



Gloucester City Council

Planning Committee

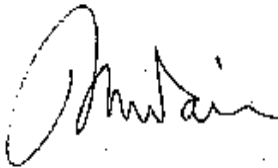
Meeting: Tuesday, 7th May 2013 at 6.00 pm in The Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), McLellan, Hilton, Hobbs, Smith, Noakes, Ravenhill, Hanman, Wilson, Bhaimia, Dee and Toleman
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 Anthony.wisdom@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 1 - 6) To approve as a correct record the minutes of the meeting held on 2 nd April 2013.
4.	PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (JANUARY - MARCH 2013) (Pages 7 - 16) Person to contact: Senior Planning Compliance Officer Tel: (01452) 396774
5.	APPLICATION FOR DETERMINATION - 13/00160/FUL - YEW TREE COTTAGE, BRISTOL ROAD (Pages 17 - 30) Person to contact: Development Control Manager Tel: (01452) 396783
6.	APPLICATION FOR DETERMINATION - 13/00071/COU - KINGSHOLM HALL, FORMERLY CHRISTADELPHIAN CHURCH (Pages 31 - 42) Person to contact: Development Control Manager

	Tel: (01452) 396783
7.	<p>APPLICATION FOR DETERMINATION - 13/00284/COU - LOCK WAREHOUSE, THE DOCKS (Pages 43 - 54)</p> <p>Person to contact: Development Control Manager Tel: (01452) 396783</p>
8.	<p>APPLICATION FOR DETERMINATION - 13/00304/FUL - 84 MEREVALE ROAD (Pages 55 - 62)</p> <p>Person to contact: Development Control Manager Tel: (01452) 396783</p>
9.	<p>MATTERS FOR REPORT (Pages 63 - 64)</p> <ul style="list-style-type: none"> • Appeals Lodged • Appeal Update Report <p>Person to Contact: Group Manager, Development Services Tel: (01452) 396783</p>
10.	<p>DELEGATED DECISIONS (Pages 65 - 76)</p> <p>Schedule of applications determined under delegated powers for the month of February 2013</p> <p>Person to Contact: Group Manager, Development Services Tel: (01452) 396783</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 11th June 2013 at 18.00hrs. ,</p>



.....
Julian Wain
Chief Executive

Date of Publication: Friday, 26 April 2013

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.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

This page is intentionally left blank



PLANNING COMMITTEE

- MEETING** : Tuesday, 2nd April 2013
- PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), McLellan, Smith, Noakes, Ravenhill, Wilson, Bhaimia and Hansdot

Officers in Attendance

Gavin Jones, Development Control Manager
Tim Watton, Planning Policy Service Manager
Elaine Bell, Locum Solicitor
Joann Meneaud, Principal Planning Officer
Tony Wisdom, Democratic Services Officer

- APOLOGIES** : Cllrs. Hilton, Hobbs, Hanman and Toleman

127. DECLARATIONS OF INTEREST

Councillor Dee declared a personal, non-prejudicial interest in agenda item 7, Dulverton Building, Robinswood Hill, as a founder member of the Friends of Robinswood Hill.

128. MINUTES

The minutes of the meeting held on 5 March 2013 were confirmed and signed by the Chair as a correct record.

129. CONSULTATION BY TEWKESBURY BOROUGH COUNCIL: PERRYBROOK URBAN EXTENSION AT BROCKWORTH

The Planning Policy Manager presented the report which detailed a statutory consultation from Tewkesbury Borough Council in respect of a mixed use application for an urban extension on the edge of the City for 1,500 dwellings, associated community infrastructure and 3.3 hectares of employment land at Perrybrook, Brockworth.

Mr Watton clarified the recommendations in the report and emphasised that they referred to the principle of development to the east of the City rather than propose

Page 2
PLANNING COMMITTEE
02.04.13

to recommend to Tewkesbury Borough Council that this particular application and its details should be approved.

He drew Members' attention to the five key material considerations at paragraph 3.6 of the report.

He noted that there was a significant demand for housing and employment land in Gloucester and the JCS area and it was Gloucester City officers understanding that Tewkesbury Borough Council was unable to demonstrate a five year supply of housing land. Under the terms of the National Planning Policy Framework (NPPF) the relevant policies for the supply of housing in Tewkesbury were not considered to be up to date and the Borough was therefore at risk from speculative development.

Councillor Lewis supported the recommendation and believed the main concerns to the City Council were the continuing problems with the Joint Core Strategy. He noted that Gloucester was still expanding but there was limited space within the City which would result in developers exploring land around the City boundaries. Tewkesbury was susceptible to development without a current plan and, together with Cheltenham, it would incur significant costs in fighting such applications.

Councillor McLellan pointed out that recommendation 2.1.3 should read 'taken into account'. He noted that the Joint Core Strategy would provide protection against inappropriate development but without that strategy the NPPF provided an open charter for developers. He referred to development at Coopers Edge which he believed had significant traffic implications for the City. He noted the need to ensure important buildings such as the Tithe Barn and Brockworth Court were protected and expressed concern on the effects on watercourses such as Horsebere Brook.

Councillor Smith expressed sympathy with local residents but noted that should this site be refused there would be increasing pressure for development in the flood plain. She believed the retail and community facilities proposed would be beneficial but noted the huge need for social housing. She did not believe that shared ownership and equity schemes were affordable and noted that the 'bedroom tax' would increase demand for smaller units for rent. She called for a minimum of 32 per cent of homes to be social housing for rent.

Mr Watton confirmed his understanding that Housing for Life was designed for wheelchair access and this would be confirmed.

Councillor Dee believed that this would be the most difficult part of the Green Belt to defend although the A417 and the adjoining Area of Outstanding Natural Beauty provided barriers. He expressed concern at the access to the A417.

Councillor Wilson expressed concerns relating to traffic issues and watercourses.

The Chair supported the principle of development to the east of the City but noted that it was for Tewkesbury Borough Council to determine the application and he asked Mr Watton to convey Members' concerns to them.

RESOLVED that Tewkesbury Borough Council be informed:-

1. that Gloucester City Council supports the principal of an urban extension to the east of the City at Brockworth;
2. that, although the City Council appreciates that this may be in advance of the publication of the JCS Preferred Options, given the vulnerability of Tewkesbury Borough to the provisions of the NPPF in respect of housing supply, the City Council considers that Tewkesbury Borough Council should give serious consideration to the very special circumstances that exist to justify early release of housing supply in the Green Belt on the edge of the City to avoid potential development at less sustainable locations away from the urban area of Gloucester;
3. that the comments in Sections 10 to 13 be taken into account in negotiations around the content of the application together with the Committee's concerns relating to access from the development and to the City; drainage and in particular Horsebere Brook; protection of important buildings such as the Tithe Barn and Brockworth Court; the need for a minimum of 32 per cent social housing for rent.

130. APPLICATION FOR DETERMINATION -12/00794/FUL -UNIT 3 (FORMER MFI) GLOUCESTER RETAIL PARK, EASTERN AVENUE

The Chair advised Members that the application should be deferred to enable Members and Officers to consider detailed late representations received from Stanhope Plc and Peel Centre.

RESOLVED that the application be deferred for consideration of late representations.

131. APPLICATION FOR DETERMINATION - 13/00207/LBC - WEIGHBRIDGE HOUSE, SOUTHGATE STREET

The Principal Planning Officer presented the report which detailed an application for Listed Building Consent for internal and external works to the Grade 2 listed building including a wall-mounted sign to the front elevation at Weighbridge House, Southgate Street.

She advised Members that consent had been granted in October 2012 for a change of use to a barber's shop. She stated that the proposals were considered to be acceptable and retained the character of the building.

RESOLVED that consent be granted subject to the conditions in the report.

132. APPLICATION FOR DETERMINATION -13/00143/COU - DULVERTON BUILDING, ROBINSWOOD HILL

The Development Control Manager presented the report which detailed an application for change of use of part of the existing ranger centre (Class B1) to café (Class A3) for the sale of hot and cold food and drink at the Dulverton Building, Robinswood Hill.

He advised Members that the application had been presented to Committee as the building was in the ownership of the Council. The only food preparation proposed was the warming up of prepared food and making of tea and coffee.

Notwithstanding the hours applied for, it was expected that the café would be open between the hours of 09.30 – 17.30 in summer and 10.00- 16.00 in winter. There would be no fixed external signage and 'A' boards would be used and taken in when the café was closed.

A letter of support had been received from the Friends of Robinswood Hill and no objections had been received.

Councillor Dee welcomed the application which he believed was suitably modest in scale and would remove the need for any refreshment vans on the site.

Councillor Lewis noted that dog walkers required facilities such as water for dogs and the facility would encourage people to spend more time on the hill and also provide a source of income.

Councillor Smith supported the application and regretted that proposals to sell fresh meat reared on the site had not been progressed.

Councillor Noakes noted that the 'A' boards may require a licence.

RESOLVED that consent be granted subject to the conditions in the report.

133. LATE MATERIAL AT PLANNING COMMITTEE - OPTIONS

The Locum Solicitor presented the report which detailed the options available to the Committee when dealing with late material and to advise Members on whether it would be lawful to impose time limits on the submissions made by applicants, objectors and supporters on matters relating to planning which are to be considered by the Committee.

She noted that in addition to Article 8 of the Convention Rights, which confers the right to respect for private and family life, Article 6 conferred the right to a fair hearing.

She advised that the Planning Committee was also a quasi-judicial committee and it was important for Members to be aware of the rules of Natural Justice which required that persons whose interests or rights may be adversely affected by a decision must be allowed an adequate opportunity to present their case. A breach of the rules of Natural Justice may give rise to a challenge in the Court by way of judicial review or complaint to the Local Government Ombudsman.

She requested that Members consider the recommendations at paragraph 2.1 and the options at paragraph 3.10.

Page 5
PLANNING COMMITTEE
02.04.13

Councillor Lewis believed that option (ii) – deferral after presentations and public speaking should be disregarded and expressed concern at option (iv). He believed that the Chair and Development Control Manager could determine what material could and what could not be digested at a meeting.

The Development Control Manager noted that option (iv) could be used in the event of a requirement for plans to be amended.

The Chair noted that option (iv) provided a means of dealing with repetitive and multiple representations which raised no new material considerations.

Councillor Smith noted that representations could be circulated by e-mail and expressed concerns that deferrals could lead to appeals on grounds of non-determination.

The Development Control Manager believed that much late material was due to the requirement for reports to be published one week in advance of meetings resulting in applicants trying to overcome Officers' concerns before the meeting. He believed that there was a distinction between this material and representations from third parties which would not necessarily contain new material.

Councillor McLellan largely agreed with previous speakers and noted that the issue had risen due to a particular instance when some 20 pages of late material had been circulated. He believed that there was not a general problem with late material which was not always from applicants and he suggested that the options should be (iii) followed by (i) if required.

Councillor Dee referred to the potential for new material considerations being overwhelmed in highly orchestrated campaigns when Members received many repetitive representations.

Councillor Smith suggested that paragraph 3.11 (which suggested that the options could be exercised by the Chair of the Committee if in the opinion of the Chair and/or Officers it would be unreasonable to expect Members to be able to properly consider and make a decision in light of the new material consideration submitted.) be included in the resolution.

The Development Control Manager noted that the options relied on a Committee decision at the meeting and questioned the situation if an application on the agendas was to be withdrawn in advance of the meeting. It was noted that a decision could be made after consultation with the Chair.

Councillor Smith suggested that any decision to defer an application due to receipt of late material be taken and announced at the start of the meeting for the benefit of any members of the public in attendance for that item.

The Development Control Manager suggested that one hard copy of representations including any late material be maintained and Officers provide a summary of the issues raised in the officer's report.

RESOLVED that

Page 6
PLANNING COMMITTEE
02.04.13

- a) the views of the Constitutional and Electoral Working Group at paragraph 3.12 of the report be noted;
- b) the options available for dealing with the submission of late material be exercised in the following order of preference:-
 - i) adjourn the meeting for a sufficient period of time to enable Members and/or Officers to read and digest the information before any debate is held and a decision taken;
 - ii) defer the matter without any Officer presentations, discussions or public speaking;
 - iii) delegate authority to the Development Control Manager to grant or refuse permission after consultation with the Chair subject to there being no new material considerations identified in the late material;
- c) the above options to be exercised by the Chair of the Committee and a decision made, based on the opinion of the Chair of the Committee and/or Officers, as to whether it would be unreasonable to expect Members to be able to properly consider the late material submitted within sufficient time to enable Members to make a decision on the relevant application at the meeting..

134. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of January 2013.

RESOLVED that the schedule be noted.

135. MISS ELAINE BELL, LOCUM SOLICITOR

The Chair noted that this would be the last committee meeting to be attended by Elaine Bell the Locum Solicitor.

On behalf of the Committee, he thanked Miss Bell for her work and advice and wished her well for the future.

136. DATE OF NEXT MEETING

Tuesday, 7th May 2013 in the Civic Suite, North Warehouse.

Time of commencement: 18:00 hours

Time of conclusion: 19:08 hours

Chair

Gloucester City Council

Committee	: PLANNING
Date	: 7th MAY 2013
Subject	: PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (JANUARY to MARCH 2013)
Decision Type	: FOR INFORMATION ONLY
Ward	: ALL
Report By	: ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER
No. Of Appendices	: 1. SUMMARY OF ENFORCEMENT ACTIVITY JANUARY to MARCH 2013 2. NOTICES IN EFFECT AT 31ST MARCH 2013
Reference No.	:

1.0 Purpose of Report

- 1.1 To identify the level and nature of enforcement activity undertaken by the Planning Enforcement team between January and March 2013, and to compare this activity with previous years.
- 1.2 To provide details and an update on formal action being taken against more serious planning breaches, including the results of legal actions undertaken.

2.0 Recommendations

- 2.1 Planning Committee is asked to RESOLVE, subject to any questions or issues arising, that progress be noted.

