



# Gloucester City Council

## Planning Committee

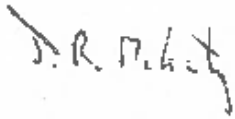
**Meeting: Tuesday, 1st February 2022 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Conder, Dee, Finnegan, Melvin, Sawyer, Toleman and Tracey
<b>Contact:</b>	Democratic and Electoral Services 01452 396126 <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a>

## AGENDA

<b>1.</b>	<b>APOLOGIES</b>  To receive any apologies for absence.
<b>2.</b>	<b>MINUTES</b> (Pages 7 - 12)  To approve as a correct record the minutes of the meeting held on December 7th, 2021.
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>  To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
<b>4.</b>	<b>LATE MATERIAL</b>  Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day of the meeting.
<b>5.</b>	<b>LAND AT THE REAR OF VAUXHALL TERRACE, GLOUCESTER - 18/01244/FUL</b> (Pages 13 - 42)  <b>Application for determination:</b>  Use of land including vehicular accesses to Vauxhall Terrace and Millbrook Street (via Tudor Lane) for vehicle repair business (UseClassB2). Demolition of existing building and construction of a replacement building for use as a vehicle repair workshop.
<b>6.</b>	<b>LOCAL ENFORCEMENT PLAN</b> (Pages 43 - 80)  For members to consider a revised local enforcement plan for consultation.
<b>7.</b>	<b>DELEGATED DECISIONS</b> (Pages 81 - 90)

	To consider a schedule of applications determined under delegated powers during the month of November 2021.
<b>8.</b>	<b>DATE OF NEXT MEETING</b>  March 1st, 2022 at Civic Suite, North Warehouse.



**Jon McGinty**  
**Managing Director**

**Date of Publication: Monday, 24 January 2022**

## NOTES

### **Disclosable Pecuniary Interests**

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Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged</li> </ul>
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Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – <ul style="list-style-type: none"> <li>(a) the landlord is the Council; and</li> <li>(b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest</li> </ul>
Securities	Any beneficial interest in securities of a body where – <ul style="list-style-type: none"> <li>(a) that body (to your knowledge) has a place of business or land in the Council's area and</li> <li>(b) either –               <ul style="list-style-type: none"> <li>i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with</li> </ul> </li> </ul>

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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### **HUMAN RIGHTS**

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

### **EQUALITY ACT 2010**

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

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## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 7th December 2021

**PRESENT** : Cllrs. Morgan (Vice-Chair), Ackroyd, Bhaimia, D. Brown, J. Brown, Conder, Dee, Finnegan, Melvin, Toleman and Tracey

**Officers in Attendance**

Head of Place

Planning Development Manager

Principal Planning Officer

Highways Officer, Gloucestershire County Council

Highways Officer, Gloucestershire County Council

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

**APOLOGIES** : Cllrs. Taylor and A.Chambers (Ackroyd attended as a substitute)

**45. APPOINTMENT OF VICE-CHAIR**

Councillor Morgan was confirmed as Vice-Chair of the Committee.

**46. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**47. MINUTES**

The minutes of the meeting held on the 2nd of November 2021 were confirmed and signed by the Vice-Chair as a correct record.

**48. LATE MATERIAL**

Late Material had been circulated in respect of agenda item 6 – Kingsway Local Centre (18/00852/FUL).

**49. KINGSWAY LOCAL CENTRE, THATCHAM AVENUE, KINGSWAY, QUEDGELEY, GLOUCESTER - 18/00852/FUL**

**PLANNING COMMITTEE**  
**07.12.21**

*This application had been deferred at the October 2021 meeting of the Planning Committee.*

The Principal Planning Officer provided an overview of the planning issues and an update on the application for the erection of a new building to provide 22 self-contained units of supported living accommodation and associated works, including car and cycle parking and landscaping.

The Principal Planning Officer summarised the contents of the late material which included a representation from a local ward member, a summary of a 55-page statement by a local resident and additional consultee responses from the Noise Advisers (WRS) and the Ecology Adviser.

She noted that there was a slight error in the late material, whereby the updated conditions listed as conditions 18, 19 and 20 respectively should have been listed as numbers 19, 20 and 21. She stated that the officer recommendation was to grant the application with the additional conditions in the late material and the updating of these condition numbers.

She noted that, as discussed at October's Committee meeting, the level of noise in the area was deemed acceptable by the Noise Advisers (WRS) and that background noise levels would have to increase significantly to result in any harm.

The Principal Planning Officer stated that in relation to concerns raised about crime in the area by members at October's Committee, that the most up to date figures that she could find, which contained a ward by ward analysis (paragraph 1.9 of the report), showed that Kingsway had a below City average amount of both anti-social behaviour and total crime rates per 1,000 people in Gloucester.

She confirmed that following the deferral at October's Committee after the discovery of Newts on-site, the applicant had applied to Nature Space who had issued a certificate that confirmed that the development could be considered under the Councils District License, that works were acceptable in principle and set out conditions that must be adhered to. She added that additional conditions in the late material set out that before the commencement of any ground works/vegetation removal, an ecologist should inspect the site for non-protected species, including newts, toads and hedgehogs to ensure that proper provision was made to safeguard species.

**Councillor Kubaszczyk, a local ward member for Kingsway, addressed the Planning Committee in opposition to the application.**

He objected to the application on the following grounds:

- The Crime Rates provided in the officer report were out of date. He stated that he had contacted Quedgeley's Neighbourhood Policing Team who had provided updated figures that showed a significant increase of anti-social behavioural incidents since 2018;
- There had been almost a 40% increase in recorded cases of crime in the area since 2018;
- The number of recorded anti-social behavioural instances had doubled in Kingsway since 2019;
- Incidents of anti-social behaviour in the surrounding area could have a detrimental impact on the quality of life of the potential residents;
- The Committee should listen to local stakeholders' opposition to the application.

**The Head of Development for Advance Housing addressed the Planning Committee in support of the application.**



## **PLANNING COMMITTEE**

### **07.12.21**

He stated that the application should be granted for the following reasons:

- Advance Housing had been providing high-quality specialist supported housing since 1974;
- Advance Housing was already well-established in Gloucestershire;
- Granting the application would provide high quality, self-contained accommodation for those with enduring mental health conditions;
- The proposed build was well located and close to nearby amenities;
- The current accommodation that prospective residents currently used was not sufficient and was often shared accommodation;
- The proposed build would be sustainable for the long term;
- Support for the residents would be provided by a well-established provider;
- Each tenant would have a robust support plan;
- A support team would be on-site for 24 hours a day;
- There were currently over 120 persons with mental health difficulties in Gloucestershire who needed to move from unsuitable housing. The granting of the application would help to combat this;
- Advance Housing would ensure that the outdoor space would be maintained to a high standard.

The Principal Planning Officer responded to members' questions concerning the qualifications the staff on-site would have, the number of staff that would be on-site, whether there could be discussions with the developer about introducing storage facilities for mobility scooters, concerns raised about the proposed 1.8 metre fence, the reasonings to why the application was before Committee and whether Gloucestershire Constabulary had been consulted as follows:

- There would be staff on-site 24/7. She could not give an exact number of staff on-site at all times, as it would be dependent on the need of the residents. She was unsure as to what specific qualifications the staff would have.
- The Care Commission had provided a lot of information regarding staffing. The level of care would be determined on a case to case basis, and each individual would have a robust risk management plan. On planning grounds, they could not ask for more information about the exact number of staff on-site.
- Specific storage for Mobility Scooters was not a general requirement for Planning, and there was no policy that required it to be provided. However, the developer could be contacted and asked about whether they could extend the proposed cycle storage area or some alternative to allow for room for mobility scooters to be stored.
- The application was initially considered at the August 2021 meeting of the Planning Committee. There was a request by members for an updated Noise Impact Assessment and an updated Traffic Survey. The application was then brought back in October and was deferred after Newtons were discovered on-site. The Committee had not yet determined the application.
- The proposed 1.8 metre fence would be at the rear garden. It would be built partly to secure the boundary but was also required acoustically as a barrier to noise. The applicant had provided a detailed landscaping scheme, and whilst the fence would be visible from outside the south side of the site, within the boundary of the garden, there would be planting to soften the view. The boundary treatments to the front and side would be similar to existing with the use of low post and rail fence with additional planting.
- Gloucestershire Constabulary had not been consulted.

### **Members' Debate**

**PLANNING COMMITTEE**  
**07.12.21**

Councillor Conder stated that regarding Newts that were discovered on-site, she believed that no matter what development took place on-site, they would require moving. She said that her research had shown that the areas that should be avoided when it came to building accommodation for people with mental health needs were estates with a young population, sites that were too close to sport and recreational facilities and sites that were too close to main roads. She stated that she believed it was an excellent proposal but was in the wrong location.

Councillor Finnegan noted that she believed that it was a good development but in the wrong location.

Councillor Melvin stated that her main concern was a representation by the School Governors of the local school, which noted that some parents would remove their children from the school, should the application receive consent. She stated that she believed that the application was in the wrong location.

Councillor Toleman stated that he was concerned whether anyone would ever say such developments were in the right place and that he supported the officer's recommendation.

Councillor D.Brown stated that it was a difficult one. He said that he understood concerns raised but that various experts had looked at the application and had made a professional judgement. He stated that he would probably support the application on balance.

Councillor Bhaimia stated that he believed that it was a good application. He stated that he thought that it was well designed and would provide good accommodation to persons which mental health needs. He said that he would support the officer's recommendation.

Councillor Ackroyd raised concerns that the residents would be enclosed with the construction of the 1.8 metre fence and questioned whether the fence would block the visibility of nearby shops who may lose trade because of it.

Councillor Dee raised concerns about the building design and questioned whether it was in keeping with the local area.

Councillor D. Brown proposed, and Councillor Bhaimia seconded the officer's recommendation to grant permission subject to the conditions set out in the update report and additional conditions outlined in the late material with the corrected numerical sequencing.

**RESOLVED that:** - subject to the completion of a Section 106 agreement to provide the following:

- The use and continued use of the building as supported housing.
- Nomination rights to the Local Authority (Gloucester City Council and Gloucestershire County Council) in relation to new occupants.
- Management of the use by a registered care provider from the County Councils approved framework.

That planning permission is granted subject to the conditions set out in the update report and the additional conditions outlined in the late material with the corrected condition numbers and the provision of some mobility storage to be discussed with the applicant.

**50. DELEGATED DECISIONS**

**PLANNING COMMITTEE**  
**07.12.21**

The schedule of applications determined under delegated powers during the month of October 2021 was noted.

**51. DATE OF NEXT MEETING**

Tuesday, 4th January 2022.

**Time of commencement: 6.00 pm**

**Time of conclusion: 7.07 pm**

**Chair**

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### GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	8 <sup>th</sup> February 2022
Address/Location:	Land at the rear of Vauxhall Terrace, Gloucester
Application No:	18/01244/FUL
Ward:	Barton and Tredworth
Expiry Date:	14 <sup>th</sup> December 2021
Applicant:	Mr Roger Lewis, Carlton Motors Ltd
Proposal:	Use of land including vehicular accesses to Vauxhall Terrace and Millbrook Street (via Tudor Lane) for vehicle repair business (Use Class B2). Demolition of existing building and construction of a replacement building for use as a vehicle repair workshop
Report by:	Adam Smith
Appendices:	Existing site plan Plan from 1980 legal agreement Proposed site plan

#### 1.0 SITE DESCRIPTION

- 1.1 The application site comprises a parcel of land to the north of Barton Street, within the block enclosed by Sinope Street, Widden Street and Millbrook Street. The site backs onto the rear of residential properties at Widden Street to the north and the North west. To the south west appear to be a building used for storage and residential units further round to the south west. To the south is Vauxhall Terrace, beyond which is the rear of properties on Barton Street, and there are accesses to the rear of these properties. The existing building here has a wide door access onto Vauxhall Terrace and there is another gated access from the end of Vauxhall Terrace into the south west part of the site (currently shut and hoarded off with panels). To the immediate east of the site is storage building beyond which are residential properties fronting Vauxhall Terrace and Millbrook Street. There is a private road 'Tudor Lane' linking from the north of the site to Millbrook Street. There is an existing gated access off Tudor Lane into the site here. There is a footway on the north side of Tudor Lane which ceases before the site entrance. Residential properties at Widden Street back onto Tudor Lane, several of which have rear access onto the lane including vehicular accesses, as does the storage building on the south side of the lane adjacent to the application site.
- 1.2 There also appears to have been an access to the site from Barton Street to the south west (under an oversail), which appears to be the one mentioned in representations, but the applicant does not propose to use this access point and it is not included within the red line of the application site. Furthermore it is apparent that it has been closed off with fencing and a pedestrian gate.
- 1.3 The application site comprises an open yard and two buildings in poor condition. It includes an existing building of brickwork and corrugated steel roof construction at the southern Vauxhall

Terrace edge of the site between 3.1 and 4.4m in height. There is another single storey building at the north edge of the site. In general, the site is in a poor physical and visual condition although it appears to have been tidied up somewhat by the applicant in recent years judging from previous images of the site. The current use of the site merits further detailed consideration and is discussed further below.

- 1.4 This application has been called to Planning Committee by a ward Councillor, citing them having received objections from local residents, absence of recent use, impacts on amenity, increase in traffic flow along the private Tudor Lane and options for an alternative access on Vauxhall Terrace, damage to properties, extent of use of the site, and legal right of way over Tudor Lane.

## 2.0 PROPOSED DEVELOPMENT

- 2.1 The application seeks planning permission for the demolition of the existing building at the south of the site and its replacement with a new workshop. The current workshop is of dual pitch design measuring approximately 12.6m wide by 17.6m deep, with a maximum height of 4.4m at the western end, 3.1m at the central valley. The proposed workshop would be L-shaped broadly on the footprint of the existing building and the previous part of the building that projected to its north east and has been removed. It would be constructed in blockwork with a corrugated steel roof. It would be of pitched roof design measuring at maximum 12.6m wide (northern projection 5.6m), and maximum 30.9m deep including the northern projection (18.1m for the main part) with an eaves height of 5.4metres and ridge height of 7.4metres (the northern projection would have a slightly lower ridge of 6.7m high). It would include access doors on the front (north-facing) elevation and windows and a pedestrian door in the side (west elevation). It is understood that the main reason for the proposal is to have a greater internal ceiling height to allow the use of car hoists. The proposals also included the rebuilding of the 3.3m high wall at the east side of the site associated with the buildings although in the latest design that would be effectively subsumed within the side of the northern projection. The proposal that was previously referred to in the application to rebuild an outbuilding are no longer included in the development (the northern projection would now effectively take its place).
- 2.2 The application was originally submitted solely for the proposed building with the applicant considering that the wider site already had planning permission for vehicle repair use. The application has been amended to include the use of the wider site for vehicle repair in association with the new building (use class B2) within the description of development. The analysis of the site history below sets out the basis for the use of the wider site now being explicitly included in the application. The proposal would include vehicular accesses both from Vauxhall Terrace and Millbrook Street via the private Tudor Lane. The applicant has confirmed that the proposal would have 3 staff, and it is understood to be an existing Gloucester business seeking to relocate. The proposed layout also includes space for parking cars involved in the business, the application shows 25 spaces. The applicant has set out that the business would deal with cars and light vans.

## 3.0 RELEVANT PLANNING HISTORY

### 3.1

Application Number	Proposal	Decision	Decision Date
03/EDP/1266/79 (Relates to the majority of the site on the northern side)	Retention of use of land for storage/parking of cars, retention of building for use as vehicle polishing/finishing shop, use of existing building as paint store at land off Millbrook Street and at rear of Vauxhall Terrace	Granted subject to conditions and legal agreement	25.6.80
13666/01 (Relates to the south west corner of the site and additional land to Barton Street)	Change of use from retail to joinery workshop and sales area	Granted subject to conditions	9.3.83

11/01284/FUL (Relates to all of site other than Tudor Lane plus additional land to south west)	Mixed use development comprising of 6 no. B1 office/workshops and 12 no. C3 dwellings, with associated parking bays, bicycle storage, waste storage and vehicular access off Vauxhall Terrace.	Granted subject to conditions	21.08.2012
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\* Please note – there are other planning permissions which appear could be for the application site but it is not possible to confirm this by reference to a site plan. These are set out later in the report.

