



Gloucester City Council

Planning Committee

Meeting: Tuesday, 7th March 2023 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Campbell, Conder, Dee, Finnegan, Sawyer, Toleman and Tracey
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

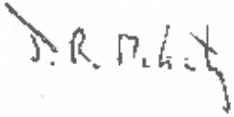
AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST 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.
3.	MINUTES (Pages 7 - 14) To approve as a correct record the minutes of the meeting held on Tuesday 7 February 2023.
4.	LATE MATERIAL 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 before the meeting. Additional late material will be uploaded as a supplement on the Council's website on the day of the meeting, should further relevant representations be received thereafter.
5.	130 RESERVOIR ROAD, GLOUCESTER GL4 6RY - 22/00884/FUL (Pages 15 - 32) Application for determination: Change of Use from retail (Class E) to Mixed Use comprised of Hot Food Takeaway (Sui Generis) and retail (Class E). Retrospective application for installation of External Extraction Unit.
6.	DELEGATED DECISIONS (Pages 33 - 34) To consider a schedule of applications determined under delegated powers during the month

of January 2023.

7. DATE OF NEXT MEETING

Tuesday 4th April 2023.



Jon McGinty
Managing Director

Date of Publication: Monday, 27 February 2023

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

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 (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
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) – (a) the landlord is the Council; and (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
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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

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 February 2023

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

Officers in Attendance

Planning Development Manager
Senior Planner
Planning Officer
Locum Planning Lawyer, One Legal
Democratic and Electoral Services Officer

APOLOGIES : Cllrs. Finnegan

39. DECLARATIONS OF INTEREST

There were no declarations of interest.

40. MINUTES

RESOLVED that: - the minutes of the meeting held on the 1st of November 2022 were confirmed and signed by the Chair as a correct record.

41. LATE MATERIAL

Late material had been circulated in relation to agenda item 5 – Great Western Road Yard/Sidings (22/00770/FUL) and agenda item 6 – Gloucester Royal Hospital, Great Western Road (22/01141/FUL).

42. GREAT WESTERN ROAD YARD/SIDINGS, GLOUCESTER - 22/00770/FUL

He stated that the application should be granted on the following grounds:

- The applicant had worked constructively with officers and consultees.

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- The scheme had been amended when required.
- The application was before committee a couple of weeks after the adoption of the updated City Plan.
- Only two parties had objected to the application, which was rare for an application as large as the one before Committee. This showed the support the local community had for the scheme.
- It is a sustainable edge centre location.
- There significant abnormal costs which impacts on the delivery of affordable housing.
- A decision to grant the application would support the plan led system and would deliver 315 needed properties for Gloucester.
- The capacity was increased from 200 to 300 at the City Plan Examination.
- Granting of the scheme would provide a third of the housing laid out in the recently adopted City Plan.
- The Officer report explained how it met key requirements for dwellings.
- 26 affordable housing units would be provided.
- The application would allow for the long-awaited redevelopment of a derelict site.

Members' Questions

The Principal Planning Officer responded to Members' questions concerning issues raised about pedestrian crossing on Horton Road and Great Western Road, whether a condition to install a pedestrian refuge on Great Western Road could be included as part of the application, gull mitigation measures, use of the sidings, maintenance of boundary treatments, educational contributions to a local primary school, knotweed, how many electric charging points there were, disabled access , tree maintenance, noise at the site, the Community Infrastructure Levy (CIL), the nature of the notification process, bin storage, tree maintenance and the public open space as follows:

- Gloucestershire Highways had assessed the site in detail and did not deem a pedestrian crossing on Great Western Road or Horton Road necessary.
- Pedestrians would cross Great Western Road to get to the hospital. There is an existing crossing further up Great Western Road.
- Condition 30 of the report stipulated that Gull Mitigation Measures needed to be put in place prior to the first occupation within the individual flat blocks.
- Regarding the use of the sidings, the applicant had liaised with Network Rail and had stated that they had quite a low use, by tamper vehicles. The Council's environmental health consultant was satisfied with the impact.
- Concerning the boundary treatments, there was a condition that required approval of Boundary treatments or means of enclosure.
- The County Council had made a request for £1,507,940 to St Peters Primary School and/or Barton/Tredworth Primary planning area and/or other schools within the statutory walking distance. Widden Primary School likely would have fallen under one of these categories. However, contributions were linked with the viability of being able to provide said contributions and the applicant was not offering any contributions in relation to education. This said, the applicant had made the offer of providing 26 affordable housing units.

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- All of the units would meet Building Regulations M4(2) standard. These were accessible and adaptable dwellings. Some of the units, including two of the 26 proposed affordable housing units would be built to M4(3) standard which were wheelchair user dwellings. Further, some of the properties would be sufficiently large enough to be converted into M4(3) dwellings if an occupier chose to do so. However, the current proposal met the requirement for dwellings with disabled access.
- There was a condition relating to dealing with knotweed. The applicant had conducted the first phase of works relating to knotweed and would go back to do the second. Condition 12 as amended in the late material stipulated that no development would take place on the southern phase of the site until detailed method statement for the removal/eradication of invasive species on the site that had been submitted and approved by the authority.
- In relation to electric charging points in bays, this now fell under building regulations and did not form part of the application before committee.
- It would be for the developer to maintain the trees on site. There would be conditions, similar to ones put on most planning applications in reference to this. In the long term, the developer may choose to source a management company to maintain the trees.
- A noise survey was undertaken by the applicant. An unmanned survey and a manned survey were taken over multiple days. This would have picked up the noise of nearby trains and cars. The environmental health consultant raised no objections. The buildings would also need to be designed to reflect the noise environment (e.g. suitable façade and glazing specification) so that noise was properly mitigated.
- The Community Infrastructure Levy (CIL) was a mandatory charge. The Council publishes what the levy would be spent on yearly. The levy is predominantly spent on large Highway schemes. The CIL has a set process and was funded by developers' funds. In terms of other contributions, education, open space etc. both national and council policy allowed for discretion on a viability basis.
- The CIL went to different authorities within Gloucestershire, but this was dealt with at the Joint Core Strategy level.
- More properties were notified than what was required by legislation. The requirement was to notify everyone who lived in properties on the adjoining boundary. However, using discretion, the Council also notified properties opposite and further away from the site.
- There had been a discussion about what would happen to the Public Open Space. For this application, the applicant proposed that the public space would be managed by the applicant rather than offered for Council adoption.
- The affordable housing was proposed in Block D.
- Bin stores were proposed for each apartment block while each house would have an outdoor bin store. They would not be on the road.

