

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 1ST DECEMBER 2015

AGENDA ITEM 5 : 15/00286/REM & 15/00287/REM – FORMER INDUSTRIAL SITES BRISTOL ROAD, GLOUCESTER

Gloucestershire County Council Highways - Officer has advised that they raise no objections to the applications and are presently drafting conditions.

Addition Representations

Three additional representations have been received:

The comments raised are summarised below and the full text is attached.

- Concerns regarding the scheme proposed, particularly having regard to the fact that the proposal could adversely impact on the operations at Avon Metals
- Concerns set out in previous representations
- Committee report fails to set out concerns with noise
- This is a material consideration
- Avon metals objections are serious and profound
- Report side-lines noise as a matter to be dealt with under the discharge of conditions
- The reserved matters have a bearing on noise issues and achieving objectives of the noise condition
- Noise condition requires a scheme to be required before works commence – substantial remediation works have already commenced
- Reserved matters submission would finalise the layout
- Design and layout have direct relationship with noise impacts
- Design shows residential development directly on the boundary with the site close to businesses
- No indication of what will come on the ‘future development’ are and impact on noise
- Report is wrong to avoid noise
- Noise impacts are fundamental to designing the scheme
- Imperative for members to protect Avon Metals and living conditions
- The plans do not show our workshop that runs along boundary
- Residents will hear machine noise
- Site plan shows houses running right to our boundary fence.
- Last site plan we were shown when advised of the newest planning application showed a non-designated commercial area / amenity area against our boundary
- The site plans are not accurate do not show our tallest building
- The new site plan will have implications for the houses
- Building will cause shading of the gardens and the houses

- Houses will hear machine noise which will continue into the evenings

Recommendation

That subject to written confirmation of no highway objections, that authority be delegated to the Development Control Manager to approve the reserved matters applications subject to the conditions below; any additional relevant conditions as recommended by the Highway Authority and any associated revisions to the approved drawings under Condition 2.

Site A

Condition 1

The development hereby permitted shall be carried out in accordance with the Approved drawings nos. (*TO BE CONFIRMED*) received by the local planning authority on 13th November 2015, as well as any other conditions attached to this permission.

Reason

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

Site B

Condition 1

The development hereby permitted shall be carried out in accordance with the Approved drawing nos. (*TO BE CONFIRMED*) received by the local planning authority on 13th November 2015, as well as any other conditions attached to this permission.

Reason

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

Common to Sites A & B

Condition 2

No development shall take place within any reserved matters phase until a detailed phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall indicate the order and approximate timescales of development phases and the provision of site accesses, principal roads and associated highway works, drainage infrastructure, public open space, on-site ecological spaces and landscaped areas.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and ecological considerations, in accordance with

Policies BE.9, B.7, B.8 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 3

Prior to undertaking any landscaping works within each phase of the development, a plan showing the proposed management regime for all open space within that phase shall be submitted to and approved by the local planning authority in writing. The landscaping shall thereafter be maintained in accordance with those approved details unless otherwise agreed in writing by the local planning authority.

Reason

In order to provide certainty with regards to the future maintenance of the open space and landscaped areas of the site in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Notwithstanding the submitted details and prior to any works above DPC level within each phase of the development, precise details, including drawings and where appropriate samples of the following elements within that phase shall be submitted to and approved in writing by the local planning authority:

- All facing materials, including bricks, render, tile hanging, cladding, cills, headers and string courses.
- Mortar colour
- Roofing materials and chimney
- Rainwater goods, including gutters and downpipes
- Windows, doors including details of colour, material and their reveals
- Garage doors including their colour and material
- Position and design of external meter boxes
- External porches and door surrounds including their colour and material
- Garden fencing and walls including railings and their fixture
- Security gates to apartment block parking areas

The works within that phase shall thereafter be undertaken in accordance with those approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance to the development hereby approved and in accordance with policies BE.1, BE.7 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The no dwelling hereby permitted shall not be occupied until, covered and secure parking has been provided for a minimum of one bicycle per apartment and two

bicycles per dwelling house in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To encourage sustainable transport and reduce potential highway impact in the interest of highway safety and in accordance with Policies TR.12 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Prior to the adoption of the public open spaces hereby permitted, a minimum of three 'Sheffield Hoops' per open space area shall be provided adjacent to the play spaces for the purpose of securing bicycles.