#### 4.0 **RELEVANT PLANNING POLICY**

4.1 The following planning guidance and policies are relevant to the consideration of this application:

#### 4.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

#### 4.3 **Development Plan**

##### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)**

Relevant policies from the JCS (2017) include:

- SP1 – The need for new development
- SP2 – Distribution of new development
- SD1 – Employment – except retail development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD8 – Historic environment
- SD9 – Biodiversity and geodiversity
- SD14 – Health and environmental quality
- INF1 – Transport network
- INF2 – Flood risk management

#### 4.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)*' Therefore, it is considered that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy.

#### 4.5 **Emerging Development Plan, Gloucester City Plan**

The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission on 26 September 2019. The hearing sessions for the examination of the Pre-Submission version of the Gloucester City Plan have concluded and the examining Inspector's post-hearing letter has been received. The letter provides the Inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the



consideration of applications, with those policies which require modifications attracting less weight depending on the extent of changes required. The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given). Relevant policies include:

- A1 - Effective and efficient use of land and buildings
- B2 – Safeguarding employment sites and buildings
- B3 – New employment development and intensification and improvements to existing employment land
- C1 – Active design and accessibility
- C5 – Air Quality
- D1 – Historic environment
- E2 – Biodiversity and geodiversity
- E6 – Flooding, sustainable drainage and wastewater
- F1 – Materials and finishes
- F3 – Community safety
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles

#### 4.6 **Other Planning Policy Documents**

##### **Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

#### 4.7 All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

#### 5.0 **CONSULTATIONS**

##### 5.1 **Highway Authority (Gloucestershire County Council)**

No objection subject to conditions to secure 1 accessible car parking space, 1 electric vehicle charging space and storage space for 6 bicycles.

##### 5.2 **Environmental Health Consultant (Worcestershire Regulatory Services)**

No objection. As the previous use of the site appears to be for a vehicle repair workshop and the proposed replacement building would likely provide a higher level of sound insulation than the existing building; it is not considered that a noise assessment would be required to support the application.

The proposed replacement building is not adjoining a residential property, therefore it is not considered necessary to physically isolate the replacement building from the adjacent commercial building. The proposed additional sound insulation to the party wall may provide some benefit for the existing commercial building workers, but it is not considered that it would be absolutely necessary.

##### 5.3 **Land Contamination Consultant (Worcestershire Regulatory Services)**

No objection subject to standard contaminated land condition. Records indicate that the proposed development site has a history as a vehicle repair shop and as iron and steel works and a such potential contaminated land issues on the site may be significant.

#### 5.4 **Conservation Officer**

No objection. The site is partially located within the Barton Street Conservation Area. The proposal would preserve and enhance the character and appearance of the Conservation Area and would sustain its significant as a designated heritage asset.

### 6.0 **PUBLICITY AND REPRESENTATIONS**

6.1 Neighbouring properties were notified via letter at the time of the original submission, and also in relation to the amended submissions. Site notices and press notices were also published.

6.2 A petition signed by nine local residents, objecting to the proposal was received. Representations have been received raising a range of issues which may be summarised as follows;

- Object to use of the private lane ('Tudor Lane') as the access point to the business on the grounds of;
  - Parking congestion;
  - Maintenance, damage to the lane, unfair to share maintenance costs with the business
  - No turning point;
  - Lane not designed for volume of traffic referred to, or for larger vehicles as already being used by the applicant. Lane has no streetlighting or pavement;
  - Blocking of access to the rear garages of properties;
  - Vehicles being left unmanned in Tudor Lane;
  - Narrowness of the lane;
  - Preventing residents being able to park and off load to rear gate/garden;
  - Safety, including of children playing in the lane, also pets;
  - The previous permission on the site 11/01284/FUL provided access from Vauxhall Terrace and Barton Street. It was recognised that the private lane was not suitable for vehicular access to the development;
  - Only the land in one specific title has a legal right of access over the lane, the remainder being separate properties with access from Barton Street or Vauxhall Terrace;
  - A garage would involve far more vehicles and heavier, larger vehicles using the lane;
  - Making access to the adjacent commercial property to the south east difficult (the lane is its only access);
  - Behaviour of employees;
  - In 3 years of ownership they have only used the Tudor Lane access;
  - The Vauxhall Terrace or Barton Street accesses would be more suitable – wider, has pavement, streetlighting;
  - Applicant highly unlikely to use both entrances. Applicant has not made a serious attempt to use the public highway – Vauxhall Terrace, which has been boarded up, and they have solely used Tudor Lane.
- 
- Object to use of Vauxhall Terrace as the access point on the grounds of;
  - Safety, including of children playing on road;
  - Problems for residents as it is also a side entrance;
  - Road is a single lane, dead end road, also a blind spot when exiting the road;
  - Pavement is very narrow;
  - Congestion, road often blocked by vans, preventing bin collection;
  - Vehicles reversing back towards Millbrook Street.
- 
- Object because the land can be accessed from Barton Street.

- Not considered to have been used as a car repair yard for at least 20-25 years. Small garage on right hand side of entrance from Tudor Lane had been used as a one man band car bodyshop, working part time Monday to Friday 0930-1500.
- Not aware of any fly tipping on land as described – the material left on site was by the previous owner.
- Additional persons attracted to the land increasing security risk, fly tipping, anti social behaviour.
- Visual impact of site, detrimental wear and tear to existing land from the proposed use.
- Disruption, noise and air pollution.
- Workshop doors likely to be kept open at certain times.
- Increasing parking problems.
- Impact on the environment, habitat.
- Issues when previous repair shop was here.
- Business could expand in future.
- Items being dumped in the alleyway, impact on keeping area clean and safe.
- Querying hours of use.
- Preventing children playing on the land.
- Extent of the land involved in the proposal is greater than the extent of the application.
- Unlikely to only work indoors.
- Having yard free from activities in last 3 years since it has been closed has been peaceful, quiet with no pollution.
- Behaviour of employees.
- Damage to neighbouring properties from large vehicles.
- No details of disposing of waste including large oil drums into tanker vehicles.
- Should be used for a better use that would benefit the residential area.
- Will affect obesity in neighbouring families as won't be able to have outdoor space to be active.

6.3 The full content of all correspondence on this application can be viewed on:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 7.0 OFFICER OPINION

### 7.1 Legislative background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application.
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

7.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

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

- Site history, previous use and context for new application
- Principle
- Design and heritage
- Amenity impact
- Highways impact
- Land contamination
- Flood risk
- Economic considerations
- Ecology

7.5 ***Planning history:***

Applications shown on the planning and byelaws history card for 'Vauxhall Terrace':

Planning permission for use of premises for lock up garages car washing and minor repairs approved 1963.

Planning permission for roof over yard and erection of front wall approved 1976. The applicant was Tudor Motors.

Planning permission refused in 1979 for the erection of a garage/workshop. The applicant was Tudor Motors. The history card notes that authority was given for enforcement action against the unauthorised building, also noting that a planning application was later made and consent given in 1987.

7.6 While not a planning application, the history card lists an approval under building byelaws in 1977 for internal, office and WC, the applicant being Tudor Motors.

7.7 Planning permission was granted in 1980 for retention of use of land for storage/parking of cars, retention of building for use as vehicle polishing/finishing shop, use of existing building as paint store at land off Millbrook Street and at rear of Vauxhall Terrace. The applicant was Tudor Motors Ltd.

The planning history records do not include an application site plan for this permission, however the associated legal agreement includes a plan (appended to this report) that covers the main part of the current application site, abutting Tudor Lane and Vauxhall Terrace. The plan covers the majority of the application site on the northern side other than the north west edge where part of two further gardens have been incorporated into the current application site, and other than the south western edge whereby the current application also includes the land immediately to the west of the main building.

The site address on the permission is described as 'land off Millbrook Street and at rear of Vauxhall Terrace' reflecting the two accesses into the site. It is unclear without a layout plan whether the associated access was Vauxhall Terrace, Tudor Lane, or both, however the site description, and other evidence (see below) indicates use of both for the site activities.

7.8 The associated legal agreement to the 1980 permission refers to the persons party to the agreement as 'partners trading as Tudor Motors at Vauxhall Terrace' and refers to the land identified in the plan as being premises 'known as Tudor Motors Vauxhall Terrace'.

The legal agreement places restrictions on the use of parts of the site as follows (not all of the referenced buildings appear to still exist):

- No further development should take place beyond that permitted.
- A building on the east side to only be used as a vehicle body-work polishing and finishing shop and in connection with such use not to employ the use of any power tools other than a power drill and power polisher.
- A building at the western corner to be used only for storage of materials and one car.
- Garages at the north of the site not to be used for a commercial or business use and not in connection with the use of the site, and to be used for as garages for private cars.
- The central open part of the site to only be used for parking of vehicles either awaiting repair or collection (or those with a right of access over the land to adjoining business premises). Also no repair or servicing work to be carried out on vehicles on this land (other than emergency servicing).
- The buildings at the east side and western corner and the central open part to be ancillary to the vehicle body repair business carried out within the building at the south of the site adjacent to Vauxhall Terrace.
- No sub-letting or sale of parts of the site (only the whole of the premises) other than the garages to north.

7.9 There is therefore a planning permission (the '1980 permission') for a vehicle repair-related use at the site, albeit restricted by the above terms and not covering the full extent of the current application site.

The 1980 permission does not appear, from the description of development, to include the building at the south of the site although it is included within the plan in the legal agreement and is referenced in the agreement notes as 'body repairs and re-sprays' and in the agreement text as 'the vehicle body repair business carried out within the building'. If this did not form part of the 1980 permission, then because it is explicitly mentioned in the agreement it seems evident that it was a pre-existing building – the legal agreement notes that the uses and buildings referred to should be ancillary to the vehicle body repair business carried out within that building, and also to the building being one of "the buildings now existing". It also appears to be referenced in Condition 2 of that permission that requires the rendering of "the building used as a vehicle body-work, polishing and finishing shop" (presumably the whole of the building including the northern projection explicitly referenced for "vehicle polishing/finishing" plus the main building being the "vehicle body-work" part). Furthermore, had it been unauthorised at that time there would have been the possibility of incorporating it into that retrospective application. It is unclear how this building relates to the refused 'garage /workshop' mentioned above (1979) in the absence of a site plan for the 1979 application, however the different approaches apparent in the two cases (explicitly mentioning it as housing a business in 1980 vs. authorizing enforcement action in 1979) suggest that they were distinct buildings. Notwithstanding that, the evidence indicates that either it was considered a lawful building or it was later consented following enforcement action. From the retrospective description of development and the reference to the building already housing a vehicle body repair business, it appears likely that the building at the south was in ongoing vehicle body repair use and the land and buildings further north had been commenced in associated use without permission and the 1980 permission was made retrospectively to regularise the position.

**7.10 Other evidence of past use:**

The applicant has submitted aerial photos from 1999, 2002 and 2013, all of which appear to show vehicles within the open part of the site. The applicant asserts that this is parking in conjunction with vehicle repairs.

The applicant has cited personal knowledge of the site being used for vehicle repairs by various people from 1967 to the present day including having used the business personally. This assertion is provided in correspondence and not in a sworn affidavit.

Site photographs from the 2011 application show several cars within the site, some in disrepair, and an 'RVH Motors' sign on the rear projection of the main building with a car that may have been being worked on.

The applicant has submitted photographs from within the site showing an extractor unit and showing paint sprayed within the spray shop, and an inspection pit in the mechanical workshop area.

The applicant has submitted correspondence referring to a vehicle repair business at the site, which notes that this previous site owner purchased the yard and associated buildings in about 2003 with a tenant who was operating a car repair yard and body work/paint spraying. The two storey building was also rented out separately for car repairs (this appears to be the building outside the application site to the west). It is noted that the business ceased in 2015. Also provided is evidence of ongoing rental payments for that business between January 2011 and October 2015. Also provided is a letter from the previous owner to the tenant which refers to the tenant's presence at the site for at least a 10 year period (based on the date of the letter that period would be November 2000 to November 2010).

Representations received on the current application also refer contextually to a similar business on the site previously, with a period of c. 3 years since that being present, also the site being in two halves. Another representation notes that to their knowledge it has not been used as a car repair yard for at least 20-25 years; a small garage on the right hand side of the Tudor Lane entrance had been used as a 'one man band' car body shop, part time Mondays to Fridays 0930-1500hours. If this is correct the actual activity on site may have decreased in scale over time, down to the limited use mentioned in the representation.

**7.11** The Council has therefore granted permission for the use of a large part of the application site for storage/parking of cars, retention of building for use as vehicle polishing/finishing shop, and use of existing building as paints store, to be used ancillary to the vehicle body repair business carried out within the main building adjacent to Vauxhall Terrace. It is considered that the 1980 permission was implemented (not least because it appears to have been a retrospective application for what was an ongoing use and existing buildings at that time) and that the extant use of that part of the application site is on that basis. From the information available there have not been any other permitted alternative uses having taken place in the intervening period. It is also evident that the building at the south was accepted by the Council as established with a vehicle body repair business. It is therefore considered that on the balance of probability and the evidence available that there has previously been a use of the site for vehicle repair and associated activities established within the site. Albeit a business is not currently operating at the site there is no indication of a separate use being implemented in between. A business was last operating at the site in 2015. The absence of a business from the site does not itself extinguish a planning permission and established use, this runs with the land not with the operator.

**7.12** The legal agreement associated with the 1980 planning permission restricts the precise operation of a car repair business, and if the extant use of the majority of the site is derived from that permission then the use is restricted as such.

- 7.13 The submitted aerial photographs and the anecdotal evidence from the applicant and in representations suggest that access was taken off Tudor Lane into the northern area with the parked vehicles, and the existing doors adjoining Vauxhall Terrace indicate an access here also, while a further access at the end of Vauxhall Terrace is also referred to and is shown as open in previous case photographs. From the photographs it is furthermore possible that the other land now incorporated into the application site at the north west and south west may also have been used in association with the vehicle repair uses.
- 7.14 ***Rights of access:***  
In relation to the use of Tudor Lane, there is an existing gated access into the site and the applicant has produced evidence of a right of access over the lane. Objections to the application question whether there is a right of access over the lane to the other various titles that make up the application site. This is a private matter and rights of access over private land are not a material consideration, however the applicant has provided details of one title. The Council's legal advisors have checked the title details for the other land parcels comprising the wider site and they are contiguous and all owned by the applicant. There is a right of access to the land adjacent to the lane. The advice from the Council's legal advisors is that there is a legal right of access to the full application site from the lane - as the applicant has a right of access over the lane for the benefit of one title, this right may be exercised to gain access to the other titles comprised in the site which are in the applicant's ownership and contiguous. This also appears to be reflected in the 1980 legal agreement provision for access over the site to other adjoining premises.
- 7.15 ***Purpose of the updated scope of the application:***  
The Council has granted permission for the retention of use of land for storage/parking of cars, retention of buildings for use as vehicle polishing/finishing shop, use of existing building as paints store, to be used ancillary to the vehicle body repair business carried out within the main building adjacent to Vauxhall Terrace.
- 7.16 The 1980 permission is restricted as to what can take place where within the site. The applicant's proposal would be in conflict with several of the restrictive clauses in the 1980 legal agreement. In addition, it is not evident that the additional land at the north west (by reference to the site plan this is the former rear gardens of 45 and 47 Widden Street) and south west (the land west of the proposed building) edges of the site have the benefit of planning permission for car repair use, although they do appear within the site of the 2011 permission for 6 offices/workshops and 12 dwellings and may have been purchased and subsumed within the landholding by this point. As a result of the planning history of the site the applicant amended the description of development for this application to include the land in question so that it was clear that the proposed development would cover the buildings and wider site. If granted, a new permission for the whole of the current application site, as now applied for, would establish the basis for operating as the applicant now proposes.
- 7.17 It is considered that the 1980 planning permission has been implemented and as such the associated legal agreement restrictions are applicable, and the Council's legal advisors have advised that the existing legal agreement restrictions would need to be addressed if a new permission were granted. This would be achieved by the Council executing a deed.

