



Planning Committee

Meeting: Tuesday, 6th September 2016 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

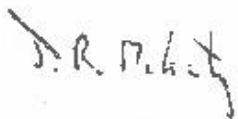
Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Cook, Fearn and Finnegan
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

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 7 - 18) To confirm as a correct record the minutes of the meeting held on 2 August 2016.
4.	LATE MATERIAL Please note that any late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting.
5.	FORMER BISHOP'S COLLEGE, ESTCOURT ROAD - 16/00631/OUT (Pages 19 - 66) Application for determination:- Outline application (with all matters reserved other than means of access) for redevelopment of part of the former Bishop's College site for residential use creating up to 90 new homes and provision of open space.

6.	<p>GLOUCESTER CITY FOOTBALL CLUB - 16/00573/OUT (Pages 67 - 134)</p> <p>Application for determination:-</p> <p>Variation of conditions 9 and 25 of outline planning permission reference 14/00685/OUT to change the timing of the proposed widening of the footway on Sudmeadow Road and provision of cycle storage facilities. Removal of condition 12 1(v) requiring a contract to be for the replacement stadium prior to commencement of development (including the raising of ground levels) at Gloucester City Football Club.</p>
7.	<p>LAND AT THE DOCKS (FORMER BRITISH WATERWAYS CAR PARK) - 16/00829/FUL (Pages 135 - 154)</p> <p>Application for determination:-</p> <p>Construction of new public square, associated engineering works and hard landscaping (including relocation of heritage features) (proposed as an interim scheme pending implementation of previously approved scheme of works ref. 14/00415/FUL) on land at the Docks (former British Waterways car park).</p>
8.	<p>PEEL CENTRE, ST ANN WAY - 16/00005/OUT (Pages 155 - 222)</p> <p>Application for determination:-</p> <p>Hybrid application seeking planning permission for the regeneration/redevelopment of the Peel Centre comprising:</p> <ul style="list-style-type: none"> • Full application for the conversion of former cinema to class A1 including mezzanine; • Outline application for demolition of existing units and erection of extensions to the former cinema building, to provide four new Class A1 units in total <p>At the Peel Centre, St Ann Way.</p>
9.	<p>PEEL CENTRE, ST ANN WAY - 16/00007/FUL (Pages 223 - 276)</p> <p>Application for determination:-</p> <p>Variation of condition 1 of permission 09/013408/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263 sq m net within new sub-divided unit 1B and 1,015 sq m net from Unit 3A at the Peel Centre, St Ann Way.</p> <p>PLEASE NOTE THE ATTACHED REPORT ALSO COVERS THE NEXT AGENDA ITEM</p>
10.	<p>PEEL CENTRE, ST ANN WAY - 16/00008/FUL</p> <p>Application for determination:-</p> <p>Variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263 sq m net within new sub-divided unit 1B and 1,015 sq m net from unit 3A at the Peel Centre, St Ann Way.</p> <p>PLEASE NOTE THAT THE REPORT FOR THIS APPLICATION IS CONTAINED WITHIN THE REPORT FOR THE PREVIOUS AGENDA ITEM</p>

11.	<p>88 WESTGATE STREET - 16/00573/FUL (Pages 277 - 288)</p> <p>Application for determination:-</p> <p>Change of use of ground floor from Class A3 restaurant to Cass A5 hot food takeaway at 88, Westgate Street.</p>
12.	<p>GLOUCESTER CITY FOOTBALL CLUB - 16/00728/TCM (Pages 289 - 294)</p> <p>Application for determination:-</p> <p>Application to install replacement 20m high monopole mast containing six antennae and four transmission dishes, also six equipment cabinets, all to be located within a 10.7 x 2.8 metre compound bordered by a 1.8 metre high Expamet fence at Gloucester City Football Club.</p>
13.	<p>MASJID-E-NOOR, 44-46 RYECROFT STREET - 16/00747/FUL (Pages 295 - 304)</p> <p>Application for determination:-</p> <p>Construction of minaret and alterations to eastern elevation to provide alteration to mehrab at 44-45, Ryecroft Street.</p>
14.	<p>PROPOSED CHANGES TO THE COUNCIL'S CONSTITUTION (Pages 305 - 316)</p> <p>To consider the report of the Corporate Director, Partnerships which proposes changes to the Council's Constitution to cater for Local Development Orders and the scheme of delegation relating to planning applications.</p>
15.	<p>DELEGATED DECISIONS (Pages 317 - 336)</p> <p>To consider a schedule of applications determined under delegated powers during the month of July 2016.</p>
16.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 4 October 2016 at 6.00 pm.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 29 August 2016

NOTES

Disclosable Pecuniary Interests

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

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

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

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

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

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

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For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, anthony.wisdom@gloucester.gov.uk.

