

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **12<sup>TH</sup> APRIL 2016**

**ADDRESS/LOCATION** : **PHOENIX HOUSE, STANLEY COURT,  
EDISON CLOSE**

**APPLICATION NO. & WARD** : **16/00148/COU  
QUEDGELEY FIELDCOURT**

**EXPIRY DATE** : **7<sup>TH</sup> APRIL 2016**

**APPLICANT** : **PCC GLOUCESTERSHIRE**

**PROPOSAL** : **CHANGE OF USE FROM USE CLASS B1/B8  
TO SUI GENERIS POLICE USE, ERECTION  
OF SECURITY FENCE, GATES, EXTERNAL  
STORAGE CONTAINERS, EXTERNAL  
LIGHTING AND BACK UP GENERATOR.**

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

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

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site relates to a vacant building located to the north and west of Edison Close within the Waterwells Business Park. The site is bounded by existing and proposed commercial units to the east, south and west. Phoenix House forms part of a wider development known as Stanley Court, with the other units in the development comprising of smaller Use Class B1 and B8 units. The application site relates to Phoenix House together with its associated parking and rear service yard. There are 27 car parking spaces to the front of the building with covered cycle parking provided at the Custody Centre.
- 1.2 The application seeks planning permission for a change of use of the existing building to enable Gloucestershire Constabulary to support operational policing and provide centralised storage functions including document archive, evidential and lost property, major incident and special events equipment, uniform storage and issue and print room. These functions are currently provided at various locations across the County. The application also proposes the erection of new security fencing, gates, external lighting, storage containers and an electricity generator.

- 1.3 It is not intended that Phoenix House will be used as an emergency response base which will continue from the other locations within Waterwells. It will, however, be used for briefing, deployment and mustering purposes in the event of major incidents or planned operations. Officers will attend Phoenix House to collect Personal Protective Equipment (PPE) and relevant equipment and to take part in operational briefings prior to deployment.
- 1.4 It is estimated that there will be 14 members of staff employed within the building.
- 1.5 The proposed security fencing is required to the service yard and comprises of a 2.4 metre high mesh system finished in blue polyester powder coating mounted on metal posts. The vehicular and separate pedestrian gates will match the height and design of the fencing and will be keypad/intercom controlled.
- 1.6 The proposed external lighting comprises LED down lighters mounted on the buildings rear elevation at a height of 6 metres and on free standing poles in the service yard. The positioning of the lighting units and supporting poles has been selected so as to avoid any impact on internal vehicular circulation/turning and to avoid any light overspill from the site. An exterior lighting scene impression has been submitted in support of the application to demonstrate that there will be no overspill of illumination onto any neighbouring properties.
- 1.7 The electricity generator would be located adjacent to the rear of the building within the service yard and is required to provide emergency back-up power for 8-12 hours.
- 1.8 External storage is also required in the form of three lockable shipping containers to be located in the rear service yard. Each container would have a length of 6.1m, width of 2.4m and height of 2.6m. These containers will be used for the storage of hazardous substances including petrol and fireworks which cannot be stored internally for health and safety reasons. A caged area for storage of propane and calor gas is required in order that they are readily available to be distributed to power operational equipment as part of a major incident. A container for storing small amounts of petrol is also required (to power petrol strimmers for use as part of any major searches in woodland or overgrown areas). All of these will be risk assessed by the force Health and Safety Advisor for security and compliance with appropriate workplace and user legislation.
- 1.9 The original planning permission for Phoenix House included 19 conditions including the conditions restricting working hours and hours of loading and unloading of service vehicles.
- 1.10 The applicant has requested that there are no restrictive conditions relating to hours of operation and that they are happy to accept a personal permission.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 Waterwells Business Park was allocated for business use in the Interim Adoption Copy of the Additional Area Post 1991 Boundary Extension Local Plan (Policy E.1 (a)). This allocation was made following a recommendation by the Local Plan Inspector. The site is shown as an employment commitment in the First and Second Stage Deposit Local Plans (June 2001 and August 2002).
- 2.2 An outline planning application (95/00126/OUT) for the comprehensive development of land for Class B1, B2 and B8 employment with ancillary A1, A2 and A3 uses, open space, park and ride car park, landscaping, associated drainage and highway works was submitted on 22<sup>nd</sup> February 1995. All matters were reserved for future consideration. Part of the outline application area fell within the area administered by Stroud District Council.
- 2.3 The application was subsequently amended to delete reference to Class B2 (general industrial) because of the range of uses allowed within the class and the desire that the development should be of a high visual quality. It was agreed at that time if a specific B2 use was proposed it would need to be justified and would be judged on its individual merits.
- 2.4 An outline planning application (01/00776/OUT) for the development of the former RMC site immediately south of Naas Lane for Class B1 business use (light industry and offices) and storage and distribution (B8) and a new distributor road was granted on 17<sup>th</sup> February 2004. It is on this part of the site that the current application relates to.
- 2.5 Planning permission was granted on 19<sup>th</sup> May 2009 for the erection of 37 office and warehouse units (B1 and B8) with associated external works (ref. 07/00496/FUL). This permission was partially implemented with 15 units constructed. A further planning application (ref. 12/00343/FUL) was submitted for a single warehouse (Phoenix House) to replace the remainder of the originally permitted units. This unit has remained vacant since its completion and is the subject of the current application.
- 2.6 An application for the removal of condition 15 (working hours) and 16 (hours of deliveries/servicing) on planning permission ref. 12/00343/FUL was granted planning permission on 23<sup>rd</sup> December 2013 (ref. 13/01027/FUL). This application was submitted while the unit was under construction by the original landowners in an attempt to try and secure a tenant for Phoenix House.
- 2.7 There have subsequently been various detailed applications and permissions for individual sites within the original business park and former RMC site, with many of the buildings now completed.

## **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 policy is the most relevant:
- Policy FRP.9 (Light Pollution)
  - Policy FRP.10 (Noise)
  - Policy FRP.15 (Contaminated Land)
  - Policy BE.1 (Scale Massing and Height)
  - Policy BE.6 (Access for All)
  - Policy BE.21 (Safeguarding of Amenity)
  - Policy TR.9 (Parking Standards)
  - Policy TR.12 (Cycle Standards)
  - Policy TR.31 (Highway Safety)
  - Policy E.4 (Protecting Employment Land)
- 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); 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)** – No highway objection is raised subject to the inclusion of a condition relating to cycle storage facilities.

4.2 **Quedgeley Parish Council** – Raise no objection.

4.3 **Worcestershire Regulatory Services (Contaminated Land advisors)** – Given the gas protection measures in place at the property WRS has no adverse comments to make with regards to the application.

4.4 **Environmental Health Officer** – No objections subject to any permission being personal to the Applicant. I did have some concerns regarding noise from the development affecting nearby residents on Naas Lane however the use of the building will predominantly operate under normal office working hours with the exception being specific operations etc. The site also benefits from being largely shielded by a development that runs adjacent to Naas Lane shielding the rear external parts from the nearest residential properties.

#### **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the display of a site notice. In addition 28 neighbouring properties have been notified of the application in writing.

5.2 No letters of representation have been received.

5.4 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01022/FUL>

#### **6.0 OFFICER OPINION**

6.1 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.

### Use of the building

- 6.2 The unit has planning permission for Class B1 (business) and B8 (storage and distribution) use and has been vacant since it was completed. The unit has been recently purchased by the Police and Crime Commissioner for Gloucestershire as part of its drive to increase operational efficiency and decrease costs by centralising some Police functions and enlarging the existing police campus at the Waterwells Business Park.
- 6.3 The predominant use of the building would provide a central storage facility for Gloucestershire Constabulary which would fall within the existing permitted Class B8 use. It is, however, also proposed to use the building for briefing, deployment and mustering purposes in the event of major incidents or planned operations.

### Residential Amenity

- 6.4 The building is located within Waterwells Business Park and is adjacent to other B1, B2 and B8 uses to the east and west and to the north of the Custody Centre.
- 6.5 Immediately to the north of the site across Naas Lane is an old MOD building currently used as a dance school and hall used by the Air Cadets. There are no residential properties immediately to the north of the site the closest residential property (38 Naas Lane) being approximately 73 metres from the closest rear corner of the building to the front boundary and approximately 55 metres from the rear service area. The proposal includes the retention of the existing 6 metre deep strategic landscaping boundary and hedge to the northern edge of the site adjacent to Naas Lane.
- 6.6 The applicant has asked that no conditions be imposed to restrict the operation of the site. While conditions were imposed on the original planning permission for Phoenix House restricting the hours of work at the site together with the loading and unloading of service and delivery vehicles a subsequent application was submitted and approved to remove these conditions.
- 6.7 With the exception of specific operations the use of the building will be predominantly during normal working hours. The existing employment units to the east also provide a shield between the rear service yard and the residential properties in Naas Lane. Subject to the permission being personal to the applicant the Environmental Health Officer raises no objection and it is not considered that the proposal would significantly affect the amenity of any residential properties.

### Visual Amenity

- 6.8 There are no external changes proposed to the building. The proposed fencing would enclose the rear service area and its style and finish is considered of a suitable quality and appropriate in this location. The proposed external storage containers, generator and gas storage cage would all be located within the fenced rear service yard adjacent to the rear of the building

closest to the internal service road, in the least visually prominent part of the site. Overall it is not considered that the proposals would have an adverse impact on the visual amenities of the Business Park or area as a whole.

#### Parking and Highway Issues

- 6.9 The site access is unchanged from Edison Close and constructed in accordance with the previous planning permission. The proposal includes the provision of a barrier gate to the car park and 2.4 metre high security fences and gate to rear yard. The car park gate is set back 5 metres from the shared access to the adjacent units allowing cars to stop without causing an obstruction. Large service vehicles to the rear yard can also stop fronting the proposed security fences and gates without obstructing shared access to the adjacent units.
- 6.10 Parking provision for the unit is unchanged from that originally approved with 27 spaces provided together with the large service vehicle loading/unloading area to the rear. The application indicates under normal circumstances 14 members of staff will work at the site and parking would therefore be sufficient for staff and associated visitor parking. The proposed use will result in approximately 4-5 daily medium/large van visits to the site, an additional medium/large van movement per week and articulated vehicle monthly. The Highway Authority has confirmed that these movements can be accommodated using the rear service yard including associated turning movements even with the proposed storage containers sited within the yard.
- 6.11 These vehicle movements would not be significantly greater than expected for the permitted B1/B8 use. The building will also be used for briefing, deployment and mustering purposes in the event of major incidents or planned operations which could result in up to 100 additional staff visiting the site. The frequency of these events would depend on factors such as crime levels, security state and operational activity. Parking for additional staff during such events will be accommodated in the surrounding police sites or the adjacent park and ride site. It is also possible that officers will be 'coached in' if required. The Highway Authority considers for such irregular events will not have a detrimental impact on highway safety or vehicle movements on the highway network.
- 6.12 The supporting information proposes that the existing cycle storage at the Custody Suite (Compass House) is used for members of staff/visitors to Phoenix House. However, the Highway Authority has indicated that this cycle parking facility has been provided to serve Compass House and not this development and therefore seek additional cycle parking to be provided to the front of the building in accordance with drawing number 113370.08. It is recommended that this be secured through the use of a condition.

## **7.0 CONCLUSION**

- 7.1 Overall and subject to conditions, the change of use of the property is considered acceptable and it is not considered that the development would have any significant adverse impact on the occupiers of residential properties,

visual amenity or on highway safety. The development is considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

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

That planning permission is granted 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. 113370.08, 2273 01 Rev B, H000 000031 Rev A and P70/DWG/001-36 and received by the Local Planning Authority on 10th February 2016 and any other conditions attached to this planning 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

This planning permission shall enure solely for the benefit of Gloucestershire Constabulary in accordance with the details set out in the Executive Summary prepared by the Police and Crime Commissioner for Gloucestershire received by the Local Planning Authority on 10<sup>th</sup> February 2016 and not for the benefit of the land or any other persons interested in the land. Upon cessation of this personal use the site shall revert to that approved under planning permissions 12/00343/FUL dated 13th July 2012 and 13/01027/FUL dated 23<sup>rd</sup> December 2013.

### Reason

To define the terms of this permission and to retain control over the use of the site in the interests of residential amenities of the area and in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 4

The development hereby permitted shall not be occupied until secure and covered cycle storage facilities have been provided close to the buildings front entrance in accordance with the approved drawing number 113370.08.



Reason

To ensure that adequate cycle parking is provided, to promoted cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

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.

Decision: .....

Notes: .....

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

**16/00148/COU**

**Phoenix House  
Stanley Court  
Edison Close  
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GL2 2AE**

**Planning Committee 12.04.2016**