- 7.18 Therefore, while this is a new application for vehicular repair use of the whole site, the existing planning permission for a large part of the site and the evidence as to the established use of the site, and its impacts, are a material consideration relevant to the determination of this planning application. Any prospective occupant of the site would have a fallback position of being able to carry on a car repair business at the site in the manner set out in the 1980 permission (save for the land at the north west and south west edges that were not part of that permission) without needing planning permission. The current application was originally for the proposed replacement building at the south of the site, however given the extent of the site and the restrictive legal agreement associated with the 1980 permission it has been considered necessary to establish with the applicant a proposal that would regularise the position in respect of the whole application site in the manner that the applicant proposes to use it. In assessing the impacts of that wider use of the site, the historic use of the site has been considered as a baseline position in the following analysis.
- 7.19 **Principle**  
The NPPF requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for identified needs and support the development of under-utilised land and buildings. Decisions should support development that makes efficient use of land, and help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.20 JCS Policy SP2 seeks to focus development in the JCS area at Gloucester and Cheltenham. Policy SD1 supports employment-related development for the redevelopment of land already in employment use, for the development of new employment land within the City, and where it allows the growth or expansion of existing businesses. Policy A1 requires development to make effective and efficient use of land and buildings. Policy B3 sets out that proposals for new B class employment development, and/or to improve the quality of accommodation, the environment and intensify the use of existing employment sites will be supported where criteria are met relating to; increases in traffic being accommodated by the transport network; satisfactory vehicle access, parking and manoeuvring space can be provided; not resulting in significant adverse impact on the amenity of neighbouring uses; scale and design being compatible with the character of the location; and not resulting in unacceptable adverse environmental impacts. Policy B2 of the Pre-Submission City Plan seeks to safeguard employment sites and buildings for B class employment uses and resists changes to alternative uses unless specified criteria are met relating to the site being redundant or unfit for purpose, not impacting on continued use of adjacent sites, and bringing significant benefits to the local economy or community and Policy E4 of the 2002 Second Deposit Local Plan seeks to resist loss of employment land in general unless criteria are met relating to the land having limited potential for employment, and demonstrating that an alternative use offers greater potential benefit to the community. As the proposals do not propose the loss of the employment site they are not considered further but do indicate the preference in the Council's policy to safeguard employment sites. The supporting text to Policy B2 also notes that the existing urban capacity of employment land is an important component in meeting the quantum of employment land required in the JCS.
- 7.21 The application site is a brownfield site and it is considered that the condition of the buildings on the site contribute little to the amenity of the area. The site is within the built-up area of the City and a sustainable location for the proposed use. The proposal would make efficient use of the land and continue an employment use of the site. In practice, the proposal would enable the relocation of an existing Gloucester business. The specific policy tests relating to highways impact, design and amenity are covered in the sections below.
- 7.22 The principle of the proposed development is therefore considered to comply with the above policy context subject to consideration of detailed planning issues.



## 7.23 **Design and heritage**

### *Design policy context:*

In terms of design the NPPF sets out that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site, and create places that are safe, inclusive and accessible and which promote health and well being with a high standard of amenity for existing and future users and where crime and disorder do not have negative effects. Policy SD4 of the JCS sets out requirements for high quality design. Policy SD3 addresses sustainable design and construction. Policy A1 of the pre-submission City Plan requires overall improvements to the built and natural environment, preserving the character of the area and appearance of the streetscene, and appropriate bin storage. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle. Policy B3 includes a criterion for employment proposals on the scale and design being compatible with the character of the location.

## 7.24 *Heritage legislative and policy context:*

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, it states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if 'substantial harm' or 'less than substantial harm' to a designated heritage asset are identified. Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged. Policy D1 of the emerging City Plan reflects the guidance in the NPPF and JCS in respect of designated heritage assets.

## 7.25 The site is partly within the Barton Street Conservation Area at its south west corner, albeit the main proposed building only abuts the boundary of the Conservation Area. Public vantage points by which to view the site in that heritage context are limited. As the existing site and building are in a poor state of repair the site currently contributes poorly to the visual quality of the area. The current condition of this part of the Conservation Area cannot be considered to make a positive contribution overall.

- 7.26 The proposed building is functional in nature, proposed in blockwork with a corrugated steel roof, and would be a replacement building that would appear proportional and comfortably accommodated within the application site, particularly noting the large scale of the existing storage building to the east. The blockwork finish would be a rather rudimentary finish and it would be desirable in the interests of visual amenity to improve this. The external finish could be secured by condition. In the context of its setting; to the rear of properties; not being seen from the main road network; and its siting adjacent to a large neighbouring commercial building (approximately 8.3m tall at maximum); the proposal would appear consistent with its setting and replace a run-down existing building. Given the nature of the proposal it cannot be considered harmful to the character or significance of the Conservation Area. Rather it would preserve and enhance the character and appearance of the Conservation Area and would sustain its significance as a designated heritage asset. The future use of the site could also help to ensure that the redundant parcel of land would be better maintained. In terms of sustainability the scheme is limited although it would improve the building performance beyond the existing, while pollution, environmental and waste issues are addressed below. The proposal would be required to meet Building Regulations and as such the national standards would be met. In terms of accessibility and inclusivity the plans do not show any levels change at the threshold that would inhibit easy access by less ambulant persons.
- 7.27 Some of the representations raise concerns about security and attracting anti social behaviour (ASB) into the lane. It is considered that this is no more likely to be the case for the proposal than the historic use. The absence of a business on site and the associated activity and surveillance of the land that it would have provided, may have contributed to the attraction for ASB while vacant. It is considered that the increased activity from staff and customers from a new business would increase natural surveillance of the area and activity when compared to the current vacant state, which can aid in dissuading crime and ASB.
- 7.28 In the context the proposals are considered to modestly enhance the character and appearance of the conservation area and comply with the above heritage policy context, and S72 of the 1990 Listed Buildings and Conservation Areas Act is satisfied. In similar terms the proposals would comply with the above design policy context.
- 7.29 **Amenity Impact**  
The NPPF provides that planning should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy A1 requires that proposals should not have a significant adverse impact on the amenities enjoyed by the occupants of neighbouring properties. Policy B3 includes criteria for employment development relating to not resulting in significant adverse impact on the amenity of neighbouring uses and not resulting in unacceptable adverse environmental impacts. Policy C5 relates to proposals for major development and sets out criteria relating to air quality.
- 7.30 A commercial building used for storage is adjacent to the east and to the west side at the southern part it is next to a yard that appears to be used by the applicant for storage, and commercial units to the south beyond Vauxhall Terrace on Barton Street. Otherwise residential properties surround the application site to the west of the northern part, to the north, to the south west and in the wider area further to east, south and west. Nearby residential properties to the proposed replacement building are to the south of the application site across the public highway, to the east on Vauxhall Terrace beyond the adjacent commercial building and to the south west of the site in the rearward building behind the Barton Street frontage.

- 7.31 In terms of the physical impact of the new building, it would be of the same width as the existing building, with an increase in total height of 1m from the highest point of the existing to the eaves height of the proposed; that would represent the increase in the vertical wall. It would be of pitched roof design sloping away from the properties to the south, across the public highway, and is off set to the building to the south west. The replacement building would be a fair distance away from the properties to the east on Vauxhall Terrace (approximately 12.5m with the adjacent building between), and on Millbrook Street (approximately 22m to the gardens at the nearest point with lower level buildings between) and would not cause harm to the living conditions of residents of these properties. The near end of the northern projection would be approximately 11m from the boundary with the Widden Street properties to north, several of which have outbuildings at or close to the boundary. By comparison to the existing plans it appears this would be approximately 2.7m closer to these properties than was the case with the demolished rear part of the building, which also appears to have been lower in height than the proposed. At this northern end the building would be 5.5m to eaves and 6.7m to ridge. Given the separation and relationship, while it would likely be seen from within the rear gardens, it is not considered that this would cause unacceptable harm to the living conditions of occupants of the Widden Street properties by virtue of overbearing, overshadowing or loss of light impacts, and there would be no windows overlooking the properties.
- 7.32 While the new building would be clearly perceived in views from properties to the south and south west, it is not considered that the building's additional impact above and beyond the existing would cause significant unacceptable harm to the amenities of residents by virtue of overbearing, overshadowing or loss of light impacts. The proposal would also not include any new fenestration above ground floor level that would overlook neighbours, so there would be no issues with regards to overlooking or loss of privacy.
- 7.33 The proposed replacement building would not adjoin any residential properties, but would adjoin a commercial property understood to be used for storage. The applicant considers that there would be no unacceptable noise because the proposed building would be very well insulated and dampen travel of sound to all neighbours, and that it would produce less noise than the previous owner of the existing building. The Council's environmental health consultant advised that the proposed replacement building would likely provide a higher level of sound insulation than the existing building. Furthermore the applicant has agreed a condition that all works taking place within the building would be with windows and doors closed which would be an improvement over and above the established building use, as would a condition limiting times of use that does not appear to exist for the historic use.
- 7.34 In terms of impacts from the wider use of the site, the historic use set out above should be acknowledged, and consideration given to whether the proposals would cause demonstrable harm above and beyond that. In that context it is considered that the proposed arrangements would similarly involve use of the open area for parking and manoeuvring of vehicles in association with a main building in the same position, as per the 1980 permission. Specific differences from the 1980 permission are noted below. Furthermore the Authority may agree to impose conditions on a new planning permission regulating the activities on the site. The applicant has set out the following in relation to the operation of the business with respect to issues that might cause disturbance:

- 7.35 The proposed hours of use are 0830 to 1800hrs Monday to Friday and 0830 to 1330 Saturdays. The applicant has informally indicated that business would stop at 1730/1300 with some activity for a further 30 minutes for customer collection, etc. There do not appear to be any restrictions on times of use in the 1980 permission. The current policy and approach to such uses would suggest a times of use restriction in order to protect amenity.

The 'new' areas of land not subject to the 1980 permission at the north west and south west edges would be open areas used for parking of vehicles. The 1980 permission required open areas of land to be used for parking or access and were similarly next to gardens to the north west.

The applicant has confirmed no external plant is proposed. The applicant has stated that all major work would be carried out inside the building where they would have the ramps to make the work easier to undertake, and which would have better insulation than the present building. The applicant has said that only light work would be carried out outside the building if the need arises. These tasks have been clarified by the applicant and are listed as follows;

- Attending to lights or checking electrical faults;
- Fitting a spare wheel;
- Listening and attempting to trace an unusual sound coming from vehicle;
- Jack up to check for rubbing noises etc coming from wheels;
- Check engine levels etc;
- Check and evaluate condition of vehicle.

These tasks would therefore be somewhat beyond the restriction in the 1980 legal agreement to prevent anything other than the parking of vehicles awaiting repair or collection or accessing over the land. It is considered that the fitting of a spare wheel, and tracing vehicle sounds and checking engine levels if involving revving the engine, could be noisy activities and would be preferable inside. With these activities relocated inside it is not considered that the remaining external activities are likely to cause significant demonstrable harm to living conditions. The limit on activities could be secured by condition.

The activities inside the building could be undertaken with the doors closed. This could be secured by condition.

3 employees are proposed.

8 customers per day, on a busy day, is estimated (though there may be some fluctuation).

The applicant has also confirmed arrangements for customers dropping off and collecting vehicles as follows:

- All customers dropping off vehicles to drive into yard from either of the two entrances and park in one of the customer parking areas.
- Customers collecting their vehicle to pick vehicle up from inside yard. Under no circumstances will any vehicles be parked or left in Tudor Lane or Vauxhall Terrace.
- Any vehicles not collected at end of working day to be stored inside the building or in secure yard. There would be a turning circle provided in the yard for vehicles such as delivery vehicles to turn around on site, avoiding the need to reverse along access routes.

Security lights to be mounted at approximately 2m high pointing into the rear yard. They are only intended to be operated during poor light during operating hours and would be switched off at the end of the working day. The arrangement would be secured by condition.

- 7.36 The proposals in the application therefore appear to be similar to the historic use (with a new replacement building), with some additional restrictions offered and some additional activities requested. Subject to conditions to secure some of the above arrangements the proposals are considered unlikely to inherently cause any material worsening in the living conditions of nearby residents.

Overall it is considered that with conditions to control a number of these matters, no significant harm would be caused to the amenities of residents.

- 7.37 Amenity impacts from use of the roads has been commented on in representations. Again the historic use of the site is noted as a baseline position. The applicant estimates that their business would be a less intense use of the site compared to the previous. Furthermore it is noted that the previous 2011 permission established the principle of vehicular accesses being acceptable from Vauxhall Terrace to serve 6 B1 office/workshops and 12 dwellings. Vauxhall Terrace also already has several commercial accesses operating.
- 7.38 Tudor Lane also has existing vehicular accesses to the rear of properties to the north, and also to the commercial property to the east adjacent to the application site which appears to be in storage use. In terms of the potential issue of cars being left in the lane and blocking access, the applicant has confirmed this would not occur and storage would be maintained within the yard. This would be done for insurance and customer care reasons anyway. Ultimately it is possible that cars may be left on the lane but the applicant has set out reasonable measures suggesting there is no reason for this arise and it would be counter productive to do so for insurance and security reasons. As Tudor Lane is a private road the highway authority would not police it. Owners would need to make arrangements for managing any abuse of the private lane. Nevertheless, as it is within the application site a condition is proposed to prevent storage of vehicles in the lane. This would similarly address the concern in the representation about making access to the adjacent commercial property to the south east difficult (the lane is its only access).
- 7.39 The level of customers and staff proposed indicate that while there would be an increase in movements in the two streets above what is experienced currently since no business is present at the site, it is considered that it would be difficult to clearly demonstrate harm to amenity from the proposed use of the roads in the manner set out in the application relative to the existing use of those roads (and even more so by comparison to the likely previous activity on the site).
- 7.40 The proposal is for a Class B2 use. Uses within the same use class unless specifically exempted can interchange without planning permission. Class B2 uses include a range of uses that could cause harm to the amenities of residents. The 1980 permission includes restrictions as to the precise use of the site. The new application proposes a slightly different arrangement. In order that the site could not be used for such other B2 uses that have not been considered or mitigated against, it is also considered appropriate that a planning condition be applied securing the use of the site for vehicles repairs only. As such any other uses including those within that use class would need to be considered by the Local Planning Authority under a new planning application.
- 7.41 In terms of air quality the policy is in relation to major developments. Notwithstanding that, again it is not considered that the proposals would cause demonstrable significant harm to air quality, particularly where considered by comparison to the historic use.
- 7.42 Overall it is not considered that the proposed development, subject to conditions, could be demonstrated to cause significant adverse harm to local amenity, including the amenity of neighbouring occupants. The proposal would comply with the above policy context.

**7.43 Highways Impact**

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network. Policy B3 of the City Plan relating to employment development includes a criterion on increases in traffic being accommodated by the transport network and satisfactory vehicle access, parking and manoeuvring space can be provided. Policy G1 sets out that the Council will work closely with Gloucestershire County Council and other organisations regarding all local transport matters, that the JCS policies and Gloucestershire Local Transport Plan will be used for planning application decision making, and that new development shall provide car parking and cycle provision in accordance with the latest version of Gloucestershire Manual for Streets and any subsequent amendment. Policy G2 sets out requirements for charging infrastructure for electric vehicles.

- 7.44 In terms of the use of the accesses, as above, it is relevant to note the 2011 permission for use of Vauxhall Terrace to access 6 office/workshops and 12 dwellings, the applicant's existing right of access to the site from Tudor Lane, and the historic use.
- 7.45 The applicant has confirmed that space would be provided for turning in the site, so there would be no need for vehicles reversing back along Tudor Lane towards Millbrook Street. The Highway Authority agrees that there is adequate space within the site to provide parking and turning facilities to allow for forward gear egress. As such, this is proposed to be secured by condition.
- 7.46 25 parking spaces are noted which would appear sufficient for the businesses' needs, while as noted, leaving customer cars outside the compound would be counter productive for insurance and customer care reasons.
- 7.47 In terms of the size of vehicles using the lane the applicant has said that they would service cars and light vans and it is unlikely that they would propose use of an access that would inhibit entrance by those vehicles, while the historic photographs indicate such vehicles inside the northern part of the site. Notwithstanding this the width of the lane is between 2.73m (excluding the pavement width; 3.73m overall) at the lane entrance and 3.65m at the entrance to the site (the gated entrance is 5.8m across being positioned diagonally to the lane), and as an example of vehicle width, a Ford Transit is 2.5m wide, a Volvo XC60 is 2.1m, both including mirrors. The lane is also used to access the rear of several Widden Street properties and the adjacent storage unit. The Highway Authority advises that there is no history of personal collision incidents on Millbrook Street in the last 5 years.
- 7.48 The application also proposes use of the Vauxhall Terrace access. The applicant has advised that they would use the Vauxhall Terrace access but due to it being blocked regularly by vans loading/unloading at the rear of Barton Street shops, they would use Tudor Lane as an alternative entrance. The applicant has also noted that they plan to use both accesses so as not to cause congestion.
- 7.49 Notwithstanding the proposed usage set out by this specific applicant in terms of staff and customers, the Highway Authority will often consider trip generation information based on the theoretical results from a development of that size. In this case the Highway Authority has set out that the trip generation from the proposed increase in building size would be 14 new vehicle movements a day with 3 additional AM peak movements and 2 additional PM movements. The Highway Authority advice is that this increase would not be regarded as material. It should be noted that this is based on there being an established building use on site, and not a figure based on an entirely new development. In such an assessment then the figure would be higher.