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

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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HUMAN RIGHTS

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

EQUALITY ACT 2010

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



PLANNING COMMITTEE

MEETING : Tuesday, 2nd August 2016

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Cook, Finnegan and Coole

Officers in Attendance

Jon Sutcliffe, Development Control Manager

Nick Jonathan, Solicitor, One Legal

Ed Baker, Principal Planning Officer, Housing Delivery

Caroline Townley, Principal Planning Officer

Jamie Mattock, Highways Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr. Fearn

36. DECLARATIONS OF INTEREST

Councillor Dee declared that he had pre-determined agenda item 4 as he had previously expressed his opposition to the development of this site. He indicated that he wished to speak as Ward Member for Tuffley but would leave the meeting during the Committee's deliberations and the decision.

Councillor Toleman declared a disclosable prejudicial interest in agenda item 6 as he was a trustee of Llanthony Secunda Priory Trust.

37. MINUTES

The non-exempt and exempt minutes of the meeting on 5 July 2016 were confirmed and signed by the Chair as a correct record.

38. LAND SOUTH OF GRANGE ROAD - 16/00165/OUT

The Principal Planning Officer presented his report which detailed an outline application for the erection of up to 250 homes including demolition of existing agricultural buildings, the provision of new access, landscaping and open space

PLANNING COMMITTEE
02.08.16

(access to be determined now, all other matters reserved) on land south of Grange Road.

He drew Members' attention to the late material which contained an update on the issues identified at paragraph 8.1 of the report, additional responses from Severn Trent Water and the Environmental Health Officer and a revised recommendation from the Development Control Manager.

Councillor Dee as a Ward Member for Grange Ward addressed the Committee.

Councillor Dee stated that he had declared an interest in this application as he had made known his opposition to development of this site on many previous occasions and had pre-determined the application. He would therefore leave the Chamber and take no part in the Committee deliberation and the decision on this application.

He stated that a lot of information would be presented by Tuffley Matters.

He expressed concerns on the impact on the congestion on Stroud Road which he believed impacted on every road junction this side of St Paul's and the impact of the development at Hunts Grove was yet to be felt.

He had been told that the £1 million for St Barnabas roundabout was for improvements to pedestrian and cyclist safety and the costs for dealing with motor traffic would be in the region of £20-30 million. There was no space for road improvements to be implemented.

He expressed concerns regarding the provision of schools and surgeries and the lack of plan to fund and provide those facilities to the south of the City.

He advised Members to listen carefully to Tuffley Matters and then withdrew from the meeting.

Sarah Sharpe of Tuffley Matters addressed the Committee in opposition to the application.

Ms Sharpe advised the Committee that she was representing Tuffley Matters a local residents group that had submitted an on-line petition containing 987 names opposed to the application.

In February 2016 they had been told that the site was not relevant to the Joint Core Strategy as it was under 500 homes but the JCS Inspector's Interim Report referred to land south of Grange Road and land at Brookthorpe/Whaddon as potential land to be considered for development.

She noted that the JCS housing requirement projection now exceeded both the Office of National statistics and the Census housing projections. Tuffley Matters had contacted the JCS Programme Officer in order to put their case to the Inspector.

PLANNING COMMITTEE
02.08.16

They had been informed that the interim report had been provided to the JCS Authorities without prejudice to the Inspector's Final Report to enable the JCS Authorities to consider their options in moving forward.

The Programme Officer had stated that his understanding of the Authorities response was that they would not be bringing land south of Grange Road or land at Brookthorpe/Whaddon into the JCS through a modification.

In light of this, Ms Sharpe questioned why the City Council was prepared to allow development on land south of Grange Road when it was premature to the adoption of the City's Local Plan.

