



PLANNING COMMITTEE

MEETING : Tuesday, 4th August 2015

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), McLellan, Smith, Hobbs, Hanman, Williams, Brown, Toleman, Chatterton, Etheridge and Tracey

Others in Attendance

Jon Sutcliffe, Development Control Manager
Michael Jones, Solicitor, One Legal
Joann Meneaud, Principal Planning Officer
Bob Ristic, Senior Planning Officer
Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Hilton and Dee

16. DECLARATIONS OF INTEREST

Councillor Williams declared a personal and prejudicial interest in agenda item 7, Layby at the top of Innsworth Lane as she lived near the site.

17. MINUTES

The minutes of the meeting held on 7 July 2015 were confirmed and signed by the Chair as a correct record.

18. LATE MATERIAL

Members' attention was drawn to the late material in respect of agenda 7, application 15/00367/COU and to the revised plan for agenda item 5, application 15/00227/FUL, which had been published on the internet as a supplement to the agenda.

19. UNIT 2B (FORMER APOLLO 2000), 108 EASTERN AVENUE - 15/00227/FUL

The Principal Planning Officer presented her report which detailed an application for the variation of condition 9 attached to planning permission 98/00119/FUL to enable Unit 2B (Former Apollo store of 647 sqm) to be occupied by a retailer selling food and drink at 108, Eastern Avenue.

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She advised that application sought to restructure the restrictive condition so as to propose listing the goods that could not be sold as opposed to how the condition is currently worded, stating the goods that could be sold. It also sought to include food and drink as a category of goods which could be sold.

Supporting information with the application had indicated that Farmfoods were the intended occupier of the premises. The company were seeking to expand their operations in the south and south west of England. This store would be in addition to their existing store in Quedgeley and she drew Members' attention to paragraphs 5.16 and 5.19 of her report.

Councillor McLellan stated that he had no problem with this particular application but he asked how the condition could be kept up to date in a changing world. Categories of goods could emerge during the life of the permission which had not been thought of at the time of the application.

The Chair referred to proposed Condition 3 which noted that this variation would be for the benefit of Farmfoods only and was dependent on their occupation of Unit 2b and would cease should they vacate the unit.

Councillor Lewis was advised that Unit 2b had 647 square metres retail floor space compared to the Quedgeley Farmfoods store which had 530 square metres.

Councillor Hobbs was advised that not all new signs needed consent and it would depend on the size and number of signs proposed. A note could be attached to the consent drawing the occupiers' attention to the need to comply with advertising regulations.

Councillor Tracey was advised that the store intended to sell predominately frozen food together with some tinned and fresh foods. There were no restrictions on opening hours of the units at 108, Eastern Avenue and it was considered unreasonable to now restrict opening hours. It was agreed that the Principal Planning Officer would write to the occupiers regarding the control and collection of waste.

Councillor Lewis stated that the Quedgeley store was not open 24 hours and he believed that it was unlikely there would be much demand for 24 hour opening as people tended to stock up their freezers with frozen food.

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

20. LAND AT BARNWOOD LINK ROAD - 14/01035/OUT

The Development Control Manager presented the report which detailed an application for a mixed use employment development (Use Classes B1, B2 and B8) and car showroom. Outline application, means of access and scale not reserved, on land at Barnwood Link Road.

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He drew Members' attention to paragraph 1.3 of the report which indicated the maximum floor areas for each use class with a total of 26,217 square metres together with a car showroom of up to 1,700 square metres.

The development could, dependant on uses, provide up to 850 jobs.

He advised that the current left in and left out access would be replaced by an all movement fully traffic signalled junction.

Two representations had been received and the issues raised were summarised at paragraph 5.2 of the report.

He noted that the north east corner of the site was within Flood Zones 2 and 3 but all the employment buildings would be located within Flood Zone 1.

The Environment Agency and the Drainage Officer had raised no objection subject to the imposition of conditions. The Highway Authority had no objection subject to conditions and the Highways Agency was content that the development would not have a severe impact on the strategic road network.

The Development Control Manager noted that the nearest houses were located in Liddington Road, some 42 metres away from the site and separated by a four metre high railway embankment.

He noted that slow-worms were present on the site and required translocation prior to the start of construction activities.

Councillor Hobbs requested conditions to require renewable energy measures such as the installation of solar power panels and measures to prevent seagulls breeding on the roofs of the buildings. He was advised that there were no adopted Local Plan policies that would allow the Local Planning Authority to insist on this at this stage.

He asked why the matter had not been considered by the Planning Policy Sub-Committee and the Development Control Manager advised that the matter could be addressed at the detail stage of the City Plan preparation.

Councillor McLellan welcomed the jobs that would be created and he expressed concern at the planned egress but noted that the highways Authority were satisfied with the arrangement. He regretted that the site was not currently accessible by public transport.

Councillor Smith expressed concerned over the highway implications as she stated that the traffic already backed up at peak times.

The Development Control Manager explained that, from a highways perspective, prior to the introduction of the National Planning Policy Framework (NPPF) policies looked to allow development unless there was an unacceptable highways impact.

Since the introduction of the NPPF refusal on highways grounds could only be justified where there would be a severe impact. He quoted the example of major

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cities where rush hour traffic could be very slow and heavily congested. Those cities were deemed to be successful despite the highways scenarios and so lesser impacts were unlikely to be considered to be a severe impact.

Councillor Smith believed traffic turning right would cause traffic to back up and the inevitable increase in journey times would affect work/life balance and ruin quality of life for commuters.

Councillor Williams, as County Councillor for the Division, expressed concerns regarding the impact of parking on Liddington Road. The Development Control Manager explained that 600 parking spaces would be available within the site and could make it more attractive to those who currently park in Liddington Road.

Councillor Etheridge was advised that the existing public footpath through the site would be retained but may have to be diverted.

Councillor Tracey raised a number of concerns and she was advised that

- 600 car parking spaces were planned for a possible 850 jobs probably on a shift basis;
- Public transport providers could be expected to react to a realistic demand for a service;
- The proposed Sustainable Urban Drainage System was designed so that the flow rate off the site would match existing rates;
- The height of the buildings would be considered at the reserved matters stage but the nearest dwelling was 42 metres from the site boundary.

Councillor Toleman was advised that there had been no proposal for a Section 106 agreement and it would have to be proven that the application was unacceptable without a bus service which would be difficult as the Highway Authority were satisfied with the scheme as submitted.

The Chair asked if the new junction had pedestrian crossings and he was advised that the detailed arrangements would be agreed directly with the Highways Authority

Councillor Chatterton noted the condition suggested by the Highways Authority to limit the amounts of floor space that could be brought into use before the completion of works to the roundabout and he was referred to proposed condition 28.

RESOLVED that permission be granted subject to the conditions in the report and an additional condition to require details of measures to discourage the nesting and roosting of seagulls.

21. LAYBY AT TOP OF INNSWORTH LANE - 15/00367/COU

Councillor Williams had declared a personal and prejudicial interest in this application.

The Senior Planning Officer presented his report which detailed an application for the stationing of a hot food vending van in the layby at the top of Innsworth Lane.

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He referred to the late material which contained a further representation and an amended recommendation to reflect the hours of operation as amended by the applicant to correlate with his hot food licence.

Don Meechan addressed the Committee in opposition to the application.

Mr Meechan stated that the site adjoined a sports field that would be used by young children who would have to pass the van. The sports field was a Council-run facility and he advised that South Oxfordshire District Council had a policy of not allowing vending within 200 metres of Council facilities.

The Joint Core Strategy proposed a further 1500 dwellings for Innsworth and Longford. Longlevens was already gridlocked at times.

He stated that the site was in a smart residential area and residents did not want such a facility on their doorstep.

He accepted that the van produced no mess but he believed that it was outrageous that a kebab van should be stationed near a sports facility.

He stated that the stationing of the van was causing parking problems.

The Chair noted that the committee had to consider the application purely on planning grounds and asked if there was a policy on the proximity of hot food vending vans to sports facilities.

He was advised that there was currently no policy on exclusion zones therefore the application could not be refused on those grounds.

Councillor Lewis expressed sympathy with the residents but noted that the van within Coney Hill Rugby Club grounds had been allowed upon appeal. In the light of that Inspector's decision any refusal would expose the Council to the risk of costs.

Councillor Chatterton also sympathised with the residents and noted that the City of Salford had a policy in place which also limited the trading hours of vending vans.

The Senior Planning Officer advised that once the Joint Core Strategy was adopted, City Plan policies could be developed. He advised that quicker methods such as supplementary policy could be adopted but would not carry as much weight as policies which were part of a fully adopted Local Plan.

Councillor Williams referred to her letter of support which was summarised at paragraph 5.3 of the report. She had been disappointed by the untruths in the objections which had upset the applicant.

Councillor Hobbs was advised that the County Council owned the land where the van was stationed and he suggested a temporary permission for twelve months and then the application could be reviewed.

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The Senior Planning Officer advised that such a course of action would be difficult to justify as the van had been operating for six months and there had been no formal report of complaints made to Environmental Protection.

Councillor Tracey raised concerns over waste collection and highway safety. She was advised that waste was conditioned by the hot food licence and the Highway Authority had raised no objection.

RESOLVED that permission be granted subject to the conditions in the report with Condition 2 amended as follows:-

Condition 2 (Revised hours)

The use hereby permitted shall only be open to customers between the hours of 16.00 and 22.00 Mondays to Sundays

Reason

To define the terms of this permission and to safeguard the amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002)

22. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of May 2015.

RESOLVED that the schedule be noted.

23. DATE OF NEXT MEETING

Tuesday, 8 September 2015 at 6.00pm.

Time of commencement: 6.00 pm hours

Time of conclusion: 7.20 pm hours

Chair