- 7.50 The Highway Authority advice is that the development would not cause a detriment to highway safety and would not have an impact that is regarded as severe. Overall the advice is that there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained.
- 7.51 Finally, in considering the vehicular access off Vauxhall Terrace; while there is a 6m gap shown between the near corner of the building and the corner of the neighbouring property to the south west and the Highway Authority raises no objection on the grounds of vehicular access, the gates indicated on the submitted block plan are of limited width and there may also be scope to site them further from the neighbouring property to the south west. It is considered that this should be reviewed to ensure a safe and workable access and keep it as far from the neighbouring property as possible. A condition for a revised gate siting and arrangement is therefore proposed.
- 7.52 Subject to conditions it is considered that the proposed development would comply with the above policy context.
- 7.53 **Land Contamination**  
The NPPF requires that planning decisions should take into account ground conditions and any risk arising from land instability and contamination. It also notes that decisions should contribute to remediating and mitigating contaminated land where appropriate. Policy SD14 of the JCS which states that new development must incorporate, as appropriate, the investigation and remediation of any land contamination within the site.
- 7.54 The Council's contaminated land consultant advises that the contaminated land site history indicates use as a vehicle repair shop and as iron and steel works and as such potential contamination may be present. The consultant recommends use of a condition to ensure that potential contaminated land issues are appropriately addressed. This could be achieved by the standard contaminated land condition and would be required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, as well as controlled waters, property, and ecological systems.
- 7.55 Subject to condition the proposal would comply with the above policy context.
- 7.56 **Flood risk**  
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, and seeking reduction in flood risk and sustainable drainage systems. Policy E6 of the City Plan also reflects the NPPF advice and seeks flood risk betterment and SuDS.
- 7.57 The vast majority of the site is in Flood zone 1 (low risk of flooding). Now that Tudor Lane is included in the site it is noted that a small part of the lane is in Flood zone 2 and there is Flood zone 3 at the end at Millbrook Street. In the context of the historic use, and the reasons for including the use of the whole site within the application, it is not considered that any harm would arise in the context of considering the flood risk sequential test; it is effectively a change to the specifics of the use of the site, and changes of use do not need to satisfy the sequential test, with a replacement building also. The parts of the site subject to physical works are within flood zone 1. No harm would be caused to flood risk elsewhere. With the Vauxhall Terrace access as an alternative egress point to Millbrook Street there would be a flood zone 1 means of escape even without considering the historic use.
- 7.58 It is considered that the proposal complies with the relevant policy context.

**7.59 Economic considerations**

The construction phase would support employment opportunities and the proposal would provide for the relocation of an existing business. Therefore the proposal would have some modest economic benefit. It would also deliver several jobs, although again if considered in the context of carrying on the previous use, would be more accurate to consider that it would maintain them. In the context of the NPPF advice that “significant weight should be placed on the need to support economic growth and productivity”, this adds some limited weight to the case for granting permission.

**7.60 Ecology**

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains in Policy E2.

**7.61** The site comprises largely of hardstanding and low-level buildings and it currently contributes little in terms of ecology. To secure net gain a condition could be imposed to require some measures such as bird and bat boxes, which appears reasonable for the scale of proposal. Subject to this, the proposal would comply with the above policy context.

**7.62 Other issues raised by objectors**

- Waste – the applicant has stated that they take their general waste to the tip once a week by van, all metal waste is taken direct to metal recyclers by van. Waste oil is collected in a small tanker that would enter the site via Vauxhall Terrace. The applicant notes that refuse collection vehicles that are much larger than this tanker use Vauxhall Terrace every week.
- Health and safety – if there were a concern about health and safety the appropriate body would need to investigate. It is not evident that any significant harm would arise over and above the historic use.
- Environment and habitat – visual and environmental health impacts have been covered above. There does not appear to be any habitat of note and in any respect the historic use could resume on the majority of the site.
- Maintenance, damage to the lane – the applicant confirmed maintenance would be shared with other lane users. As a private lane this would need to be administered by owners.
- Business could expand in future – the applicant has advised that there are no plans to expand at present noting that they are a small family owned garage business and should not involve more vehicles than the previous use. Notwithstanding this, a car repair business would appear to be able to use the majority of the site anyway if compliant with the 1980 legal agreement. If any business expansion involved further change of use of land or building operations that required permission, they would be subject to consideration at that time.
- The behaviour of employees engaging with local residents and their damaging property is not a matter for the planning application where the proposed use should be considered.
- Obesity in neighbouring families – it is not considered that demonstrable harm could be shown to pollution so this would equally be the case for the health of residents using their external spaces.
- Extent of the land involved in the proposal is greater than the extent of the application – it is believed that this has been addressed by revising the nature of the application to cover the full extent of the site and the proposed use.



## 7.63 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. It is considered that on the balance of probability and the evidence available that there is an established use of most of the site for a restricted car repair use pursuant to which a car repair business could take occupation on those restricted terms, and that underpins the assessment against the various policy and guidance.

The proposal would improve the appearance of the site and modestly enhance the character and appearance of the Conservation Area. It would provide some modest economic benefits during the construction period and in enabling a business to relocate and make efficient use of the site. As such it would have economic and environmental benefits. The applicant's agreement to certain conditions would also add to the mitigation measures over and above the historic use.

The various concerns raised in representations are acknowledged but it is considered that when compared to the historic use and given the matters that can be controlled by condition to mitigate impact, no significant harms can be identified that would substantiate refusal of permission.

Subject to conditions the proposal is consistent with those policies and guidance in terms of principle, design and heritage, amenity impact, highways impact, land contamination, flood risk, economic considerations and ecology; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

## 8.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

8.1 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 following approved drawings, except where these may be modified by any other conditions attached to this permission:

- Proposed Floor Plan Rev 2 – dated 7/11/2021
- Proposed Elevations Rev 2 – dated 7/11/2021
- Proposed Site Plan Rev 5 – dated 7/11/2021
- Proposed Block Plan Rev 4 – dated 7/11/2021

### **Reason**

To ensure that the development is carried out in accordance with the approved plans.

### **Condition 3**

The premises shall only be used for vehicle repair (and for no other purpose including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

### **Reason**

In order to protect the amenity of local residents and the locality.

**Condition 4**

The use of the land and building hereby permitted shall not be operational outside the following times:

0830hours to 1800hours Monday to Friday (notwithstanding Bank Holidays)

0830hours to 13.30 Saturdays.

And for the avoidance of doubt shall not be operational on Sundays or Bank Holidays.

**Reason**

In order to protect the amenity of the local area.

**Condition 5**

External lighting to the development hereby permitted shall be mounted at a height no greater than 2 metres above ground level and fixtures shall be angled to face down into the site. The site shall not be illuminated by such external lighting outside of the approved hours of operation set out in Condition 4.

**Reason**

In order to protect the amenity of the local area.

**Condition 6**

No works to vehicles using machinery or other industrial processes shall take place on the site other than within the workshop building hereby approved except where provided for as follows. The remaining part of the site other than the workshop building shall only be used for parking of employee vehicles or vehicles awaiting repair or collection (or those with a right of access over the land to adjoining business premises) and/or for the following activities:

- Works to vehicle lights;
- Checking electrical faults;
- External and non-invasive evaluation of vehicles to identify issues where not involving revving the engine;
- Lifting of vehicles using a jack to undertake external and non-invasive evaluation of wheels;
- Checking of levels, readings, etc of vehicle engines where not involving revving the engine.

**Reason**

In order to protect the amenity of the local area.

**Condition 7**

No vehicles associated with the development hereby approved (either employee, business or customer vehicles) shall be stored within the private lane know as Tudor Lane (the road between the site entrance gates and Millbrook Street).

**Reason**

In order to protect the amenity of the local area.

**Condition 8**

Vehicle repair works (other than those allowed for by Condition 6 in the remaining part of the site other than the workshop building) shall only take place within the workshop building hereby approved and with all of the external doors and windows of the workshop building closed.

**Reason**

To preserve the amenities of the area.

**Condition 9**

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times:

Monday to Friday 0800hours to 1800hours

Saturday 0800hours to 1300hours

And for the avoidance of doubt not at all on Sundays, Bank or Public Holidays.

**Reason**

To protect the noise climate and amenity of local residents.

**Condition 10**

Notwithstanding the submitted plans, the development shall not be brought into use until a plan showing the siting and arrangement of a gated access off Vauxhall Terrace and any associated boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with that approved plan.

**Reason**

To provide for a safe vehicular access and in the interests of the amenities of neighbouring occupants.

**Condition 11**

Notwithstanding the submitted plans, no construction above ground level of the building hereby approved shall take place until details of the external finish of the building have been submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

**Reason**

In the interests of the visual amenity of the area.

**Condition 12**

The development hereby permitted shall not be brought into use until 1 no. accessible car parking bay has been provided on site in accordance with details to be submitted to and approved in writing in advance by the Local Planning Authority and shall be maintained as such for disabled users for the duration of the development.

**Reason**

To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

**Condition 13**

The development hereby permitted shall not be brought into use until a minimum of 1 no. car parking space that enables charging of plug-in and other ultra-low emission vehicles has been provided on site in accordance with details to be submitted to and approved in writing in advance by the Local Planning Authority and shall be maintained as such for the duration of the

development.

**Reason**

To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles.

**Condition 14**

The development hereby permitted shall not be brought into use until secure and covered cycle storage facilities for at least 6 no. bicycles has been made available on site in accordance with details to be submitted to and approved in writing in advance by the Local Planning Authority.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

**Condition 15**

The building hereby permitted shall not be occupied until the vehicular parking and manoeuvring facilities within the site have been laid out in accordance with the approved plans, and shall be maintained available for those purposes for the duration of the development.

**Reason**

To ensure that safe and suitable means of access is provided.

**Condition 16**

Unless otherwise agreed by the Local Planning Authority, development other than site securing, demolition to ground slab level, or that required to be carried out as part of an approved scheme of remediation must not commence until parts a) to d) of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

***a. Site Characterisation***

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- A survey of the extent, scale and nature of the contamination,
- An assessment of the potential risks to human health, property, adjoining land, groundwater and surface waters, ecological systems and archaeological/ancient monuments,
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

***b. Submission of Remediation Scheme***

A detailed remediation scheme to bring the site to a condition suitable for the intended use by

removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

***c. Implementation of Approved Remediation Scheme***

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to also as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

***d. Reporting of Unexpected Contamination***

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

***e. Long Term Monitoring and Maintenance***

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Condition 17**

Notwithstanding the submitted details, prior to first occupation of the building hereby approved a scheme for biodiversity enhancement (such as permanent bat roosting feature(s) and other measures such as nesting opportunities for birds), shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The

scheme shall include, but is not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed and made available.

The enhancement measures shall thereafter be implemented in accordance with the approved details.

### **Reason**

To provide net gains for biodiversity.

### **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**

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.

### **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 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

**Person to Contact:** Adam Smith (01452 396702)

Planning Application: | 18/01244/FUL

Address: | Land at the rear of Vauxhall  
Terrace, Gloucester

Committee Date: | 8.2.2022

Existing site plan





# Plan from 1980 Legal Agreement





## Proposed site plan



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<b>Meeting:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>8 February 2022</b>
<b>Subject:</b>	<b>Review of the Local Enforcement Plan for planning</b>		
<b>Report Of:</b>	<b>Head of Paid Service</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>			
<b>Contact Officer:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
	<b>Mella McMahon, Business Transformation Manager for Planning</b>		
	<b>Email: mella.mcmahon@gloucester.gov.uk</b>		<b>Tel:01452 396783</b>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Gloucester City Local Enforcement Plan 2015</li> <li>2. Draft Revised Local Enforcement Plan for consultation</li> <li>3. Summary of proposed changes to the local enforcement plan</li> </ol>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

1.1 The council's current local enforcement plan for planning was adopted by Planning Committee on 3 November 2015. This report is for members to consider a revised local enforcement plan for consultation.

### 2.0 Recommendations

2.1 Planning Committee is asked to **RESOLVE** that the revised local enforcement plan attached at Appendix 2 be approved for a 6 week consultation.

### 3.0 Background and Key Issues

#### 3.1 Background

The National Planning Policy Framework (NPPF) recommends that councils publish a local enforcement plan setting out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate. The current local enforcement plan, approved in 2015, sets out the City Council's approach to dealing with breaches of planning law and is attached at Appendix 1. The plan provides information and guidance to residents, developers and other interested parties on how the council will deal with any unauthorised development that does not accord with national and local planning policies. The planning enforcement service investigates an average of 150

complaints each year.

- 3.2 The local enforcement plan is different to other planning policies regarding land use as it relates to how the service uses its discretionary powers. Therefore, council resolved in 2015 that it would be more appropriate for the planning committee to approve the local enforcement plan.
- 3.3 Changes for the planning enforcement service since the 2015 plan was adopted include:
- Reduction from two to one planning enforcement officer
  - The planning enforcement service is no longer responsible for monitoring S106 planning obligations
  - The City Council has invested in digital services, enabling customers to self-serve for information. This includes a digital form for reporting breaches of planning, designed to ensure that all required information is available at the first point of contact.
  - The corporate business support team now assist with the registration of planning breaches
  - The Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury has been adopted and the City Plan is now at an advanced stage
- 3.4 The main planning priorities continue, including regeneration, supporting healthy and safe communities and safeguarding the city's heritage and natural environment. Proportionate planning enforcement has a role to play in ensuring that these priorities are achieved. The current plan contains comprehensive information about enforcement powers and when these powers might be used by the council. Therefore, the draft revised local enforcement plan attached at Appendix 2 does not propose significant changes to the content of the plan. The detail of all changes proposed is summarised in Appendix 3, key changes are highlighted below.
- 3.5 **Key changes to the local enforcement plan**
- While the 2015 plan is comprehensive, it is not easy to navigate. Therefore, it is proposed to re-organise the document, with more concise information, plain English headings and with hyperlinks to enable customers to quickly navigate to relevant sections. Links are also provided to the national planning practice guidance, to enable customers to self-serve for more detailed information if required.
- 3.6 Priorities in the 2015 plan are high, medium and low, with high priority being focused on cases of irreversible harm. Minor amendments are proposed to:
- **High priority:** Remove 'highly visible adverts' and 'unauthorised change of use, likely to result in a serious loss of amenity to local residents' as these do not fall within the definition of irreversible harm
  - **Medium priority:** Add 'unauthorised change of use, likely to result in a serious loss of amenity to local residents' and building works in a conservation area.
  - **Lower priority:** Made more succinct and advertisements added.
- 3.7 Currently, the timescales for investigating complaints relate to commencing investigations. The proposal is to change this to concluding the initial investigation and providing a response to the complainant. The timescales being 24 hours for high priority, 15 working days for medium and 30 working days for low.

### **3.8 Consultation**

The amended local enforcement plan does not propose significant changes to how the council will investigate alleged cases of unauthorised development and what would be appropriate enforcement action. However, the national planning practice guidance identifies that the adoption of a local enforcement plan allows engagement in the process of defining objectives and priorities tailored to local circumstances. Therefore, it is recommended that the local enforcement plan be subject to a 6-week period of public consultation.

## **4.0 Social Value Considerations**

- 4.1 The local enforcement plan proposes that planning enforcement powers will be used in a proportionate way to support compliance with national and local planning policies. In deciding whether or how enforcement action is taken, where relevant, regard is had to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. Therefore, the plan should have a positive social value.

## **5.0 Environmental Implications**

- 5.1 The plan prioritises taking enforcement action in relation to developments that cause irreversible harm to the environment and therefore has positive environmental implications.

## **6.0 Alternative Options Considered**

- 6.1 Not applicable.

## **7.0 Reasons for Recommendations**

- 7.1 To provide for minor change to the local enforcement plan.

## **8.0 Future Work and Conclusions**

- 8.1 Once the final local enforcement plan has been adopted, local performance indicators will be prepared to measure performance against the timescales set out in paragraph 3.6.

## **9.0 Financial Implications**

- 9.1 None arising from the content of this report (Financial Services have been consulted in the preparation of this report.)

## **10.0 Legal Implications**

- 10.1 It is not a legal requirement to prepare a local enforcement plan but is recommended by the National Planning Policy Framework (paragraph 59).

(One Legal adviser has been consulted in the preparation of this report and on the proposed revisions to the local enforcement plan.)