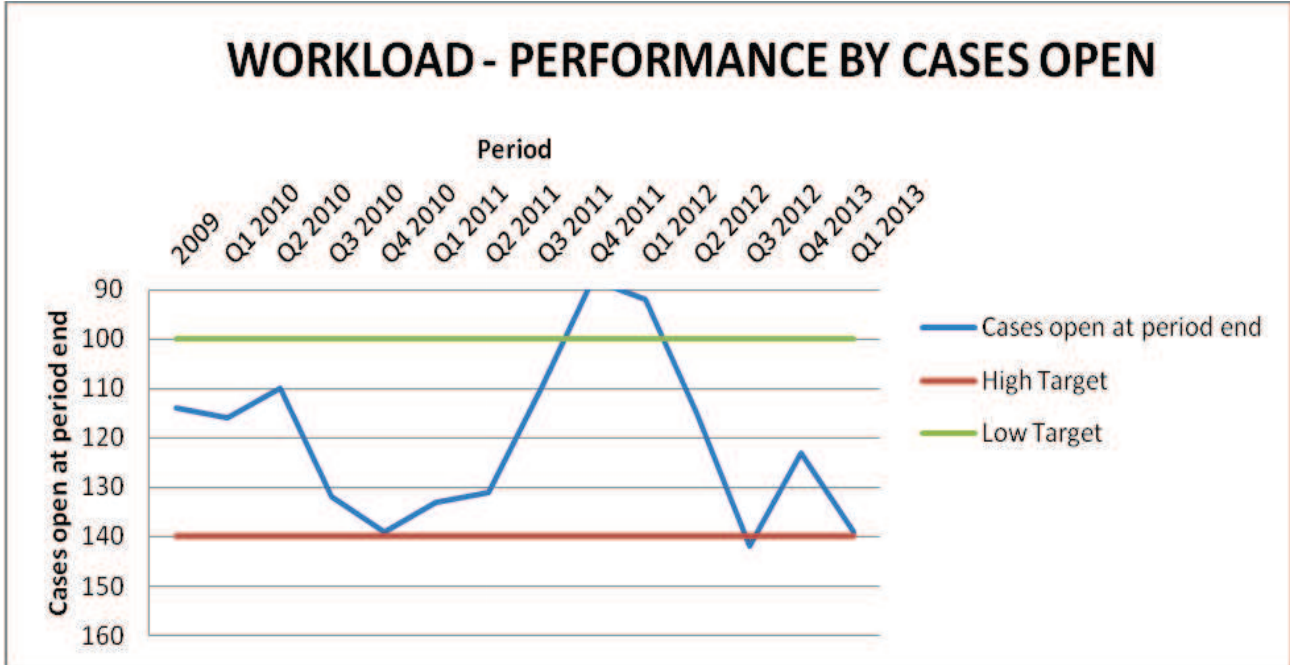
3.0 Background

- 3.1 Gloucester City Council's Planning Enforcement function is based in the Development Control team, comprising one full time Enforcement Officer (Heidi Clarke), and a Senior Planning Compliance Officer (Andy Birchley) who splits his role between planning enforcement and monitoring compliance of Section 106 legal (planning) agreements.
- 3.2 The team operates according to the planning enforcement policy approved by members in May 2007, supported by a set of customer service standards approved by members in February 2010, as well as agreed office procedures.

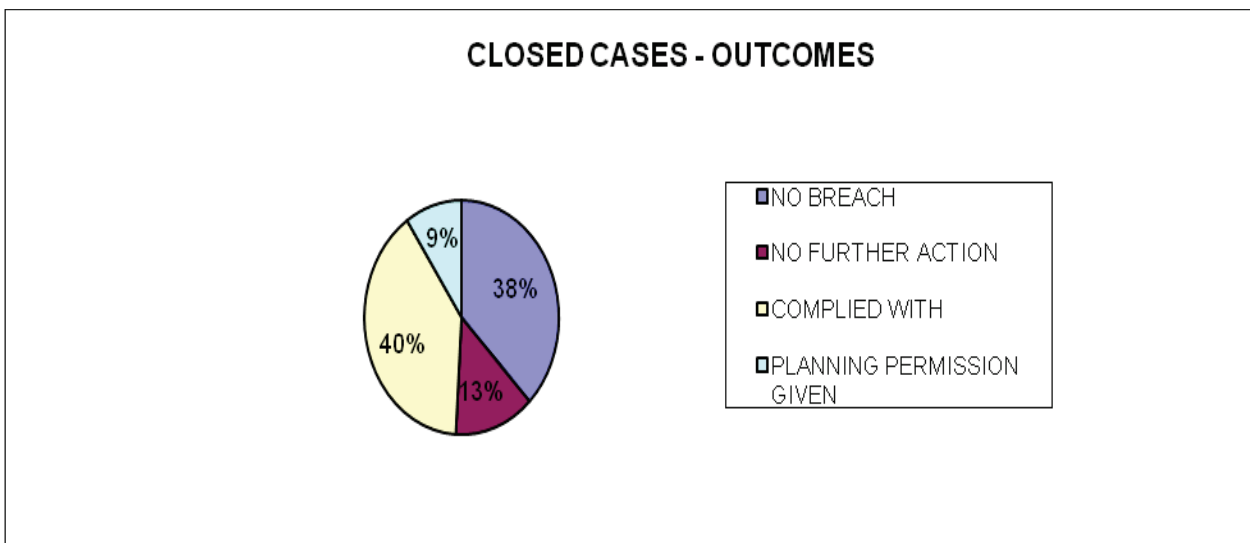
4.0 Progress

- 4.1 70 new enforcement investigations were opened between January and March 2013, with 59 cases concluded, most of which relate to enquiries received in earlier quarters. While this figure is lower than normal, this is due to greater emphasis being given to the initiatives identified in section 4.4 below, and a particular focus this quarter on resolving those cases where a Notice has been served or prosecution proceedings have been initiated. Despite this, a total of 193 different enquiries have been worked on during the quarter.

4.2 The planning enforcement team closely monitors its workload to ensure it remains as effective as possible in resolving the issues presented. While each enforcement investigation has different resource demands, the team aims to keep total investigations under 140 at any one time, and therefore currently remains just about within its effective working range with 139 cases open at the end of March 2013, as shown by the blue line on graph below.



4.3 About 50% of enquiries have resulted in compliance with the Council requirements, or the submission and approval (with conditions) of a retrospective planning application. Almost 40% of all enquiries have resulted in no breach being identified, or evidenced. Only in a small minority of cases is no further action taken when there is a breach. This only occurs after careful consideration and with the agreement of the Development Control Manager, where breaches are deemed to be minimal, and/or it is not expedient or legally sound to take any further action. This is in line with the Council's Planning Enforcement Policy.



4.4 The following identifies some of the areas of work undertaken during the quarter, excluding those identified in Appendix 2, or in section 5.0 below:

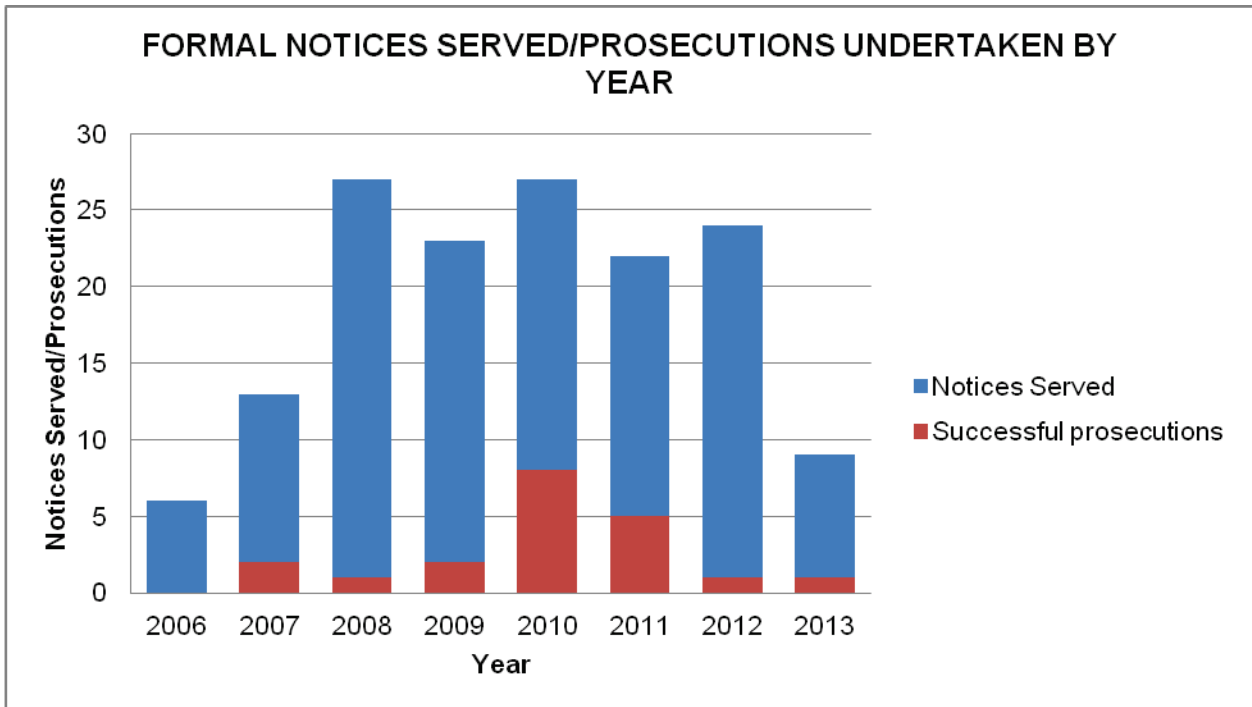
- A joint project was undertaken with the Council's Conservation team to remove dozens of satellite dishes within the Southgate Street Conservation Area. This enforcement action was design to complement improvements being made to the buildings funded through the Southgate Street 'facelift' grant scheme. Through a mixture of co-operation, formal notice and direct action by the Council, no satellite dish remains on any Southgate Street frontage between Kimbrose Triangle and the junction with Trier Way.
- Good progress has been made on the review of the Council's Planning Enforcement Policy, procedures and customer service standards and public consultation on these will start in early May, with publicity sought through local press coverage.
- 8 unauthorised advertisements and other signs have been removed from the highway during January and March.
- Gloucester City Council hosted the first meeting of the Gloucestershire Enforcement Officer's Group in January. This group has been set up to discuss and seek solutions to shared issues across the county.

5.0 Formal action

5.1 When the Council's requirements are not met, following a reasonable period given to comply, and where the breach is considered to be serious, then formal action will be taken to remedy a planning breach. This usually involves some or all of the following:

- Service of a Notice
- Prosecution
- Works undertaken and charged to the landowner

5.2 The graph below shows the increasingly firm approach taken against the worst offences and breaches over the past 7 years.



- 5.3 Appendix 2 identifies those cases where a Notice has been served or was in force at 1st April 2013, showing progress against stated requirements. 8 new Notices were served during this period, all as a result of the Southgate Street initiative outlined in Section 4.7. A further 7 Notices have now been complied with - a total of 15 in the quarter – an unusually high number, in many cases reflecting the fruition of many months of discussion and the Council assertively holding its position to achieve its desired outcome. Only 6 Notices remain to be complied with.
- 5.4 One case was brought before the Magistrates Court during the quarter, where the owner of 141 Southgate Street was prosecuted for instructing and undertaking unauthorised works, causing damage to a listed building. The builder, also subject to proceedings, failed to turn up at the first, and has subsequently persuaded the court to adjourn two other hearings. This case will now be heard at Gloucester Crown Court on 26th April, having been adjourned from a hearing date of 5th April.

6.0 Future Work

- 6.1 The Planning Enforcement team currently has 139 cases under investigation, in addition to any further enquiries received during the April to June 2013 quarter, and will work to try to resolve or meet a satisfactory outcome on as many of these cases as possible.
- 6.2 The planning enforcement policy, procedures and customer service standards will be subject to public consultation during the next quarter, before being brought to Members for their consideration.
- 6.3 A hearing has been set at Gloucester Crown Court for the 26th April, in relation to damage caused to 141 Southgate Street, a Grade II Listed Building.

7.0 Conclusions

7.1 The planning enforcement team continues to deal with a high number of enquiries, successfully maintaining a high level of desired outcomes following approaches to those responsible for planning breaches, and where necessary, the use of formal and legal powers.

7.2 A higher number than usual of more serious planning breaches have been resolved this quarter, following compliance with a large number of Notices. This includes a joint collaboration with the City Council's Conservation team to remove all satellite dishes from front elevations of buildings on the Southgate Street Conservation Area

8.0 Financial Implications

8.1 The cost to the Council is officer time which includes legal officer's time, in carrying out enforcement duties. Where direct action is taken the costs of any works is derived from recovered court costs and other monies reclaimed through the direct action. As there is no allocated budget for these works, the scope of direction action is limited.

9.0 Legal Implications

9.1 The Council has a range of powers available to it to enforce breaches of planning legislation. These powers are supplemented by the policies and procedures adopted by the Council, which are followed when dealing with potential breaches. Having adopted policies and procedures for planning enforcement helps to minimize the risk of Judicial Review and maladministration complaints and ensures that appropriate enforcement action is taken. Whilst prosecution is an option open to the Council, it isn't always the most cost effective method of enforcement, and it may not necessarily lead to a planning breach being remedied; it can often only lead to the securing of a conviction. Direct action is a last resort, but is necessary in some circumstances, and often more cost effective.

10.0 Risk Management Implications

10.0 There is no risk to the authority connected with this report, as it is for information only

11.0 People Impact Assessment (PIA):

11.1 There are no risks for customers and staff, in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion in this report

12.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)

12.1 It is considered that there are no other corporate implications not already covered within the report

Background Papers :
Published Papers :
Person to Contact : Andy Birchley
Tel: 396774

APPENDIX 1 – ENFORCEMENT ACTIVITY

	2009 TOT	2010 TOT	2011 TOT	2012 TOT	JAN- MAR 2013	APR- JUNE 2013	JULY- SEPT 2013	OCT- DEC 2013	2013 TOT
NUMBER OF NEW ENQUIRIES RECEIVED	269	303	287	314	70				70
TYPE OF BREACH (New enquiries):									
Operational development	91	57	95	94	19				19
Breach of Condition	33	33	27	28	8				8
Unauthorised change of use	57	66	68	60	17				17
Damage to Listed Building	4	2	5	9	0				0
Unauthorised advertisement	33	92	62	94	6				6
Section 215 (Untidy land / property)	47	45	24	21	7				7
General Amenity Tree Preservation Order	1	0	4	2	0				0
Conservation Area	0	1	0	1	0				0
Not Planning Enforcement	3	7	2	4	13				13
Enforcement	0	0	0	1	0				0
PROGRESS:									
Cases open at quarter end	114	140	88	123	139				139
<i>Total Notices issued</i>	21	19	17	23	8				23
<i>Total prosecutions</i>	2	7	5	1	1				1
<i>Total cases closed</i>	336	272	338	280	54				280
REASON FOR CASE CLOSURE:									
No evidence of breach	118	80	100	82	20				20
No further action taken	80	47	68	37	7				7
Complied with Retrospective Planning Permission given	110	126	153	140	21				21
Permission given	28	17	17	21	5				5

APPENDIX 2 – NOTICES IN EFFECT – 1st APRIL 2013

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
220A Southgate Street	<i>Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area</i>	<i>Enforcement Notice</i>	<i>Dishes removed</i>
220B Southgate Street	<i>Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area</i>	<i>Enforcement Notice</i>	<i>Dishes removed</i>
222A Southgate Street	<i>Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area</i>	<i>Enforcement Notice</i>	<i>Dishes removed</i>
222B Southgate Street	<i>Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area</i>	<i>Enforcement Notice</i>	<i>Dishes removed</i>
192 Southgate Street	<i>Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area</i>	<i>Enforcement Notice</i>	<i>Dishes removed</i>
200 Southgate Street	<i>Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area</i>	<i>Enforcement Notice</i>	<i>All but one dish removed, final one by Council direct action</i>

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
152 Southgate Street	Unauthorised satellite dish on front elevation, within Southgate Street Conservation area	Enforcement Notice	Dish removed
5 Albion Street	Unauthorised satellite dishes on front elevation, within Southgate Street Conservation area	Enforcement Notice	Dishes removed by Council direct action
3 Conduit Street	Untidy rear garden	S215 (Untidy land)	Garden cleared without direct action required
67 Grange Road	Untidy rear garden	S215 (Untidy land)	Owner has now completely cleared and tidied garden
66 Kendall Road	Unauthorised fence	Enforcement Notice	Fence set back to satisfaction of planning office
Land adjacent 1a Oxford Street	Installation of unauthorised gates affecting the setting of a Listed Building	Listed Building Enforcement Notice	Gates removed and replaced with suitable alternative
Land at Edison Close, Quedgeley	Failure to provide full landscape coverage and properly maintain existing on boundary between Naas Land and the industrial areas.	Breach of Conditions Notice	Works now complete and landscaping provided in accordance with approved plans.