The Highways Officer responded to Members' questions regarding concerns about pedestrians crossing Great Western Road, why a pedestrian refuge was not installed, trains, parking, and what would happen if the option of a car club was not taken up and as follows:

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- Regarding whether the instillation of a pedestrian crossing were appropriate, Gloucestershire Highways had looked into this application in great detail and had not deemed it appropriate or necessary.
- Trip generation data produced for the application suggested that the granting of the application would lead to an extra vehicle in the area every 2 to 3 minutes. In terms of saturation at junctions, this was not a perceivable risk and would not make a significant difference at peak times.
- If a pedestrian refuge island was installed, a significant number of parking spaces would be lost.
- The issues associated with the level crossing are existing ones and not ones that could be mitigated in the application before committee.
- In regard to the Car Club, the developer would negotiate with a Car Club provider. There were four large car club providers generally. It would be a highly attractive offer for a car club provider and it was highly unlikely that a car club provider would not take it on for the six spaces allocated.
- The parking provision would be enforced by a car parking zone. Those who lived in the development would not be allowed to park in the surrounding zones during times of operation. This would partly incentivise occupants not to have vehicles. Those in the smaller dwellings were less likely to own vehicles whereas the larger dwellings all had parking spots.
- Within the transport assessment, there was a detailed assessment of accidents and speed surveys. There was also a pedestrian crossing within 250 metres of the site. The desire lines for pedestrians would keep them on one side of the road until they got to the existing crossing by the Hospital.
- Paragraph 6.58 of the report detailed the trip generation data. The figures were robust. He appreciated the local knowledge of ward members. However, Gloucestershire Highways had fully assessed the application based on the statistics provided.

The Locum Planning Lawyer answered a members' question concerning whether a pedestrian crossing could be installed as a condition on Great Western Road as follows:

- The issue surrounding highway crossings had been considered in depth by Gloucestershire Highways. Should members be wishing to deviate from the recommendations in the report as amended in the late material, there would have to be an evidential base or a material consideration to do so.

Members' Debate

The Chair stated that he liked the design of the application and noted that it should tidy up the area. He noted that it would provide much needed housing. He stated that he sympathised with Members' concerns in regard to crossing on Horton Road and Great Western Road, but that Highways had provided a lot of detail around desire lines and that there was a Zebra crossing opposite Gloucestershire Royal Hospital. The Chair observed that Horton Road was a busy road and difficult to cross but that without an evidence base or a material reason to mandate a condition to install a pedestrian crossing, he did not think it appropriate to propose

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adding an extra condition. He said that he understood that there was a balance made in relation to a viability assessment and that he agreed that it was better to have 26 affordable housing units, instead of the education and other contributions. He said that he would support the officer recommendation.

The Vice-Chair stated that he believed the term 'balance' was the correct one when assessing the application. He said that he commended the work put in by officers, Gloucestershire Highways, and other relevant parties in putting together the application. He said that it was the role of Members to raise the concerns of residents when assessing an application before committee. He concluded by stating that he believed that it would be a good addition to the area and would provide housing.

Councillor Tracey said that she agreed with the points raised by the Chair. She noted that she had concerns about crossings but stated that she would support the officer recommendation.

The Chair moved and the Vice-Chair seconded the officer recommendation as amended in the late material.

RESOLVED that: - planning permission is **GRANTED** subject to the completion of a legal agreement/s to secure the terms set out at Paragraph 6.158 in the council report and delegated Authority being given to the Planning Development Manager to negotiate the s106 terms to suit;

and;

the conditions outlined in the report as amended in the late material.

43. GLOUCESTER ROYAL HOSPITAL, GREAT WESTERN ROAD, GLOUCESTER, GL1 3NN - 22/01141/FUL

The Planning Officer presented the report detailing an application to carry out facade works, including replacing windows, to the elevations of the tower at Gloucester Royal Hospital.

A senior project officer for GMS addressed the committee in favour of the application on behalf of the application.

She stated that the application should be granted on the following grounds:

- The Façade works would improve energy performance and improve the appearance of the building
- The glazing of the windows would trap heat and lead to better patient comfort.
- There CO2 emissions reduction for the proposed development would be up to 70%.
- All materials for the build during construction would be hoisted from a platform above ground level.

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- The provider was a well
- The windows would be triple glazed and high performance.
- The cladding was non-combustible
- The panels would protect from weather deterioration.
- The cladding was independently certified by a fire engineer.
- The system would have a 100 year life span, the first major maintenance would not required for 60 years.
- The colour scheme had a neutral pallet which designed to blend in with the skyline to allow for clearer views of landmarks, such as Gloucester Cathedral.
- The current building was tired and the granting of the application would combat this.

Members' Questions

- The public were not consulted about the colour scheme specifically. However, 213 properties were notified of the application in full and there was no mention of the colour scheme by any member of the public nor any objection generally.
- The matt aluminium panels 7046 (Grey) to the vertical faces and matt aluminium panels in RAL 9006 (Silver) to projecting faces over the existing external concrete elevations. In addition, the current windows which consists of a mix of brown aluminium and white metals would be replaces with composite windows with aluminium faces in RAL 7016 (Dark Grey).
- There were no solar panels proposed as part of the application.