## **11.0 Risk & Opportunity Management Implications**

- 11.1 While there is not a legal requirement to prepare a local enforcement plan it provides justification and consistency for enforcement decisions. These decisions can have significant implications for the subject of enforcement, or those persons or communities affected by it, and therefore are often open to considerable scrutiny. The local plan provides a framework to explain decisions about whether to enforce.

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

- 12.1 Limited changes are proposed to how the planning enforcement service uses its powers and prioritises actions. Investigations will continue to be based on reports of alleged breaches of planning control, in respect of the development itself, not who is responsible for carrying out the development. Decisions about whether not to enforce will continue to be based on judgements of planning harm and conflicts with national and local planning policies.
- 12.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

## **13.0 Community Safety Implications**

- 13.1 Effective planning enforcement can have positive impacts for community safety.

## **14.0 Staffing & Trade Union Implications**

- 14.1 Not applicable

### **Background Documents:**

Gloucester City Local Enforcement Plan 2015  
1990 Town and Country Planning Act, and subsequent amendments  
National Planning Policy Framework 2021  
National Planning Practice Guidance

### **Appendices:**

**Appendix 1:** Gloucester City Local Enforcement Plan 2015

**Appendix 2:** Draft Revised Local Enforcement Plan for consultation

**Appendix 3:** Summary of proposed changes to the local enforcement plan

# GLOUCESTER CITY LOCAL ENFORCEMENT PLAN

3<sup>RD</sup> November 2015

## **1.0 PURPOSE, AIMS AND CONTEXT**

**1.1** The aim of the planning enforcement function is to discourage unauthorised development and where planning breaches are evidenced, to take proportionate action to remedy any harm to amenity, and the built or natural environment.

**1.2** These aims mirror current government policy for planning enforcement, which are set out in Paragraph 207 of the National Planning Policy Framework, and state:

***“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”***

**1.3** The planning enforcement function works within a legislative framework. However there is also policy, guidance and case law which through their collective interpretation further shape how decisions are made. These include, but are not exclusive of the following:

- Legislative requirements (eg Planning Acts, Police and Criminal Evidence Act 1984)
- The National Planning Policy Framework, National Planning Policy Guidance and other government guidance, material in any planning (enforcement) decisions
- Gloucester City Local Plan (Second Stage Deposit – 2002), the Local Development Framework, including the emerging ‘Joint Core Strategy’, and any other material planning considerations
- Gloucester City Council Corporate Enforcement Policy

**1.4** This Plan supersedes the Council’s Planning Enforcement Policy, approved by Members in May 2007, and updates the Council’s Planning Enforcement Plan, approved by members in September 2013.

**1.5** Planning Committee has delegated powers to approve any changes to the Enforcement Plan, without referral to Full Council

- 1.6 This policy is supplemented by a 'Procedure Note' that sets out in more detail the 'day to day' approach to planning enforcement by this Council.

## **2.0 RESOURCES**

- 2.1 This Plan has been drawn up with regard to the availability of resources and the demands on the service.
- 2.2 The team investigates an average of over 300 enquiries every year, and monitors all legal agreements signed under s106 of the Town and Country Planning Act, as well as undertaking other areas of work outlined in this Plan.
- 2.3 The City Council employs one full time Planning Enforcement Officer, and one full time Senior Planning Compliance Officer, based in the Private Sector Housing team, within the City Council's Public Protection service. Officers report to the Development Control Manager for authorisation of planning decisions.
- 2.4 Due to the complex nature of enforcement and the potential legal implications decisions may have, some cases can often take many months to fully investigate and resolve. It is therefore important that a smaller number of investigations are undertaken thoroughly, as opposed to spreading the service too thinly and as a result risk compromising desired outcomes. With this in mind, the team aims to have no more than 120 cases under investigation at any one time. This means that on occasion the investigation of some alleged planning breaches may not get first priority and may be postponed. This decision will be made in accordance with the priority system set out in Appendix 1.
- 2.5 The Council has powers to undertake works to remove breaches, where necessary, commensurate with the budget available.
- 2.6 There is no 'out of hours service' to investigate planning breaches that are alleged to be taking place, and require investigation, outside of normal working hours. Notwithstanding the above, officers will make best efforts to be flexible, according to the requirements of an investigation. The planning enforcement team will also seek support from other parts of the council who more regularly work out of hours, to assist as far as possible.
- 2.7 The Council is committed to ensuring that its officers are able to carry out their work safely and without fear and intimidation. Where appropriate, the Council will use legal action and any other means available to prevent or respond to abuse, harassment or assault on its officers.



### **3.0 BREACHES OF PLANNING CONTROL**

**3.1** The Planning Enforcement team will investigate and where necessary enforce against any breaches of the 1990 Town and Country Planning Act (as amended) (hereafter referred to as 'the Act'). The main breaches investigated have been listed in 3.4 accompanied with a brief description what it is and how the breach is addressed.

**3.2** Before discussing what a breach of planning legislation is, it is valuable to know what **is not** a breach. The following is a list of activities which is commonly mistaken as being planning breaches:

- Operating a business from home where the residential use remains the primary use and there is no significant and adverse impact on residential amenity
- Obstruction of a highway or Public Right of Way
- Boundary disputes (civil matter)
- Adverts which have deemed consent in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended)
- Breaches of restrictions imposed by deeds and covenants (civil matter)
- Where development is 'permitted development', as identified in the Town and Country Planning (General Permitted Development) Order 1995, and any subsequent amendments

**3.3** Breaches of planning legislation:

- ***Damage or inappropriate alterations to Listed Buildings, Scheduled Ancient Monuments and Protected trees*** – Investigation and further action will be undertaken with the support of Conservation Officers, City Archaeologist and Tree Officer.
- ***Operational Development*** – Any unauthorised works are undertaken at the owner's risk, and may require demolition, reversal, or alteration.
- ***Unauthorised uses*** – If, after investigation a use is witnessed, and constitutes a material change of use, and in instances where it is causing harm, we will seek to cease the use.
- ***Breach of condition(s)*** – Failure to comply with a condition attached to a planning permission, or where development exceeds a condition or an allowance under 'permitted development rights', are considered a breach making a development unlawful. We will seek compliance with conditions where they have been identified and/or referred to the Planning Enforcement team.
- ***Untidy land/buildings*** – ~~Enforcement~~ Investigations (under s215 of the Act) will only be considered on private land when a significantly detrimental impact on neighbouring properties or visual amenity can be demonstrated.

- **Unauthorised advertisements on privately owned land** - The Council will remove unauthorised posters or placards after giving a minimum 48 hours notice (and 22 days for any other advertising 'display structure') to those responsible, owning the land, or benefiting from the advertisement. Advertising materials will be kept for one month, and at the team's discretion will be available for collection on receipt of a fee. This fee would cover the cost of securing their removal eg officer time and hiring of contractors.
- **Unauthorised advertisements on public land** - will be removed by Council appointed contractors or officers themselves, and disposed of without prior warning, including on Highways land where delegated authority has been given by Gloucestershire Highways under s132 of the 1980 Highways Act (as amended). Where signage is widespread or persistent, the Council will approach the beneficiaries of this 'flyposting' and seek removal within 48 hours, failing which the matter will be referred to Legal Services for prosecution.

**3.4 Referrals** - When receiving a complaint or enquiry, officers will have regard to the most effective and timely powers available to investigate and where necessary pursue further actions to achieve the Council's desired outcome. This will sometimes result in matters being referred to other departments and organisations, either wholly or as part of a joint approach, where needed. Similarly, the planning enforcement team will accept referrals from other departments and organisations in accordance with the areas of work identified above.

**3.5** The Planning Enforcement service will work on specific area or subject based projects, such as Conservation Area improvements, commensurate with resources available.

#### **4.0 APPROACHES TO DEALING WITH A PLANNING ENFORCEMENT ENQUIRY**

**4.1** Unless an allegation is particularly serious anonymous complaints will not be investigated. Furthermore, enquires will only normally be investigated if received in writing. Complainant details will remain anonymous and will not be made known without their agreement.

**4.2** Further details on how to make a planning complaint or enquiry, including basic details required by officers, can be found on the Council's Planning Enforcement webpage.

**4.3** Where an alleged breach has been investigated and concluded, any enquiry relating to the same site, which is not materially different to the previous allegation or does not raise any new issues, will not be investigated. In addition, regular unfounded complaints from the same source may be considered vexatious and not investigated.

- 4.4 Where an officer has a conflict of interest regarding any particular enquiry, the matter will be assigned to another officer to investigate.
- 4.5 The Council will acknowledge the complainant, respond to any requests for an update, and inform them of the outcome of the investigation, in line with Planning Enforcement Customer Charter – see Appendix 4. Anyone not satisfied with the service should initially discuss any concerns with the Private Sector Housing Manager. If still dissatisfied, the Council has a formal complaints procedure which can be found on the Council's website.
- 4.6 Where a serious breach is alleged, officers will investigate immediately, having regard to PACE (Police and Criminal Evidence Act) requirements as necessary. Covert surveillance, where necessary, will only be undertaken following the necessary RIPA (Regulatory Investigatory Powers Act) authorisation.
- 4.7 Before action can be considered, the Council must be able to evidence what the breach is, demonstrate its 'harm', identify what 'remedial' action(s) are required, and be satisfied that these actions are reasonable and proportionate. Each case will be considered on its own merits, and similar breaches in different locations may require different outcomes.
- 4.8 The Council will give those responsible for a breach in planning regulations the opportunity to undertake required actions, or attempt to reach a negotiated solution that suits all parties.
- 4.9 Where a breach has taken place then any 'interested party' has the right to apply for planning permission retrospectively. Such an application will be treated no differently from a planning application where no unauthorised works (or use) has already taken place. For matters requiring immediate attention a planning application should not hold up any urgent action. The Council may decline to determine a planning application where an enforcement notice has already been served and proposals relate to the identified breach.
- 4.10 Alternatively where the person (subject) of an investigation disputes that a breach has or is taking place, they have the opportunity to apply for a Lawful Development Certificate to determine the matter.
- 4.11 ***Expediency*** - Gloucester City Council is committed to taking a firm line to make those responsible accountable for their actions and for making good any unacceptable harm caused. However the Council will only take enforcement action when it is considered 'expedient' to do so. In considering this, the decisive issue should be whether the breach of control is unacceptably affecting public amenity or the existing use of land and buildings meriting protection in the public interest. For example, where development would receive planning permission, but no application is made, it would not usually be expedient to take further

action. Any requirements or action must be 'proportionate'. While the Council is solely responsible for assessing whether or not it is expedient to pursue further action, the failure to take appropriate planning enforcement action where it is clearly necessary may result in investigation by the Ombudsman, and an award of costs could be made against the Council. Enforcement Notices should only be served on a breach that is not acceptable in planning terms, otherwise the person (subject) of the Notice could appeal. This could also result in an award of costs against the council.

- 4.12 Where a planning breach occurs but the matter is concluded without further action, then a 'contravention' will be recorded in the Land Charges Register, and then declared on any future land search.
- 4.13 Formal action will only be taken with the prior authorisation of the Development Control Manager or the relevant line manager, in line with the Council's Scheme of Delegation. In a similar manner, cases will only be closed with the prior and recorded authorisation of the Development Control Manager, following the recommendation of the case officer, who should be able to evidence and justify their reasons for doing so.

## 5.0 **POWERS**

- 5.1 Where further information is required to determine the facts, the Council has the following **investigative powers**:

- **Rights of Entry** – are available to enter land without the owner's permission or prior arrangement, where a breach of planning control is suspected. The exception is for the inside of domestic properties, where 24 hours prior notice must be given. It will be considered an offence if anyone wilfully obstructs any officer trying to freely enter the land. If immediate access is required permission may be given by court injunction
- **S16 Notice** (of Local Government Act 1992) and **s330 Notice** (of Town and Country Planning Act 1990, as amended) – requires details of ownership and other interests in property
- **Planning Contravention Notice** – requires further information concerning development undertaken or activities alleged to be taking place on land
- **PACE interview** – for serious allegations, where an offence has or is suspected to have taken place, an interview under formal caution will normally be undertaken

- 5.2 Where **immediate action** is required, the Council has the following powers:

- **Stop / Temporary Stop Notice** – requiring an immediate cessation of development or any use of land or a building, to remove serious threat or harm. The maximum length of time that a Temporary Stop Notice will have effect is for

a period of 28 days. During this period the Local Planning Authority must decide whether or not it is appropriate to take other enforcement action.

- An **Injunction** may be sought in the County or High Court for extremely serious planning breaches (actual or expected).

5.3 In many cases action is required to remove a breach, or otherwise make it acceptable in planning terms. Where required actions have not been undertaken, the Council may serve any of the following **Notices**, where it is expedient to do so. The type of notice served will depend on the nature of the breach:

- **Enforcement Notice** – the most commonly used notice, to address unauthorised operational development or an unauthorised material change of use.
- **Listed Building Enforcement Notice** – Served when there has been unauthorised and inappropriate alterations to a Listed Building or structure.
- **Breach of Conditions Notice** – where conditions of a planning approval are not being fully complied with
- **s215 Notice** – Untidy land or buildings adversely affecting the amenity of a neighbourhood
- **s225 Notices** - requiring removal of posters, placards and ‘advertisement displays’ from private land
- **Planning Enforcement Order** – where the Council believes there has been a ‘concealed’ breach that would otherwise be immune from enforcement action due to the passage of time.

5.4 **Consequences of non compliance with a Notice** – Where the requirements of a Notice have not been fully complied with, in the timescales given, (and unless successfully appealed against) those responsible for the breach will be considered to be committing an offence.

5.5 Compliance with an Enforcement Notice will not discharge it; its provisions will remain in force and will be valid should the unauthorised use or specified development re-occur. Notices will be registered against the land, and will be identified as part of any ‘land search’.

5.6 The Council has powers to take **direct action** to address a breach in planning control, in the following circumstances:

- For serious breaches requiring *immediate action*, where the landowner or other relevant party refuses to undertake emergency works (eg works to preserve a listed building)
- Direct action to remove unauthorised *advertisements and signage* will be undertaken as set out in Section 3 above.
- Where the requirements of a Notice have not been complied with and action is appropriate and necessary.

Taking direct action does not preclude the City Council from prosecuting those responsible, where it is appropriate to do so.

5.7 Works may be undertaken by officers or specialised contractors, according to the nature of the works, and commensurate with the budget available. Those responsible for the breach will be invoiced and recovery proceedings undertaken where necessary. Officer time will be included within any costs calculation, based on a 'charge out rate' provided by Finance. Until paid, the costs will be placed as a charge on the land and will be subject to inflation.

5.8 The Council's appointed legal representative will lead on planning prosecutions:

- Where an offence is considered to have been committed, the Council will decide whether to pursue prosecution of those responsible. This decision will be based on the 'evidence' and 'public interest' tests.
- A 'Simple Caution' may be 'offered', but does not preclude the Council pursuing prosecution if not accepted
- Prosecution should be considered even when the requisite works or the breach is removed prior to court action.
- Costs will be sought where successful prosecutions are brought, or where the Council considers unnecessary appeals have been made.
- Where a breach in planning control results in significant financial or material gain, the Council will consider recovery action under the Proceeds of Crime Act, in conjunction with the planning prosecution.

5.9 In some instances planning enforcement action may not be taken because, due to the passage of time, the breach of planning has become immune from enforcement action. The time for breaches to be immune from enforcement action will often be 4 years. This includes operational development (the carrying out of unauthorised building, engineering, mining or other operations), or change of use to use as a single dwellinghouse, or breach of a condition preventing change in use of any building to use as a single dwellinghouse. For all other breaches it must have taken place more than 10 years ago for it to be immune from enforcement action.

5.10 Where planning permission has been given, or even not needed, other consents might be required under different regimes. It is the owner's/developer's responsibility to ensure all requisite consents are in place.

## 6.0 **MONITORING**

6.1 **Planning Conditions** – The Council does not have a Conditions Monitoring Officer, however discharge of conditions will be overseen by the assigned planning officer as part of a 'total case management' approach. Non compliance of conditions will only be referred to the enforcement team if developers or

owners are not responding to approaches made by the planning officer, or the breach occurs some time following the completion of the development and it has been brought to our attention.

- 6.2     ***Legal Agreements*** - Where planning obligations are not being met legal action will be considered if negotiations or identified dispute procedures do not result in agreement and the requisite actions. Where a financial contribution is not paid then the Council's debtor system will be used to recover funds owed.