Tuffley Matters agreed with the City Council's Strategic Assessment of Land Availability 2012 which stated:-

- Tuffley Farm is remote to the City services
- Fair to poor access to public transport, services and facilities
- Greenfield site not well located to strategic arterial highway network in City
- St Barnabas roundabout identified as a very congested junction in the JCS highway capacity

She noted that the County Council did not have a fully funded viable improvement plan for St Barnabas roundabout.

She then outlined a number of objections to the application including:-

- Tuffley Primary School is already at maximum 30 pupil class size so why are the County Council selling all of the land adjacent to the school?
- The local Doctors Surgery is small and at full capacity.
- No local dentist available
- Potential increase of 500 adults and 375 children
- No local supermarket
- No local bus service on Grange Road due to restrictions of railway bridge
- Over nine minutes' walk to the bus stop for elderly, residents carrying shopping or with a buggy.
- Will encourage car use
- Potentially 500 extra vehicles issues of parking and traffic movements
- Design aiming for quantity rather than quality
- Police concerns on lack of security
- Three story dwellings intrusive

She advised Members that rainwater ran off the high ground when the land was frozen and a recurrence of the 2007 conditions would result in flooding.

She noted that the Leckhampton site, Cheltenham, which shared the same views and had many similarities to this site, had been rejected. She believed that development would harm a major entrance route to the City and she called on Members to reject the application.

PLANNING COMMITTEE
02.08.16

Nick Matthews, Planning Director, Savills, Bristol, addressed the Committee in support of the application.

Mr Matthews believed that the proposed development was sustainable and was accompanied by a full suite of technical information. The development would deliver housing including both affordable and general market properties.

The proposal included public open space in excess of requirements and a Neighbourhood Equipped Area of Play.

He noted that other planning obligations would include the provision of affordable housing; contributions to off-site public open space; management of SUDS, drainage, public open space and common parts of the site; education contributions and highways contributions.

The proposal to provide two attenuation basins would improve drainage in certain situations.

The development would bring benefits to the Council in increased Council Tax revenue and New Homes Bonus.

In conclusion, he stated that the applicants had sought to address objections by introducing changes. He believed the proposal to be sustainable and hoped that Members would approve the application.

The Chair requested clarification of the proposed improvements to St Barnabas roundabout.

The Highway Officer explained that £1 million had been allocated by the Local Enterprise Partnership to install a turbo roundabout at St Barnabas. She advised that Highways were aware of the issues at St Barnabas roundabout which was operating close to capacity and committed development would exceed capacity. This application was expected to add 12 vehicles to the queue at peak times.

The improvements to the roundabout would improve pedestrian and cyclist safety and she noted the need to promote modal shift to more sustainable forms of transport.

She noted that there would be a significant impact and a contribution was sought to implement significant improvements. However, the Highway Authority could not support refusal of the application on highway grounds.

In answer to Members' questions, the Highway Officer advised that the LEP funding was allocated for 2020/21 but she was unable to provide a definite guarantee.

She explained that mitigation measures would normally start to be investigated when junctions reached 85 per cent capacity. St Barnabas was already in excess of 90 percent without the additional impacts of Kingsway and Hunts Grove developments.

PLANNING COMMITTEE
02.08.16

She explained that the Cole Avenue/Epney Road crossing would not require mitigation for the morning peak and would still have spare capacity for the evening peak.

A Member noted that traffic at St Peters was horrendous at times particularly when the motorway was closed and she expressed concern about the impact of increased traffic through the Grange Road railway bridge.

The Highway Officer advised that computer assessments had indicated that the Grange Road railway bridge was currently operating at 50-60 per cent capacity.

She confirmed that Section 106 contributions were always index-linked.

Another Member questioned why the site boundary extended over Grange Road on the displayed plans. He was advised that this was because the road was proposed to be widened using land within the highway.

The Highway Officer advised a Member that the Travel Plan Co-ordinator was paid for by the developer to deliver the Travel Plan.

In answer to a Member's question she explained that the figure of 12 additional vehicles to the queue at St Barnabas roundabout had been calculated from the base traffic survey data with additions for growth and committed development up to 2021 using an industry standard software model. The development of 250 homes was expected to generate 140 vehicle trips per hour at peak times which was split 40:60 to result in an additional 49 vehicles using St Barnabas roundabout.

The Highway Officer provided advice on the definition of "severe", this being the threshold by which impacts of traffic on the road network were considered as set out in the NPPF.