Members' Debate

Councillor Melvin stated that she was excited about the application.

Councillor Tracey said that she believed that the proposed colour of the building would blend in well with the backdrop and that she supported the application.

Councillor Conder noted that other projects in the area had a brighter colour scheme and that she believed that the pale grey finish was a tasteful one.

The Chair stated that he liked the colour of the scheme.

The Chair moved and the Vice-Chair seconded the officer's recommendation.

RESOLVED that: - planning permission is **GRANTED** subject to the conditions outlined in the report.

44. DELEGATED DECISIONS

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Councillor J.Brown pointed out an administrative error in a delegated decision. The Planning Development Manager stated that he would follow this up.

The schedule of applications determined under delegated powers during the months of November and December 2022 was noted.

RESOLVED that: - the schedule be noted.

45. DATE OF NEXT MEETING

Tuesday 7th March, 2023 at 6pm at Civic Suite, North Warehouse.

Time of commencement: 6.00 pm

Time of conclusion: 7.40 pm

Chair

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GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	07.03.2023
Address/Location:	130 Reservoir Road, Gloucester GL4 6RY
Application No:	22/00884/FUL
Ward:	Matson, Robinswood and White City
Expiry Date:	10.03.2023
Applicant:	Hill Stores
Proposal:	Change of Use from retail (Class E) to Mixed Use comprised of Hot Food Takeaway (Sui Generis) and retail (Class E). Retrospective application for installation of External Extraction Unit.
Report by:	Craig Stock
Appendices:	Site Location Plan Block Plan Photos of Existing flue taken from Reservoir Road Proposed Elevations showing revised flue design/position.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 130 Reservoir Road which comprises two addresses: the off-license, newsagent and grocery shop on the ground floor known as Hill Stores, and the residential flat located on the first floor. The ground-floor unit is currently considered a Class E(a) retail use while the first floor is considered a C3 dwellinghouse under the provisions of the CPA Use Class Order 1987 (as amended) (UCO).
- 1.2 The site is located on the corner of Reservoir Road and Selwyn Road in the Matson, Robinswood and White City ward. The front elevation of the shopfront looks out upon Selwyn Road and features branded green signage and window displays. Main customer access is provided by a door on this elevation. Employee and resident access is also possible via a pedestrian gate into a yard at the Selwyn Road side of the building, as well as via a gate on the Reservoir Road side.
- 1.3 The surrounding area is primarily residential in nature. Reservoir Road itself is a relatively busy main road that runs roughly parallel to the A38 Finlay Road between Eastern Avenue and Southern Road. Selwyn Road is a minor residential street which provides through access from A38 Finlay Road (but not in the opposite direction) and meets Reservoir Road at a T-junction. The site is not located in any of the Local Centres identified in Policy S.12 of the Gloucester Local Plan, Second Stage Deposit 2002. The Robinswood Hill High Landscape Sensitivity Area is located diagonally opposite on the other side of Reservoir Road. There is also another Hot Food Takeaway located directly opposite the shopfront at Number 42 Selwyn Road (The Hill Fish Shop).
- 1.4 The application stems from a previous enforcement case (reference 22/00016/ECOU) which was triggered by a complaint received on 19th March 2022. This complaint alleged that Hill Stores had started serving hot food for consumption off-site and that the installation of an extractor unit had proceeded without permission. Gloucester City Council's previous Planning Enforcement Officer recommended on 3rd May 2022 that the proprietors of Hill

Stores submit a retrospective planning application in order to gain consent for the changes. This application is the result of this enforcement process and was received on 11th September 2022.

- 1.5 The proposal seeks consent for the change of use of the ground floor unit from Class E(a) retail to a mixed use comprised of Sui Generis Hot Food Takeaway and Class E(a) retail. Retrospective consent is also sought for the installation of an external extraction flue which is mounted to the rear elevation and whose height straddles the ground floor, first floor and roof levels. Following amendments to the proposals, a new position and design has been proposed for the extraction flue which differs slightly to the flue that has already been installed. These alterations have been made based on the recommendations of an acoustic report.
- 1.6 Supplementary information submitted with the application stated that Hill Stores were serving hot drinks, baked goods and breakfast items for consumption off-site using electric equipment before the 2020 Covid Pandemic. This takeaway service was only operated during the morning. The applicants state that this service has been on pause since the Pandemic, although email correspondence with the agent has indicated that a limited takeaway service of pies and coffee is currently in operation during the morning. This application seeks consent to launch a more comprehensive takeaway service with extended operating hours, a reconfigured and enlarged kitchen area and a greater range of hot food available. It is considered that the previous and existing takeaway service is ancillary to the Class E retail use. The proposed changes would require a change of use of the ground floor unit to a mixed-use comprised of Sui Generis (Hot Food Takeaway) and Class E (retail).
- 1.7 Aside from the installation of the extractor flue, all other proposed alterations are internal. The proposals include the installation of a kitchen in an area currently used as the shop floor. This kitchen would include an induction hob, fridge, deep fat fryers, oven, pizza oven, food warmer, a wrapping and dispatch area and a new till. Email correspondence from the agent indicated that the shop and the takeaway would have separate tills but that patrons purchasing items from both areas of the shop could complete their entire purchase at one till or the other.
- 1.8 The shop currently opens from 7:00 until 21:00. These opening hours will remain the same. The previous and existing hot-food takeaway service was/is only operated during the morning. The relaunched takeaway service would open from 8:00 until 21:00. Bin storage arrangements would remain as they currently are with bins stored in the yard area accessed from Selwyn Road as shown on block plan 10068/03. The proposals are not expected to result in a change in the number of employees

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/40327/HIST	Installation of new shopfront	Grant consent for a period of 3 years	13.04.1977
44/40329/HIST	Two storey extension to form extension to shop with living accommodation over	Approve subject to conditions	27.07.1984
94/03223/FUL	Erection of 2 storey and single storey extensions at side	Refuse	26.07.1994
94/03380/FUL	Single storey extension at side and rear	Refuse	14.10.1994
05/00394/FUL	External alterations to shopfront and single storey extension at rear	Grant subject to conditions	10.06.2005
10/01122/FUL	Alterations to existing roof to provide additional storage space for domestic use.	Grant consent for a period of 3 years	14.01.2011
22/00016/ECOU	Enforcement case regarding installation of extraction unit	Store owners advised to apply for retrospective permission	03.05.2022

3.0 POLICY AND GUIDANCE

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

The following policies were considered relevant to the consideration of this application:

- SP1 – The need for new development
- SP2 – Distribution of New Development
- SD1 – Employment – Except retail development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD14 – Health and environmental quality
- INF1 –Transport network

3.4 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 219 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.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Gloucester City Plan

The Gloucester City Plan (“City Plan”) delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. It was adopted on 26th January 2023 and forms the development plan alongside the JCS. The following policies are considered relevant to the consideration of this application:

C4 – Hot food takeaways

C5 – Air quality

E4 – Flooding, sustainable drainage and wastewater

G1 – Sustainable transport and parking

G2 – Cycling

G3 – Walking

3.6 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. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight.

S12 – Local Centres

4.0 CONSULTATIONS

4.1 Highway Authority

No objection raised.

4.2 Environmental Health Advisor

Upon initial consultation, Worcestershire Regulatory Services (WRS) expressed concern that the commercial kitchen extraction flue would have adverse impact in terms of noise, fumes and odours. They recommended that the applicant clarify the location of the fresh inlet fan, predicted noise level from the inlet fan, the specification of the proposed extract flue silencer(s) and the proposed opening hours. With regards to proposed odour mitigation

measures, WRS recommended the applicants provide details of the type and volume of the proposed carbon filters should be submitted and the plans revised to include fume mitigation (bag filters) prior to the carbon filter.

Upon submission of these further details, WRS reiterated that the extraction flue would have adverse impacts upon the residents at 130a Reservoir Road, particularly on the bedroom closest to Number 130. WRS considered this to be the case even with installation of duct attenuators. Their recommendation was that the applicants should either:

- a. Demonstrate that the impact would not be adverse, through commission of a *BS4142:Methods for Rating and Assessing Industrial and Commercial Sound* report
- b. Propose an alternative location for the extraction flue

The applicant submitted revised proposals on 24th December 2022 that included a new location for the extraction flue.

WRS did not consider that the revised location of the extraction flue satisfactorily addressed the issues identified to this point. The extraction flue would therefore not be acceptable in terms of noise impacting the neighbouring residential dwelling.

The applicant again submitted revised proposals on 20th February 2023 with amendments made according to the recommendations of a noise assessment. Upon reviewing the revised proposals, WRS were content that any noise impacts would not result in an unacceptable amount of harm. They were also content that any odour as a result of the proposals would not be at an unacceptable level subject to the imposition of odour mitigation conditions prior to first use/occupation.

Their recommendation is therefore no objection subject to conditions.

4.3 **Police**

No comments received.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 18 neighbouring properties were notified and a site notice was placed on site.

5.2 4 letters of objection were received. The following issues were raised:

- Concern over the proximity of the extraction system to a bedroom window at 130A Reservoir Road and the resultant adverse noise impacts
- Concern that these changes described as 'proposed' had already been implemented
- Concern over a qualitative and quantitative change in vehicle traffic. One objector was worried that the proposals would lead to an increase in shop patrons parking their on Reservoir Road, Selwyn Road and outside the adjacent dwellings. Their comment suggested that increased opening hours may mean that parking congestion continues long into the evening, especially if patrons wait for and/or eat their takeaways inside their cars. The objector indicated that these changes may not be appropriate for a busy T-junction. Another objector noted the potential for accidents to occur from vehicles overtaking parked cars at high speed.
- Concern that waste generated in the preparation of hot food may not be appropriately disposed of should permission be granted for an intensified takeaway usage
- Concern that the introduction of another Hot Food Takeaway to the area was

- undesirable given the proximity of (at least) three other such establishments.
- Concern that the introduction of a hot food takeaway in this location would result in increased litter in the Robinswood Hill High Landscape Sensitivity Area.
- Concern over disposal of waste oil
- Concern that an increase in business waste could not be suitably accommodated from the rear yard of the site

5.3 12 letters of support were received. The following issues were raised:

- Multiple comments praised the shop for the service it provides for the community, and would welcome the availability of hot food in this location.
- Multiple comments praised the store for its hygiene and were confident that the proprietors would be able to dispose of hot food waste appropriately
- Multiple comments stated that the availability of hot food in such an accessible location would be good for the disabled and elderly

6.0 OFFICER OPINION

6.1 *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.

6.2 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 any other material considerations.

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

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

- Principle
- Design, layout and landscaping
- Traffic and Transport
- Residential Amenity
- Drainage and Flood Risk
- Economic Considerations

6.5 *Principle*

The site is located outside of Gloucester City Centre and outside of any Local Centres as identified within Policy S.12 of the Gloucester Local Plan, Second Stage Deposit 2002. Policies SP1 and SP2 of the JCS indicates a general principle of support for new employment-generating development within the existing urban settlements of Gloucester and Cheltenham. Policy SD1 states that employment—related development will be supported for the redevelopment of land already in employment use. With regards to the proposals at 130 Reservoir Road no new employment would be created. However, it is

considered that the introduction of hot food takeaway at the site would facilitate the diversification of the business and may help enable its long-term profitability.