Reason

To encourage sustainable transport and reduce potential highway impact in the interest of highway safety and in accordance with Policies TR.12 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Notwithstanding the submitted details and prior to the first occupation of any adjoining phase, precise details of the boundary with nos. 2a-34 (evens) Newark Road, including provision for the retention and incorporation of the existing boundary wall where practicable shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within that that phase.

Reason

In the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Notwithstanding the submitted details and prior to the first occupation of any dwelling within that particular phase, precise details of the boundary treatments between parking areas and adjoining gardens to properties at Newark Road and Tuffley Crescent shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within that that phase.

Reason

To ensure that the enclosure to these publicly accessible boundaries are sufficiently robust in order to deter crime and ensure their long term satisfactory appearance, in accordance with Policies BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Notwithstanding the submitted drawings, this permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary

Note 3

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

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

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

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012), 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.



www.pjs-development-solutions.co.uk

Tel: 01452 546169 / 07923 697833

Email: philipstaddon@blueyonder.co.uk

**Mr Bob Ristic
Gloucester City Council
Development Control
Herbert warehouse
The Docks
Gloucester
GL1 2EQ**

BY EMAIL

27 November 2015

Dear Mr Ristic,

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: 15/00286/REM – Reserved Matters submission for 172 dwellings (Site A) and 15/00287/REM – Reserved Matters submissions for 86 dwellings (Site B) on land at Bristol Road, Gloucester.

I refer to your letter advising that these applications are due to be reported to the Planning Committee on 1 December 2015.

First, I must express some disappointment at being notified of the committee date at such a late stage, particularly given that our client, Avon Metals Limited, has actively sought to engage in the planning application process over a considerable period of time.

However, Avon Metals has reviewed your committee report and taken legal advice. As maintained throughout the process, we have fundamental concerns regarding the legitimacy of the scheme proposed, particularly having regard to the fact that the proposal could adversely impact on the operations at Avon Metals existing and long standing business, which employs a substantial workforce.

Avon Metals concerns have been clearly set out in detail through previous representations. I would refer you, in particular, to the representations made dated 8th September 2014 and 19th August 2015 (both of which are attached for convenience). We now must formally express our additional and related concerns as set out below.

Concerns in respect of the committee report.

1. The officer report records that the Council's own Environmental Health Officer **"raises concerns with regards to the noise assessment which has accompanied the application" (para 4.5)**. However, the report singularly fails to set out these concerns or address them. This is a material consideration, whereby Members should fully understand the context of any objections made by a consultee and how these objections have been dealt with.
2. The representations made by Avon Metals, which are serious and profound in their nature, have been subsumed and largely lost within a rash of 44 bullet points (on pages 22/23). Given the nature of the objections, it is not unreasonable to expect them to be set out and addressed in the officer report.
3. The report's treatment of noise issues is confined to just three sentences (6.29-6.31) which sideline the issue as a matter to be dealt with under the conditions attached to the Outline permissions.
4. The officer stance adopted (above) fails to recognise that the 'reserved matters' currently presented for approval (appearance, scale, layout, landscaping etc.) all have a direct bearing on noise issues and the ease (or otherwise) of achieving the objectives of the original noise conditions.
5. The original substantive noise condition requires that "**prior to any works commencing on the development site a scheme of noise mitigation works shall be submitted to and approved in writing [by the LPA] having regard to the noise environment at that time...**". However, the report acknowledges that substantial works of remediation and clearance have taken place (para 1.3). As these works are not exempted by the condition, there appears to be a serious breach of Planning control. Indeed, it does make good Planning sense that the noise mitigation works are agreed at the pre-development stage. They have not been, and the 'reserved matters' submission cannot be soundly determined without them.

Failure to recognise and assess the direct bearing of noise considerations on the determination of the 'reserved matters' submissions.

Avon Metals fully understands and respects the fact that the principle of residential development has been accepted and that noise conditions have been imposed under the relevant Outline consents. That said, the 'reserved matters' applications, currently being considered by the Council, would, if approved, secure and finalise the design and layout of the development, along with any landscaping.

Fundamentally, the design, layout and landscaping all have direct relationships with the noise impacts that might arise and on the ability to properly comply with and discharge the noise conditions imposed on the Outline consents.

For example, we note that some of the residential properties are placed directly

on the boundary to the site (closest to the various business uses in operation). This is likely to mean that the noise impacts, in the design/layout of the development, have not been fully mitigated (as it may have been the case that an alternative design could have come forward which minimised any impacts). The same applies for landscaping; if certain landscaping features are adopted, this is also capable of mitigating noise impact. It is also unclear what, if any development form, will appear on the 'future development' area and, again, this has noise implications.

For these reasons, the committee report is quite wrong in its avoidance of the noise issues. The noise issues are fundamental to the consideration of the 'reserved matters' applications with respect to design/layout/landscaping. They are highly relevant material considerations. It is not appropriate to simply leave 'noise' as something to be dealt with pursuant to the general conditions.

The noise impacts are such that this should have been a key feature in designing the development that has come forward under the reserved matters submissions. If the Council has failed to properly have regard to these matters, this leaves the Council's decision open to judicial review. It is in no one's interest that these matters are not addressed properly and fully.

Avon Metals fails to see how elected Members could possibly agree to the officer recommendations in the light of the above and, we understand, the ongoing concerns of the Council's own expert on noise matters.

This is a most unfortunate situation but I am sure that all elected Members will appreciate the imperative of protecting the Avon Metals business and the living conditions of future residents by ensuring that a legally sound decision is made based on the appropriate material Planning considerations.

I am unable to attend the Committee at such short notice but I have sent a copy of this letter to the Chair of the Committee and to the Democratic Services Officer and I request that it, along with the attached earlier letters, are copied, circulated and reported in full to all Members of the Planning Committee.

I also request that you advise me of the Committee's decision as soon as you are able in order that Avon Metals can consider any necessary further action.

Yours sincerely,

P. Staddon

Philip Staddon BSc, Dip, MBA (Distinction), MRTPI
Director – PJS Development Solutions Ltd

Copies to:

Councillor Gordon Taylor (Chair of Planning Committee)

Mr Anthony Wisdom – Democratic Services Officer

Hello

Comments have been submitted regarding proposal [Reserved matters scheme of 86 residential dwellings with associated open space and landscaping. \(Site B\) at St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX](#). The following comment was made today by Mr David Pealing.

While supporting the use of this land for housing the latest site plan shows houses running right to our boundary fence. The last site plan we were shown when advised of the newest planning application showed a non-designated commercial area / amenity area against our boundary for later development but not showing housing against our boundary. The site plans are not accurate as they do not show our tallest building a paper store that runs to the edge of the boundary on our site. This building was built by us about year 2000 with all of the correct planning permissions. The new site plan will have implications for the houses as the building will cause shading of the gardens and the houses beside the building will be at a close distance from an industrial building. Crucially as the houses are now so close to the proximity of our factory it means that they will hear machine noise which will continue into the evenings as we operate until 9pm and occasionally work through the night.

Hello

Comments have been submitted regarding proposal [Reserved matters scheme of 86 residential dwellings with associated open space and landscaping. \(Site B\) at St Gobain Former Wellman Graham Bristol Road Gloucester GL2 5BX](#). The following objection was made today by Mr Robert White.

We would like to bring up a few points regarding the site plans for this development. The plans do not seem to be accurate as they do not show our workshop that runs along the edge of the boundary on our site. As the houses are going to be built so close to the proximity of our workshops it means that residents will hear machine noise which will continue until 6pm weekdays and occasionally on weekends.

AGENDA ITEM 8 : 15/00892/FUL – LAND TO SOUTH OF WATERWELLS DRIVE, GLOUCESTER

Site Location Plan