## 7.0     **INFORMATION, REPORTING AND PUBLICITY**

- 7.1     The enforcement team will keep full and up to date records of all investigations undertaken, to inform and justify any future action, and to compile evidence as necessary eg for prosecutions.
- 7.2     Further information on the planning enforcement function is provided on the Council's website, and is updated regularly. This will include an electronic Planning Register, displaying details of all Notices. Copies of all notices served after December 2011 are also available to view on public access or can alternatively be provided on request. As a public document, completed s106 Agreements are also available to the public, on request.
- 7.3     Good publicity is important in deterring others from committing serious planning breaches, and reassuring members of the public of the Council's commitment to enforcing against serious breaches in planning regulations. The Council will work with appropriate media to publicise the team's work and positive outcomes, including details of impending court cases and their outcome.
- 7.4     Every six months officers will report to Planning Committee on the general performance of the service, including details of all Notices pending or in effect, and any other specific cases that are of interest.

## **APPENDIX A - Priorities for Action**

The use of a priority system allows officers to recognise and react to the most serious cases as they are received. The priority rating should be reviewed following assessment of the case, and this will allow officers to maintain focus in the right areas during especially busy periods. The Senior Planning Compliance Officer will review with the enforcement officer the priority rating as part of regular enforcement case reviews.

Cases will be prioritised as follows:

### *Level 1 - High Priority*

Breaches that may result in irreversible damage or loss, or where works are under way and an immediate approach will bring a halt to works, preventing unnecessary cost and wasted time to the developer. A site visit and investigations will be commenced as soon as possible:-

- Breaches of Listed Building control where demolition or alterations are taking place.
- Unauthorised works to or works affecting Scheduled Monuments.
- Breaches of planning control in a Conservation Area where immediate, irreparable damage would be caused.
- Works to trees protected by a Tree Preservation Order and works to trees in Conservation Areas where trees are likely to be lost or seriously injured.
- Breaches of control or conditions causing serious irreversible damage to the environment e.g. protected species are on site.
- Breaches of planning control or conditions that may damage a site in an area of archaeological interest
- Breaches where development is currently taking place and an immediate approach could avoid unnecessary works being carried out
- Unauthorised changes of use, likely to result in serious loss of amenity to local residents.
- Flyposting and any other highly visible advertisement breaches where a delay in action would be seriously detrimental to highway safety or visual amenity.

### *Level 2 - Medium Priority*

A site visit and investigations will usually be commenced within 5 working days for:-

- Breaches of planning control that involve building works likely to be contrary to that set out in the development plan or other material planning guidance.
- Breaches of planning control or conditions that result in harm or loss of amenity, or nuisance to a neighbourhood.
- Other unauthorised uses



- New breaches that undermine initiatives undertaken (eg Eastgate Street improvements scheme)

### Level 3 - Lower Priority

A site visit and investigations will be commenced within 10 working days for:-

- Development involving small domestic structures such as sheds or fences.
- Other breaches of advertisement control.
- Other breaches in planning regulations where the impact is not likely to significantly affect others, and a delay would not prejudice the council's ability to resolve the matter
- Land or properties left in such a poor state (e.g. through fly tipping / overgrown vegetation) where they result in loss of amenity, or nuisance to a neighbourhood.
- 'Pro-active' project work

## **APPENDIX B – Planning Enforcement Customer Service Standards**

1. We will investigate all complaints, as long as they are not anonymous or vexatious, and they have been received in writing, by email, or as a FOCUS enquiry. Other complaints will be investigated at the discretion of the Senior Planning Compliance Officer.
2. Complainants should provide as much information as possible including their contact details, and how the alleged breach affects them, and other information as set out on the Council's planning enforcement webpage.
3. Where the complaint does not relate to planning, either wholly or in part, we will refer the matter to the relevant department with your details, asking them to update you. We will retain and investigate any part of the enquiry relating to planning.
4. We will acknowledge all complaints within 5 days of receipt, naming the assigned officer undertaking the investigation, and their contact details.
5. We will ensure that complainant details remain anonymous.
6. Apart from acknowledging the complaint, and advising on its outcome, we will only update complainants on request.
7. We will only seek or take action where a breach is proven, demonstrable harm is caused, and where it is expedient and legally possible to do so.
8. Any actions sought or taken will be reasonable and proportionate to the proven breach, in accordance with government advice.
9. We will seek the co-operation of responsible persons through negotiation. We will, however, take a firm line where co-operation or agreement is not forthcoming, and the nature of the breach merits it, including where necessary prosecution.
10. We will inform complainants of the outcome of any investigation, with reasons.
11. Where the subject of any complaint is aware of the investigation, we will inform them of the outcome, with reasons.
12. We welcome feedback on our performance, and an opportunity to comment on-line is available through the City Council's planning enforcement website.
13. Should you not be satisfied with the handling of your complaint, in the first instance please contact the City Council's Private Sector Housing Manager. If you remain dissatisfied, the City Council's complaints procedure is accessible on the Council's website.

## Appendix 2: Draft Revised Local Enforcement Plan

### **GLOUCESTER CITY LOCAL DRAFT LOCAL ENFORCEMENT PLAN FOR CONSULTATION FEBRUARY 2022**

#### **Contents**

1. [Introduction](#)
2. [What is a breach of planning control?](#)
3. [Our approach to dealing with alleged breaches of planning control](#)
4. [Reasons for not investigating cases or for closing cases](#)
5. [Prioritising breaches and timescales](#)
6. [Negotiations/Inviting applications](#)
7. [Expediency](#)
8. [Enforcement tools](#)
9. [Monitoring](#)
10. [Information, reporting and publicity](#)
11. [Privacy Statement](#)

#### **1.0 Introduction**

1.1 This plan sets out Gloucester City Council's approach to dealing with breaches of planning law. It provides information and guidance to residents, developers and other interested parties on how the council will deal with any development that does not accord with national and local planning policies.

1.2 National policy for planning enforcement is set out in paragraph 59 of the National Planning Policy Framework, and states:

*'Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This*

*should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.*

1.3 The council employs one full time Planning Enforcement Officer whose role is to investigate alleged breaches of planning control. An average of 150 planning enforcement cases are investigated each year. This number does not include cases where an initial assessment indicates that there has not been a breach of planning.

1.4 The Plan identifies the priorities for planning enforcement action. This enables the Council's resources to be focused on the most serious breaches which are causing greater harm. The Plan also provides information about how the local planning authority will decide if it is expedient to exercise its discretionary powers.

1.5 This Plan supersedes the Local Enforcement Plan approved by the Planning Committee on 3 November 2015.

## **2.0 What is a breach of planning control?**

2.1 A breach of planning control can occur where one, or more, of the following has taken place (this list is not exhaustive):

- Building works are being carried out without the relevant approval
- Development is not being built in accordance with a planning permission
- Planning conditions are not being complied with
- Adverts displayed without consent
- The condition of land has become unacceptable (an eyesore)
- Works to a listed building are being carried out without the relevant consent
- Works to a protected tree are being carried out without the relevant consent

2.2 Most breaches of planning control are not illegal. Exceptions include unauthorised work to trees protected by a Tree Preservation Order or which are located in a Conservation Area. Unauthorised works to listed buildings/structures are also an offence.

2.3 In some instances planning enforcement action cannot be taken because the breach has become immune from planning enforcement action due to the passage of time. Development will become immune from enforcement if not taken within:

- Erection of buildings, building works, change of use to a dwelling: 4 Years
- Changes of use of buildings or land (except change to a dwelling) and non-compliance with planning conditions: 10 Years
- Works to Listed Buildings: No time limit

2.4 The following are examples of activities that are not breaches of planning control:

- Operating a business from home where the residential use remains the primary use and there is no significant and adverse impact on residential amenity

- Obstruction of a highway or Public Right of Way
- Parking of vehicles on the highway or grass verges
- Land ownership and boundary disputes or trespass issues (civil matters)
- Adverts which have deemed consent
- Breaches of restrictions imposed by deeds and covenants (civil matter)
- Internal works to a non-listed building
- Where development is 'permitted development'

### **3.0 Our approach to dealing with alleged breaches of planning control**

3.1 Unless an allegation is particularly serious anonymous complaints will not be investigated. Furthermore, enquires will only be investigated if received in writing. Complainant details will remain anonymous and will not be made known without the complainant's agreement.

3.2 The key stages for investigation of a breach are summarised below and the time taken for each stage will vary depending on the alleged breach of planning control:

- Receipt of report of breach and acknowledgement provided to the complainant
- Assessment of whether the reported matter comprises a planning matter
- Assessment of whether there has been a breach of planning control, including a site visit if required
- Initial assessment and potential actions – whether to invite application, whether negotiations are appropriate, whether to close case as not considered expedient to enforce due to minor breach, consideration of formal action.

3.3 Where a serious breach is alleged, officers will investigate immediately, having regard to PACE (Police and Criminal Evidence Act) requirements as necessary. Covert surveillance, where necessary, will only be undertaken following the necessary RIPA (Regulatory Investigatory Powers Act) authorisation.

3.4 When receiving a complaint or enquiry, officers will sometimes refer matters to other departments and organisations, either wholly or as part of a joint approach.

### **4.0 Reasons for not investigating cases or for closing cases**

4.1 A new enforcement case will not be opened if it is clear that there is no breach of planning or where a previous case for an alleged breach has been closed and the complaint is not materially different to the previous allegation.

4.2 Enforcement cases will be closed in the following circumstances:

- there is no breach of planning control
- planning permission is not required
- it is permitted development
- the breach is rectified (by negotiation)

- planning permission has been granted retrospectively
- the development is lawful (due to time elapsed/immunity see paragraph 3.3)
- not expedient to take enforcement action (see section 7 for more information)

## 5.0 Prioritising breaches and timescales

5.1 To make the most effective use of resources comprising one planning enforcement officer, new reports of alleged breaches will be prioritised upon receipt. Enforcement investigations and action will be focused on the most serious breaches.

5.2 There are three categories for enforcement priorities.

Category	Type of Reported Breach
<b>High</b>	<b>Breaches that may result in irreversible harm or loss, examples include</b>
	Works to a Listed Building or scheduled monument
	Works to a tree in the Conservation Area or protected by a Tree Preservation Order
	Demolition in a Conservation Area
	Breach of condition/ approved development is underway and an immediate approach could avoid further clearly unacceptable works taking place
	Works in contravention of an Enforcement or Stop Notice
	Works likely to cause serious irreversible damage to the environment, e.g. protected species are on site
	Works likely to cause substantial/permanent damage to important archaeological sites
	Breach of condition/development causing serious harm to public safety
<b>Medium</b>	<b>Breaches that may result in significant but not irreversible harm, examples include</b>
	Breaches of planning clearly contrary to the development plan or national planning guidance
	Breach of condition that results in significant harm to amenity or nuisance to a neighbourhood
	Unauthorised change of use likely to result in a serious loss of amenity for local properties
	Building works in a Conservation Area
	New breaches that undermine regeneration initiatives undertaken
<b>Lower</b>	<b>All other breaches of planning, examples include</b>
	Small scale development and domestic alterations such as outbuildings and fences
	Other breaches where the impact is not significant to impact the local amenity
	Breaches of advertising controls
	Untidy sites

5.3 We will aim to investigate complaints in accordance with the service levels below.

Category	High	Medium	Lower
<b>Stage</b>			
<b>Register and Acknowledge</b>	Immediate	5 Working days	10 Working days

<b>Site visit (if necessary), initial assessment and initial response to the complainant</b>	Within 24 hours (Excluding weekends and bank holidays)	Within 15 Working days	Within 30 Working days

5.4 From time to time the Council will experience spikes in workload when it receives higher numbers of complaints or when dealing with complex enforcement cases. At these times, resources will be focused on higher priority cases.

## **6.0 Negotiations/Inviting applications**

6.1 In accordance with government guidance, we will try to resolve breaches of planning through negotiation. In cases where a breach of planning control is assessed as likely to be acceptable having regard to relevant planning policies, we will invite a planning application to regularise the development. An application may also be invited in cases the identified harm could be overcome by attaching conditions to a planning permission. Where an application has been invited, it should not be assumed that planning permission will be granted. These applications will be treated no differently from a planning application where no unauthorised development has already taken place.

6.2 Where the contravener disputes that there is a breach of planning control, they may apply for a Lawful Development Certificate to determine the matter.

6.3 Where an application is invited, the enforcement case will remain open pending the outcome of the planning application. If negotiations fail to secure a satisfactory solution, formal action will be considered. The Council will try to avoid the negotiations becoming protracted where there is a requirement to make the development acceptable or for a use to cease.

## **7.0 Expediency**

7.1 Whilst the Council does not condone breaches of planning control, it is not obliged to take action against an identified breach. Even when unauthorised development has been identified not all breaches will be harmful and it will not always be expedient for the Council to pursue formal action. Planning legislation sets out that the council may issue an enforcement notice where it is “expedient” to do so, having regard to the development plan and to any other material considerations.

7.2 When taking formal action, the council must provide evidence of a breach of planning and demonstrate that harm has occurred as a result of the breach planning control. It must also show that any action is proportionate and reasonable.

7.3 The Council’s decision on expediency will be informed by the following considerations:

- Is the development contrary to national and/or local planning policy?
- Is the development acceptable in respect of all other material planning considerations?
- If an application was submitted for the development, prior to it being carried out, is it likely to have been granted?

- Is the breach causing unacceptable harm to public amenity?
- Is the breach unacceptably affecting existing land, use or buildings which merit protection in the public interest?

7.4 Taking enforcement action must be in the public interest. Enforcement action will not be taken simply because a breach has occurred. In considering this, the decisive issue should be whether the breach of control is unacceptably affecting public amenity or the existing use of land and buildings meriting protection in the public interest. For example, where development would receive planning permission, but no application is made, it would not be expedient to take further action.

7.5 When considering whether to take formal planning enforcement action the Council may be criticised if its decision is considered too hasty or unreasonable. Equally, the Local Government Ombudsman has the power to award compensation to injured parties if the Council fails to take action against clearly harmful breaches.

7.6 Formal action will only be taken with the prior authorisation of the relevant line manager, in line with the council's Scheme of Delegation. Cases where it is considered not expedient to enforce will only be closed with the prior authorisation of the relevant line manager.

## 8.0 Enforcement Tools

8.1 Where further information is required to determine the facts, the Council has the following investigative powers:

- **Rights of Entry** –to enter land without the owner's permission or prior arrangement, where a breach of planning control is suspected. The exception is for the inside of domestic properties, where 24 hours prior notice must be given. If immediate access is required permission may be given by court injunction
- **S16 Notice (of Local Government Act 1992) and s330 Notice (of Town and Country Planning Act 1990, as amended)** – to require details of ownership and other interests in property
- **Planning Contravention Notice** – to obtain further information concerning development undertaken or activities alleged to be taking place on land. Further information is available on the [National Planning Practice Guidance \(PPG\)](#)
- **PACE interview** – for serious allegations, where an offence has or is suspected to have taken place, an interview under formal caution will normally be undertaken

8.2 Where immediate action is required, the Council has the following powers:

**Stop Notice** - Requires the unauthorised activities to cease immediately to remove serious threat or harm. The notice can only be issued following the service of an enforcement notice. A recipient can challenge the notice and claim compensation. Further information is available in the [PPG](#).

**Temporary Stop Notice** - lasts for a period of 28 days but does not need to be served with an enforcement notice. During this period the Local Planning Authority must decide whether or not it is appropriate to take other enforcement action. Further information is available in the [PPG](#).



**Injunction** – Granted by the courts on an application from the Council. It can be used for extremely serious planning breaches (actual or expected). Further information is available in the [PPG](#).

8.3 Where negotiations fail to secure a satisfactory solution, formal action will be considered. The type of notice served will depend on the nature of the breach:

- **Enforcement Notice** –to address unauthorised operational development or an unauthorised material change of use. Further information is available in the [PPG](#).
- **Listed Building Enforcement Notice** – to address unauthorised alterations to a Listed Building or structure. Further information is available in the [PPG](#).
- **Breach of Condition Notice** – where conditions of a planning approval have not been complied with. Further information is available in the [PPG](#).
- **Section 215 Notice** – Untidy land or buildings causing significant harm to the amenity of a neighbourhood
- **Section 225 Notice** - requiring removal of posters, placards and ‘advertisement displays’ from private land. Further information is available in the [PPG](#).
- **Planning Enforcement Order** – where the Council believes there has been a ‘concealed’ breach that would otherwise be immune from enforcement action due to the passage of time. Further information is available in the [PPG](#).
- **Direct Action** – where the council takes action to deal with an unauthorised development. Those responsible for the breach will be invoiced and recovery proceedings undertaken where necessary. Until paid, the costs will be placed as a charge on the land and will be subject to inflation.
- **Prosecution** – formal court proceedings can be undertaken by the council if any of the above notices are not complied with. This can also include displaying advertisements without consent works to TPO trees, works to a listed building and demolition of a building in a conservation area as these breaches are criminal offence which can be prosecuted without the need to serve a notice.
- **Proceeds of Crime Act Confiscation** – on successful conviction to confiscate any monetary benefits derived from not complying with an enforcement notice

8.4 Compliance with an Enforcement Notice will not discharge it; its provisions will remain in force and will be valid should the unauthorised use or specified development re-occur. Notices will be registered against the land, and will be identified as part of any ‘land search’.