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
<i>71 Nine Elms Road</i>	<i>Untidy front and rear gardens</i>	<i>S215 Notice</i>	<i>Works undertaken by direct action, and costs charged to owner. Awaiting payment.</i>
<i>31 Malvern Road</i>	<i>Untidy front and back gardens</i>	<i>S215 Notice</i>	<i>Works undertaken by direct action, and costs charged against the land.</i>
Land adjacent to Barnwood Bowling Club	Untidy land affecting amenity of adjacent residents	S215 (Untidy land)	Some works undertaken, not yet complete but promised by owner. Monitor situation
107 Southgate Street	Unauthorised changes to shopfront, including excessive and inappropriate advertisements and signage on Grade II Listed Building	Listed Building Enforcement Notice	Limited works undertaken, but otherwise owner not co-operating. Matter to referred to Legal for prosecution
124 Eastgate Street	Replacement of timber framed shopfront with aluminium alternative, installation of roller shutters and removal of historic mosaic floor at entrance	Enforcement Notice	In new ownership. Alternative scheme agreed in principal by Conservation team, and planning application submitted, and being considered.
141 Southgate Street	Unauthorised works undertaken, planning approval given to application for remedial works but never implemented	Listed Buildings Enforcement Notice	Owner prosecuted, and builder awaiting outcome of court proceedings. Notice remains in force.

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
22 Druids Oak	Erection of unauthorised garage	Enforcement Notice	No works undertaken, Notice breached. Action to remove garage under way.
Sajan UK, 113 Southgate Street.	Unauthorised signage on a Grade II Listed Building	Listed Buildings Enforcement Notice	Application approved for an alternative scheme, mostly implemented, awaiting completion

Notices in bold served within January-March 2013 quarter

Notices in italics have been complied with or otherwise concluded during January-March 2013 quarter

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH MAY 2013
ADDRESS/LOCATION	:	LAND AT YEW TREE COTTAGES 106-108 BRISTOL ROAD QUEDGELEY GLOUCESTER
APPLICATION NO. & WARD	:	13/00160/FUL QUEDGELEY SEVERN VALE
EXPIRY DATE	:	23RD MAY 2013
APPLICANT	:	COUNTY TO COUNTY
PROPOSAL	:	CONSTRUCTION OF 10 DWELLINGS AND ASSOCIATED WORKS. (ALTERNATIVE PROPOSAL TO DEVELOPMENT APPROVED UNDER APPLICATION NO. 09/00551/FUL)
REPORT BY	:	BOB RISTIC
NO. OF APPENDICES/ OBJECTIONS	:	SITE LOCATION PLAN 1 LETTER OF REPRESENTATION

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the western side of Bristol Road Quedgeley, opposite the Shell petrol filling station and some 40 metres south of the entrance to Fox Run. This site is midway between Green Farm Crossroads and the Quedgeley Tesco's roundabout. The proposal relates to numbers 106 (now demolished) and 108 Bristol Road in addition to land at the rear of numbers 104, 110 and 112 Bristol Road.
- 1.2 Number 108 Bristol Road is a veterinary surgery with associated car parking at the rear. Number 106, is the site of a former cottage that was attached to number 108. The cottage was demolished in 2008 as it was considered to be structurally unsound. As a result, the plot now comprises a substantial parcel of 'scrub' land within an existing urban area. The application includes the extreme rear parts of the residential curtilages associated with numbers 110 and 112 Bristol Road and land at the rear of number 104 a commercial unit at the fronting onto Bristol Road.
- 1.3 The site backs onto the rear gardens of residential properties at nos.10-15 Coopers Elm to the west of the site.

- 1.4 The site would be served by a new junction that would have a right turn lane. The development would be served by an estate road with footways to a point beyond a new car park entrance to the vets, and thereafter would comprise a shared surface designed to adoptable standards. This new estate road would also serve the rear parking area for the Estate Agents office at number 104 Bristol Road.
- 1.4 The application seeks permission for the erection of ten dwellings comprising 3no. pairs of semi's and 4 no. detached dwellings.
- 1.5 Plots 2 - 9 would be located at the rear of the site, and would front onto the access drive and back onto the rear gardens of properties at Coopers Elm. Plot 1 would be sited behind the veterinary surgery car park and plot 10 would be located at the rear of the car park that would be used in association with number 104 Bristol Road.
- 1.6 The proposed dwellings would be of a varied design and would comprise accommodation on 2 floors and within the attic space.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The relevant planning history on the site is as follows:

09/00551/FUL - Demolition of number 108 Bristol Road. Erection of 11 dwellings with associated parking facilities and new veterinary surgery, including manager's accommodation with the formation of new vehicular and pedestrian access off Bristol Road - Grant

08/00011/FUL – Demolition of 106 and 108 Bristol Road. Erection of 13 dwellings with associated parking facilities and new veterinary surgery. Formation of new vehicular and pedestrian access off Bristol Road. – Refused

3.0 PLANNING POLICIES

The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Developing the Preferred Options Document in December 2011. In addition to the Joint Core Strategy the Council is preparing a its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

3.2 Policies within the City of Gloucester Second Deposit Local Plan.

Policy BE.1 – Scale, Massing and Height

Policy BE.7 – Architectural Design

Policy BE.21 – Safeguarding of Amenity.

Policy H.4 – Housing Proposals on Unallocated Sites

Policy H.7 – Housing Density and Layout

Policy H.13 – The Sub-division of Plots for In-fill Development

Policy TR.31 – Highway Safety

- 3.3 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 **CONSULTATIONS**

- 4.1 Highway Authority – No objections in principle, though awaiting further technical clarification.
- 4.2 Natural England – No objections in principle.
- 4.3 Severn Trent – raise no objections to the proposed development and drainage provisions.
- 4.4 Quedgeley Parish Council – raise no objection to the revised layout but recommends that a tree-planting scheme be conditioned as part of any

approval. It was also noted that the residents of Coopers Elm should be protected during construction and an appropriate boundary treatment should be provided to protect the amenity of the occupiers of these neighbouring properties.

- 4.5 County Education – raise no objection subject to a financial contribution of £28,585 towards primary education provision at Meadowside Primary School and/or Beech Green Primary School
- 4.6 Landscape Officer – raises no objection.
- 4.7 Tree Officer – raises no objection,
- 4.8 Urban Design Officer – raises no objection in principle.
- 4.9 City Archaeologist – No objection but has requested a standard ‘watching brief’ condition.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the display of a press notice in the Citizen newspaper and the display of a site notice. The occupiers of 24 neighbouring properties were notified of the application.
- 5.2 One letter of representation has been received in response. The comments raised are summarised below:

No objections to the 10 dwellings
Concerned at the proposed 1 metre high chain link fence proposed
Would be inadequate
Request the developer provides a 2 metre high boarded fence instead.

- 5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

- 6.1 Planning permission for the erection of 11 dwellings and new veterinary surgery, was granted in February 2010 and this permission is still extant and has been commenced.
- 6.2 Since the grant of the previous planning permission the site has been purchased by the current applicant, who due to issues with the previously approved development, physical constraints of the site, and economic circumstances, wishes to pursue an alternative layout for the site.
- 6.3 The current application seeks permission for 10 dwellings in place of the 11 previously permitted. The properties would have a similar layout but would have larger footprints and would be approximately 50cm taller than the previously approved dwellings.

- 6.4 The applicant has advised that the current scheme has been designed to respond to the constraints of the site and provide more spacious family housing.
- 6.5 The formerly proposed replacement veterinary surgery is no longer considered viable and the vet has since extended and refurbished the existing surgery building.
- 6.6 The main planning issues with regard to this application relate to design and layout of the proposed site, parking and access arrangements, the impact that the proposal would have on the amenity of the occupiers of the neighbouring properties, ecology, education contributions and drainage.

Taking each of these issues in turn:

Design and layout of the site

- 6.7 Considerable discussions have taken place regarding the design and layout of the site. Officers are now satisfied that the proposal would not have a detrimental impact on the character of the area or the Bristol Road street scene.
- 6.8 It is considered that the density of development would be acceptable and would sit comfortably within its context and considering the character of the dwellings at Coopers Elm. The properties have been designed to retain adequate spacing between properties and the garden sizes are acceptable by modern standards and considering the constrained nature of the site. It is acknowledged that some properties along Bristol Road have long gardens and generous plots. However, the properties along Coopers Elm at the rear of the site, Farriers End to the south of the site and also Fox Run opposite the site, follow a tighter, higher density pattern of development. As a result, the proposal would not detract from the character of the built environment in the locality.
- 6.9 I consider that the proposed dwellings are of an acceptable design. There is no uniform appearance to the houses within the area. Consequently, the proposed properties would not appear out of keeping with surrounding built form.

Parking and access

- 6.10 The proposed access arrangements would be similar to those previously approved and are unlikely to have a detrimental impact on highway safety. The development will involve the provision of a right turn reservation into the site and vehicles emerging into Bristol Road will be able to turn right in a southerly direction. A shared surface is proposed to the back part of the site in order to provide a more attractive environment for residents and to ensure that the layout is not dominated by a more standard bituminous macadam carriageway.

- 6.11 The layout provides on plot parking each property for at least two cars to be parked either on hard standings or a combination of hard standing and garages. This level of parking provision complies with the relevant parking standards and there is scope for further on-street parking within the site without causing any road safety hazard.
- 6.12 The County Highway department concur that in principle the proposal would not be detrimental to highway safety and a safe means of access can be provided taking into account all of the constraints. Their final comments and any conditions are awaited and will be reported as 'late material'.

Impact on amenity

- 6.13 While the proposed dwellings would be larger than the properties previously permitted, I am satisfied that the proposal would not have any significant adverse effect on the privacy of the occupiers of the properties along Coopers Elm. The first floor back-to-back distance between numbers 10 – 14 Coopers Elm and the proposed dwellings would be in excess of 21 metres. In my opinion such distances are considered to be sufficient so as not to cause any significantly detrimental overlooking.
- 6.14 The exception to this would be the back-to-back distance between number 15 Coopers Elm and the dwelling on plot number 2 where there would be a distance of some 16.5 metres. There is an existing first floor bedroom window in the rear elevation of number 15.
- 6.15 It is acknowledged that there would be a close relationship, between the respective bedroom window and the proposed dwelling, however, it is not considered that the proposal would have a significantly detrimental impact on the residential amenities of the occupiers of number 15 Coopers Elm as a whole, particularly when considering the proposed development in conjunction with the submitted landscaping plan. Additionally, the principal garden area for number 15 extends to the southern side of that dwelling and would not therefore be directly overlooked.
- 6.16 Impacts and overlooking from ground floor windows would be mitigated against by the provision of a 2.2 metre high close boarded fence to the rear of the site. Additionally, the provision of a substantial tree planting scheme along the western boundary would not only screen the proposed development from the other properties along Coopers Elm but would also provide a potential flight line for bats as indicated in the submitted bat report.
- 6.17 Additionally the applicant has confirmed that the side boundary adjacent to the side boundary with no.114 Bristol Road would be constructed of 1.8 metre high close boarded fencing. I consider this to be an appropriate means of enclosure and screening and would address the concerns raised in the occupiers letter.

Ecology

- 6.18 As part of the clearance works on the site in September 2012 several slow worms were discovered and relocated to a receptor site. The proposed

landscaping works include the installation of rockeries along the rear boundaries to plots 4 to 7 to act as long-term hibernacula with the surrounding gardens and proposed tree planting forming the rest of the habitat.

- 6.19 The current proposal will not involve the demolition of any buildings and therefore the development is unlikely to affect any roosting bats. Nevertheless the applicant has proposed the provision of separate 'bat and bird' boxes in order to enhance biodiversity.

Education contributions

- 6.20 Although the previous application was not subject to a financial contribution towards education provision, recent changes in school facilities and the nature of the proposed development, has resulted in a request from the County Council that the development provides a financial contribution of £28,585 towards primary education provision at Meadowside Primary School and/or Beech Green Primary School.
- 6.21 The applicant has accepted that the development would impact upon local primary education provision and has agreed to provide this contribution and a draft Unilateral Undertaking has been provided and approved by the County Council.

Drainage

- 6.22 Part of the need to re-design the site was to account for the presence of a sewer running through the front part of the site and to ensure that adequate drainage could be achieved for the development.
- 6.23 A detailed drainage scheme has been prepared as part of the application. Severn Trent has subsequently raised no objections to the proposed development.
- 6.24 Additionally, the site is not located within the flood plain as defined by the Environment Agency and would therefore not exacerbate the risk of flooding.
- 6.25 No affordable housing has been proposed as part of this development as it falls below the threshold of more than 14 dwellings.

7.0 CONCLUSION/REASON FOR APPROVAL

- 7.1 Taking all of the planning related issues into consideration, it is recommended that the application be approved for the following reasons.

