 4.16 - .. the opportunity should be taken to reinforce the positive local character or identity in the design and appearance of new development. In cases where there is little or no existing identity, or a negative identity, the development should contribute towards the creation of a new positive identity or character. (p.44)*

*Policy BE.7 Architectural Design*

The NPPF and National Planning Practice Guide (NPPG) also contain design policies, the most relevant being the following.

*Paragraph 64 of the NPPF states that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

Human Rights

- 6.85 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 land 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.

**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 The application proposes the redevelopment of the site currently occupied by the Ridge and Furrow Public House and associated car parking area. The Public House closed on 16<sup>th</sup> December 2013.
- 7.3 It is recognised that the loss of the existing Public House and its replacement with a petrol filling station has raised significant local concern. However, local opposition to a planning application is not, in itself, a reason to justify the refusal of a planning application.
- 7.4 I consider that the listing of the property as an asset of community value is a material consideration in the determination of this planning application. However, I consider that the weight that can be attributed to this is limited in the context of the hierarchy of planning policy contained in the National Planning Policy Framework and local planning policy.
- 7.5 Whilst the Planning Policy Sub-Committee endorsed the Interim Policy Statement for the protection of public houses at its meeting on 12<sup>th</sup> February 2012, this Statement has not been adopted as interim planning policy and cannot currently be used in the determination of planning applications.
- 7.6 In the absence of relevant local plan policies in relation to community facilities the application should be assessed in accordance with the provisions of the NPPF. Whilst it is accepted that the Ridge and Furrow Public House had some community value, information has been submitted to indicate that it was no longer financially viable and a commercial decision was made to close the Public House. It is also considered that the uses within and adjacent to the District Centre together with the services in the wider area would continue to provide for the 'day to day needs' of the community, the community value is therefore not considered to be as significant in this instance and a refusal of planning permission on this basis cannot be sustained.
- 7.7 It is recognised that this is a sensitive location given the proximity of the application site to existing residential properties. It is, however, not uncommon for petrol filling stations to be sited adjacent to residential properties and taking into account the distance between the site and the closest residential properties and subject to the imposition of a number of conditions the Environmental Protection Service Manager has raised no objections to the application.
- 7.8 The Highway Authority is satisfied that there are no issues relating to the capacity of the local highway network or highway safety to justify a refusal of planning permission on highway grounds. On this basis the County Council has raised no highway objection to the application subject to conditions. Paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" Whilst it is accepted that there will be some effect on the surrounding road network and existing highway users, it is not considered that the impact of the development, even when considered

with the adjacent permitted development, would be significant or 'severe' and it therefore complies with the NPPF.

- 7.9 Issues in relation to the safety of the above ground fuel tanks will be fully considered as part of the petroleum licensing requirements. The Counter Terrorism Security Officer and Fire Safety Enforcement Team have, however, both raised concerns regarding the location of the above ground fuel tanks adjacent to Abbeymead Avenue and the need for the tanks to be adequately protected by suitable vehicle mitigation bollards. The recommendation of the Development Control Manager reflects that such measures were not included as part of the submitted planning application. Whilst it is recognised that the revised drawings submitted as part of the planning appeal appear to incorporate 'anti ram raid' bollards to the outside of the palisade fence, these have not yet been consulted upon. If following further consultation the Counter Terrorism Security Officer and Fire Safety Enforcement Team confirm that the measures proposed address their concerns and the Inspector accepts the amended plans, Officers will reflect this in dealing with the appeal.
- 7.10 It is accepted that the use of above ground fuel tanks is a response to the Environment Agency's objection to the previous planning application. However, the solution to place over ground fuel tanks of the scale proposed in the most prominent part of the site is considered unacceptable on the grounds of the adverse impact this would have on the character and visual amenities of the area. In its response to the previous application the Environment Agency suggested that it may be acceptable to partially submerge the fuel tanks which would further reduce their impact, no evidence has been provided to justify the siting of the above ground fuel tanks. Overall the design, scale and prominent siting of the above ground fuel tanks together with the associated pipework and palisade fence are considered to be unacceptable.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

- 8.1 That the City Council's position in relation to the appeal is that the appeal should be dismissed for the following reasons:
1. By virtue of their scale, appearance and prominent siting adjacent to Abbeymead Avenue, the proposed above ground fuel tanks together with the associated external infrastructure and palisade fencing would appear unduly incongruous and would have both an unacceptable and harmful impact on the visual amenities of the street scene and character of the area as a whole. The proposal is therefore contrary to Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002) and paragraphs 56 and 64 of the National Planning Policy Framework.
  2. Insufficient information has been provided by the Applicant to satisfy the Local Planning Authority that the above ground fuel tanks will be adequately protected from potential accidental or intentional damage by vehicles contrary to paragraph 58 of the National Planning Policy Framework.

It is further recommended that delegated powers be given to the Development Control Manager to amend or withdraw the second reason subject to further advice from Consultees in relation to the amended plans submitted as part of the planning appeal.

Decision: .....

Notes: .....

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