8.5 The Council is committed to ensuring that its officers are able to carry out their work safely and without fear and intimidation. Where appropriate, the Council will use legal action and any other means available to prevent or respond to abuse, harassment or assault on its officers.

8.6 The Council’s appointed legal representative will lead on planning prosecutions:

Where an offence is considered to have been committed, the Council will decide whether to pursue prosecution of those responsible. This decision will be based on the ‘evidence’ and ‘public interest’ tests.

- A ‘Simple Caution’ may be ‘offered’, but does not preclude the Council pursuing prosecution if not accepted

- Prosecution should be considered even when the requisite works or the breach is removed prior to court action.
- Costs will be sought where successful prosecutions are brought, or where the Council considers unnecessary appeals have been made.
- Where a breach in planning control results in significant financial or material gain, the Council will consider recovery action under the Proceeds of Crime Act, in conjunction with the planning prosecution.

## **9.0 Monitoring**

9.1 Planning Conditions – The discharge of conditions will be overseen by the planning case officer. Non-compliance with conditions will be referred to the planning enforcement officer if contraveners do not respond to the planning officer, or the breach occurs after the completion of the development.

9.2 Legal Agreements - Where planning obligations are not being met legal action will be considered if negotiations do not resolve the issues.

## **10.0 Information, reporting and publicity**

10.1 This plan will be available on the council's website. Under Section 188 of the Town and Country Planning Act 1990 the council is required to keep an enforcement register. This is a public register of all notices and is available on the council's website. Hard copies of these documents can be requested if required.

10.2 Good publicity is important in deterring others from committing serious planning breaches, and reassuring members of the public of the Council's commitment to enforcing against serious breaches in planning regulations. The Council will work with appropriate media to publicise the team's work and positive outcomes, including details of impending court cases and their outcome.

10.3 Every twelve months officers will report to Planning Committee on the general performance of the service, including details of all notices served since the previous update.

## **11.0 Privacy Statement**

11.1 The Council has published its Privacy Notice which sets out how data will be handled and made available to the public. A copy of the latest version of the Privacy Notice can be viewed [here](#).

## Appendix 3: Summary of changes to the local enforcement plan (2015)

### Contents

Contents list added to make it easier for customers to navigate the document. Also to assist with transparency of information

1. Introduction
2. What is a breach of planning control?
3. Our approach to dealing with alleged breaches of planning control
4. Our reasons for not investigating cases or for closing cases
5. Prioritising breaches and timescales
6. Negotiations/Inviting applications
7. Expediency
8. Enforcement tools
9. Monitoring
10. Information, reporting and publicity

### Section 1 Introduction

Amended to provide an introduction which clarifies the purpose of planning enforcement and to specify the purpose of the local enforcement plan. Content reduced to make it simpler. Amended text to refer to the current NPPF. Some resource information from previous section 2 included.

### Previous Section 2 Resources

Majority deleted as information generally not relevant to the purpose of the local enforcement plan, as set out in the introduction. Resource information included in introduction. Priorities included in a dedicated section, to ensure this information is easily available for customers.

### Section 2 What is a breach of planning control?

Change of heading from previous section 2 which was “Breaches of planning control”. Information simplified to be more customer friendly.

### Section 3 Our approach to dealing with alleged breaches of planning control

Heading changed from previous section 4, ‘Approaches to dealing with a planning enforcement enquiry’ to ‘our approach to dealing with alleged breaches of planning control’ to clarify that this is the Gloucester approach. Information contained within the previous section 4 separated out and included in additional sections, to make it easier for customers to find relevant information.

### Section 4 Reasons for not investigating cases or for closing cases.

New section, as set out above. More detailed information included, to provide improved transparency about why certain cases are not investigated and the circumstances where cases will be closed.

## **Section 5 Prioritising breaches and timescales**

Previous information on prioritising breaches was included in Appendix A and customer service standards in Appendix B. This information has been incorporated in the main body of the document in a new section 5.

Priorities: The following amendments have been made:

- *High priority: Removed 'highly visible adverts' and 'unauthorised change of use, likely to result in a serious loss of amenity to local residents' as these do not fall within the definition of irreversible harm*
- *Medium priority: Added unauthorised change of use, likely to result in a serious loss of amenity to local residents' to take account of removal from high priority. Added building works in a conservation area as planning law requires that development preserves and/or enhances conservation areas.*
- *Low priority: Changed to 'lower' priority as these breaches are still important to complainants. Reworded to be more succinct and advertisements added as proposal is to remove from high priority. In most cases, there is other legislation that can require the removal of unacceptable advertisements more quickly than planning legislation.*

**Timescales:** The timescales in the current local enforcement plan (Appendix A, page 10) provide that:

**High:** A site visit and investigations will be commenced as soon as possible

**Medium:** A site visit and investigations will usually be commenced within 5 working days

**Low:** A site visit and investigations will be commenced within 10 working days

A separate service standard includes a target of acknowledging all complaints within 5 working days.

The current timescales do not involve any engagement with customers or have a focus on outcomes. There is no timescale for the completion of an initial assessment or for informing the complainant of the outcome of the initial investigation.

Therefore, it is proposed that the timescales be amended to provide for customer updates and an initial assessment.

The timescales have been increased to reflect the focus on an initial assessment and also to take account of planning enforcement officer capacity. The service now has one planning enforcement officer. There were 2 planning enforcement officers when the current local enforcement plan was adopted in 2015.

## **Section 6 Negotiations/Inviting applications**

Moved from previous section 4 and separate section clarity provided in relation to the circumstances where it would be considered appropriate to invite a planning application.

## **Section 7 Expediency**

A new section that contains the information that was previously in section 4. This provides more detailed information including the considerations that will affect judgements on expediency. Text amended to refer to relevant manager as post names can change frequently.

### **Section 8 Enforcement Tools**

Previously section 5, 'Powers'. Links added to the planning practice guidance for further information.

### **Section 9 Monitoring**

Previously section 6. No changes proposed.

### **Section 10 Information, Reporting and Publicity**

Reference to internal record keeping removed, this is an operational matter rather than being relevant to the local enforcement plan. Amended to remove reference to decision notices and S106 agreements being on the website, this information is now available on the planning enforcement web page.

Amended the frequency of reporting to planning committee on the general performance of the service from every three months to twelve months, to reflect current planning enforcement officer capacity.

### **Section 11 -Privacy Statement**

New section, The Data Protection Act (2018) requires public bodies to publicise how they process and use personal data which is included in a privacy statement. This new section includes a link to the planning enforcement privacy statement which was published after the current plan was adopted.

## Abbeydale

21/00759/OUT  
52 The Wheatridge Gloucester GL4 4DJ  
Erection of 2 no. Detached Dwellings (outline).  
G3Y 19/11/2021

MILLD

21/01168/FUL  
8 Ashton Close Gloucester GL4 5BP  
Proposed First Floor Extension at Front  
G3Y 26/11/2021

RHIAM

## Abbeymead

21/00378/FUL  
7 Hadrians Way Gloucester GL4 5DD  
Two Storey Extension to rear of property  
G3Y 24/11/2021

MILLD

21/00738/FUL  
24 Farmington Close Gloucester GL4 4XA  
Two Storey Side Extension  
G3Y 12/11/2021

MILLD

## Barnwood

21/01096/ADV  
Unit 1 Centre Severn Barnwood Link Road Gloucester GL4 3HR  
4 x non-illuminated wordmark signs on the northern, eastern, southern and western elevations and 47 non-illuminated signs across the site  
GFY 17/11/2021

CJR

21/01126/LBC  
183 Barnwood Road Gloucester GL4 3HH  
Remove existing cement render from gable end wall external side. To be then rendered with a suitable lime render.  
G3L 26/11/2021

MILLD

## **Barton & Tredworth**

20/01200/FUL

ELENJ

50 Conduit Street Gloucester GL1 4TU

Single storey extension and erection of a detached playroom and store to the rear garden, alterations to existing house.

G3Y 05/11/2021

21/00492/LAW

ELENJ

2 Leonard Road Gloucester GL1 4PQ

ALTERATION OF DOOR AND WINDOW POSITIONS AND REMOVAL OF INTERNAL WALLS

LAW

25/11/2021

21/00550/FUL

ELENJ

56 Clement Street Gloucester GL1 4JW

Two storey extension to rear of dwelling

G3Y 08/11/2021

21/00586/FUL

ELENJ

94 Alfred Street Gloucester GL1 4BY

Single Storey Rear & Side Extension

G3Y 02/11/2021

## **Coney Hill**

21/01187/FUL

RHIAM

35 Ashgrove Avenue Gloucester GL4 4NF

NEW PORCH AND FIRST FLOOR EXTENSION TO REAR

G3Y 29/11/2021

## **Elmbridge**

20/01270/LAW

BICKN

248 Cheltenham Road Gloucester GL2 0JW

Loft Conversion to provide additional bedroom and en-suite

LAW 22/11/2021

21/00523/FUL	ELENJ
83 Elmbridge Road Gloucester GL2 0NU	
Extend existing drop kerb (Class 3 Classified Road)	
G3Y 02/11/2021	
21/00732/FUL	ELENJ
105 Lavington Drive Gloucester GL2 0HR	
Proposed two storey side extension. Relocation of existing parking to front	
G3Y 19/11/2021	
21/00802/FUL	ELENJ
248 Cheltenham Road Gloucester GL2 0JW	
Single storey side and rear extension with raised summer room to prevent losing flood water storage capacity	
REF 24/11/2021	
21/00869/FUL	BICKN
16 Riversley Road Gloucester GL2 0QT	
Replacement of existing garage with a 2 storey side extension	
G3Y 30/11/2021	
21/00950/FUL	BICKN
5 Coltman Close Gloucester GL1 3QJ	
Two storey side extension and single storey front lean-to extension	
G3Y 23/11/2021	
21/01086/FUL	ELENJ
166 Elmbridge Road Gloucester GL2 0PH	
Proposed two storey side and rear extension to 166 Elmbridge Road	
G3Y 09/11/2021	

## Hucclecote

21/00044/FUL	FISHM
34 Fieldcote Drive Gloucester GL3 3EP	
Single-storey extension to front and alterations to front dormer.	
G3Y 08/11/2021	



21/00130/FUL	FISHM
47 Spencer Close Gloucester GL3 3EA	
Proposed side extension	
G3Y	18/11/2021
21/00803/FUL	FISHM
92 Hucclecote Road Gloucester GL3 3RU	
Remodelling of bungalow to include single storey front extension, loft conversion including new dormers and rooflights, single and two storey rear extension, plus new doors and windows.	
G3Y	17/11/2021
21/00889/FUL	FISHM
57 Churchdown Lane Gloucester GL3 3QJ	
SINGLE AND TWO STOREY EXTENSION TO REAR WITH NEW PORCH TO FRONT	
G3Y	22/11/2021
21/01028/FUL	RHIAM
144 Chosen Way Gloucester GL3 3DA	
Proposed two storey extension to side and rear of property with associated works	
G3Y	26/11/2021

## Kingsholm & Wotton

20/00576/FUL	ELENJ
92 Kingsholm Road Gloucester GL1 3BB	
Demolition of existing rear single storey flat roofed extension and construction of new single storey pitched roof extension to the rear of the property. Internal refurbishment of kitchen area. Addition of a new porch to the front of the property.	
G3Y	17/11/2021
21/00539/FUL	ELENJ
3 Oxford Terrace Gloucester GL1 3NT	
Proposed first floor rear extension.	
G3Y	16/11/2021
21/00767/FUL	ADAMS
Gloucester Rugby Football Club Kingsholm Road Gloucester GL1 3AX	
Proposed replacement pitch including drainage infrastructure	
G3Y	09/11/2021

21/01115/TRECON

JJH

11 Denmark Road Gloucester GL1 3HZ

Copper Beech (*Fagus sylvatica* 'Purpurea') - T1 - Reduce the overhang of the canopy, to the north-west side of the tree, to reduce the shading and falling debris into the garden of number 13. Taking 2 to 3 metres off back into the inner canopy.

TPDECS 10/11/2021

## Kingsway

21/01127/LAW

MILLD

3 Bampton Castle Way Kingsway Quedgeley Gloucester GL2 2FJ

Installation of front elevation roof windows. Construction of rear Dormer

LAW 26/11/2021

## Longlevens

21/00214/FUL

ELENJ

40 Oxstalls Drive Gloucester GL2 9DE

2 Storey Side and Rear extension

G3Y 12/11/2021

21/00254/FUL

ELENJ

1 Haydale Gardens Gloucester GL2 0DJ

Demolition of existing conservatory and garage, and erection of a single storey extension

REF 05/11/2021

21/00754/FUL

BICKN

64 Park Avenue Gloucester GL2 0EQ

Proposed side 2 storey and rear single storey extension

G3Y 24/11/2021

21/00979/FUL

BICKN

1A Richmond Gardens Gloucester GL2 0DS

Demolition of single storey garage to be replaced with new double storey side extension

G3Y 30/11/2021

21/01134/FUL BICKN  
22 Old Cheltenham Road Gloucester GL2 0AW  
Proposed single storey and 2 storey extension to rear of property  
REFUSE 30/11/2021

## **Matson & Robinswood**

21/00690/FUL FISHM  
14 Marlborough Road Gloucester GL4 6GE  
PART SINGLE STOREY AND TWO STOREY SIDE AND REAR EXTENSION  
G3Y 08/11/2021

21/00937/NMA JOLM  
Land South Of Winnycroft Farm Corncroft Lane Gloucester GL4 6BX  
Variation of house types including 67 Maidstone housetypes replaced with a newer Maidstone housetype, 11 Kenley housetypes replaced with the Denford housetype and 61 Maidstone housetypes replaced with the Ellerton housetype as permitted under reserved matters 18/01141/REM and minor changes to dwelling pathway alignments.  
NOS96 23/11/2021

## **Moreland**

19/00605/FUL ELENJ  
23 Sydenham Terrace Gloucester GL1 5EA  
Single and two storey extensions to enable extension of existing takeaway and creation of self-contained residential first floor flat  
REF 09/11/2021

21/00826/FUL MILLD  
225 Stroud Road Gloucester GL1 5JU  
Demolition of the existing single storey rear extension. A single storey extension and a new dormer to existing roof, timber frame dormer with a finish to match existing roof  
G3Y 12/11/2021

21/00899/FUL MILLD  
301B Stroud Road Gloucester GL1 5LB  
Proposed extension to existing property including raised ridge height to allow first floor with associated works  
G3Y 03/11/2021

21/01014/FUL

BICKN

125 Calton Road Gloucester GL1 5ES

Replace Existing Garage with Purpose Built Single Storey Bedroom, Wet Room & Carers Room for Disabled Person

REF

03/11/2021

## **Quedgeley Fieldcourt**

21/00846/FUL

ADAMS

Plot H Kingsway Business Park Quedgeley Gloucester

Erection of a building for use as a builders' merchant (storage, distribution, trade counter, offices and ancillary sales) along with associated access, landscaping, engineering operations and associated ancillary works.

