

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **6<sup>TH</sup> OCTOBER 2015**

**ADDRESS/LOCATION** : **LAND EAST OF DAVID HOOK WAY**

**APPLICATION NO. & WARD** : **14/01195/FUL  
WESTGATE**

**EXPIRY DATE** : **23<sup>RD</sup> FEBRUARY 2015**

**APPLICANT** : **MR TONY MARKEY**

**PROPOSAL** : **PROPOSED NEW CLUB HOUSE FACILITY  
FOR GLOUCESTER ROWING CLUB WITH  
ASSOCIATED HARD AND SOFT  
LANDSCAPING, PROPOSED  
EARTHWORKS/MOULDING/FLOOD  
COMPENSATION WORKS TO LAND  
ADJACENT TO THE BARN OWL CENTRE  
AND TO THE SOUTH OF THE PRIMARY  
CLUB HOUSE SITE. (REVISED  
APPLICATION.)**

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

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

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located directly to the west of the Gloucester and Sharpness Canal in the north east corner of the land used for a car boot sale accessed off David Hook Way.
- 1.2 Planning permission was granted in 2011 for the erection of a four storey building for the rowing club with associated works including diversion of the canalside footpath, provision of a landing stage, car parking (106) spaces, flood storage compensation works and landscaping.
- 1.3 The wider proposal also involved re-grading the canal bank and diversion of the tow path to allow for the provision of a landing zone. This element has now been completed although not in accordance with the original planning permission.
- 1.4 The original planning application also included land within the City Council's ownership for the proposed flood storage compensation area that would

provide a volume to match the volume of water displaced by the development. Additional flood compensation is proposed within the site itself through the adjustment of parking levels.

- 1.5 The current application seeks full planning permission for a new club house facility for Gloucester Rowing Club and associated works including a landing stage, car park and landscaping. . The application also includes proposals for earthworks to provide flood compensation works adjacent to the Barn Owl Centre to accommodate the increased volume of flood compensation required as a result of the works. The landing stage has been completed following a grant from British Rowing and preparations for the car parking have also been undertaken. The landing stage is however, also included in the current application as it has not been built in accordance with plans approved under the previous planning permission.
- 1.6 The current application proposes alterations to the siting of the club house, changes to the external elevations, minor internal alterations, an enlarged balcony and enlarged third floor area. The overall building height has also increased by approximately 1 metre and the ground finished floor area has changed in response to the Flood Risk Assessment. The building has been moved slightly to the south west of the approved siting to accommodate the requirements of the Rowing Club. Links to the landing stage have also been improved to meet the requirements of the sport's governing body.
- 1.7 The layout of the building has been informed by the flood risk on the site with the finished floor level raised approximately 200mm to ensure that shallow flooding does not enter the building and also to deal with the slope of the access on the landing station. As with the approved application the plans show a boathouse on the ground and first floor levels with a large function room/ lounge area, bar, kitchen, office/meeting room and changing facilities on the second floor together with a fitness suite with changing facilities on the third floor. The supporting information states that the fitness suite will be used solely for training by the club members and that the function room will be used to host annual events such as the clubs annual dinner dance, fund raising events, training courses for club members and general social use by the club only.
- 1.8 The proposed building is four storeys in height but as a result of the levels across the site it will appear higher from the car park due to the void below the building. The dimensions of the proposed building are 20.6 metres by 25.6 metres with a height of 13.3 metres when measured from the lowest part of the site.
- 1.9 The proposed materials comprise of an exposed concrete base to resist the effects if any flooding, with a combination of a horizontal timber effect cladding, flat white cladding, with an aluminium profiled eaves and metal standing seam roof. It is proposed to provide continuous glazing and a projecting balcony running the entire length of the building at second floor level overlooking the canal. The third floor is set back with use of the grey plank cladding.