7.2 Reason for Approval

The proposed development would make best use of land within an existing urban area. The impact of the proposed new dwellings has been carefully considered and it is concluded that the development would have no adverse effect upon residential amenities in terms of overlooking, overshadowing or any overbearing effect, would not unduly affect the character and appearance of the area or result in any demonstrable harm to highway safety. For these reasons the proposal is considered to be in accordance with Policies H.7,

H.13, BE.21 and TR.31 of the Second Deposit City of Gloucester Local Plan(2002).

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design, resolving potential amenity conflicts with adjoining properties, address highway safety issues, ensuring that ecological and archaeological issues have been addressed.

8.0 RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That permission is granted subject to the completion of a legal agreement to secure a sum of £28,585 towards local primary education facilities and 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

To comply with the requirements of 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 submitted application forms, supporting information and approved drawing nos. 635/05 Rev.T, 635/08 Rev.A, 635/021 Rev.A, 635/25 Rev.A, 635/26 Rev.A, 635/27 Rev.G, 635/29 Rev.H, 635/31 Rev.D, 635/33 Rev.F, 635/35 Rev.D and 635/37 Rev.D, 11-00197 PL01 and 10.12/02 Rev.G received by the Local Planning Authority on 5th April 2013, Drawing no.12064/101 Rev.E received by the Local Planning Authority on 9th April 2013 and drawing no.635/05 Rev.U received by the Local Planning Authority on 24th April 2013.

Reason

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

Condition 3

The materials to be used in the construction of the external surfaces of the walls, roofs, windows and doors of the buildings hereby permitted shall accord fully with the submitted materials schedule and appendix and drawing nos. 635/021 Rev.A, 635/25 Rev.A, 635/26 Rev.A received by the Local Planning Authority on 5th April 2013.

Reason

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

Condition 4

No part of the development hereby permitted shall be occupied until the boundary treatments and means of enclosure have been completed in accordance with details shown on approved drawing no. 635/05 Rev.U and shall be similarly maintained thereafter.

Reason

To ensure a satisfactory appearance to the development and in accordance with policies BE.4 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The temporary car parking and wheel washing area for site operatives and construction traffic as shown on drawing 635/08 Rev.A shall be provided before the construction works commence and shall be retained available for that purpose for the duration of building operations.

Reason

To ensure that the access roads in the vicinity of the site are kept free from construction traffic in the interests of highway safety and in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

The hard and soft landscape works, and means of enclosure shall be completed in accordance with approved drawing nos. 10.12/02 Rev.G and 635/05 Rev.U, prior to the first occupation of the development hereby permitted. The planting shall be maintained for a period of 10 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously retarded they shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

Reason

To ensure a satisfactory appearance to the development and to preserve and enhance the quality of the environment and protect the residential amenities of neighbouring occupiers in accordance with policies BE.4 BE.12 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

No part of the development hereby permitted shall be occupied until the foul and surface water drainage scheme has been completed in accordance with approved drawing no.12064/101 Rev.E and the development shall be maintained in accordance with the approved details thereafter.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to dress the aims of sustainable development through on-site surface water disposal in accordance with Policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

The bat and bird boxes and hibernacula shall be provided in accordance with the submitted details prior to the first occupation of the individual/relevant dwellings hereby permitted and shall be similarly maintained thereafter.

Reason

To conserve and enhance nature conservation and biodiversity in accordance with policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

In order to protect the residential amenity of adjacent properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No materials or substances shall be burnt within the application site during the construction phase.

Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason

To make provision for a programme of archaeological evaluation (trial trenching) prior to the start of development, and if necessary to provide for further archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

* Highway conditions are currently outstanding and will be included in the late material report.

Note 1

There is a public sewer within the near vicinity of the site. No buildings shall be erected or trees planted within 2.5 (150 CWS) metres of either side of this sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.

Note 2

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 Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 3

The proposed development will involve works on the highway and the applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing those works.

Note 4

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

Decision:

Notes:

.....

.....

Person to contact: Bob Ristic
(Tel: 396822)

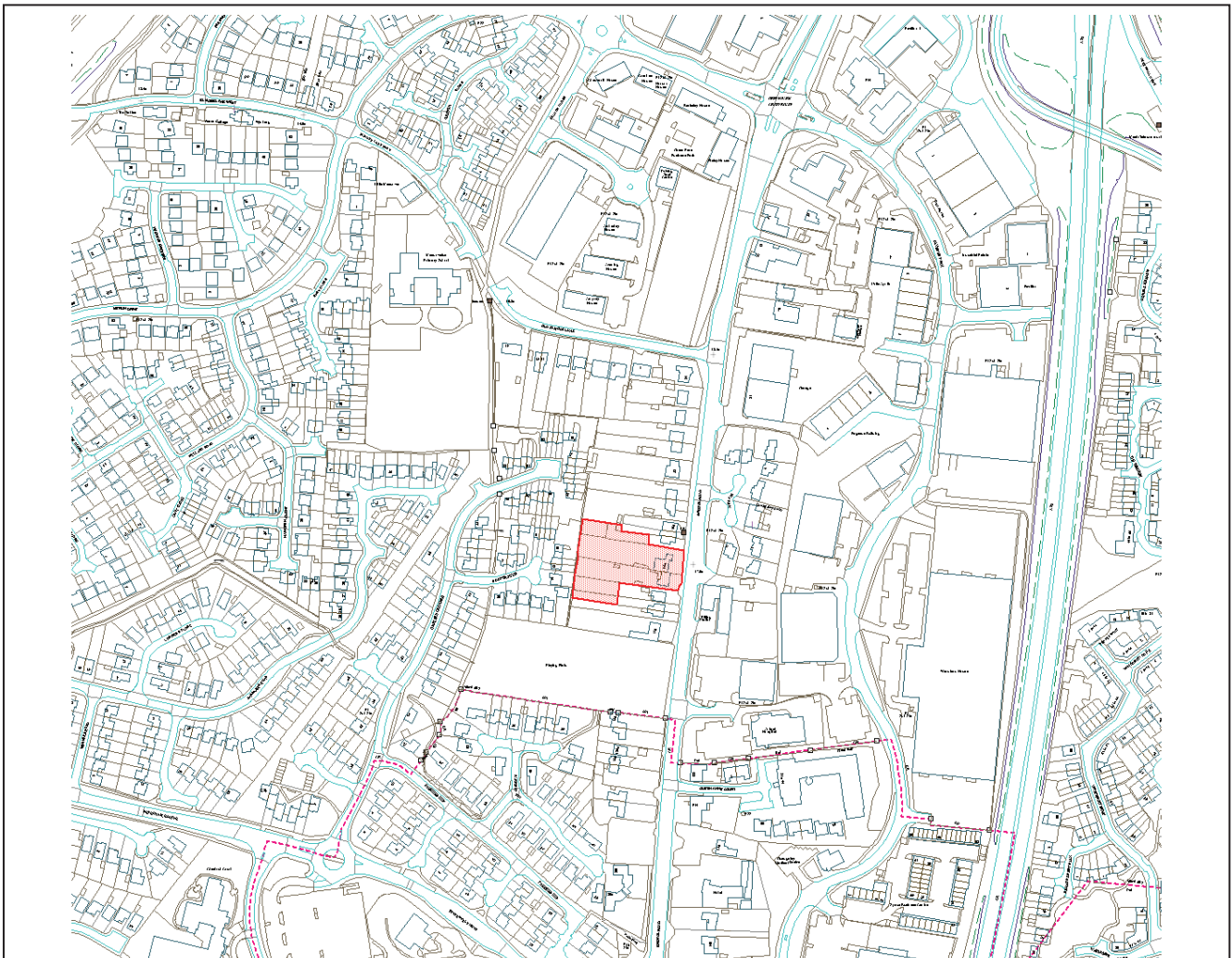
This page is intentionally left blank

ELECTRONIC APPLICATION

Application Number: **13/00160/FUL**
Address: **Yew Tree Cottages**
106 Bristol Road
Quedgeley
Gloucester

Target Date: **23.05.2013**

Applicant: **County to County**



© Crown copyright and database rights 2011 Ordnance Survey 10019169
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH MAY 2013
ADDRESS/LOCATION	:	KINGSHOLM HALL, FORMERLY CHRISTADELPHIAN CHURCH, SHERBORNE STREET, GL1 3ES
APPLICATION NO. & WARD	:	13/00071/COU KINGSHOLM AND WOTTON
EXPIRY DATE	:	25TH MARCH 2013
APPLICANT	:	MR. MARK CUNNINGHAM
PROPOSAL	:	CHANGE OF USE FROM EXISTING CHURCH HALL (CLASS D1) TO CINEMA (CLASS D2)
REPORT BY	:	EMMA BLACKWOOD
NO. OF APPENDICES/ OBJECTIONS	:	SITE LOCATION PLAN 3 LETTERS OF REPRESENTATION

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Kingsholm Hall, Sherborne Street (the former Christadelphian Church) is a detached single storey building, located on the eastern side of the highway. The site is located directly opposite nos. 55-64 Sherborne Street (three-storey terraced dwellings), and backs onto the rear gardens of dwellings on the western side of Oxford Road. A car park, not associated with the Kingsholm Hall, is located immediately to the south of the application site. The character of the local area is primarily residential, although the Kingsholm Church of England Primary School and a social club are both located in close proximity of the application site.
- 1.2 The existing building is used for worship and other community hall uses (Use Class D1), although has been vacant for in excess of 2 years. The existing hall can provide seating for approximately 150 persons. It is proposed to change the use of this building into a small neighbourhood cinema (Use Class D2), which would show films some 5 to 8 weeks after national release date. It is anticipated that this would be used as "*a small-scale family friendly venue aimed at the close neighbourhood of approximately 10,000 people*". It is expected that there would be an average admission figure of 15 to 25 persons per show. Alcohol would not be sold or allowed on the premises.

- 1.3 The main screen room would be located centrally within the building (covering an internal area of approx 94 square metres) which would seat 133 persons as well as providing 2 spaces for wheelchair users, with a projection area and reception area towards the front. Store rooms and W.C.s would be located towards the southern side, with a lobby towards the northern side.
- 1.4 The opening hours of the cinema would be 09:30 to 22:50, every day of the week, including bank holidays. The timing of cinema screenings would be subject to public demand, although it is expected to offer an early and main evening show daily (start times approximately 18:00 and 20:00), and weekend and school holiday matinees (start times usually at 14:00, but also at 10.00 and 12.00 when suitable films are available). The cinema would employ 1 full time member of staff and 3 to 4 part-time.
- 1.5 No external alterations are proposed to the building. All existing features (including original windows) would be preserved.
- 1.6 The existing church hall has its own car park towards the northern side of the site, comprising 6 car parking spaces and no disability spaces. It is proposed to introduce 2 additional car parking spaces, as well as 1 no. parking space for disabled persons. Further, there are 8 existing cycle spaces on the application site, which would be retained.
- 1.7 This application is presented to the Planning Committee for determination because the applicant is a member of staff at the Council.

2.0 RELEVANT PLANNING HISTORY

- 2.1 30.07.1963 (P/390/63, Planning permission granted) – Car park on cleared land adjacent to Christadelphian Hall
- 2.2 16.06.1976 (P/193A/76, planning permission granted) – Toilet and kitchen extension

3.0 PLANNING POLICIES

- 3.1 Consideration is given to national planning policy guidance notes and statements, particularly the National Planning Policy Framework (March 2012) and the Gloucestershire County Council Structure Plan, Second Review (November 1999).
- 3.2 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. However, regard must also be had to the Second Deposit City of Gloucester Local Plan (2002). This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes.

- 3.3 From the Second Stage Deposit Plan (2002) the following policies are relevant:

BE.21 (Safeguarding of Amenity):

Planning permission will not be granted for any new building, extension or change of use that would unreasonably affect the amenity of existing residents or adjoining occupiers

FRP.10 (Noise)

Development likely to generate levels of noise which, in its location, is unacceptable either in volume or duration will not be permitted

TR.31 (Road Safety):

Planning permission will be granted for development that deals satisfactorily with road safety issues.

CS.1 (Protection of Community Facilities)

Planning permission will be refused for a development proposal which leads to the loss of existing community facilities, unless:

1. The facility is replaced within the new development; or
2. Alternative provision of equivalent community benefit is provided, wherever feasible, at a location in or adjacent to a designated centre, or otherwise at a location which is accessible by other means of transport than the private car; or
3. The facility is not in use and it can be established that there is a surplus of community facilities in the locality and no other organisation is willing to acquire the site and continue its use as a community facility.

- 3.4 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Local Highway Authority raises no objection
- 4.2 The Environmental Health Officer raises no objection subject to conditions
- 4.3 Environmental Services raise no objections

5.0 PUBLICITY AND REPRESENTATIONS

5.1 47 neighbouring properties were consulted and the application has further been publicised through the posting of a site notice. 3 letters of representation have been received in the 21 day statutory consultation period or since, 2 in support of the proposed change of use, and 1 raising concerns about the proposal. The main points raised in the letters of support were:

- Support for a much needed additional facility in the area;
- Support for the renovation and reinstatement of a disused building; and
- Notification that the 'Roots Social Enterprise' in Alvin Street (currently being renovated into coffee shop and community space) has already been granted planning permission for various community activities including a cinema: *"Whilst this does not bother us, given our proposal will probably be for free viewing and not a commercial enterprise per se, we do feel it is only fair that the proposer is made aware. (This is also good for inter-relationships between partners in the Kingsholm community)"*. I have notified the applicant of this.

The main points raised in the letter of objection, from occupiers of a dwelling on Oxford Road, were:

- Noise, car fumes, rubbish and anti-social behaviour – *"The Hall is not at all suitable for any large-scale commercial venture – we would all be affected by car fumes in the summer, be kept awake at night and would have to pick up the rubbish that would inevitably come over the wall into our garden"*;
 - Parking – *"It is frequently hard to find a parking place in Oxford Road, Honyatt Road and nearby streets. During office hours all the city workers park there (it is noticeably less full at weekends and in the evening) and during Rugby matches every street including Sherborne St is crammed. If people are driving in at other times and parking in surrounding streets it will add to the problem for local residents especially those who are elderly, have shopping, small children etc"*;
 - Request for a guarantee that the development would be carried out fully in accordance with the submitted information – *"Provided he [the applicant] sticks to what he promises, his proposal sounds very reasonable. However, if he changes anything – the target audience and type of films, for example – it could be quite a different matter. What guarantees does the Council ask for and follow up on?"*;
 - Query raised over accuracy of submitted information – *"[the applicant] is glossing over the negative impacts and perhaps unrealistic in some of his assumptions. I query his maths. He estimates 10,000 – 15,000 people visiting a year, i.e. 800-1300 a month, or 200-300 a week. I don't see how this could translate into a mere 25 or so per session. An "average" of 25 can mean a very wide range in fact"*; and
 - Reference made to a 'free community cinema' in or near Alvin Street – suggestion made that it might be *"overkill to have 2 cinemas in one area"*.
- 5.2 The full content of all correspondence on this application can be inspected at the Herbert Warehouse reception, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

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

6.2 Impact on Residential Amenity:

A key consideration in determining this application is impact on adjoining occupiers in terms of levels of noise from the cinema. The existing hall is located within a predominantly residential area. Nos. 59-62 Sherborne Street are located opposite the application site on the western side of the highway, some 17 metres from the hall. The rear of the building lies immediately adjacent to the rear gardens of nos. 83, 85, 87 and 89 Oxford Road, and the rear elevation of these dwellings sit approximately 15 metres from the hall.

The applicant has advised that he would use a Dolby CP55 sound processor using 3 JBL stage speakers (which would stand just below the screen towards the eastern side of the hall) and 4 Bose wall-mounted surround-sound speakers which would be mounted on the northern and southern side walls. The intention would be for this type of sound system to produce a mellow, even spread of sound throughout the auditorium. The applicant was informed by a sound engineer that the frequency spectrum of this type of sound system is 30 to 15,000 hertz.

The applicant carried out his own acoustic tests on Monday 24th December 2012 (using a CD player) and on Wednesday 20th February 2013 (using a radio) and submitted details of these noise measurements with the application. However, based on these details, the Environmental Health Officer was unable to recommend conditions to satisfy his concerns in relation to noise. It was therefore arranged for the applicant to meet with the Environmental Health Officer on site to carry out some noise measurements (both background levels and measurements whilst music was played) in order to understand the building itself and to assess the impact the cinema would have on the noise environment. Prior to the Environmental Health Officer visiting the site, the applicant had installed the analogue sound system which would be used in the cinema.

The Environmental Health Officer visited the hall on the afternoon of Tuesday 16th April 2013 and carried out some noise monitoring of the analogue sound system that the applicant would be using. He asked that music be played at a level that the applicant would use when showing films and, despite reservations that viewers may not find the audio loud enough, on walking around the building no music or bass tones could be heard. Some worst case scenario levels were further carried out and, although bass tones were audible, these were only at a very low level at the site boundary.

Consequently, the Environmental Health Officer raises no objection to the proposed change of use to cinema, subject to condition that the rating level of noise emitted from the site shall not exceed the existing background noise level by more than -5dB at any time. The noise levels shall be determined at

the nearest noise-sensitive premises and the measurements and assessment shall be made according to BS 4142:1997. Subject to this condition, it is considered that the proposed cinema would have no significant adverse effect on adjoining occupiers in terms of volume or duration of noise levels.

Concerns have been raised from an adjoining occupier that the proposed change of use to cinema would result in an increase in both car fumes and litter. The Local Highway Authority have advised that a change of use from a hall to a cinema would not result in any increased demand for parking and the vehicle and pedestrian trip rates would be very similar. Consequently it is considered that there would be no significant increase in car fumes. In terms of litter, the Environmental Health Officer has been consulted and has recommended an approval of planning permission subject to the condition that, prior to the commencement of development, a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

In response to one of the points raised in a letter of representation, which raises concerns that, at a later date, the applicant may change the type of films shown in the cinema, therefore affecting the target audience, we are unable to condition which type of films will be shown at the cinema.

Concern has been raised that this could result in anti-social behavior. The building would remain in public use, as existing, and the site is overlooked and subject to natural surveillance both from residential properties to the front and rear of the application site, in the interests of community safety. The development would then comply with Policy BE.5 of the Gloucester Local Plan (2002).

Overall, it is considered that the proposed change of use to cinema would have no significant adverse effect on residential amenity, in accordance with Policy BE.21 and FRP.10 of the Second Deposit City of Gloucester Local Plan (2002).

6.3 Protection of Community Facilities:

Policy CS.1 of the Gloucester Local Plan (2002) states that planning permission will be refused for a development proposal which leads to the loss of existing community facilities, unless the facility is not in use and it can be established that there is a surplus of community facilities in the locality and no other organisation is willing to acquire the site and continue its use as a community facility.

John Goodwin FRICS (a firm of independent Chartered Surveyors, Auctioneers, Valuers and Estate Agents) have provided information to support Policy CS.1, confirming in writing that the Hall has been vacant for in excess of 2 years. During that time, the Hall has been the subject of a number of break-ins and attempted break-ins which have resulted in significant internal

damage and theft of internal fixtures and fittings, as well as damage to windows.

John Goodwin were instructed by the Gloucester Christadelphian Ecclesia in March 2012 to dispose of the property as it was no longer suitable for their needs and had been empty for over 12 months. They then marketed the property on the open market, advertised on the local property pages, had a "For Sale" board prominently displayed on the front, and also had the property listed on their marketing website. They have advised that there were a lot of enquiries from interested parties and had approximately a dozen initial viewings with several parties achieving multiple viewings with either planning advisors or surveyors/builders.

Several parties viewed the site and sent architects/surveyors around with proposals to redevelop the site into residential. However they were put off by the structural movement of the building to the rear.

However, as a result of other viewings, several offers were made as summarised below:

- Mr G – submitted an offer with the proposed use as an office for his business
- Mr C – submitted an offer with the proposed use as a cinema – applicant
- Mr M – submitted an offer with a proposed use as offices and storage for his business
- Mr K – submitted an offer with a proposed use as a family home
- Mr T – submitted an offer with a proposed use as an office for his business

An offer was initially accepted from 'Mr M'. However, after several weeks it appeared that he was unable to proceed fully, and therefore Mr Cunningham's offer was accepted and the sale was completed. John Goodwin have advised that, throughout the exercise, they were not approached by a party who wanted to re-open the Hall as a religious meeting room. Mr. Cunningham's offer was the only proposal to maintain the hall in public use, and he believes that the proposed "*small, community orientated cinema will more than adequately provide alternative provision of equivalent community benefit*".

In terms of existing community facilities in the locality, the applicant makes reference to The Kingsholm Community Centre (79a Sebert Street), which is next door but one to the application site, located on the same stretch of road and some 66 metres from The Kingsholm Hall.

Further, one letter of representation which was received makes reference to the Roots Social Enterprise in Alvin Street (nos. 67-69), advising that planning permission had already been granted for various community activities here, including a cinema (for free viewing and not a commercial enterprise), under application no. 12/00002/FUL, approved on 7th March 2012. The occupier of this premises advised that he wanted to express his support for the proposed cinema at Kingsholm Hall, to bring more community activity into the area and for the renovation and reinstatement of a disused building, but wanted to ensure the applicant was fully informed of this change of use on Alvin Street.

However, under the approved application for this change of use on Alvin Street, the development description made no specific reference to a cinema; alternatively reference was made to a “multi-use space on first floor”. A cinema could be included within this description, although this approved development has not yet commenced and the cinema is therefore not in place. Consequently, contrary to one comment made in a letter of representation, I do not consider that the proposed change of use in Kingsholm Hall would result in an “*overkill*” of cinemas.

The applicant has demonstrated that the Kingsholm Hall has been vacant for in excess of 2 years, and has shown that there is a surplus of community facilities in the locality and no other organisation is willing to acquire the site and continue its use as a community facility. Consequently, I am satisfied that the proposed change of use to cinema would comply with Policy CS.1 of the Second Deposit City of Gloucester Local Plan (2002).

6.4 Access and Parking:

Under this application, 8 car parking spaces and 1 disabled persons’ parking space would be provided within the existing car park area towards the north of the site. Therefore 3 additional spaces would be provided compared to the existing car parking area. There are also 8 existing cycle spaces on the application site, which would be retained.

The Local Highway Authority has advised that a change of use from a hall to a cinema would not result in any increased demand for parking and the vehicle and pedestrian trip rates would be very similar, resulting in a neutral impact on the adjacent highway. Consequently, as no Highway objection is raised to the proposed change of use, it is considered that the proposed change of use would have no impact on road safety and the proposal would consequently comply with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Taking into account all of the above, it is recommended that planning permission is granted, subject to conditions.

7.0 CONCLUSION/REASON FOR APPROVAL

- 7.1 The application has been carefully assessed. It is considered that the principle of the change of use is acceptable and would have no impact on road safety and that, subject to conditions, the proposal would not significantly harm the amenities of occupants of neighbouring properties. It has been effectively demonstrated that the facility is not in use and it has been established that there is a surplus of community facilities in the locality and that no other organisation is willing to acquire the site and continue its use as a community facility. For these reasons the proposal is considered to be in accordance with Policies CS.1, BE.21, FRP.10 and TR.31 of the Second Deposit Gloucester Local Plan (2002).

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application, thus enabling the applicant to be kept informed as to how the case was proceeding.

In compiling this recommendation 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) 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 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is granted subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved drawings entitled 'Proposed Floor Plan' and 'Front Elevation, Roof Plan and Internal Section' received by the local planning authority on 24th January 2013, details within the approved Design and Access Statement and application form received by the local planning authority on 24th January 2013 and any other conditions attached to this permission.

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

3. The use hereby permitted shall not be open to customers outside the hours of 09:30 and 22:50 daily.

Reason: To safeguard the amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

- 4. The rating level of noise emitted from the site shall not exceed the existing background noise level by more than -5dB at any time. The noise levels shall be determined at the nearest noise-sensitive premises and the measurements and assessment shall be made according to BS 4142:1997.

Reason: To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

- 5. Prior to the commencement of development, a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason: In the interests of amenity in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

8.2 NOTES

- 1. Adjoining property rights

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

- 2. Building Regulations

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 Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

.....

.....

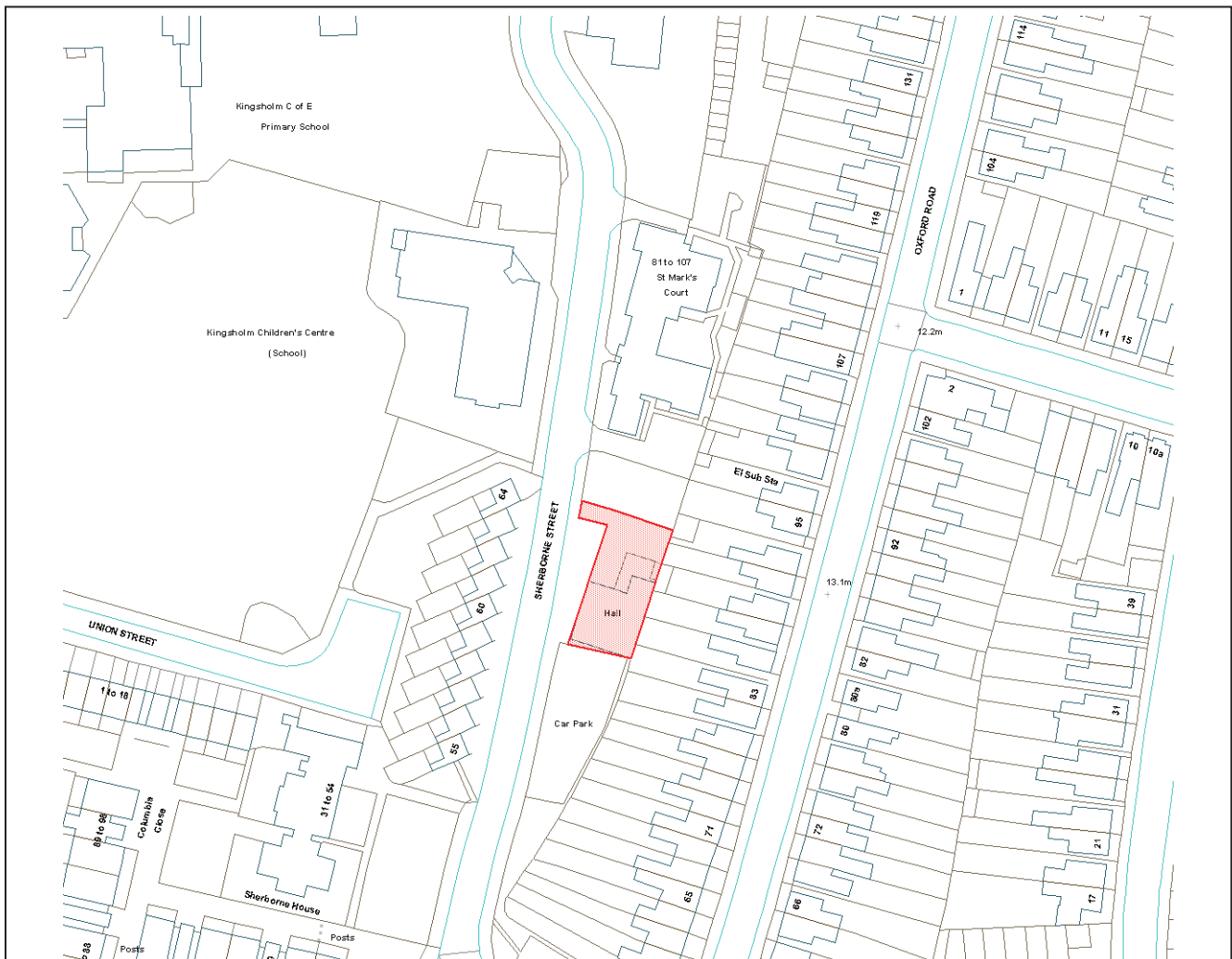
Person to contact: Emma Blackwood
(Tel: 396732)

ELECTRONIC APPLICATION

Application Number: **13/00071/COU**
Address: **Kingsholm Hall
Formerly Christadelphian Church
Sherborne Street
Gloucester
GL1 3ES**

Target Date: **25.03.2013**

Applicant: **Mr Mark Cunningham**



© Crown copyright and database rights 2011 Ordnance Survey 10019169
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH MAY 2013
ADDRESS/LOCATION	:	LOCK WAREHOUSE, THE DOCKS
APPLICATION NO. & WARD	:	13/00284/COU WESTGATE
EXPIRY DATE	:	14TH MAY 2013
APPLICANT	:	MR EVAN MAINDONALD
PROPOSAL	:	CHANGE OF USE OF GROUND FLOOR TO RETAIL (CLASS A1), FINANCIAL AND PROFESSIONAL SERVICES (A2), RESTAURANT/CAFÉ (A3) OR BUSINESS (B1)
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the ground floor of Lock Warehouse (excluding the residential stairwell, refuse and cycle storage areas). The upper floors of this Grade 2 listed building have recently been converted to 26 residential flats. The ground floor is now open plan pending a tenant (currently benefiting from permission for Class A1 retail/ A3 restaurant use), and the ground floor windows have been replaced and it now benefits from two openings with canopies for potential commercial customer entrances.
- 1.2 The application is to extend the permitted uses to A1 shops, A2 financial and professional services, A3 restaurant/café or B1 business (offices, R&D or light industry).
- 1.3 The application is brought before the Committee as it raises the issue of deviating from the policy principle of active ground floor uses in the Docks.

2.0 RELEVANT PLANNING HISTORY**03/EDP/1192/77**

- 2.1 This was an application for change of use from wholesale to light industrial. It was granted subject to conditions 18th January 1978.

P/272/80

- 2.2 This was an application for the change of use of the third floor from light industrial to retail. It was granted subject to conditions 21st May 1980.

P/4258/80

- 2.3 This was an application for the use of the ground and first floors for retail sale of antique reproduction furniture, second floor for industrial use ancillary thereto and third and fourth floors for storage purposes ancillary thereto. It was granted subject to conditions 13th August 1980.

11045/02

- 2.4 This was an application for the change of use of the second and fourth floors from light industrial and storage to retail sales and the construction of a car park. It was granted permission subject to conditions 10th September 1985.

07/00771/FUL

- 2.5 This was an application for the conversion and refurbishment of the building with retail/restaurant use on ground floor, 26 no. residential units above and associated cycle and bin storage. It was granted permission subject to conditions 4th February 2008.

10/00232/FUL

- 2.6 This was an application for the change of use of the building from retail sale of antiques and reproduction furniture to retail sale of Arts and Crafts with ancillary workshop/studio use. It was granted permission subject to conditions 15th April 2010.

10/00894/REP

- 2.7 This was an application for the conversion and refurbishment of the building with retail/restaurant use(s) on the ground floor, 26 no. residential units above and associated cycle and bin stores (renewal of planning permission ref: 07/00771/FUL). It was granted permission subject to conditions 19th November 2010.

3.0 PLANNING POLICIES

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

Central Government Guidance - National Planning Policy Framework

- 3.2 The National Planning Policy Framework (NPPF) should be taken into account as a material consideration in all planning decisions. It does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is underpinned by a presumption in favour of sustainable development.

The NPPF advises that authorities should approve development proposals that accord with statutory plans without delay, and also grant permission where the plan is absent, silent, indeterminate or out of date. This should be the case unless the adverse impacts of allowing development would

significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole, or specific policies in the NPPF indicate development should be restricted. Authorities should seek to approve applications where possible, looking for solutions rather than problems.

Building a strong, competitive economy

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The NPPF retains a recognition of town centres as the heart of communities and encourages the pursuit of policies to support their vitality and viability.

Conserving and enhancing the natural environment

The aims of contributing to and enhancing the natural and local environment remain. Developments should be prevented from contributing to or being put at unacceptable risk from noise pollution. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The Development Plan

3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Regional Guidance

Regional Guidance historically comprises Regional Planning Guidance 10, with the Regional Spatial Strategies (RSS) due to supersede these. As Members will be aware there have been significant complications with the progress and status of RSSs. The Government’s revocation of the RSSs was challenged successfully, and a subsequent Government direction to consider the intention to revoke was also challenged. The Court of Appeal ruling on this latest challenge says that there may be circumstances in which the intention to abolish the RSSs would be material to a development control decision but only in very few cases. In terms of plan-making however, the ruling is that it would be unlawful for a Local Planning Authority preparing development plan documents to have regard to the proposal to abolish regional strategies.

Local policy

The local policy framework comprises the following documents:

- Structure plan:
The adopted plan is the Gloucestershire Structure Plan Second Review (Adopted November 1999 and 'saved', the intention was that this would be until the Regional Spatial Strategy was adopted). The Gloucestershire Structure Plan Third Alteration reached Proposed Modifications stage in July 2004 and January 2005, although the Second Review is utilised for development control purposes.
- Local Plan:
The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted).
- Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- Regard must also be 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. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;
"Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent..."

Second Deposit City of Gloucester Local Plan 2002

The following policies are relevant from the Second Deposit Local Plan:

ST.10 – Development in the Central Area

ST.12 – Key development priorities

Allocation MU.2 – Western Waterfront (mixed use development)

BE.21 – Safeguarding of amenity

FRP.10 – Noise

FRP.1a – Development and flood risk (now clarified as Flood Zone 3 in up to date mapping)

TR.31 – Road safety

Gloucester Docks Draft Planning Guidance January 2006.

This re-established the basic spatial design philosophy following the earlier mid-1980s Brief and sets out the context for future development. It was adopted as Interim Planning Guidance and for the purposes of Development Control.

Masterplan principles include 'introducing a lively mix of uses with day-round appeal, built upon the predominant existing use of tourism and commercial, and the development of uses of increasing importance in residential and leisure to maintain and improve the year-round appeal of the area' and 'Providing local employment opportunities'.

It also establishes that 'ground floor uses should be such that they provide interest and activity throughout the day'. Acknowledging that a ground floor use should be complimentary to the use of upper floors, they should also be of interest and appeal to the tourist and other visitors to the site'.

Emerging Plan

- 3.4 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Developing the Preferred Options Document in December 2011. In addition to the Joint Core Strategy the Council is preparing a local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to:

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

- 3.5 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Canal and River Trust has not commented at the time of writing. Any comments will be reported to Members at the Committee Meeting.
- 4.2 The Spatial Planning and Environment Team considers that insufficient evidence has been submitted to justify the change of use.
- 4.3 The Council's Asset Manager advises that a minimum marketing period of 12 months post completion of the development would be appropriate.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 55 neighbouring properties were notified directly and a site notice was also posted. The consultation periods for these ended on the 17th and 18th April 2013. No representations have been received.
- 5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

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

- Economic development
- Urban design and community safety
- Traffic and transport
- Residential amenity
- Flooding

Economic development

- 6.2 The regeneration of the Central Area through mixed-use development is a priority of the Council's development strategy. This is supported at a national level in the National Planning Policy Framework, and is focused down to the local Docks area through the 2002 Plan policies (in which the Docks is part of the Western Waterfront mixed use regeneration area) and specifically the Gloucester Docks Draft Planning Guidance (2006).
- 6.3 The requirement for active uses at ground floor is part of a long-standing vision for the Docks dating at least back to the 1986 Planning Brief, which included fundamental principles of maximising the use of the waterfront, with quaysides seen as the major focus of activity and ground floor uses expected to contribute to their liveliness – stimulating pedestrian interest. As set out at section 3.3 above the 2006 Brief specifically requires that ground floor uses should be such that they provide interest and activity throughout the day.
- 6.4 The Docks has benefited from several public realm improvements in recent years, notably the completion of the linkages from Kimbrose steps to Gloucester Quays. This has latterly however coincided with the economic downturn. Nevertheless several ground floor units have been opened as cafes and hairdressers including at the 'Barge Arm' development along the popular route between the city centre and Gloucester Quays and at the 'West Quay' development south of Lock Warehouse.
- 6.5 The planning permission for the conversion of the building allows for Class A1 retail or A3 restaurant use/s in the ground floor. A letter from the applicant's agents reasons that the 'isolated position' of the building away from the main retail/restaurant focus as well as the access issues across the lock makes the likelihood of securing tenants for the consented uses challenging. They advise that very few enquiries from prospective retail and restaurant tenants have been made and those received have not developed into any firm proposals.

They note that the most likely end use would be in use classes A2/B1 (financial and professional services/business).

- 6.6 In my view these proposed additional uses would not be 'active' as required by the Docks Planning Guidance, particularly those in Class B1.
- 6.7 Although appreciating that this may be a more difficult location in which to secure an occupier, advice from the Council's Asset Manager is that realistically in the current economic climate the property should be actively marketed for at least 12 months post-completion of the conversion. Judging from a recent site meeting I estimate the conversion phase was completed late January/early February 2013 meaning there has been two months marketing post-completion at most.
- 6.8 It is fair to say that this side of the Docks has less pedestrian footfall and is more remote from the main heart of the Docks. However the neighbouring West Quay development shows that this side of the Docks can be a successful location for retail/restaurant uses with the continued operation of the Toast café and the hairdressers. Equally a restaurant is due to open soon in the ground floor of the Barge Arm west that was vacant for some time showing that there is interest in units off the main city centre – Gloucester Quays route. Furthermore, the location and market conditions would have been evident to the developer at commencing the development. In my view, given the context and the important policy aim that the proposal contravenes, any deviation would have to be robustly justified.
- 6.9 No problems with the useability of the building have been cited and the flexibility of subdividing the ground floor has been granted. The particulars acknowledge this is a large open space with high ceilings, and it would appear to have considerable scope for use by retailers and restaurants. Indeed it is an attractive space with water frontage and some flexibility for usage. Furthermore, in addition to the continued occupation of the Lock Warehouse flats, North Warehouse is available for commercial tenants, and there is potential for the redevelopment of the Dry Docks Area and the Prison in the longer term. Also, a new cinema complex is due to open in Gloucester Quays in late 2013, which may well significantly increase the 'evening economy' footfall in the Quays and Docks area, and this should also be considered before allowing any deviation from the policy-compliant consented uses.
- 6.10 There therefore appears to be realistic scope for securing a beneficial A1/A3 tenant and I am not persuaded that the potential for use of the ground floor of the property for the consented retail/restaurant uses has been fully explored, and certainly not to a degree to justify undermining the policy of active ground floor uses (the proposal could allow the whole ground floor to go to business use). The agents' commentary, while doubtless informed on the current market, does not represent evidence to satisfy me that the Authority should override an established planning principle for the Docks at the current time.

Urban design and community safety

- 6.11 The proposal would have limited effects in these respects. The proposal would widen the scope for tenants and potentially the likelihood of occupation and the resulting limited increase in natural surveillance and activity. However the proposed office uses would not be as beneficial in these respects as the consented uses, particularly compared with a restaurant use generating evening as well as weekend custom.

Traffic and transport

- 6.12 No additional parking is proposed as part of the application and there would appear to be limited scope to provide this, although the marketing particulars indicate there may be parking available opposite the building by separate negotiation. It seems likely that any future demand for parking for office/business staff would have to be provided by the city's public car parks or travel by other means. The site is within reasonable walking distance of bus stops and the train station.
- 6.13 The Highway Authority has confirmed that it need not be consulted on this application and given the size and location of the proposal the impacts would not be severe. Therefore in accordance with the National Planning Policy Framework there are no grounds to resist the proposal in highways terms.

Residential amenity

- 6.14 Given the range of uses possible within Class B1 (such as light industry manufacturing or repair businesses), there may be issues of compatibility with the residential units in the upper floors. This might be able to be overcome by a condition limiting the specific uses and/or upgrading insulation in the interests of amenity.

Flooding

- 6.15 The site is in Floodzone 3. Applications for change of use should not be subject to the sequential or exception tests but should still meet the requirement for site-specific Flood Risk Assessments. At the time of writing no Flood Risk Assessment has been submitted and its absence would form a reason for refusing planning permission. However the agent has been advised of this being missing in light of the recommendation to refuse planning permission on the grounds of the 'active use' policy anyway, to see if they wish to deal with this matter or not. Members will be updated with any developments in this respect.

Permitted development rights

- 6.16 If the B1 use was granted, it could benefit from permitted development rights to change to B8 storage and distribution and, if the government's proposals are introduced, to residential. In this case, a restriction on such permitted development rights would be recommended.

Human Rights

- 6.17 In compiling this recommendation 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) 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 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION

7.1 The proposal to expand the range of consented uses for the ground floor would conflict with the policy to secure active ground floor uses in the Docks. Taking into account the advice of the Council's Asset Manager I am not persuaded that the potential for use of the ground floor of the property for the consented retail and restaurant uses has been explored to a degree that would justify going against this established policy. This could also be seen to establish a precedent for similar properties in the Docks, exacerbating the problem. It is therefore important that any proposals to deviate from this active ground floor policy based on lack of tenant interest are robustly justified. While it may be preferable to secure an expanded range of uses in the interests of avoiding vacancy in the long-term, the additional uses would contribute less to the regeneration of the Docks and the ultimate success of the Docks as an attractive mixed-use area. Furthermore as no Flood Risk Assessment has been supplied, the application also fails to address flooding concerns in accordance with the requirements of the NPPF and the 2002 Second Deposit Local Plan.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is refused for the following reasons:

Reason 1

The proposal to extend the range of uses for the ground floor of this property has been carefully assessed. The Council's policy as set out in the Gloucester Docks Draft Planning Guidance 2006 requires ground floor uses to provide interest and activity throughout the day and be of interest and appeal to the tourist and other visitors to the site, and the proposal would allow for uses that conflict with this requirement. While the applicant has suggested that there is little interest in the permitted uses and other uses provide greater scope for securing a tenant, it is not considered that the submitted evidence provides sufficient justification to outweigh this policy approach.

Reason 2

The site is located within Flood Zone 3 and the application is not accompanied by a Flood Risk Assessment. As such it is in conflict with Paragraph 104 of the National Planning Policy Framework and Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002.

Decision:

Notes:

.....

.....

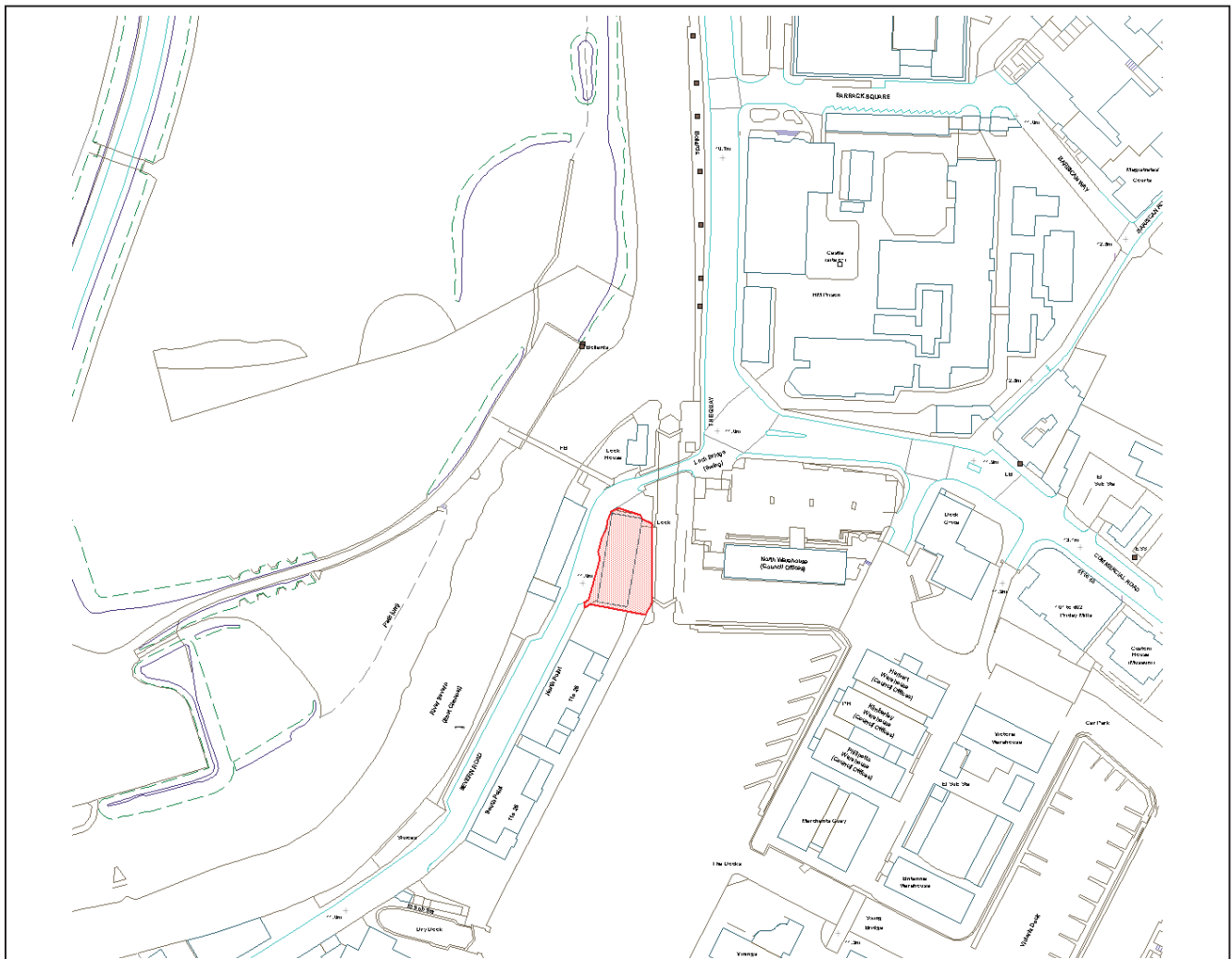
Person to contact: Adam Smith
(Tel: 396702)

ELECTRONIC APPLICATION

Application Number: **13/00284/COU**
Address: **Lock Warehouse
Severn Road
Gloucester
GL1 2GA**

Target Date: **14.05.2013**

Applicant: **Mr Evan Maindonal
Mel Property Ltd**



© Crown copyright and database rights 2011 Ordnance Survey 10019169
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	7TH MAY 2013
ADDRESS/LOCATION	:	84 MEREVALE ROAD
APPLICATION NO. & WARD	:	13/00304/FUL ELMBRIDGE
EXPIRY DATE	:	20TH MAY 2013
APPLICANT	:	MR & MRS K. NEAL
PROPOSAL	:	ERECTION OF SINGLE STOREY SIDE AND FRONT EXTENSION
REPORT BY	:	EMMA BLACKWOOD
NO. OF APPENDICES/ OBJECTIONS	:	SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 No. 84 Merevale Road is a two and a half storey semi-detached dwellinghouse, located on the south-western side of the highway. The pair of semi-detached dwellings, nos. 84 and 86 Merevale Road, are brick-built properties, each with a dual pitched roof and gable end on the side elevation, and bay windows on the front elevation.
- 1.2 No. 84 Merevale Road is set back some 7 metres from the front site boundary, providing an area of hardstanding for off-road parking, and there is an existing car port on the north-western side elevation. There is also a detached single garage set back from the rear elevation of the dwelling. There is an existing single storey rear extension, measuring 2.4 metres in depth, and, beyond this, the rear garden at the application site measures some 21 metres in length backing onto the rear garden of no. 82 Merevale Road.
- 1.3 It is proposed to demolish the existing car port on the side elevation and erect a single storey lean to extension, which would comprise a W.C./shower room towards the front, a utility room/cloakroom centrally and an extension to the existing kitchen towards the rear. This extension would wrap around part of the front of the building to form a porch.
- 1.4. The proposed extension would measure 11.7 metres in length, to sit 1.2 metres forward from the front elevation of the principal dwelling, and

projecting 2.4 metres beyond its rear elevation to sit flush with the existing single storey rear extension.

- 1.5 The side extension would measure 1.46 metres in width, to sit 1 metre from the north-western side boundary adjacent to no. 82 Merevale Road. The extension would be designed with a mono-pitch lean-to roof throughout, measuring 2.4 metres in height to eaves and 3.7 metres in height to ridge.
- 1.6 The proposed extension would have facing brickwork and a tiled roof to match the existing building. It is proposed to install a door to the front elevation providing access to a porch, as well as one window to serve the W.C./shower room. One door would be installed on the side elevation to provide access to the utility room/cloakroom. On the rear elevation, an existing window would be replaced with a set of fully glazed double doors providing access into the extended kitchen area, and 5 no. rooflights would be installed into the rear roofslope.
- 1.7 This application is presented to the Planning Committee for determination because the applicant is a member of staff at the Council.

2.0 RELEVANT PLANNING HISTORY

- 2.1 21.08.1975 (P/560/75, Planning permission granted) – Single storey extension
- 2.2 20.07.1983 (26505/01, Planning permission granted) – Erection of aluminium carport at side

3.0 PLANNING POLICIES

- 3.1 Consideration is given to national planning policy guidance notes and statements, particularly the National Planning Policy Framework (March 2012) and the Gloucestershire County Council Structure Plan, Second Review (November 1999).
- 3.2 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. However, regard must also be had to the Second Deposit City of Gloucester Local Plan (2002). This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes.
- 3.3 From the Second Stage Deposit Plan (2002) the following policies are relevant:

BE.20 (Extensions):

Planning permission will be granted for the extension of existing buildings provided that:

- The design is sympathetic in scale, form, and materials to the existing building, and;
- It has no significant adverse effect on the amenity of nearby properties in terms of height, scale, overshadowing, proximity or loss of privacy; and
- The design respects the character and appearance of the street scene, and;
- It does not unreasonably detract from the existing open area of the site, including garden areas, landscaping, protected trees and areas for essential parking, and;
- It does not create safety issues on any highway

BE.21 (Safeguarding of Amenity):

Planning permission will not be granted for any new building, extension or change of use that would unreasonably affect the amenity of existing residents or adjoining occupiers

- 3.4 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 PUBLICITY AND REPRESENTATIONS

- 4.1 5 neighbouring properties were consulted and no letters of representation have been received in the 21 day statutory consultation period or since.
- 4.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

5.0 OFFICER OPINION

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

- 5.2 Impact on character and appearance of street scene:

The existing car port on this side elevation extends across the full width of the site between the north-western side elevation of the dwellinghouse and the respective site boundary, to adjoin the adjacent property no. 82 Merevale Road. In comparison, the proposed extension would be set back 1 metre from the north-western site boundary, and would therefore appear less cramped than the existing side extension.

The proposed extension would be single storey in nature, and would project just 1.2 metres forward from the front elevation of the dwellinghouse. The facing materials would match those of the existing building. I therefore consider that the design of the extension would be sympathetic in scale, form

and materials to the existing building and would respect the character and appearance of the street scene.

5.3 Impact on residential amenity:

The rear element of the proposed side extension would sit flush with the existing single storey rear extension. The front element of the extension would be set back 3.8 metres from the south-eastern side boundary, adjacent to no. 86 Merevale Road. It is therefore considered that the proposed extension would have no significant adverse effect on adjoining occupiers here in terms of height, scale, proximity or overshadowing.

The fenestration proposed for installation on the rear elevation would not directly overlook adjacent properties. Currently, there are three windows and one door on the side elevation of the dwellinghouse. It is proposed to install just one door to the north-western side elevation of the extension, which would serve a non-habitable room. There would consequently be less fenestration on this side elevation. Further, there are no windows on the south-eastern side elevation of the adjacent dwellinghouse, no. 82 Merevale Road. It is therefore considered that there would be no significant adverse effect on adjoining occupiers in terms of loss of privacy or overlooking.

The adjacent dwellinghouse to the north-west, no. 82 Merevale Road, has a two storey rear extension (application no. 96/00128/FUL, approved on 23.04.1996), and the proposed single storey extension would not project beyond the rear elevation of this. As noted previously, there are no windows on the side elevation of this adjacent dwellinghouse. It is therefore considered that there would be no significant detrimental impact on adjoining occupiers at no. 82 Merevale Road in terms of height, scale, proximity or overshadowing.

Taking into account all of the above, it is recommended that planning permission is granted subject to conditions.

6.0 CONCLUSION/REASON FOR APPROVAL

6.1 The impact of the proposal has been carefully assessed and it is considered that it will not have any detrimental effect on the street scene or any significant adverse impact on the amenities of the occupiers of the neighbouring properties. For this reason the proposal is considered to be in accordance with Policies BE.20 and BE.21 of the Second Deposit Gloucester Local Plan (2002).

6.2 In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the

application thus enabling the applicant to be kept informed as to how the case was proceeding.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

7.1 That planning permission is granted subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved drawing no. H0031/LH/02 received by the local planning authority on 25th March 2013 and any other conditions attached to this permission.

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

3. The external facing materials to the development hereby permitted shall match in colour, form and texture those of the existing building.

Reason: To ensure the satisfactory appearance of the development in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

7.2 NOTES

1. Adjoining property rights

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

2. Party Wall Act 1996

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

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

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

3. Building Regulations

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 Gloucester City Council Building Control Team on 01452 396771 for further information

Decision:

Notes:

.....
.....

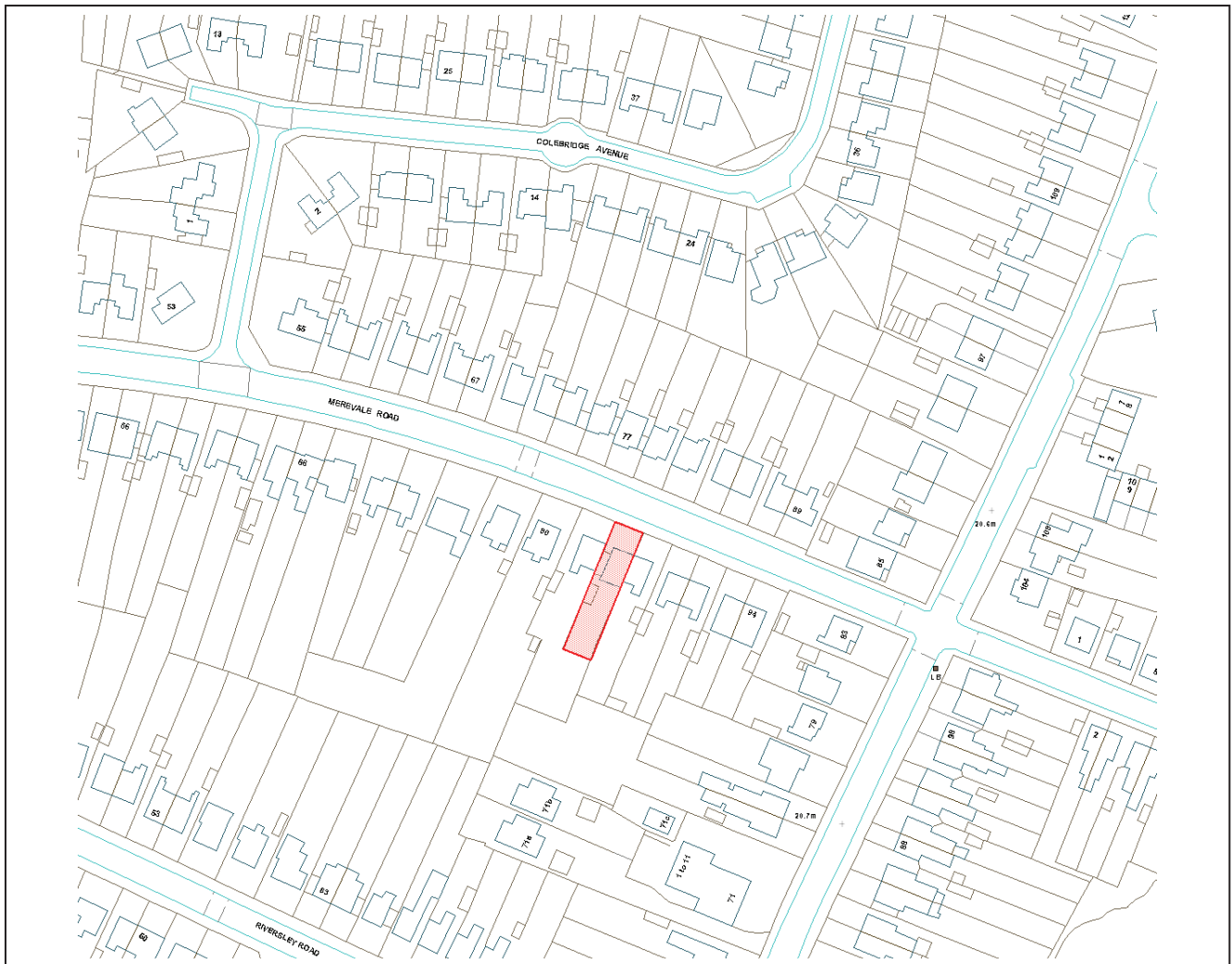
Person to contact: Emma Blackwood
(Tel: 396732)

ELECTRONIC APPLICATION

Application Number: **13/00304/FUL**
Address: **84 Merevale Road**
Gloucester
GL2 0QZ

Target Date: **20.05.2013**

Applicant: **Mr & Mrs K Neal**



© Crown copyright and database rights 2011 Ordnance Survey 10019169
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

Agenda Item No. **GLOUCESTER CITY COUNCIL**

COMMITTEE : **PLANNING**
DATE : **7 MAY 2013**
SUBJECT : **MATTERS FOR REPORT**
WARD : **ALL IN GLOUCESTER**
REPORT BY : **DEVELOPMENT CONTROL MANAGER**
NO. OF APPENDICES : **NONE**
REFERENCE NO :

APPEALS LODGED

The following appeals have been lodged since the last report to Committee in February 2013

<u>Application No.</u>	<u>Location</u>	<u>Development</u>	<u>Appeal lodged</u>
12/00407/FUL	202 Linden Road	Erection of 1 no. dwelling and formation of new vehicular access with associated parking facility (revision to application ref. 11/00555/FUL)	28.01.2013
12/00621/FUL	36 Seymour Road	Detached 2 bedroom dwelling house to rear	15.01.2013
13/00037/FUL	25 Carisbrooke Road	Erection of garage and rear extension involving the demolition of existing garage, shed and conservatory.	15.04.2013
12/01178/FUL	2 Grafton Road	Erection of 1 no. two-storey detached dwelling to side of existing dwelling	19.04.2013

APPEAL UPDATE REPORT

1.0 INTRODUCTION

- 1.1 As Members will be aware the District Auditor's study into Probity and Planning (2001) recommended that Members should receive feedback on appeal cases.

2.0 SUMMARY OF ANALYSIS

- 2.1 Between the middle of January and the middle of April 2013 there was 1 appeal decision received which was DISMISSED.

3.0 ANALYSIS OF DETERMINED APPEALS

3.1 Vauxhall Supermarket, 174-176 Barton St (11/00440/LBC & 11/00422/ADV)

- 3.1.1 **Background** – Listed building consent was granted in February 2012 by the City Council for internal and external alterations to the building including block walls forming an enclosure to the car wash facility, external aerials, externally. Listed building and advertisement consent was also granted for a number of signs. The Council issued a 'split' decision with listed building and advertisement consent being refused for externally illuminated fascia signs, signs applied to windows and 2 no. non-illuminated signs on the Barton Street elevation and it is these elements that were the subject of these appeals.

- 3.1.2 **Inspector's Assessment** – The Inspector recognises that the NPPF places considerable weight on the conservation of the historic environment recognising the wider social, cultural, economic and environmental benefits it brings. Whilst the Inspector acknowledged the appellants desire to give maximum prominence to his business she considered that the building itself is designed to attract attention in the streetscene and that the Council has granted permission for some signage including window signs albeit with a more restrained appearance. The Inspector indicated that she had seen no evidence to indicate that without the appeal signs the business would fail or that alternative more appropriate signage options could not be found.

The Inspector concluded that the signs would fail to preserve the special architectural interest of the listed building and fail also to preserve the character and appearance of the Conservation Area and would be harmful to local amenity.

- 3.1.3 **Inspector's Decision**: DISMISSED



CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

Tuesday, 7th May 2013

DELEGATED DECISIONS

1ST – 28th February 2013

**Development Services Group Manager,
Herbert Warehouse, The Docks, Gloucester**

INDEX

<u>Ward</u>	<u>Page</u>
Abbey	1
Barnwood	1 - 2
Barton and Tredworth.....	2
Elmbridge	3
Grange.....	
Hucclecote	3 - 4
Kingsholm and Wotton.....	4 - 5
Longlevens	5
Matson and Robinswood	5 - 6
Moreland.....	6
Podsmead	
Quedgeley Fieldcourt.....	6 - 7
Quedgeley Severnvale	7
Tuffley	7
Westgate	7 - 8
Decision descriptions abbreviations	9

Abbey

13/00061/FUL
G3Y EMMABL 28/02/2013

Erection of porch on side elevation
24 The Lawns Gloucester GL4 5YX

12/01154/FUL
G3Y CJR 01/02/2013

Part conversion of existing garage into living accommodation and
erection of additional attached garage.

8 The Malverns Gloucester GL4 4WN

12/01196/FUL
G3Y BOBR 08/02/2013

Two storey extension to side and rear, single storey extension to front
and repositioning of existing garden wall. (Alternative application to
development approved under application no.11/01346/FUL)

17 Apple Tree Close Gloucester GL4 5BZ

12/01160/FUL
G3Y FEH 04/02/2013

First floor extension over existing garage to provide a bedroom and
21 Hunters Gate Gloucester GL4 5FE

Barnwood

13/00021/REP
G3Y EMMABL 04/02/2013

Alterations and extensions to dwelling including resurfacing of
driveway and installation of solar panels (renewal of permission ref:

61 Upton Close Gloucester GL4 3EX

12/01103/FUL
G3Y EMMABL 22/02/2013

Erection of two storey side extension and single storey rear extension
39 Colin Road Gloucester GL4 3JL

13/00022/TPO
TPDECS JJH 05/02/2013

Walnut Tree - Located in the rear garden of 6 Ashbed Close which
borders cycle/Foot path and property to the rear.

Request to prune tree that has grown too close to neighbouring property
resulting in risk of squirrel damage to said property. A branch of the tree has

6 Ashbed Close Gloucester GL4 5TT

13/00007/FUL
G3Y EMMABL 27/02/2013
Erection of first floor rear extension and installation of one new window
to first floor rear and side elevation
1 Newton Avenue Gloucester GL4 4NR

13/00034/NMA
NOS96 EMMABL 22/02/2013
Non material amendment to planning permission 12/01057/FUL to
remove one compound and increase the size of other compound to
allow for the addition of 2 no. air conditioning units
Premier Inn Barnwood Link Road Gloucester GL4 3HR

Barton & Tredworth

13/00091/NMA
NOS96 ADAMS 25/02/2013
Non - material amendments including increasing height of parapet wall
to rear boundary and alterations to boundary walls, gables, roofs,
chimney and elevations
Former India House 227 Barton Street Gloucester

12/00853/FUL
G3Y ADAMS 01/02/2013
Conversion of existing dwellinghouse into 2 no. dwellinghouses and
erection of 1 no. dwellinghouse to side. Demolition of existing garage
16 Derby Road Gloucester GL1 4AE

12/01191/FUL
G3Y FEH 15/02/2013
Retention of single storey rear extension
15 Falkner Street Gloucester GL1 4SG

13/00002/FUL
G3Y BOBR 27/02/2013
Change of use of building to place of worship and community centre
and construction of a single storey extension.
14 Charles Street Gloucester GL1 4AG

13/00041/FUL
G3Y CJR 27/02/2013
Two storey extension to rear of existing dwelling and the erection of a
new attached 2 bedroom dwelling to the side (amended proposal).
66 Ryecroft Street Gloucester GL1 4LY

Elmbridge

12/01223/FUL
 G3Y FEH 27/02/2013
 Two storey side and rear extension
 151 Elmbridge Road Gloucester GL2 0PQ

13/00105/NMA
 NOS96 EMMABL 22/02/2013
 Non material amendments to planning permission 12/00582/FUL to
 make alterations and additions to the approved fenestration
 27 Barnwood Road Gloucester GL2 0SD

13/00067/NMA
 NOS96 BOBR 18/02/2013
 Minor amendment comprising installation of 2no. velux roof lights to
 extension approved under permission no.12/00973/FUL.
 88 Merevale Road Gloucester GL2 0QZ

Hucclecote

12/01225/LAW
 LAW EMMABL 11/02/2013
 Conversion of existing integral garage into living accommodation
 91 Pinemount Road Gloucester GL3 3EJ

13/00020/TPO
 TPDECS JJH 05/02/2013
 Following a discussion with a tree surgeon I would like to request Elder
 trees to be reduced to 4' in height due to previous lack of
 maintenance, also due to causing damp issues with the properties
 they are in line with. The reduction in height will then allow the trees
 47 Porchester Road Gloucester GL3 3EE

12/01176/FUL
 G3Y BOBR 04/02/2013
 Single storey extension to rear.
 22 Conway Road Gloucester GL3 3PN

13/00039/FUL
 G3Y GAJO 27/02/2013
 Demolition of existing conservatory and erection of single storey
 extension to the rear
 42 Larkhay Road Gloucester GL3 3NU

12/01219/FUL
 G3Y GAJO 08/02/2013
 Single storey extension
 143 Chosen Way Gloucester GL3 3BY

Kingsholm & Wotton

12/01162/LBC
 G3Y ADAMS 14/02/2013
 Internal and external works to Grade 2 Listed Building
 54 Worcester Street Gloucester GL1 3AG

12/01205/FUL
 G3Y ADAMS 14/02/2013
 Extensions to existing storage and W/C block to create larger W/C
 St Marks Church Worcester Street Gloucester GL1 3AS

12/01192/REM
 AR BOBR 12/02/2013
 Minor material amendment comprising the widening of the rear wing
 extension (approved under permission no.12/00302/FUL and listed
 building consent no.12/00303/LBC) by 1 metre to the south.
 Old Chapel Horton Road Gloucester GL1 3PR

13/00006/FUL
 G3Y FEH 28/02/2013
 Provision of single storey extension at rear to provide shower room
 19 Serlo Road Gloucester GL1 2QW

13/00175/LAW
 LAW EMMABL 27/02/2013
 Erection of single storey rear extension and repositioning of existing
 detached garage
 30 Lansdown Road Gloucester GL1 3JD

12/01224/NMA
 NOS96 HEIDC 18/02/2013
 Non material amendments to planning permission 12/00791/FUL to
 include an additional window and 3 rooflights
 17 Denmark Road Gloucester GL1 3HZ

13/00038/LAW
 LAW EMMABL 18/02/2013
 Proposed freestanding garden store/study/gym/sun lounge at rear to
 be used for purposes incidental to the enjoyment of the dwelling
 52 Estcourt Road Gloucester GL1 3LG

13/00009/FUL
G3Y EMMABL 08/02/2013
Erection of single storey rear extension and dormer window on rear
54 London Road Gloucester GL1 3NZ

Longlevens

13/00029/FUL
G3Y FEH 22/02/2013
Erection of two storey side and single storey rear extension
2 Sandstar Close Gloucester GL2 0NR

12/01177/FUL
G3Y BOBR 07/02/2013
Two storey extension to side and rear and single storey to side.
31 Old Cheltenham Road Gloucester GL2 0AS

13/00086/FUL
G3Y EMMABL 27/02/2013
Demolition of existing attached garage and erection of detached
76 Park Avenue Gloucester GL2 0EQ

13/00025/FUL
G3Y EMMABL 08/02/2013
Demolition of existing detached garage, and erection of single storey
side and rear extension.
66 Innsworth Lane Gloucester GL2 0DE

13/00060/FUL
G3Y EMMABL 27/02/2013
Erection of two storey side extension
22 Oxstalls Way Gloucester GL2 9JG

Matson & Robinswood

13/00075/NMA
NOS96 GAJO 26/02/2013
Non-Material Amendment regarding the provision of rendered external
insulation and associated works to the following properties: numbers
2,3, 4, 6, 9, 12,16, 26, 29, 29A, 31, 32, 33 35, 35A, 37, 42, 43, 44, 45,
46, 48, 50, 52, 56, 57, 58, 59, 60, 64, 67, 68, 72, 74, 76, 82, 84, 86,
92 and 94 Badminton Road; numbers 2, 3 and 6 Amberley Road;
numbers 1, 5, 9, 21, 23, 25, 27, 39 and 41 Langley Road.
Gloucester City Homes Housing Refurbishment Badminton Road

13/00040/LAW
LAW FEH 28/02/2013
Conversion of existing car-port to a bedroom for disabled occupier
1 Broadway Gloucester GL4 6WB

12/01193/FUL
G3Y EMMABL 01/02/2013
Erection of single storey rear and side extension
Woodbine Cottage 353 Painswick Road Gloucester GL4 4DD

12/00997/FUL
G3Y JOLM 19/02/2013
Two storey extension to provide restaurant area for ski lodge
Gloucester Ski And Snowboard Centre Matson Lane Gloucester GL4

Moreland

13/00083/FUL
G3Y EMMABL 27/02/2013
Erection of two storey side and rear extension (resubmission of
12/00489/FUL - proposal to reduce the width of the approved
extension and to make alterations and additions to the approved
8 King Edwards Avenue Gloucester GL1 5DA

13/00179/COU
RET BOBR 21/02/2013
Change of use of part of former shop to hot food takeaway.
90 - 92 Seymour Road Gloucester GL1 5HH

12/01081/FUL
G3Y BOBR 04/02/2013
Change of use of part of building to provide residential
accommodation for staff. (Retrospective application).
Hings 39 Bristol Road Gloucester GL1 5SA

Quedgeley Fieldcourt

12/01101/NMA
NOS96 JOLM 01/02/2013
Non material amendment to approval of reserved matters
09/00897/REM for Area 4B4 for amended design to the apartment
blocks on plots 40-48 and 51-59 relating to the removal of the
Land To East West Of A38 And Naas Lane Quedgeley Gloucester

12/01100/NMA
NOS96 JOLM 01/02/2013
Non material amendment to approval of reserved matters
09/00800/REM for Area 4A1 for amended design to the apartment
blocks on plots 35-43, 98-106 and 128-136 relating to the removal of
Land To East West Of A38 And Naas Lane Quedgeley Gloucester

12/01183/FUL
G3Y EMMABL 07/02/2013
Installation of bollards to front and side of property.
HSBC Quedgeley District Centre Olympus Park Quedgeley Gloucester
GL2 4NF

Quedgeley Severn

12/01080/FUL
G3Y EMMABL 22/02/2013
Erection of single storey side extension, formation of area of
hardstanding towards front of site and proposed extension of existing
15 Water Wheel Close Quedgeley Gloucester GL2 4XH

Tuffley

12/01146/FUL
G3Y EMMABL 18/02/2013
Proposed boundary treatments to northern, eastern and western site
boundaries and retention of existing fence along southern site
323 Stroud Road Gloucester GL1 5LG

Westgate

13/00107/DEM
NOB ADAMS 01/02/2013
Demolition of Peel House under part 31 due to fire damage
Peel House St Ann Way Gloucester GL1 5SF

12/01182/LBC
G3L FEH 01/02/2013
Replacement of existing lead flat roof
Custom House 31 Commercial Road Gloucester GL1 2ED

13/00088/FUL
GC EMMABL 27/02/2013
Change of use of land to the rear of 9 Station Road from garden to
car parking area (retrospective application)
9 Station Road Gloucester

13/00085/FUL

G3Y

EMMABL

28/02/2013

Erection of single storey rear and side extension

2 Chartwell Close Gloucester GL2 5XA

12/01201/FUL

G3Y

EMMABL

01/02/2013

External alterations to industrial unit, incorporating the replacement of existing fenestration and recladding.

Town & City Builders Unit E Spinnaker Park Hempsted Lane

Gloucester GL2 5JA

13/00050/LAW

LAW

EMMABL

27/02/2013

Conversion of existing integral garage into living accommodation

6 Horseshoe Way Gloucester GL2 5GD

13/00028/ADV

GFY

EMMABL

11/02/2013

Replacement fascia sign with LED strip up-lighters installed to the base of the signage, removal of existing hanging sign and erection of 1 No. non-illuminated hanging sign.

The Body Shop 17 Eastgate Street Gloucester GL1 1NS

13/00103/NMA

NOS96

GAJO

27/02/2013

Non-Material Amendment to planning permission 11/01174/FUL to provide new single, glazed door access in lieu of existing window

Railway House Bruton Way Gloucester GL1 1DG

12/01215/FUL

G3Y

BOBR

18/02/2013

External alterations to the single storey rear wing, including removal of window openings and alterations to the roof.

4 St Michaels Square Gloucester GL1 1HX

Decision Descriptions Abbreviations

AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
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
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
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn

This page is intentionally left blank