G3Y

03/11/2021

## **Quedgeley Severn Vale**

21/00770/FUL

MILLD

1 Gazelle Close Quedgeley Gloucester GL2 4NS

Raise ridge height by 1m for loft conversion

G3Y

05/11/2021

## **Tuffley**

19/00887/FUL

FISHM

5 Birchwood Fields Gloucester GL4 0AL

To create a loft style conversion

G3Y

30/11/2021

21/00290/FUL

MILLD

12 Firwood Drive Gloucester GL4 0AB

Retention of a wooden extension to second floor to produce an ensuite to front bedroom and family bathroom

REF

26/11/2021

21/00645/FUL MILLD  
 157 Finlay Road Gloucester GL4 6SE  
 Demolition of existing garage and erection of small single storey annexe for elderly parent.  
 G3Y 25/11/2021

21/00875/FUL FISHM  
 8 Brookthorpe Close Gloucester GL4 0LJ  
 Creation of a loft conversion with a rear dormer and Juliet balcony  
 G3Y 02/11/2021

## **Westgate**

20/01124/FUL MILLD  
 The Famous Pint Pot 74 Bruton Way Gloucester GL1 1EP  
 First floor extension to provide 2 no. flats  
 G3Y 03/11/2021

21/00822/CONDIT MILLD  
 18 Brunswick Square Gloucester GL1 1UG  
 Condition 3 - Bike storage area - Secure enclosed bike storage area, for 12 bikes, is provided to the rear of the existing building.  
 ALDIS 05/11/2021

21/00835/CONDIT ADAMS  
 5 Park Road Gloucester GL1 1LH  
 Discharge of Conditions 16, (Flood evacuation management plan), 21 (biodiversity enhancement), 22 (sustainability measures), 30 (cycle parking), 32 (electric vehicle charging), and 35 (fall prevention) of permission ref. 19/00296/FUL  
 ALDIS 16/11/2021

21/00873/CONDIT ADAMS  
 Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By  
 Partial discharge of Condition 43 (land remediation) of permission ref. 18/00685/FUL for Phase G (Monk Meadow) of the site - verification reports for soft landscaping areas Blocks 18 and 20  
 PADIS 10/11/2021

21/01036/LBC ADAMS  
Canal And River Trust Docks Office Commercial Road Gloucester GL1 2EB  
External works to Grade 2 listed building comprising of repairs to windows and replacement windows.

G3L 09/11/2021

21/01069/FUL ADAMS  
111 Eastgate Street Gloucester GL1 1PY

Change of use from office to twelve flats (use class C3) with an office retained on the second floor, erection of wall and railings to front, alterations to frontage area, steps to rear, works to outbuilding to rear, provision of car parking, and associated external works.

G3Y 18/11/2021

21/01138/CONDIT ADAMS  
Former Gloucester Prison Barrack Square Gloucester GL1 2JN

Partial discharge of Conditions 26 (part A - Demolition Phase Construction and Environmental Management Plan - for all phases of the development) and Condition 43 (Construction Method Statement (highways matters) - for phase 1 of the development) of permission ref. 19/01314/FUL

PADIS 03/11/2021

21/01155/CONDIT ADAMS  
Land East Of Hempsted Lane Hempsted Lane Gloucester

Discharge of Condition 2 (septic tank remediation) of reserved matters approval  
21/00389/FUL

PADIS 25/11/2021

## DECISION DESCRIPTIONS ABBREVIATIONS

AAPRZ:	Prior Approval Approved
ALDIS:	All Discharged
AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
ECREF:	PDE Refused - Commenced
ENOBJ:	No Objections
ENPDEZ:	PDE Decision – No objections
EOBJ:	PDE Decision - Objection
G3L:	Grant Listed Building Consent for a period of 3 Years
G3Y:	Grant Consent for a period of 3 Years
GA:	Grant Approval
GATCMZ:	Grant approval for telecommunications mast
GFY:	Grant Consent for a period of Five Years
GLB:	Grant Listed Building Consent
GLBGOS:	Grant Listed Building Consent subject to Government Office of South West clearance
GOP:	Grant Outline Permission
GOSG:	Government Office of South West Granted
GP:	Grant Permission
GSC:	Grant Subject to Conditions
GTY:	Grant Consent for a period of Two Years
GYO:	Grant Consent for a period of One Year
LAW:	Certificate of Law permitted
NOB:	No objections
NOS96	No objection to a Section 96 application
NPW:	Not proceeded with
OBJ:	Objections to County Council
OBS:	Observations to County Council
PADIS	Part Discharged
PER:	Permission for demolition
RAD:	Refuse advert consent
REF:	Refuse
REFLBC:	Refuse Listed Building Consent
REFREA:	Refuse
REFUSE:	Refuse
RET:	Returned
ROS96:	Raise objections to a Section 96 application
RPA:	Refuse Prior Approval
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TELPRI:	Telecommunications Prior Approval
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn

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## Abbeydale

21/00759/OUT  
52 The Wheatridge Gloucester GL4 4DJ  
Erection of 2 no. Detached Dwellings (outline).  
G3Y 19/11/2021 MILLD

21/01168/FUL  
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Proposed First Floor Extension at Front  
G3Y 26/11/2021 RHAM

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21/00378/FUL  
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Two Storey Extension to rear of property  
G3Y 24/11/2021 MILLD

21/00738/FUL  
24 Farmington Close Gloucester GL4 4XA  
Two Storey Side Extension  
G3Y 12/11/2021 MILLD

## Barnwood

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Unit 1 Centre Severn Barnwood Link Road Gloucester GL4 3HR  
4 x non-illuminated wordmark signs on the northern, eastern, southern and western elevations and 47 non-illuminated signs across the site  
GFY 17/11/2021 CJR

21/01126/LBC  
183 Barnwood Road Gloucester GL4 3HH  
Remove existing cement render from gable end wall external side. To be then rendered with a suitable lime render.  
G3L 26/11/2021 MILLD

## **Barton & Tredworth**

20/01200/FUL

ELENJ

50 Conduit Street Gloucester GL1 4TU

Single storey extension and erection of a detached playroom and store to the rear garden, alterations to existing house.

G3Y 05/11/2021

21/00492/LAW

ELENJ

2 Leonard Road Gloucester GL1 4PQ

ALTERATION OF DOOR AND WINDOW POSITIONS AND REMOVAL OF INTERNAL WALLS

LAW

25/11/2021

21/00550/FUL

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Two storey extension to rear of dwelling

G3Y 08/11/2021

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Single Storey Rear & Side Extension

G3Y 02/11/2021

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G3Y 29/11/2021

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BICKN

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Loft Conversion to provide additional bedroom and en-suite

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21/00523/FUL	ELENJ
83 Elmbridge Road Gloucester GL2 0NU	
Extend existing drop kerb (Class 3 Classified Road)	
G3Y	02/11/2021
21/00732/FUL	ELENJ
105 Lavington Drive Gloucester GL2 0HR	
Proposed two storey side extension. Relocation of existing parking to front	
G3Y	19/11/2021
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248 Cheltenham Road Gloucester GL2 0JW	
Single storey side and rear extension with raised summer room to prevent losing flood water storage capacity	
REF	24/11/2021
21/00869/FUL	BICKN
16 Riversley Road Gloucester GL2 0QT	
Replacement of existing garage with a 2 storey side extension	
G3Y	30/11/2021
21/00950/FUL	BICKN
5 Coltman Close Gloucester GL1 3QJ	
Two storey side extension and single storey front lean-to extension	
G3Y	23/11/2021
21/01086/FUL	ELENJ
166 Elmbridge Road Gloucester GL2 0PH	
Proposed two storey side and rear extension to 166 Elmbridge Road	
G3Y	09/11/2021

## Hucclecote

21/00044/FUL	FISHM
34 Fieldcote Drive Gloucester GL3 3EP	
Single-storey extension to front and alterations to front dormer.	
G3Y	08/11/2021

21/00130/FUL	FISHM
47 Spencer Close Gloucester GL3 3EA	
Proposed side extension	
G3Y	18/11/2021
21/00803/FUL	FISHM
92 Hucclecote Road Gloucester GL3 3RU	
Remodelling of bungalow to include single storey front extension, loft conversion including new dormers and rooflights, single and two storey rear extension, plus new doors and windows.	
G3Y	17/11/2021
21/00889/FUL	FISHM
57 Churchdown Lane Gloucester GL3 3QJ	
SINGLE AND TWO STOREY EXTENSION TO REAR WITH NEW PORCH TO FRONT	
G3Y	22/11/2021
21/01028/FUL	RHIAM
144 Chosen Way Gloucester GL3 3DA	
Proposed two storey extension to side and rear of property with associated works	
G3Y	26/11/2021

## Kingsholm & Wotton

20/00576/FUL	ELENJ
92 Kingsholm Road Gloucester GL1 3BB	
Demolition of existing rear single storey flat roofed extension and construction of new single storey pitched roof extension to the rear of the property. Internal refurbishment of kitchen area. Addition of a new porch to the front of the property.	
G3Y	17/11/2021
21/00539/FUL	ELENJ
3 Oxford Terrace Gloucester GL1 3NT	
Proposed first floor rear extension.	
G3Y	16/11/2021
21/00767/FUL	ADAMS
Gloucester Rugby Football Club Kingsholm Road Gloucester GL1 3AX	
Proposed replacement pitch including drainage infrastructure	
G3Y	09/11/2021

21/01115/TRECON

JJH

11 Denmark Road Gloucester GL1 3HZ

Copper Beech (*Fagus sylvatica* 'Purpurea') - T1 - Reduce the overhang of the canopy, to the north-west side of the tree, to reduce the shading and falling debris into the garden of number 13. Taking 2 to 3 metres off back into the inner canopy.

TPDECS 10/11/2021

## Kingsway

21/01127/LAW

MILLD

3 Bampton Castle Way Kingsway Quedgeley Gloucester GL2 2FJ

Installation of front elevation roof windows. Construction of rear Dormer

LAW 26/11/2021

## Longlevens

21/00214/FUL

ELENJ

40 Oxstalls Drive Gloucester GL2 9DE

2 Storey Side and Rear extension

G3Y 12/11/2021

21/00254/FUL

ELENJ

1 Haydale Gardens Gloucester GL2 0DJ

Demolition of existing conservatory and garage, and erection of a single storey extension

REF 05/11/2021

21/00754/FUL

BICKN

64 Park Avenue Gloucester GL2 0EQ

Proposed side 2 storey and rear single storey extension

G3Y 24/11/2021

21/00979/FUL

BICKN

1A Richmond Gardens Gloucester GL2 0DS

Demolition of single storey garage to be replaced with new double storey side extension

G3Y 30/11/2021

21/01134/FUL BICKN  
22 Old Cheltenham Road Gloucester GL2 0AW  
Proposed single storey and 2 storey extension to rear of property  
REFUSE 30/11/2021

## **Matson & Robinswood**

21/00690/FUL FISHM  
14 Marlborough Road Gloucester GL4 6GE  
PART SINGLE STOREY AND TWO STOREY SIDE AND REAR EXTENSION  
G3Y 08/11/2021

21/00937/NMA JOLM  
Land South Of Winnycroft Farm Corncroft Lane Gloucester GL4 6BX  
Variation of house types including 67 Maidstone housetypes replaced with a newer Maidstone housetype, 11 Kenley housetypes replaced with the Denford housetype and 61 Maidstone housetypes replaced with the Ellerton housetype as permitted under reserved matters 18/01141/REM and minor changes to dwelling pathway alignments.  
NOS96 23/11/2021

## **Moreland**

19/00605/FUL ELENJ  
23 Sydenham Terrace Gloucester GL1 5EA  
Single and two storey extensions to enable extension of existing takeaway and creation of self-contained residential first floor flat  
REF 09/11/2021

21/00826/FUL MILLD  
225 Stroud Road Gloucester GL1 5JU  
Demolition of the existing single storey rear extension. A single storey extension and a new dormer to existing roof, timber frame dormer with a finish to match existing roof  
G3Y 12/11/2021

21/00899/FUL MILLD  
301B Stroud Road Gloucester GL1 5LB  
Proposed extension to existing property including raised ridge height to allow first floor with associated works  
G3Y 03/11/2021

21/01014/FUL

BICKN

125 Calton Road Gloucester GL1 5ES

Replace Existing Garage with Purpose Built Single Storey Bedroom, Wet Room & Carers Room for Disabled Person

REF

03/11/2021

## **Quedgeley Fieldcourt**

21/00846/FUL

ADAMS

Plot H Kingsway Business Park Quedgeley Gloucester

Erection of a building for use as a builders' merchant (storage, distribution, trade counter, offices and ancillary sales) along with associated access, landscaping, engineering operations and associated ancillary works.

G3Y

03/11/2021

## **Quedgeley Severn Vale**

21/00770/FUL

MILLD

1 Gazelle Close Quedgeley Gloucester GL2 4NS

Raise ridge height by 1m for loft conversion

G3Y

05/11/2021

## **Tuffley**

19/00887/FUL

FISHM

5 Birchwood Fields Gloucester GL4 0AL

To create a loft style conversion

G3Y

30/11/2021

21/00290/FUL

MILLD

12 Firwood Drive Gloucester GL4 0AB

Retention of a wooden extension to second floor to produce an ensuite to front bedroom and family bathroom

REF

26/11/2021

21/00645/FUL MILLD  
 157 Finlay Road Gloucester GL4 6SE  
 Demolition of existing garage and erection of small single storey annexe for elderly parent.  
 G3Y 25/11/2021

21/00875/FUL FISHM  
 8 Brookthorpe Close Gloucester GL4 0LJ  
 Creation of a loft conversion with a rear dormer and Juliet balcony  
 G3Y 02/11/2021

## **Westgate**

20/01124/FUL MILLD  
 The Famous Pint Pot 74 Bruton Way Gloucester GL1 1EP  
 First floor extension to provide 2 no. flats  
 G3Y 03/11/2021

21/00822/CONDIT MILLD  
 18 Brunswick Square Gloucester GL1 1UG  
 Condition 3 - Bike storage area - Secure enclosed bike storage area, for 12 bikes, is provided to the rear of the existing building.  
 ALDIS 05/11/2021

21/00835/CONDIT ADAMS  
 5 Park Road Gloucester GL1 1LH  
 Discharge of Conditions 16, (Flood evacuation management plan), 21 (biodiversity enhancement), 22 (sustainability measures), 30 (cycle parking), 32 (electric vehicle charging), and 35 (fall prevention) of permission ref. 19/00296/FUL  
 ALDIS 16/11/2021

21/00873/CONDIT ADAMS  
 Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By  
 Partial discharge of Condition 43 (land remediation) of permission ref. 18/00685/FUL for Phase G (Monk Meadow) of the site - verification reports for soft landscaping areas Blocks 18 and 20  
 PADIS 10/11/2021



21/01036/LBC ADAMS  
Canal And River Trust Docks Office Commercial Road Gloucester GL1 2EB  
External works to Grade 2 listed building comprising of repairs to windows and replacement windows.

G3L 09/11/2021

21/01069/FUL ADAMS  
111 Eastgate Street Gloucester GL1 1PY

Change of use from office to twelve flats (use class C3) with an office retained on the second floor, erection of wall and railings to front, alterations to frontage area, steps to rear, works to outbuilding to rear, provision of car parking, and associated external works.

G3Y 18/11/2021

21/01138/CONDIT ADAMS  
Former Gloucester Prison Barrack Square Gloucester GL1 2JN

Partial discharge of Conditions 26 (part A - Demolition Phase Construction and Environmental Management Plan - for all phases of the development) and Condition 43 (Construction Method Statement (highways matters) - for phase 1 of the development) of permission ref. 19/01314/FUL

PADIS 03/11/2021

21/01155/CONDIT ADAMS  
Land East Of Hempsted Lane Hempsted Lane Gloucester

Discharge of Condition 2 (septic tank remediation) of reserved matters approval  
21/00389/FUL

PADIS 25/11/2021

## DECISION DESCRIPTIONS ABBREVIATIONS

AAPRZ:	Prior Approval Approved
ALDIS:	All Discharged
AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
ECREF:	PDE Refused - Commenced
ENOBJ:	No Objections
ENPDEZ:	PDE Decision – No objections
EOBJ:	PDE Decision - Objection
G3L:	Grant Listed Building Consent for a period of 3 Years
G3Y:	Grant Consent for a period of 3 Years
GA:	Grant Approval
GATCMZ:	Grant approval for telecommunications mast
GFY:	Grant Consent for a period of Five Years
GLB:	Grant Listed Building Consent
GLBGOS:	Grant Listed Building Consent subject to Government Office of South West clearance
GOP:	Grant Outline Permission
GOSG:	Government Office of South West Granted
GP:	Grant Permission
GSC:	Grant Subject to Conditions
GTY:	Grant Consent for a period of Two Years
GYO:	Grant Consent for a period of One Year
LAW:	Certificate of Law permitted
NOB:	No objections
NOS96	No objection to a Section 96 application
NPW:	Not proceeded with
OBJ:	Objections to County Council
OBS:	Observations to County Council
PADIS	Part Discharged
PER:	Permission for demolition
RAD:	Refuse advert consent
REF:	Refuse
REFLBC:	Refuse Listed Building Consent
REFREA:	Refuse
REFUSE:	Refuse
RET:	Returned
ROS96:	Raise objections to a Section 96 application
RPA:	Refuse Prior Approval
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TELPRI:	Telecommunications Prior Approval
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn