



PLANNING COMMITTEE

MEETING : Tuesday, 1st October 2024

PRESENT : Cllrs. Conder (Chair), Castle (Vice-Chair), A. Chambers, Bhaimia, S. Chambers, Jones, Lewis, Marshall, Tracey and Wiederhold

Officers in Attendance

Planning Development Manager

Principal Planning Officer

Economic Growth Officer

Highways Officer, Gloucestershire County Council

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

Also in Attendance

Public Speaker

APOLOGIES : Cllrs. Harries

16. DECLARATIONS OF INTEREST

Councillor S. Chambers declared an interest in agenda item 5 (The Docks and Gloucester Quays 24/00508/FUL) as a director of GDECL. She took no part in the discussion or the voting on the item.

17. MINUTES

The minutes of the previous meeting held on Tuesday, 3rd September were confirmed and signed by the Chair as a correct record.

18. LATE MATERIAL

Late Material had been circulated in relation to agenda item 5 (Gloucester Docks and Quays - 24/00508/FUL) and 6 (S106 Bi-Annual Update).

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19. THE DOCKS AND GLOUCESTER QUAYS - 24/00508/FUL

Officer Report

The Principal Planning Officer presented the report detailing an application for the Temporary use of land at Orchard Square, Llanthony Road, High Orchard Street, Merchants Road, Victoria Dock and Mariners Square for the siting of an Ice Rink, Christmas Market and associated development. Proposal includes the erection of temporary buildings and plant. Permission sought for the Christmas and New Year periods 2024/25 to 2028/29 from 28 October until 18 January annually.

Public Speeches

An agent representing the applicant addressed the committee in the favour of the application.

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

- The Christmas Market and Ice Rink had been approved in previous years and had been a success.
- Officers were supportive of the scheme.
- The 5 year period sought reflected the certainty needed for investment by the applicant.
- The Ice Rink and Market had a positive impact on the local economy of both the Quays and Gloucester as a whole.
- The applicant had worked with stakeholders to minimise disruption.
- Generators for the ice rink would be placed in 2.4m of acoustic screening.
- The proposals had been refined over the years including covering the ice rink, enclosing the generator and the times of the market.
- There had been no noise complaints in 3 years.
- The application respected the amenity of residents whilst balancing commercial interest.
- More than 350 residents have been notified and only one letter had been received opposing it.
- A local resident wanted to comment on the benefit the scheme had brought to Gloucester in years past.
- No statutory consultee raised an objection.

Members' Questions

The Principal Planning Officer responded to members' questions concerning whether the land would still have permission for an ice rink and market if the applicant decided not to use the land in the future, the cover over the ice rink, the noise emanating from the site, who would run the event, concerns about the use of fossil fuels instead of batteries for the generator, how much the event brought financially to the City of Gloucester, wheelchair access improvements by the Council, whether there would be smoking areas, whether the application could be changed to 3 instead of 5 years' of permission, articulated vehicular access, why

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condition 14 of the previous permission relating to transport (October 2019) was not included in the recommendation with the same wording, restrictive covenants, the Party Wall Act, whether there was a requirement for a bandstand, and whether the event would go on for longer than previous years as follows:

- The planning permission applied to the land. Therefore, if a different operator took over, as long as they complied with the planning conditions, they would be able to operate an ice rink and market.
- The expectation is that the cover would remain on the ice rink at all times.
- In the previous iteration of the application, a noise assessment was conducted, which modelled the use of a greater number of generators. The solution was to enclose the generator in an acoustic compound, and there had been no noise complaints in three years. The only generator now proposed is the backup one for the ice rink.
- It was understood that the event would primarily be operated by the applicant's team.
- He was unaware if the applicant would be able to use a battery system instead of the generator.
- Planning officers would generally be unable to quantify how much an event brought financially to an area unless this information was provided by another party.
- The applicant had tried to make the ice rink wheelchair accessible. Any further adjustments could be considered by the Council separately if they were so minded on land they controlled or were able to influence.
- The assumption regarding smoking areas was that the applicant would comply with relevant legislation. Smoking areas were not a key consideration for the planning application.
- An articulated vehicle was used for the ice rink setup, which occurred at the start of activity. The conditions relating to dismantling were outlined in condition six of the report.
- If members wished to add the extra provision that was included in the previous permission (condition 14), it was within the Committee's remit to do so. This could be achieved by amending condition 12 of the current report before the Committee.
- Restrictive covenants were not a material consideration in the application.
- The Party Wall Act was separate from the planning process; if there was a breach of this act, it would be a legal matter.
- The applicant has confirmed that there was no requirement for a bandstand now.
- The times the applicant was proposing to set up and use the market and for trading were slightly different to the previous permission. For example, market trading was only being proposed at weekends.

The Planning Development Manager responded to members' questions concerning whether the length of the permission could be reduced from 5 to 3 years as follows:

- Consideration should be given to the fact that the previous permission was for five years and that this was what had been applied for. It was up to the

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Committee whether they wished to condition a change. However, this should be weighed up with the positive economic implications, the viability of the scheme and for the ability for the applicant to have a sustainable business model and the likelihood of the applicant re-applying for additional years.

The Highways Officer responded to members' questions concerning what conditions there were in relation to times of entry and exiting of larger vehicles as follows:

- The Highways Authority worked closely with the applicant to review the submitted swept path analysis for a 16.5-metre articulated vehicle entering and leaving Orchard Square. It was deemed safe, as in previous years, and the Highways Authority also noted that articulated vehicles frequently entered and exited the square for other businesses without issues. The Christmas Market and Ice Rink would be dismantled on-site, in a manner similar to how it had been done in previous years.

Members' Debate

Councillor Lewis stated that the Christmas Market and Ice Rink had brought money to the entire city in previous years. He added that granting permission for five years would give the applicant stability, and he would support the officer's recommendation for approval.

Councillor Tracey noted that she would support the application.

Councillor Marshall stated that while she supported the application, she had concerns that trade had been taken away from the city centre. She encouraged more events to be held in the city centre.

Councillor A.Chambers proposed to amend condition 12 of the officer report to include the text from condition 14 of the previous permission. He also believed that a condition should be imposed that required the applicant to use batteries for the generator instead of fossil fuels. He also stated that he believed that there should be an amendment to impose condition 4 of the previous permission. Also, to impose operating hours for generators as per Condition 5 of the previous permission.

Councillor Wiederhold stated that he believed that the applicant should use batteries instead of a fossil fuel powered generator.

The Planning Development Manager stated that in regard to amending condition 12 of the current report with the text of condition 14 of the previous report, this should not cause an issue for the applicant. He said, however, that he did not see a large difference between condition 4 of the current recommendation and previous permission. Further, he added that in regard to battery powered generators, this was something outside of the scope of the application and that imposing a condition may be unreasonable as the applicant would not have an opportunity to respond. He also highlighted that the option would be to defer consideration if this was something the committee wished to have, but that owing to the tight time frames,

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this would necessitate a meeting of the planning Committee sooner than the next scheduled Planning Committee. In relation to previous Condition 5, the Planning Development Manager noted that this was in relation to generators at Mariners Square and Victoria Dock, which were not required anymore.

Councillor Tracey noted that other events also used generators.

Councillor Lewis highlighted the potential cost implication to the applicant of conditioning them to use batteries.

Councillor Wiederhold stated that he had concerns about a generator polluting for five years, that this proposal should be allowed temporarily but the matter should be addressed in future.

Councillor Jones stated that he believed that the issue in regard to a battery generator should be looked at when it came back to Committee in 2029.

The Vice-Chair noted that she believed that the concerns raised around the generator should be looked at when the application came back as this one had already gone through a thorough inspection.

The Chair noted that, in relation to concerns raised about whether events were taking trade away from the city centre, she had been in a meeting prior to the development of the Quays where this issue was raised. In reality, the development of the Quays had benefitted the entire city and had been a success. She highlighted the changes the applicant had made to the site to mitigate noise and disruption, such as the canopy.

Councillor A.Chambers proposed to amend condition 12 of the officer report to include the additional text from Condition 14 of the previous permission to allow for alternative measures, Councillor Lewis seconded this. The amendment passed.

The Chair moved and the Vice-Chair seconded the officer recommendation to grant the application subject to the conditions outlined in the officer report and an amendment to condition 12.

The Decision

RESOLVED that planning permission is granted subject to the conditions outlined in the officer report with an amendment to condition 12 to read 'The measures outlined in section 3.6 of the PEP Transport Statement June 2024 received by the Local Planning Authority on 12th July 2024 shall be adhered to at all times that the use is in operation, or as otherwise agreed within an alternative Supplementary Transport Note at least 8 weeks in advance of each year's event'.

20. S106 BI-ANNUAL UPDATE

Officer Report

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The Economy Growth Officer presented the report. The purpose of which was to provide an overview to the Planning Committee on the monitoring of Section 106.

Members' Questions

Councillor S. Chambers thanked the officer for the report. She noted that one of the S106 agreements required further investigation was in her ward and asked what investigation was required. In response, the Economic Growth Officer stated that it related specifically to a Parks and Open Spaces allocation, that she would follow up on this query and get back to Councillor S. Chambers once a pathway forward had been agreed upon with OneLegal.

In response to an additional question about a discrepancy in figures for an S106 agreement, the Economic Growth Officer explained that she had amalgamated the sums, but if the Committee wished, future updates would include a more detailed breakdown. Councillor S. Chambers noted that this would be helpful.

In response to a query by Councillor S. Chambers regarding how the Council ensured that an applicant provided affordable homes for a site, the Economic Growth Officer noted that a few options had been considered to follow up on triggers for releasing S106 funds and would be trialled. She added that she would report back to the member and then to the Planning Committee.

The Vice-Chair asked for a further breakdown of the S106 for the Former Gloucester Academy at Estcourt Close. The Economic Growth Officer stated that she would provide this.

In response to a query by Councillor A. Chambers about whether the POS total remaining was £2,991,823.76, the Economic Growth Officer clarified that there was an amendment to this figure in the late material, and the correct amount was £2,981,187.58. He further asked if the money for parks would be available for use in wards. The Economic Growth Officer responded that this would depend on the S106 agreement, as some funds were allocated to specific sites.

In response to a concern that money might end up back with a developer if the S106 funding was not spent, the Economic Growth Officer noted that the column indicating risk showed no risk of this happening for any current S106 agreements, apart from one historic case, which amounted to £7,501.32. She added that she had spoken to OneLegal about this and hoped to have a resolution before the next Committee meeting.

The Vice-Chair noted that it was a very useful document.

Councillor Jones noted that the report stated a further 87 affordable homes 'may' be delivered at the Great Western Site and asked if there was any further information on this. The Economic Growth Officer responded that she would provide an update in future discussions, but she believed that there were ongoing conversations between the developer and the Council.

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In response to a question from Councillor Marshall regarding the former Colwell School, the Economic Growth Officer said that she would contact the Housing Team for information and provide Councillor Marshall with a response.

Councillor Lewis thanked the Economic Growth Officer for the report.

RESOLVED that the Planning Committee **NOTE** the report.

21. DELEGATED DECISIONS

RESOLVED that the delegated decisions of September 2024 were noted.

22. DATE OF NEXT MEETING

Tuesday, 5th November 2024.

Time of commencement: 6.00 pm

Time of conclusion: 7.25 pm

Chair