- 1.10 The existing rowing club is located on the opposite side of the canal on a site leased from the Canal and Rivers Trust. The club has indicated that it has outgrown the existing site which was built in 1963 due to the continued success of the club. The existing site is very constrained making refurbishment or additional development very difficult. The problems associated with the current site have been summarised as:
- No space for land training facilities with the club having to hire sports halls elsewhere.
  - Insufficient space to house all the clubs boat and further expansion will result in a requirement for additional boats.
  - Landing stage too small for number of crews using it at peak times.
  - Inadequate social facilities.
  - Inadequate parking.
  - Insufficient space to host annual events with the entries for the Heads having to be limited and the club has to hire land to stage the regatta.
  - Limitations of the current boathouse are a disincentive for other clubs to use it for training camps.
- 1.11 It is intended that the new site will provide facilities that can also be offered to other clubs for their training camps. The new facilities will also be suitable for hosting canoe and dragon boat racing and training. The club aims to host a canoe club on the site and to run dragon boat (or similar) events for the local community.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 **14/00794/NMA** – Non-material amendment to planning permission ref. 10/01090/FUL (new rowing club house and associated facilities), comprising a change of layout of the car parking area. No objections 28<sup>th</sup> August 2014.
- 2.2 **13/00261/FUL** – Siting of two temporary buildings (for up to 2 years) for storage associated with the rowing and canoe clubs. Granted 27<sup>th</sup> August 2013.
- 2.3 **10/01090/FUL** – New rowing club house with associated facilities, diversion of the canal towpath, provision of a landing stage, car parking, flood storage compensation works and landscaping. Granted 2<sup>nd</sup> March 2011.
- 2.4 **06/00872/OUT** - Outline planning permission for an open market, car boot sale, rowing club house, visitor centre, public amenity land and car parking. Granted 5.9.2006. Full planning permission was subsequently granted on 29<sup>th</sup> May 2007 (ref. 07/00442/COU).
- 2.5 The planning application for the construction of a landscape bund on City Council land to the west of the Hempsted section of the South West Bypass adjacent to Netheridge Farm (ref. 07/00773/FUL), was reported to Committee on 7<sup>th</sup> August 2007. The Committee resolved to give delegated powers to the Development Control Manager to grant planning permission subject to further

confirmation from the Environment Agency with regards to flood levels following the July floods. Planning permission was subsequently granted on 2<sup>nd</sup> April 2008.

### **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:

FRP.1a – Development and Flood Risk

FRP6 – Surface water run-off

B.3 – Sites of Nature Conservation Interest C & D

BE.1 - Scale, Massing and Height

BE.5 - Community Safety

BE.6 - Access for all

BE.7 - Architectural design

BE.21- Safeguarding of Amenity

LCA.1 – Development within Landscape Conservation Areas

TR.9 - Parking Standards

TR.31 – Road safety

SR.1 – Rowing Club Facility

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 NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. 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, City Plan and any Neighbourhood Plans 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 application appears to propose only minor changes to the previous application on the site (ref. 10/01090/FUL) which could be implemented. These changes would not materially affect the number of vehicle trips to the proposed development or the movement of vehicles. It is therefore recommended that no highway objection is raised subject to the inclusion of conditions.
- 4.2 **The Environment Agency** – The submitted Flood Risk Assessment (RSL Highways and Transport, dated: November 2014) identifies the site of the proposed rowing club to be located within Flood Zone 3b (Functional Floodplain). Whilst the primary role of the building is considered to be defined as a ‘water compatible’ use, the function room could be classed at a greater vulnerability.

The National Planning Policy Guidance (NPPG) states that ‘water compatible’ uses are appropriate in Flood Zone 3b. ‘Water compatible’ uses should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

As the building includes a function room it is important to provide a safe pedestrian access, in conjunction with our flood warning system, to manage use of the building. This can be provided for along the adjacent tow path although this has not been made clear in the submissions and should be formalised through a flood management plan.

It is noted that finished floor levels for the boat storage area will be set at 9.35m AOD(N) and thus would be allowed to flood. All associated services (including electrical supplies and sockets) should be set above the modelled

flood level, including an allowance for climate change (as quoted within section 2.1 of the FRA). Shower rooms and toilets are located at ground floor levels, this part of the building could be made fully flood resistant to minimise future damage. The floor levels shown on drawing 6066/-/PL56 for the main functional areas have been set at 14.11m AOD(N) well above those previously recommended.

The proposed development would result in a loss of floodplain storage volume on the site. We concur with the figures set out on drawing numbers RSLHT-1899-0150 Rev 04 (dated: 13/06/14) and RSLHT-1899-0155 Rev 04 (dated: 22/09/14) which show a total loss in flood storage volumes of approximately 1000m<sup>3</sup> as a result of the development.

As part of the proposals a compensation scheme as shown on drawing RSLHT-1899-0601 Rev 04 (dated: 04/07/14) has been proposed. Whilst this does not quite provide sufficient volume to offset the losses between the levels of 9.10 to 10.70m AOD(N), this figure is relatively small and would be offset at lower levels.

No objections are raised subject to the inclusion of conditions.

4.3 **Severn Trent Water** – No objection subject to the inclusion of a condition requiring the submission and approval of drainage plans for the disposal of surface water and foul sewage.

4.4 **Canal and River Trust** - The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development.

Recommend that light pollution is minimised adjacent to the waterway and would therefore request that as many lights are turned off overnight as possible to protect habitat for protected species such as Bats which use the waterway corridor for foraging.

4.5 **Worcestershire Regulatory Services** – Have reviewed the application for potential contaminated land issues on behalf of Gloucester City Council and have no adverse comments to make with regards to the application.

- 4.6 **Wales and West Utilities** – Wales and West apparatus may be directly affected by the proposals and the applicant should contact the company directly to discuss its requirements in detail.
- 4.7 **Fisher German** – The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator.
- 4.6 **Gloucestershire Constabulary Crime Prevention Design Advisor** - The following points should be considered in order to improve security and reduce the fear of crime
- The gated and locked access off the highway and into the current parking area will need to be addressed to ensure it's managed by the Council and the Club, thereby preventing inappropriate use of this space.
  - Apart from dog walking, this location is relatively isolated most of the week; however when the site is hosting its market days or fun fairs it can get very congested. Access to the proposed development must consider security and member safety during these busier times.
  - The gated access into the car park needs to form part of a defined enclosure around the proposed development, clearly separating the private space from the public area. A similar fence or boundary treatment should extend along tow path.
  - To assist with the security of the building CCTV needs to be positioned in order to cover the numerous blind spots across the site. The CCTV system needs to be designed to allow seasonal variations within the planting scheme and in conjunction with the Lux plan.
  - The cycle store and motorbike parking should be easily seen from the building and monitored by the CCTV; each hoop or anchor should allow cyclist to lock both wheels and the crossbar securely.
  - Plant equipment located on the elevated platform should be secured to prevent theft or damage via the external stairs.
  - The ground floor toilet and shower facilities should be for the sole use of the club, with controlled access and external CCTV coverage. These toilets shouldn't be open or available during markets or entertainment events.
  - The use of external stair cases, although required will offer easy access entry into the changing room, lockers and offices on 2nd floor, this route should be managed and monitored with CCTV.
  - Each door and accessible window should meet the BS PAS 24: 2012 as a minimum security standard, the boat house roller shutters should be LPS 1175 SR2.
  - Each business should identify and protect their property with a forensic property marking kit, identifiable and traceable through a recognised database. The use of these products should be displayed on the site entrance, along with stickers on external windows and door.

## **Crime and Disorder Act**

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be **the duty of each authority** to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can **to prevent, crime and disorder in its area.**"

## **Secured by Design**

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

## **Conclusion**

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

- 4.7 **Environmental Health Officer** – Raise no objections to the application subject to the inclusion of conditions.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 The application has been publicised by way of a press notice in the Citizen and through the display of a site notice. In addition 70 properties have been notified of the application in writing and were re-notified on the receipt of additional information. As a result of undertaking additional publicity the consultation period does not expire until after the Committee date.

- 5.1 As a result of this publicity one letter of representation have been received to date from the Trustees of the Barn Owl Centre. The main issues raised can be summarised as:

- Note from the plans that a considerable amount of soil will be entering through our main entrance, down our driveway and tipped onto our leased area and into an area of land we are planning to purchase.
- Object to the Barn Owl Centre's environment being used as a tipping ground for the rowing club for the following reasons:
  - Business and interruption disturbance with machinery.
  - Access through our main gate and driveway.
  - Mess that will be created at our entrance for visitors, staff and deliveries.



- Water run off from the proposed bund and how this will affect our drive, with the existing bund large areas of our leased area are affected by flooding as there is was no ditching put in to channel away unwanted water.
- The area allocated for the Rowing Club's soil is now a regular hunting ground for a pair of wild resident Barn Owls. It's taken 5 years to create suitable habitat in this location to attract them.
- The tipping area is partly under our lease. The outer perimeter of the leased area is an area we intend to purchase.

5.3 The full content of all correspondence on this application can be inspected online via the Council's website at the link below or at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://glcstrplnng12.co.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=ND FE0PHM0J100>

## **6.0 OFFICER OPINION**

6.1 Planning permission was granted in 2011 for a new rowing club house with associated facilities, diversion of the canal towpath, provision of a landing stage, car parking, flood storage compensation works and landscaping (ref. 10/01090/FUL). Works have now been completed on the landing stage and preparations have been undertaken for the proposed car parking area. The principle of the proposed use and general scale of the building on this site has therefore been established.

6.2 The current application proposes the same use of the site with variations to the sitting and design of the new club house and re-arrangement of the car parking and servicing area. The application also includes an area of land to the north of Secunda Way adjacent to the Barn Owl Centre to provide the flood compensation works.

### Traffic and Transport

6.3 The Vehicular access to the site will be via the existing signal controlled access off Secunda Way. A Transport Assessment was submitted in support of the outline planning application in 2006. A review of the original Assessment was undertaken in support of the 2010 planning application following a traffic count at the signalised junction. The County Council as Highway Authority has raised no highway objection to the application subject to the inclusion of a number of conditions.

### Residential Amenity

6.4 The proposed site is a considerable distance from residential properties, being in excess of 450 metres from those in Netheridge Close and approximately 290 metres from the closest property in Hempsted Lane, with an established access point into the site. It is not considered that the building

itself or its use will have a detrimental impact on the amenity of the occupiers of any residential properties.

#### Design

- 6.5 The layout of the site has been somewhat dictated by the necessity for the individual elements of the proposal to be located in a co-ordinated and logical manner. The landing stage must be on the canal edge and the club house just behind the tow path close to the landing stage.
- 6.6 The layout of the building itself has been informed by flood risk and has been designed to be functional and also to make a statement and respond to views to and from both the canal / towpath and from within the wider market site and Bypass. The building treats the towpath as a 'pedestrianised street' with overlooking and natural surveillance of the waterway from the glazing and projecting balconies together with access from the towpath.
- 6.7 The supporting information states that the design of the building has taken reference from the waterside environment specifically with the use of a curved roofline inspired by the boating heritage of the canal together with the use of timber cladding consistent with traditional boat materials.
- 6.8 The topography of the site is such that it slopes gently down towards the canal which is currently set behind a raised embankment. The layout and massing of the building has taken into account the site levels and the potential flooding implications which has resulted in a double height void space beneath the building with the boat house located on the ground and first floor levels. When viewed from the canal side the building will appear as a three storey building but will appear taller from the rear car parking area.
- 6.9 Although this is a large building it is similar in height to the adjacent building immediately to the north on the BT depot site and the overall design and use of materials help mitigate its impact when viewed from the surrounding area.
- 6.10 The Urban Design Officer has raised concerns regarding the proposed use of the white Microrib cladding and has suggested that the colour and type of panel should be changed. It is considered that the white will stand out and create a more prominent effect and that the overall appearance of the building would be improved with a greater use of natural materials.
- 6.11 The Agent for the application has advised that this material was also proposed for the approved scheme and considers that the use of the white cladding provides a contemporary crisp contrast to the softer more natural appearance of the timber effect cladding and believes that this is an appropriate approach.
- 6.12 Whilst it is accepted that the previously approved scheme did include the use of the white Microrib cladding the Urban Design Officer has made reference to buildings that have recently been completed and that have resulted in negative comments and on this basis he is not happy to support its use in such a prominent location.

- 6.13 A condition is recommended requiring the submission and approval of the proposed materials and the Committee's view is sought on the use of the white cladding.

#### Flooding

- 6.14 The Environment Agency has confirmed that the site is located in Flood Zone 3b (functional flood plain). The building itself has been designed to be sustainable, durable and adaptable taking into account the flood implications associated with the site. The building incorporates a void beneath the building to minimise the effect of flooding in the wider area.
- 6.15 The current application has calculated that a greater volume of flood compensation is required from that determined by the 2010 Flood Risk Assessment. The area of land previously identified for such works has since been planted with trees and given that a larger area is required than originally anticipated it is proposed to undertake the flood compensation works on an area of land adjacent to the Barn Owl Centre.
- 6.16 The Head of Regeneration and Economic Development has confirmed that agreement has now been reached between the Rowing Club, Barn Owl Centre and the City Council (as land owners) for the proposed flood compensation works.
- 6.17 The supporting information indicates that the club are committed to operating a formal flood warning system linked to the Environment Agency 'Floodline' system, to ensure that use of the building will be restricted during periods when severe flood warnings are in place. In the event of a flood it is stated that all activities will be postponed.
- 6.18 A Sequential Test was undertaken as part of the 2010 application and the report concluded that *"the sequential test has identified that "there are no reasonable alternative sites in areas with a lower possibility of flooding that would be appropriate to the type of development or land use proposed", as is required by PPS25. It is suggested that the statement has demonstrated that the only realistic site for the proposed use is the application site and the sequential test has therefore been satisfied."* This was accepted by Officers and the Planning Committee and while PPS25 has now been superseded by the National Planning Policy Framework I do not consider that there have been any material changes that would change this conclusion.
- 6.29 A surface water drainage strategy has been submitted in support of the current application which proposes the creation of an attenuation pond adjacent to the Black Ditch together with the uses of porous surface materials for the car park.

#### Ecology

- 6.20 In August 2010 an ecological survey and assessment was undertaken on the site to update the previous survey undertaken in 2006 to support the outline planning application. It was found that the site supports semi-improved grassland, native mixed hedges and a scrub-lined ditch.

The site was assessed as having suitable habitat for the following protected species:

- Water Voles – the ditch provides suitable habitat for water voles but no evidence was found during the survey visit. Water Voles have been recorded from other ditches in the vicinity.
- Bats – the hedgerows and rough grassland are likely to provide suitable commuting and feeding habitat for bats.
- Birds – the dense hedgerows will provide good potential nesting habitat for a variety of birds.
- Other wildlife – the site has the potential to support a variety of other wildlife including invertebrates and small mammals. Common blue, meadow brown and gatekeeper butterflies were recorded.

6.21 The report made a number of recommendations to enhance the biodiversity value of the site although the Environmental Planning manager is satisfied that subject to the inclusion of conditions the proposed development will not adversely affect any protected species.

6.22 It is recommended that conditions be included on any planning permission to control lighting in what is considered to be the beginning of open countryside and an important commuting route for bats. It is also recommended that conditions be added to require the provision of bat boxes and a Water Vole Management scheme.

#### Trees and Soft Landscaping

6.23 The provision of the landing stage and diverted footpath / cycleway has resulted in the removal of a hedgerow along the canalside boundary. This is considered to be acceptable on the basis that a new native hedgerow will be planted within the site. The existing Ash pollard should however be retained. The ecology report recommends additional planting within the site which can be secured by condition.

#### Cordon Sanitaire

6.24 The site is located within the cordon sanitaire related to the Netheridge Treatment Works. In a letter to the policy section dated 18<sup>th</sup> July 2006 referring to Local Plan policy FRP.12, Severn Trent Water Ltd states that it continues in principle to support this policy with regards to considering the appropriateness of allowing development in close proximity to the treatment works 'where it is reasonable to believe the development type is likely to be specifically sensitive to odour'. The letter suggests that less sensitive development such as industry, utilities or temporary/event type development could be acceptable, and that this would need to be reviewed on a case by case basis.

6.25 At the outline application stage it was considered that the proposed nature of all the uses proposed, including the rowing club, would fall into the 'less sensitive development' classification, as members of the public are making a

choice to visit the site for limited periods of time. No objection was received from Severn Trent to the outline application and no comments have been received to date to the current application.

### Landscape Conservation Area

- 6.26 The application site is within the Landscape Conservation Area (LCA) as defined on the Local Plan proposals map. The text in the Second Stage Deposit Local Plan (2002) states that it is the intention that LCA's are protected from development that would detract from their character. However, in exceptional circumstances development may be justified if the development is vital to the economic and social well being of the city and no other suitable site is available. In addition the designation of areas as LCA's now has limited weight given the more up to date advice contained in the National Planning Policy Framework.
- 6.27 The use of the application site for a rowing club is identified in the local plan and it is considered that the siting and design of the building are appropriate subject to the use of appropriate materials and landscaping to help minimise the visual impact.

## **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 It has long been recognised that the rowing club is currently operating on a constrained site with no opportunity for further expansion or improvements. The benefits of a new club house and associated facilities are clear with links proposed with Gloucestershire College, Hartpury College, local schools and other water based clubs. The application site is identified for a new rowing club in the Second Deposit Local Plan and outline planning permission was granted for a replacement boat house on this site in September 2006 followed by approval of a the detailed scheme in 2011.
- 7.3 The principle of the development on this site has therefore been established with the current application proposing amendments to the siting and design of the building, the landing stage, car park and flood compensation works. Overall it is considered that the proposal represents an appropriate form of water compatible development on this site which subject to conditions will preserve and enhance the character and appearance of the designated Landscape Conservation Area, will not prejudice highway safety and subject to appropriate flood storage compensation works will not result in a loss of floodplain storage capacity. Furthermore the proposal will result in an enhanced rowing club facility with associated benefits to the City. Accordingly the proposal is considered to comply with Policies, BE.21, TR.31, FRP1.a, FRP.12, LCA.1, B.3 and SR.1 of the Second Deposit Gloucester City Local

Plan (2002) and policies contained within the National Planning Policy Framework.

- 7.4 Members are invited to advise on the proposed materials in light of the concerns raised by the Urban Design Officer as set out in section 6 of the report.

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

That subject to no new material planning considerations being raised in any representations received at the end of the consultation period, authority be delegated to the Development Control Manager to grant planning permission subject to the following conditions:

### Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Condition 2

The development hereby permitted shall be carried out in accordance with the approved (drawing nos. to be added) and any other conditions attached to this permission.

### Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

### Condition 3

No development approved by this permission shall be commenced until the scheme for the provision of compensatory flood storage works has been implemented in accordance with drawings RSLHT-1899-0155 Rev 04 (dated: 22/09/14, received by the Local Planning Authority on 24<sup>th</sup> November 2014) and RSLHT-1899-0601 Rev 04 (dated: 04/07/14, received by the Local Planning Authority on 24<sup>th</sup> November 2014).

### Reason

To ensure that appropriate measures are in place prior to the commencement of development to alleviate the increased risk of flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 4

Notwithstanding the submitted details no development shall be commenced until full details and cross sections of the contours for the compensatory flood storage works have been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details and prior to the commencement of any works.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to alleviate the increased risk of flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002) and to ensure that the finished landscaping is as naturalistic as possible and is sympathetic to the surrounding contouring.

Condition 5

Prior to the commencement of development, details of protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details for the duration of the building works unless otherwise agreed in writing.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to protect the environment. The ecological environment in this location is sensitive and dust, run off, waste etc. should be prevented from entering the canal in accordance with policy FRP.11 of the Second Stage Deposit City of Gloucester Local Plan (2002).

Condition 6

Notwithstanding the details submitted no development shall take place on the boat house until details or samples of materials to be used externally have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials harmonise with the surroundings in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Prior to the diverted towpath being brought into use a management plan shall be submitted to and approved in writing by the local planning authority detailing measures to ensure that the footpath will remain clear and unobstructed at all times, the use of advisory signage and, if deemed necessary, lighting and barriers to be erected to ensure safe usage of the towpath by members of the public.

Reason

The matter referred to in the foregoing condition requires further consideration in the interests of pedestrian and cyclists safety and to ensure the proposal complies with Policy TR.32 of the Second Stage Deposit Local Plan 2002.

Condition 8

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in

writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- I. Specify the type and number of vehicles;
- II. Provide for the parking of vehicles of site operatives and visitors;
- III. Provide for the loading and unloading of plant and materials;
- IV. Provide for the storage of plant and materials used in constructing the development;
- V. Provide for wheel washing facilities;
- VI. Specify the intended hours of construction operations;
- VII. Measures to control the emission of dust and dirt during construction

#### Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 9

No development shall take place until full details of the proposed mitigating and enhancement strategy for the protection of Water Voles and their foraging areas has been submitted and approved in writing by the local planning authority. The strategy shall be carried out as approved.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works to safeguard a protected species in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 10

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. This shall include:

(a)Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b)Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment,



fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

To ensure that appropriate measures are in place prior to the commencement of any works to provide adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows full details must be submitted to and approved in writing by the local planning authority. The RPA is defined in BS5837:2005. Details must include accurate scale plans of proposed locations of excavations and / or surface treatments, proposed methods and specifications of excavations and / or surface treatments and any post excavation remedial works. The development shall then only be carried out in accordance with the approved plans.

Reason

To prevent unnecessary damage or loss of trees in accordance with policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

No development shall take place on the boathouse or car parking area until full details of the proposed hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed car parking areas, vehicle and pedestrian access and hard surfacing materials. The development shall be carried out in accordance with the approved details prior to its first occupation.

Reason

In the interests of visual amenity in accordance with policy BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No development shall commence on the boathouse until details of works and measures to discourage seagulls from nesting and roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's published guidance "Gulls: How to stop them nesting on your roof".

Reason

To prevent roosting and nesting sites for seagulls in order to protect the character of the area in accordance with policy BE.9 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 14

The development hereby permitted shall not commence until details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of development to ensure satisfactory drainage arrangements are provided and to determine the potential for pollution of the waterway and likely volume of water in accordance with sustainable objectives of Gloucester City Council, Central Government and policies FRP.6 and FRP.11 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 15

Details of any external lighting proposed to illuminate the development including details of foundations and the proposed hours of illumination shall be submitted to and approved in writing by the local planning authority prior to the commencement of the boathouse or car park. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

#### Reason

To safeguard local amenities in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002) and to ensure that the lighting at this waterside development is designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution.

#### Condition 16

No development shall take place on the boathouse or car park until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details and timetable.

#### Reason

In the interests of visual amenity when viewed from the adjacent site and waterside in accordance with policy BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 17

Notwithstanding the details submitted no development shall commence on site or machinery or materials brought onto the site for the purpose of development of the boathouse or car park until a landscape scheme and

landscape management plan has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of development to ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and the biodiversity of the area in accordance with policies B.2 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002). Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting.

#### Condition 18

The landscaping scheme approved under condition 17 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

#### Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 19

No development shall take place on the boathouse until details of the design, number and location of bat boxes to be erected on the site have been submitted to and approved in writing by the local planning authority.

#### Reason

To enhance the biodiversity of the site in accordance with policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 20

Development shall not commence on the boathouse until details of a safe exit route to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning. The scheme must not adversely affect the flood regime. This route must be in place before any use of the building.

Reason

To provide safe access and egress during flood events in accordance with the Government's Planning Policy Statement 25: Flood Risk, Appendix G, and reduce reliance on emergency services.

Condition 21

Prior to the first use of the building flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason

To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

Condition 22

Notwithstanding the plans submitted prior to the commencement of the boathouse details of the proposed waste storage and collection shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason

To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials in accordance with Policy FRP.11 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 23

The buildings hereby permitted shall not be brought into use until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan RSLHT-1899-0122 Rev 02, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 35 of the National Planning Policy Framework.

Condition 24

No part of the development shall be occupied until covered and secure cycle storage facilities have been laid out within the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority; and those facilities shall be maintained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided to promote sustainable transport in accordance with paragraph 32 of the NPPF.

Condition 25

The premises shall be used for rowing club and associated "paddle sports" only and for no other purpose (including any other purpose in Class D2 of the

schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

The Local Planning Authority wish to control the specific use of the premises in the flood plain which should be water compatible, in the interest of local amenity and highway safety in accordance with policies BE.21 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002) and in accordance with the National Planning Policy Framework.

Condition 26

The proposed gym facility, function room and bar area indicated on the approved drawings shall be for uses ancillary to the primary use of the building as a rowing club for use by club members and other boathouse users only and shall not be open for use by the general public.

Reason

The Local Planning Authority wish to control the specific use of the premises, as a general leisure use in this location would conflict with the provisions of the National Planning Policy Framework.

Condition 27

At least one month prior to any event at the rowing club which would result in a level of car parking over and above that available within the application site, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate car parking is available in the interests of highway safety in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 35 of the NPPF.

Condition 28

During the construction stages of the development the works, handling, storage and disposal of waste generated by construction of the development shall be carried out in accordance with the relevant legislation and regulatory requirements.

Reason

To accord with Policy FRP.11 of the Second Stage Deposit Local Plan 2002 and because there is the potential for contamination of the waterway and ground water from wind blow, seepage or spillage at the site which should be avoided.

Condition 29

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 30

No deliveries shall be taken at or dispatched from the development before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 31

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

Reason

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

Condition 32

Prior to the commencement of the boat house hereby permitted, equipment to suppress and disperse fumes and/or smell produced by cooking and food preparation, shall be installed and be in full working order to the satisfaction of the Local Planning Authority and shall be effectively operated for as long as the use continues.

Reason

To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 33

The extraction equipment installed in pursuance with the above condition shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority.

Reason

To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected.

Condition 34

To ensure adequate diffusion of any remaining odours that have not been scrubbed by the carbon filtration unit the extraction flue shall terminate at a

minimum of 1 metre above the roof eaves of the application site or adjacent building whichever is the higher.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002). Activated Charcoal is required as a minimum standard for the filtration of fumes.

Condition 35

Noise generated from items of plant and equipment associated with this application shall be controlled such that the rating level, in accordance with BS 4142: 2014, measured or calculated at 1m from the facade of the nearest noise sensitive premises of the proposed development shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant.

Reason

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

Condition 36

Prior to the commencement of the development a waste management plan, including waste oil, shall be submitted to and approved in writing by the local planning authority. The approved plan will be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenities of the occupiers of neighbouring properties and in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Notes

1. The applicant/developer is advised to contact Desmond Harris on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
2. The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first

contacting the GPSS Operator for advice and, if required, Section 16 Consent. The GPPS Operator can be contacted at OPA Central Services, Ashdon Road, Saffron Walden, Essex, CB10 2NF (e-mail [anne.swallow@oilandpipelines.com](mailto:anne.swallow@oilandpipelines.com)) 01799 564101. For additional information please visit [www.linerearch.org](http://www.linerearch.org).

3. Wales and West Utilities apparatus may be directly affected by the proposals. No work or activity should be undertaken without first contacting Wales and West Utilities.
4. The finished contours for the flood compensation cut and fill operation on land adjacent to the Barn Owl Centre shall be as soft and naturalistic looking as possible. Slopes shall vary in gradient and changes in angle shall be as gentle as possible and shall be sympathetic to the surrounding contouring. Straight lines are undesirable.

Decision: .....

Notes: .....

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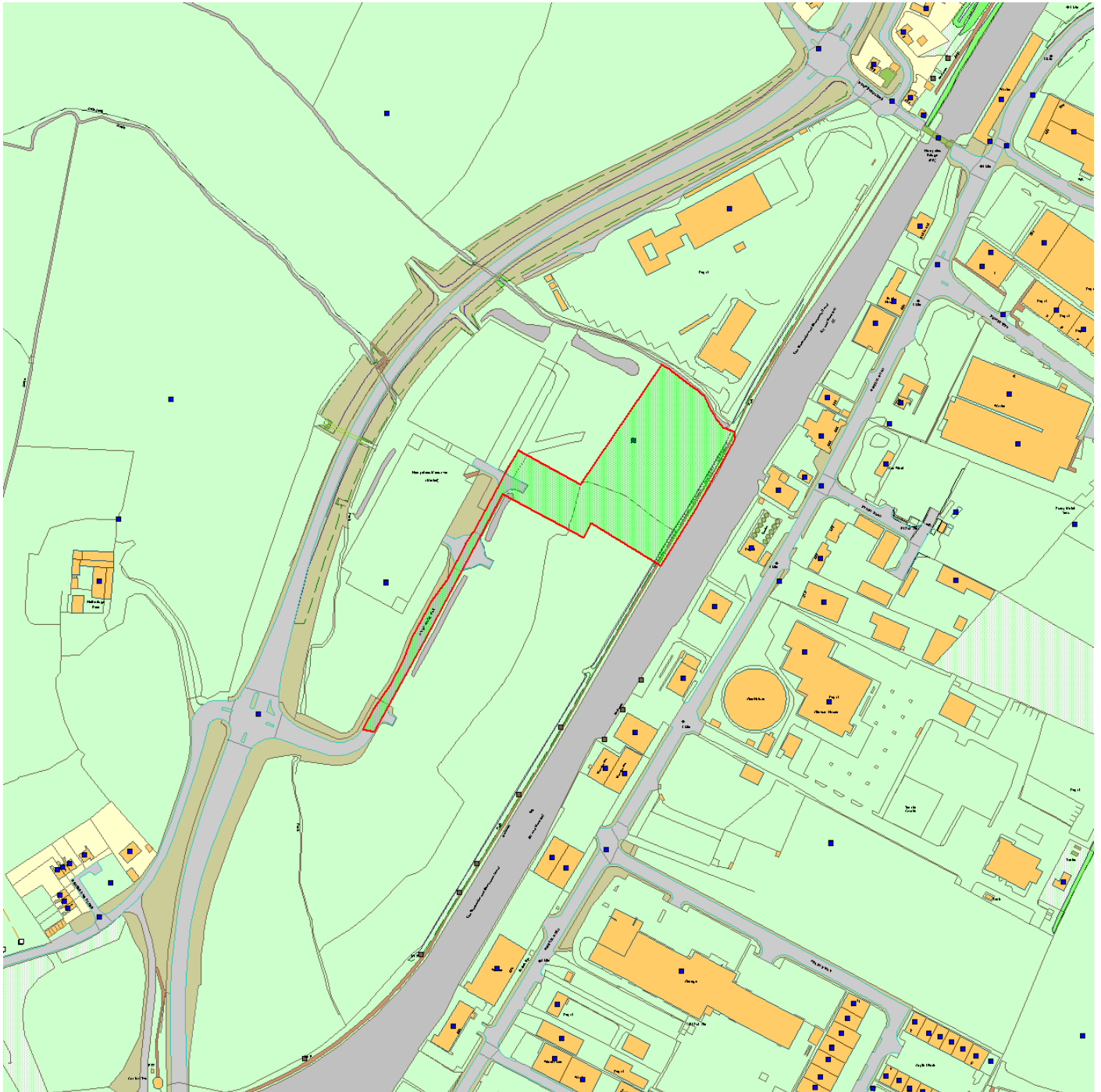
Person to contact: Caroline Townley  
(Tel: 396780.)



14/01195/FUL

Land East Of  
David Hook Way  
Gloucester

Planning Committee 06.10.2015



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