- 6.6 Policy C4 of the emerging GCP directly relates to development creating new hot food takeaways. It states that:

Proposals for hot food takeaways, including mobile catering units must satisfy the following criteria:

- 1. The design of the unit, including its ventilation and bin storage would not have a significant adverse impact on the visual amenity of the area; and*
- 2. There would not be a significant adverse impact on the amenities of occupants of nearby properties in terms of noise, traffic disturbance, odour, litter, light or hours of operation; and*
- 3. There would not be an unacceptable impact on the surrounding highway network, traffic safety or create unacceptable parking issues; and*
- 4. The proposal incorporates adequate waste storage and disposal facilities; and*
- 5. There should be a minimum of two non-hot food takeaway units, or at least 10 metres, between the units, whichever is greater.*
- 6. Outside of the city centre, district centres and local centres, that the proposal is not within 400 metres of any access to a secondary school or college.*

- 6.7 Each of these criterion has been considered as follows:

1. There would be no external alterations to the unit aside from the extraction flue which is already in place. The flue is clearly visible from Reservoir Road and has a demonstrably detrimental impact upon the street-scene. I do not consider that the visual prominence of the flue is significantly lessened after the latest set of amendments. This is discussed at greater length in the design, layout and landscaping section of this report.
2. The original proposals were considered wholly unacceptable with regards to their impact upon the occupants of nearby properties. Without a noise assessment to prove otherwise, WRS predicted that the siting of the flue approximately 3 metres from a first-floor bedroom window of 130A Reservoir Road would cause an unacceptable degree of harm to neighbouring residents. The submission of revised plans did not substantially alter the proximity of the flue to this dwelling; on account of this proximity and the noise likely to be generated by the flue, WRS objected to the previous set of proposals.

However, following receipt of amended proposals, WRS were content that the revised location and design of the extraction flue satisfactorily addressed their previous concerns. The recommendations of the acoustic report were incorporated into the amended plans. WRS thus raise no objection in terms of noise impacts. This is discussed at greater length in the residential amenity section of the report.

The proposals are considered to adequately meet the other stipulations of point 2: the operating hours of the takeaway service would be roughly commensurate to those of the shop itself and would also be comparable to those at the The Hill Fish Shop; the Highways Authority have raised no objection in terms of traffic impacts and the site is sustainably located for pedestrian traffic; litter bins are in place on the pavement immediately adjacent to both Hill Stores and the takeaway immediately opposite; and WRS raised no objection to the proposals in terms of odour impacts subject to conditions.

3. The Highways Authority raised no objection to the proposals. It is therefore not considered that the proposals would have a significant impact on the surrounding highway network. This is discussed at greater length in the traffic and transport section of the report.
4. The rear yard accessed from Selwyn Road provides adequate space for the storage of waste and would enable its easy collection. Arrangements are already in place for the collection of waste and recycling for the shop and food supply business and it has not been indicated that there will be any intensification of these arrangements.

One neighbour objection mentioned that an increase in business waste collection from the Selwyn Road rear access would be undesirable as this access is directly adjacent to the rear access of 130A Reservoir Road, which appears to be used as off-street parking for its residents. Regular waste collections involve lorries stopping outside this access, occasionally preventing the residents of 130A Reservoir Road from using their off-street parking. Given that there is to be no intensification of the current arrangements, I do not consider this to be an inadequate system of waste storage and collection.

5. Hill Stores is located directly opposite The Hill Fish Shop but the units are approximately 27 metres apart.
6. The nearest secondary school is Ribston High which is located over 500 metres from Hill Stores.

6.8 It is therefore considered that the proposals do not satisfy criteria 1 of Policy C4. The principle of development is therefore found to be unacceptable.

6.9 ***Design, Layout and Landscaping***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. Policy F1 of the emerging City Plan reiterates the need for new developments to make a positive contribution to the locality through high quality architectural detailing, materials and finishes.

6.10 The proposal would involve the introduction of a stainless-steel flue on the building's rear elevation, directly opposite the side wall of 130A Reservoir Road. The flue would measure 4.00 metres from top to bottom, would be approximately 0.65 metres at its widest point and would project about 0.70 metres from the rear wall at its maximum extent. The bottom section of the flue would be mounted on the rear elevation such that - at its lowest point - it would fall just below the point at which the roof of the rear ground-floor extension meets the rear wall. From this point, it would project upwards in a straight line reaching a maximum height approximately 0.65 metres below the ridge height of the main roof. It would be set back approximately 3.5 metres from the side elevation fronting Reservoir Road and about 3.0 metres from the side elevation of 130A Reservoir Road, the neighbouring residential property. The flue would be silver in appearance and would be brushed chrome in finish. The proposed flue differs slightly from the existing flue in its shape, orientation and location but would use the same external materials. A site visit indicated that this brushed chrome finish gives a somewhat reflective sheen.

- 6.11 Owing to its size, contrasting materials and positioning, the flue would be clearly visible from Reservoir Road and to a lesser extent from Selwyn Road too. Aside from Hill Stores which is a corner plot, this section of Reservoir Road is entirely residential in character and features a mixture of detached and semi-detached dwellings, mostly built in red brick and white/cream render. The flue would therefore figure prominently within the street-scene and would appear discordant on account of its size and materials. It would have the effect of interrupting the relatively regular pattern and spacing of dwellings with a silver, shiny tower. One might ordinarily expect such flues to be positioned sensitively, perhaps at a rear elevation hidden from the street-scene. As Hill Stores is a corner plot, it is arguable that no such location exists that could entirely shield the flue from public view. Nonetheless, its positioning on the rear elevation would be manifestly detrimental to the street-scene and would impact harmfully upon the character and appearance of the area and the existing building.
- 6.12 Bin storage would be located in the side yard and would not be visible from the street scene. Given the above, the proposals are not considered to accord with the NPPF, Policy SD4 of the JCS and Policy F1 of the City Plan.
- 6.13 **Traffic and transport**
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 G1 of the emerging GCP sets out the Council's support for improvements to the sustainable transport system. Policies G2 and G3 sets out the Council's stance in favour of developments that make adequate provision for cycling and walking.
- 6.14 As set out in the 'Publicity and Representations' section above, concerns have been raised that the parking arrangements currently in place may not be sufficient to accommodate changes in vehicle traffic, including an increase in traffic and longer vehicle 'dwell time'.
- 6.15 The site is located outside of a local centre in a predominantly residential area. There are currently no on-street parking restrictions within the vicinity of the site so patrons tend to park on the street. Gloucestershire County Council's Highways Authority undertook a full assessment as part of their role as statutory consultee. They raised no objection to the proposals: the site is located in a very sustainable location with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance. They did not predict a material change in the character and volume of traffic and believe that the existing setup is satisfactory. It is therefore considered that the proposal is acceptable in accordance with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), the NPPF and Policies G1, G2 and G3 of the emerging Gloucester City Plan.
- 6.16 **Residential amenity**
Paragraph 130 (f) of the NPPF sets out that planning decisions 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, and in Policy C4 of the GCP.
- 6.17 As set out in the 'Publicity and Representations' section above, concerns have been raised about a number of amenity issues. The potential for noise, disturbance and litter resulting from the change of use and the change to opening hours was raised by both objectors.

All neighbour objectors also expressed concern about the impact of noise from the extractor flue on the residents at 130A Reservoir Road. One of these comments was received from the residents at this house. In its current and proposed state, the flue is located approximately 3.0 metres from the nearest window serving a habitable room at 130A Reservoir Road.

- 6.18 The concerns raised in terms of noise from the extractor flue are noted and have informed a majority of discussions with WRS. WRS expressed concern upon initial consultation. At WRS' request the agent provided additional technical specifications of the flue, and subsequently amended proposals featuring a slight relocation of the flue. WRS did not consider that this slight relocation of the flue satisfactorily addressed their concerns, and as such initially recommended the application be refused on amenity grounds.
- 6.19 Further opportunity was afforded to the applicants to provide an acoustic report for further consultation and assessment. An amended set of proposals were submitted on 20th February 2023; this included a relocation and redesign of the extraction system based upon the recommendations of the acoustic report. Further consultation and correspondence with WRS took place following receipt of these amendments. WRS consider that the amended proposals satisfactorily address the noise issues previously identified. The amount of harm caused by the extraction flue in terms of noise would not be at an unacceptable level.
- 6.20 WRS also raised no objection to the amended proposals in terms of odour, subject to the imposition of conditions requiring submission and LPA approval of the design volumetric exhaust flow rate, the volume of the proposed carbon filter and the inclusion of fume filters prior to first occupation/use.
- 6.21 The proposed opening hours of the shop itself will remain unchanged, opening from 7:00 to 21:30. In its current and previous iterations, the takeaway service inside Hill Stores has only been operated during the morning. The relaunched, scaled-up takeaway service proposed will be operated from 8:00 until 21:00. These hours are slightly shorter than the overall opening hours of Hill Stores, but represent a considerable increase from the mornings-only takeaway service.
- 6.22 This information on opening hours was provided by the agent on the request of WRS, who subsequently raised no objection to them. The Hill Fish Shop across Selwyn Road currently opens from Tuesdays to Saturdays from 11:30-13:45 and from 16:45 until 20:30. The proposed opening hours of the Hill Stores takeaway are roughly commensurate with these hours, as well as with those of the shop itself. This extension of takeaway operating hours will not result in custom late into the night late into the night and so is not expected to result in an unacceptable level of harm for neighbouring residents.
- 6.23 No objection has been raised from WRS with regards to the potential impact of the proposals on litter in the area. There are litter bins immediately adjacent to Hill Stores and on the other side of Selwyn Road adjacent to the other Hot Food Takeaway.
- 6.24 In summary it is considered that – subject to conditions regarding odour mitigation - the proposals would not cause an unacceptable degree of harm to neighbouring residents. The proposals are considered acceptable with regards to Policy SD14 of the JCS, C4 of the emerging GCP and the NPPF.
- 6.25 ***Drainage and 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, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Policy E4 of the emerging Gloucester City Plan states that development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere.

6.26 The site is located in Flood zone 1 and so is not at high risk of flooding. The proposal would not increase the footprint of the building and it is judged that the application would not have a significant impact on drainage or flooding. The proposal can therefore be considered acceptable in accordance with Policy INF2 of the JCS and Policy E4 of the emerging GCP.

6.27 ***Economic considerations***

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

Conclusion

This application has been considered in the context of the policies and guidance referred to above. The proposal is not consistent with those policies and guidance in terms of design, layout and landscaping; the proposal is not acceptable and accordingly it is recommended that planning permission be refused.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

That planning permission is REFUSED for the following reason:

1) The proposed development, by virtue of its design, scale and external materials would accord unsympathetically with the existing building, the street-scene and the local area. The extraction flue would appear oversized in relation to its immediate surroundings as it would protrude above the eaves and would reach a maximum height only just below the ridge of the main roof. This effect would be heightened by its proximity to the side elevation fronting Reservoir Road and to the side elevation of 130A Reservoir Road. Owing to its construction in stainless steel – which would appear silver and shiny - it would contrast conspicuously with the street-scene, which is characterised largely by dwellings built in red-brick and white render. Its positioning on the rear elevation is such that it would be clearly visible from Reservoir Road. An extraction flue of this size, material and position would disrupt the regular spacing between dwellings and would appear obtrusive and irregular amongst what is an otherwise relatively orderly, regular pattern of development. The proposals are thus in contravention of Policy SD4 of the JCS, Policies C4 and F1 of the GCP and the NPPF.

Person to contact: Craig Stock (396720)

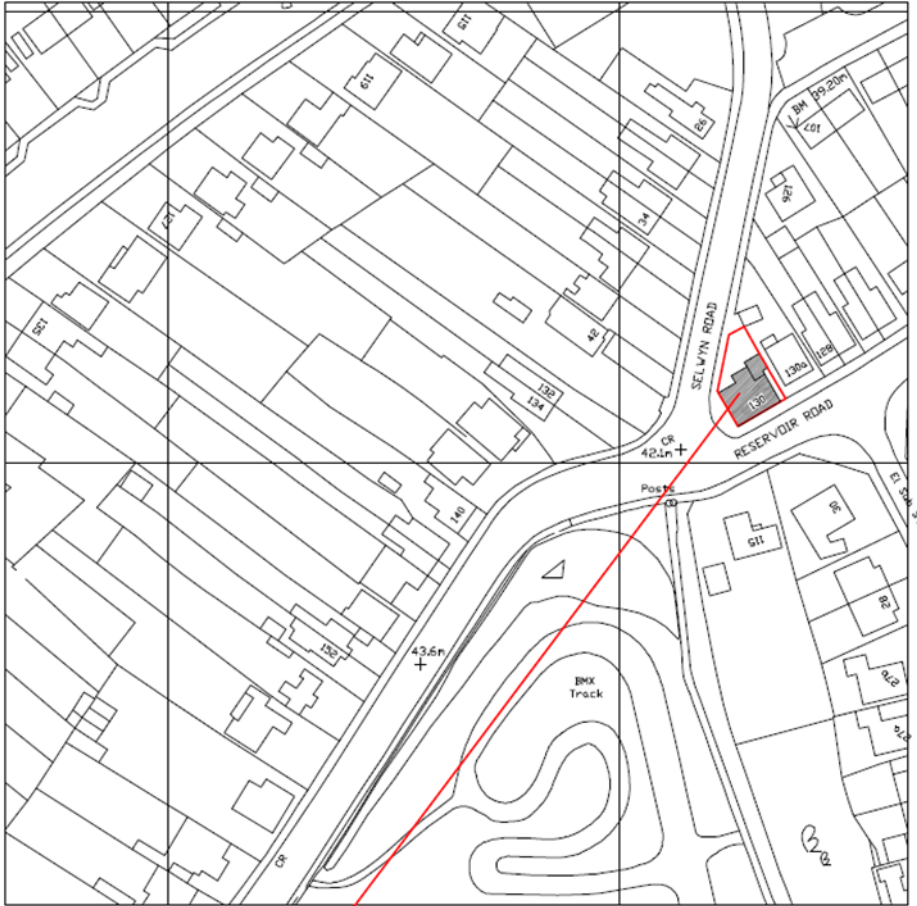


Planning Application: | 22/00884/FUL

Address: | 130 Reservoir Road,
| Gloucester GL4 6RY

Committee Date: | 07.03.2023

APPENDICES



The Site

Location Plan

Scale 1:1250

Figure 1 - Location Plan

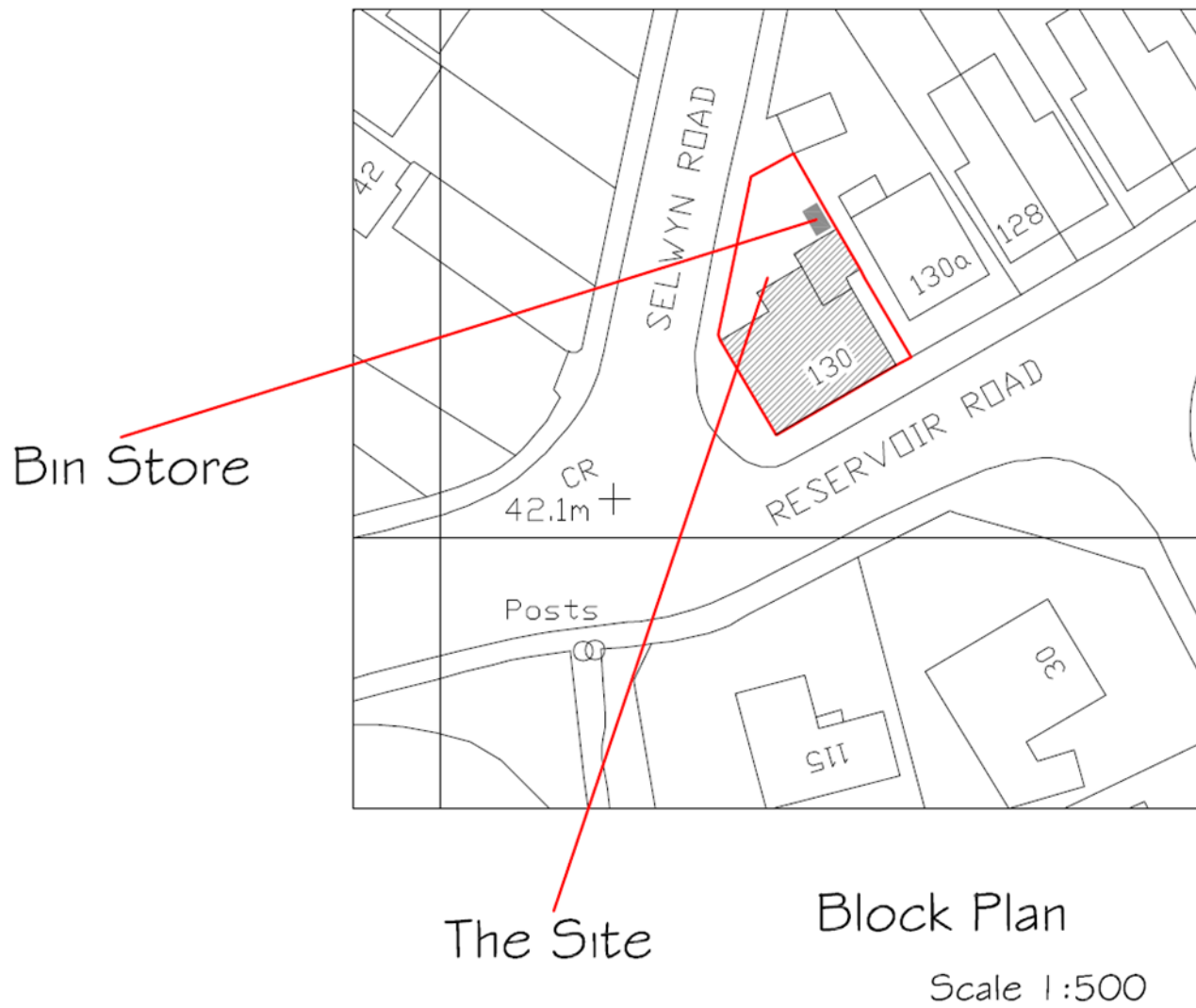
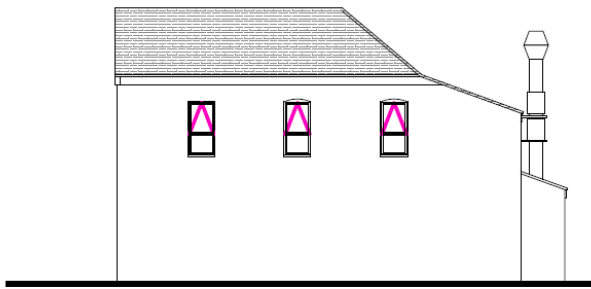


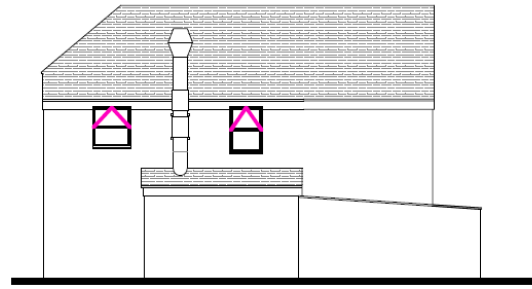
Figure 2 - Block Plan



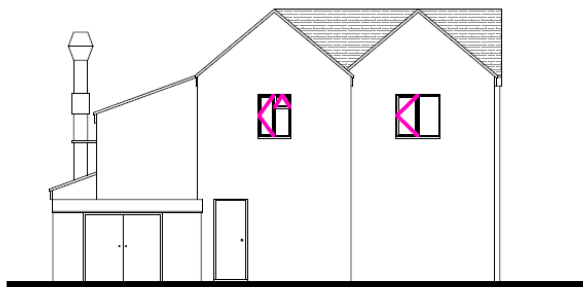
Figure 3 - Photos of Extraction flue as currently installed. Photos taken from Reservoir Road



Proposed Side Elevation
Facing Reservoir Road



Proposed Rear Elevation



Proposed Side Elevation
Facing Selwyn Road

D2B designs	
Proposed Kitchen Extraction System at Hill Stores 130, Reservoir Road Gloucester GL4 6RY For Hill Stores	
Scales 1:100 at A3	Drawing No. 10068/03 Rev A

Figure 4 - Proposed Elevations showing revised flue design/location

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Agenda Item 6

Reference	Status	Site address	Proposal	Decision date
22/00352/FUL	Grant	SPA Veterinary Services, 228 Painswick Road, Gloucester, GL4 4PH	Single-storey rear extension to existing Veterinary Practice	18/01/23
22/00386/FUL	Grant	Ashmore House, Lower Tuffley Lane	Proposed extensions to existing workshop to provide addition vehicle storage together with the erection of a new boundary wall to the northern boundary	12/01/23
22/00576/FUL	Grant	41 All Saints Road, Gloucester, GL1 4EL	Demolish Existing Bungalow and Garage & Construct 4 bedroom House	05/01/23
22/00632/FUL	Grant	11a Kingsholm Road	Proposed change of use of existing building from Therapy Clinic to House in Multiple Occupation (HMO) including alterations to the building and changes in fenestration.	12/01/23
22/00680/FUL	Refused	71 Porchester Road	Proposed erection of a new detached dwelling with associated parking and amenity space	06/01/23
22/00767/FUL	NPW	6 Honeysuckle Drive	Convert part of garage into hair salon	16/01/23
22/00768/CONDIT	Aldis	The Quarters, Land Adj. Naas Lane	Discharge of conditions 23 (dust management plan) , 24 (section 38), 25 (Naas Lane construction management plan) and 26 (residential travel plan) of permission 18/01228/OUT	30/01/23
22/00789/OUT	Grant	Infill Plot on Naas Lane	Outline planning permission with all matters reserved for the construction of 4 dwellings, landscaping and vehicular access from Naas Lane.	30/01/23
22/00867/FUL	Refused	31 Warwick Avenue	Single storey extension to rear and new dormer to rear of dwelling	23/01/23
22/00879/FUL	Refused	84 Jersey Road	First floor extension	03/01/23
22/00907/FUL	Grant	21 Grove Crescent	Two storey side and rear extension	20/01/23
22/00914/FUL	Grant	14 Magnolia Walk	Partial demolition of existing garage to provide basis for two storey side extension whilst maintaining a garage.	18/01/23
22/00755/FUL	Grant	Land Adj. to 19-21 Brunswick Road	Resubmission of a previously approved scheme for the redevelopment of vacant land, formerly used as a car park, comprising the erection of 8 No. apartments and a maisonette on land at the rear of 19 & 21 Brunswick Road,	18/01/23

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