A Member believed that this site was the least sustainable site to consider. He noted that the application noted a five minute walk to the bus stop and Tuffley Matters had stated that the walk was nine minutes. He noted that the doctors and dental surgeries were already operating at capacity and these matters had not been addressed in the application.

The Principal Planning Officer stated that sustainability had been comprehensively covered in his report. The site was within the recognised walking and cycling distances referred to in the Government's *Manual for Streets*. He drew Members' attention to Paragraph 14 of the National Planning Policy Framework detailed at paragraph 3.8 of his report.

The Chair noted that the NPPF provided fundamental policy guidance and the site had been included in the Strategic Assessment of Land Availability. He had reservations regarding the highways aspects of the application but as the Highway Authority were unwilling to say that the application would have a severe impact it would be difficult to refuse the application on highway grounds.

A Member noted that the area was prone to flooding which had occurred in 2007, 2014 and March 2016.

PLANNING COMMITTEE
02.08.16

Another Member believed that the application should be refused as he considered it to be premature to the JCS and the local plan. It would have a huge effect in many ways including the issues of highway sustainability. The increase in queueing at St Barnabas roundabout would be damaging both economically and environmentally as there were already issues with vehicle pollution in the City.

The Development Control Manager stated that he could not recall a refusal on grounds of prematurity being upheld at appeal. He stated that the application should be determined on policy currently in place.

He noted that the Council was unable to demonstrate a five year supply of housing land so lack of need was not an argument in which he would have any confidence at an appeal.

He reiterated that the professional advice of the highway engineer did not indicate that the impact would be severe and he noted that Government had set the bar high at severe to enable continuing development and growth. He could not recommend that the Committee supported refusal.

The Solicitor agreed with the Development Control Manager's statement in its entirety and stated that there was no technical evidence to support refusal on highways grounds.

A Member expressed concerns on the highways impact and believed that brownfield sites should be developed before greenfield sites. He believed that it was time to consider widening roads. He noted that the schools and surgery had no capacity and there was no bus service along Grange Road due to the railway bridge and he indicated that he would support refusal.

The Chair believed that the Council would lose any appeal and also the opportunity to impose conditions. There was no five year supply of land and the site could be developed within five years under the new Development Plan so he believed that a Planning Inspector would grant consent to the application.

The Solicitor advised Members that robust reasons for refusal were required to avoid the danger of an award of costs against the Council.

A Member supported the views of the Chair and noted that an Inspector could grant more than the 250 homes in this application.

A Member stated that, despite of Officers' advice, there was sufficient doubt within the definition of sustainability to give reasons for refusal.

Councillor Morgan moved refusal on grounds of sustainability and the motion was seconded by Councillor Hanman.

The Development Control Manager reminded the Committee of the requirement in the Council's Constitution that should the Committee be minded to over-ride an Officer's recommendation they were required to provide clear reasons, which must be relevant material planning considerations, before any decision is taken.

PLANNING COMMITTEE
02.08.16

Councillor Morgan referred to paragraphs 14 and 49 of the National Planning Policy Framework as reasons.

On being put to the vote, the motion was defeated.

The Chair moved the recommendation in the late material and the motion was seconded.

RESOLVED that subject to resolution of the issue listed below around the amount of affordable housing to be provided and conclusion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations listed in paragraph 8.2, planning permission is granted with appropriate conditions.

The Development Control Manager be authorised to prepare the required conditions and detailed wording of the legal agreement. The conditions shall include the requirement for a surface water drainage scheme to be submitted as part of the application/s for approval of the reserved matters.

- **The applicant providing 40% affordable housing or satisfactorily demonstrating why a lesser amount of affordable housing is justified through a viability appraisal.**

39. MILESTONE SCHOOL, LONGFORD LANE. - 16/0032/FUL

The Development Control Manager presented the report which detailed an application for a new two storey extension to provide disabled children therapies including reconfiguration of the playground and parking areas at Milestone School, Longford Lane.

He drew Members' attention to the late material which contained responses from the Lead Local Flood Authority and Severn Trent Water together with an amended Officer's recommendation.

He advised that no representations had been received from members of the public.

The Vice-Chair welcomed the application and commended the school for bringing the application forward.

RESOLVED that planning permission be granted subject to the conditions in the report and the following:-

Condition

No development (with the exception of site preparation and excavation) shall be commenced until a Detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible, along with a timetable for implementation and completion. The Strategy shall be carried out in accordance with the approved details.

Reason

PLANNING COMMITTEE
02.08.16

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition

No development (with the exception of site preparation and excavation) shall take place until an exceedance flow routing plan for flows above the 1 in 100 years event with allowance for climate change has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason

To ensure the health and safety of owners/occupiers of the site and to minimise the risk of damage to property. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for the health and safety of owners/occupiers and visitors to the site.

Condition

No part of the development hereby permitted shall be occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition

Prior to commencement of development (with the exception of site preparation and excavation), evidence of water company consent shall be submitted to and approved in writing to the Local Planning Authority sufficient to accommodate the maximum permitted discharge rate. If the proposed rate of discharge is not accepted by the water company, an alternative drainage strategy shall be submitted to and approved by the LPA prior to commencement of the development.

Reason

To prevent the increased risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Note

The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

Note

Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

PLANNING COMMITTEE
02.08.16

Note

Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

40. LAND ADJACENT TO 2 HEMMINGSDALE ROAD - 14/00848/FUL

Councillor Toleman had declared an interest in this application as a trustee of Llanthony Secunda Priory Trust and withdrew to the public gallery during consideration of this item.

The Principal Planning Officer presented her report which detailed an application for the erection of a commercial unit to serve a mixture of Use Class B1 (business) and B8 (storage and distribution) uses (amended plans) on land adjacent to 2, Hemmingsdale Road.

She referred to the late material which contained a further representation from Llanthony Secunda Priory Trust maintaining their objection to the application and a representation from a local resident expressing concerns regarding parking.

She displayed material samples and demonstrated how the brick samples had been matched to brickwork on the priory wall.

A Member believed that the revised plans and materials were a great improvement on the plans presented to the previous meeting and he believed that Officers had done well to secure the improvements.

RESOLVED that the Development Control Manager be authorised to grant consent subject to the conditions in the report and the satisfactory completion of a Unilateral Undertaking to secure a financial contribution of £3,000 for flood alleviation works as detailed in the report.

41. SMH FLEET SOLUTIONS, NAAS LANE - 16/00100/FUL

The Principal Planning Officer presented her report which detailed an application for a proposed new workshop building and new surfacing for parking/storing of motor vehicles SMH Fleet Solutions, Naas Lane.

She drew Members' attention to the location plan attached to the report which was incorrect and displayed a correct version. The presentation to the Committee included photographs submitted by a local resident showing the access arrangements to his property and the parking of car transporters on adjacent roads.

She reported that the Tree Officer was now satisfied and the environmental health officer had no objection subject to the imposition of conditions.

The Vice-Chair welcomed the application for the increased employment but expressed concerns regarding the parking of car transporters. The Principal Planning Officer advised that the application would free up space for car transporters to access the existing site.

PLANNING COMMITTEE
02.08.16

A Member questioned the disparity between hours of operation and hours for deliveries. The Vice-Chair believed that was to enable car transporters to gain access to the site after operating hours and park overnight to await unloading the next day.

RESOLVED that planning permission be granted subject to the conditions in the report.

42. PLANNING ENFORCEMENT PROGRESS REPORT

Members considered the report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement Team between January and June 2016 together with an update on formal action being taken against more serious planning breaches.

He displayed a number of photographs illustrating recent work including:-

- Unauthorised fence Severn Road
- Provender Mill demolition
- Extension in excess of Permitted Development rights
- Home not built in accordance with submitted plans
- Car park lighting
- Lidl unauthorised hours
- Unsuitable frosted glass.
- Epney Road car repairs (not commercial activity)
- Untidy land at Elmbridge Road
- Complaint alleging extension – covered way

RESOLVED that the report be noted.

43. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of June 2016.

RESOLVED that the schedule be noted.

44. DATE OF NEXT MEETING

Tuesday, 6 September 2016 at 6.00 p.m.

Time of commencement: 6.00 pm

Time of conclusion: 9.00 pm

Chair

PLANNING COMMITTEE
02.08.16

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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	6TH SEPTEMBER 2016
ADDRESS/LOCATION	:	FORMER BISHOPS COLLEGE, ESTCOURT CLOSE
APPLICATION NO. & WARD	:	16/00631/OUT LONGLEVENS
EXPIRY DATE	:	6TH SEPTEMBER 2016
APPLICANT	:	GLOUCESTERSHIRE COUNTY COUNCIL
PROPOSAL	:	Outline application (with all matters reserved other than means of access) for redevelopment of part of the Former Bishop's College site for residential use creating up to 90 new homes and provision of open space
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises, broadly, the southern and western parts of the former Bishops College grounds. At the south east the site borders the existing residential properties on Estcourt Road and Estcourt Close and at the east edge the allotments site off Estcourt Close. The existing school buildings are sited in this south east portion of the site. The school complex also includes a pedestrian link out onto Estcourt Road at the south between the houses, and this is included in the application site.
- 1.2 On the west side of the site are existing playing fields which border properties in Gambier Parry Gardens and north of this they border the gala wilton sports ground and the tennis centre and its car park.
- 1.3 The applicant also owns the playing fields to the north of the school buildings adjoining Plock Court. Members may recall that this part of the playing fields was included in the recent University of Gloucestershire application and proposed for 3g sports pitches and a sports hall.
- 1.4 I understand that the school closed in 2010 following consolidation of the academy facilities to the Painswick Road/Cotteswold Road site. The existing

school buildings comprise a range of sizes and styles of building, with a car park at the southern edge off the access, an open grassed area north of the access road, and various hard surfaced areas for student use. The site area is 5.66ha.

- 1.5 The application is made in outline form with all matters reserved except for means of access, which would be off the end of Estcourt Close at the current access point. The proposal is for up to 90 residential units. The proposal also includes the western 'playing fields' portion of the site retained as such.
- 1.6 An indicative layout has been provided showing the residential development broadly on the footprint of the existing school buildings with some encroachment onto the eastern portion of the fields. This includes the retention of the pedestrian link to Estcourt Road and the caretakers house at the top of this link as well as the retention of several trees at the south and east of the site. The proposed scale of buildings is up to two storeys.
- 1.7 The application is referred to the planning committee as it involves the construction of over 50 residential units and requires a s106 agreement if granted.

2.0 RELEVANT PLANNING HISTORY

School proposals

- 2.1 Numerous applications for extensions and other school buildings, floodlighting, sports areas, temporary buildings, sports hall, at the north of the site, since the mid 1960s.

97/00023/OUT

- 2.2 Demolition of existing changing rooms and (Outline) construction of tennis centre. Granted subject to conditions 21.08.1997.

99/00174/DCC

- 2.3 (Reserved Matters) Construction of tennis centre, new access road and car park, and existing changing facilities. No objections 18.05.1999.

Adjoining site - 15/01190/OUT

- 2.4 Outline planning application (with all matters reserved except for access) for the erection of a new 10,000sqm business school, the provision of new student accommodation (up to 200 beds) & the creation of additional car parking at the University of Gloucestershire Oxstalls Campus, Oxstalls Lane & the Debenhams Playing Field, Estcourt Road. Provision of new and improved sports facilities at Oxstalls Sports Park, Debenhams Playing Field, Oxstalls Campus & Plock Court Playing Fields, including on land currently occupied by the Former Bishops College, to include - the provision of new multi use sports hall, 2 x 3G all weather sports pitches with associated 500 seat spectator stand, floodlighting, replacement cricket pavilion & additional parking; improved vehicular access at Oxstalls Lane, Plock Court & Estcourt Road, new vehicular access at Estcourt Close, improved pedestrian & cycling

connections & associated highways, landscaping & ancillary works. Granted subject to conditions and a legal agreement 28th July 2016.

3.0 PLANNING POLICIES

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

Statutory Development Plan

3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").

3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'

3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who dealt with an appeal relating to the Peel Centre, St. Ann Way (13/00559/FUL), '*...its sheer ages suggests it must be out of date...*' (par. 11 of the Inspector's report). Members are advised that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF.

Central Government Guidance - National Planning Policy Framework

3.5 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF includes relevant policy on;

Building a strong, competitive economy

Promoting sustainable transport, including the statement that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Delivering a wide choice of high quality homes

Requiring good design

Promoting healthy communities

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;

- Precise; and
- Reasonable in all other respects.

For the purposes of making decisions, the NPPF 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 NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

Of note for this application, the NPPG includes the guidance on vacant buildings credit. This is an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into use or is demolished to make way for a new building, the developer should be offered a financial credit when the Authority calculates the affordable housing request. The existing floorspace of a vacant building should be credited against the floorspace of the new development.

Emerging Development Plan

Draft Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

- 3.6 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury ("JCS") and Gloucester City Plan ("City Plan") once they are adopted.
- 3.7 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.
- 3.8 Paragraph 216 of the NPPF states that weight can be given to relevant policies in 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 NPPF
- 3.9 The JCS is part way through the Examination process and the Inspector published their Interim Report in May 2016. However, a number of proposed modifications are expected to be made to the policies in the plan. The Council has received legal advice to the effect that the JCS can only be given limited weight at this time.
- 3.10 Relevant policies from the Draft JCS are:

SD1 – Presumption in favour of sustainable development
SD4 – Sustainable design and construction
SD5 – Design requirements
SD7 - Landscape
SD9 – Historic environment
SD10 – Biodiversity and geodiversity
SD11 – Residential development
SD12 – Housing mix and standards
SD13 – Affordable housing
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management
INF4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contribution

Gloucester City Plan

- 3.11 The Gloucester City Plan (“City Plan”) is at a much less advanced stage than the JCS. The City Plan will be presented in three parts: Part 1 will set out the context for the City Plan, including the main challenges facing the city, a strategy for development and key development principles. Part 2 will identify development management policies. Part 3 will identify development opportunities.
- 3.12 Part 1 was subject to consultation in 2012 and is to be reviewed. Part 2 was subject to consultation in 2013 on potential future development sites in the City as well as a draft vision and strategy for the city centre. Parts 2 and 3 have also yet to be completed.
- 3.13 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.14 Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. 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, albeit of limited weight.

2002 Plan allocations

- 3.15 None.

2002 Plan policies

- 3.16 Members are advised that the following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

B.7 – Protected species
 B.10 – Trees and hedgerows on development sites
 B.11 – Tree preservation orders
 FRP.1a – Flood risk
 FRP.6 – Surface water run-off
 FRP.8 – Renewable energy
 FRP.10 – Noise
 FRP.11 – Pollution
 FRP.15 – Contaminated land
 BE.1 – Scale, massing and height
 BE.4 – Criteria for the layout, circulation and landscape of new development
 BE.5 – Community safety
 BE.6 – Access for all
 BE.7 – Architectural design
 BE.8 – Energy efficient development
 BE.12 – Landscape schemes
 BE.14 – Native species
 BE.17 – Design criteria for large scale residential development
 BE.18 – Vehicular circulation and parking in new residential development
 BE.21 – Safeguarding of amenity
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.33 – Archaeological field evaluation
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 TR.2 - Travel plans – planning obligations
 TR.9 – Parking standards
 TR.12 – Cycle parking standards
 TR.31 – Road safety
 TR.33 – Providing for cyclists/pedestrians
 TR.34 – Cyclist safety
 H.4 – Housing proposals on unallocated sites
 H.7 – Housing density and layout
 H.8 – Housing mix
 H.15 – The provision of affordable housing
 H.16 – Affordable housing mix, design and layout
 OS.2 - Public open space standard for new development
 OS.3 - New housing and public open space
 OS.4 – Design of public open space
 OS.5 - Maintenance payments for public open space
 SR.2 – Playing fields and recreational open space
 CS.1 – Protection of community facilities
 CS.11 - Developer contributions for education

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 Highways Agency raises no objection.

4.2 The Highway Authority raises no objection subject to conditions to secure a Construction Method Statement; implementation of the Travel Plan; completion of access prior to occupation; details of vehicular parking and turning with reserved matters applications and their maintenance; fire hydrants; arrangements for future management and maintenance of the proposed streets; a pedestrian crossing point across the south western arm and western turning head of Estcourt Close; and street lighting to the pedestrian link between the site and Estcourt Road.

4.3 The Police make the following observations supplemented with a plan; Residents need good views of where their vehicles are parked. In-curtilage parking should be used to improve vehicle security and prevent congestion likely to cause issues and conflict.
The northern and eastern boundary should be robust and strengthened with defensive planting to prevent intrusion.
Circuitous roads can be misused by speeding vehicles. Breaking the site up into sections prevents such anti-social behaviour.
Planting should not restrict surveillance opportunities, assist in climbing or create hiding places. Planting along footpaths needs to be carefully considered to ensure it will not grow over the path, restricting the width, creating narrower and less inviting areas. Landscaped areas will need to be managed.
The boundaries abutting a POS should be reinforced with a line of defensive planting to restrict garden thefts and burglary.
Road edging should include off-road mitigation to prevent inappropriate access and parking.
The boundary with neighbouring plots should define ownership and be reinforced to protect the existing properties.
To avoid conflict, there should be clear demarcation between private front garden and public space.
The lighting plan should be designed to encompass the development and allow for seasonal variations within the planting scheme; thereby removing areas of deep shadow to reduce the fear of crime, along with opportunities of crime and Anti-Social Behaviour.
Consideration should be given to whether the junction can cope with the increase in traffic.
External fencing 1.8m close board. Internal fencing 1.5m.
Doors and windows should comply with PAS24:2012.

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative, to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

- 4.4 Sport England does not object, accepting the argument around the scheme involving loss of land incapable of forming part of a playing pitch and no loss of ability to use/size of playing pitch. They note the playing pitch strategy aspirations to protect the College playing fields for sport, which in part the scheme does, and note that the proposal has endorsement from the Football Association. They also consider that part of the s106 should go towards pitch improvements on the remainder of the playing field at the college.
- 4.5 The Environment Agency does not give detailed comments on such schemes.
- 4.6 The Lead Local Flood Authority recommends that any permission includes a condition to secure a surface water drainage strategy including infiltration testing, precise layout of drainage system, runoff rates and impermeable/permeable areas, and a condition to secure a SuDS maintenance plan.
- 4.7 Severn Trent Water raises no objection.
- 4.8 The County Council planning obligations Officer has requested contributions to education provision (£333,155 for primary school places, £307,928 for secondary school places), and to library provision (£17,640), based on the envisaged 90 units.
- 4.9 The Housing Officer has commented;
The application of vacant buildings credit significantly limits the contribution that this site can make to meeting housing need in the city;
In one of the higher value areas of the city the application offers an opportunity to ensure a contribution in line with the emerging JCS Policy;
There is a significant shortfall in the provision of affordable housing in the city with many brownfield sites delivering well short of the target contribution. It is vital that on higher value sites that the highest possible contribution is achieved;
Data indicates that the development is likely to be able to support an affordable housing contribution and may well be able to exceed 20%;
Emerging JCS policy refers to a 20% affordable housing requirement and “the viability of a site may enable additional level of affordable housing to be delivered above the requirements set out in this policy”; also that the developer will need to show a detailed viability appraisal to show what contribution can be made and this should be tested; this should be retested at reserved matters stage;
To agree to the principle of development the Committee needs to understand how the development is likely to assist in meeting the need for a variety of housing types and tenures which is currently absent;
The application should be judged in relation to the NPPF requirement to create a sustainable development in particular providing the supply of housing that meets the need of present and future generations;
If the demonstration of a varied mix of dwellings to address the need for open market housing in the Strategic Housing Market Assessment is not

addressed in the outline then it would need to be addressed in any subsequent reserved matters application;

The development offers the opportunity to provide an alternative open market offer for older people in the local area with high quality 'right sizer' housing that could release family homes in the area and assist the Authority in planning to respond to the changing demographic profile of an ageing population;

Should the developer be able to justify provision of bungalows, further advice can be given on size of units and they should be built to wheelchair user standard;

An indicative mix requested for the affordable housing offer is

2x 1-bedroomed properties; 3x 2-beds; 2x 3-beds; 1x 3+ beds;

Affordable units should be in small clusters of between 6 and 8, and there should be no discernible difference in design;

The developer should demonstrate how the development will go to meet the needs of the County's ageing population and households with a disabled member or wheelchair user;

A fabric first approach to energy efficiency is recommended and liaison with Registered Providers regarding size and environmental standards is suggested;

An off-site contribution for affordable housing is not justified, provision should be on site.

- 4.10 The Contaminated Land Consultant raises no objection subject to the standard contaminated land condition.
- 4.11 The Environmental Health Officer raises no objection subject to conditions to secure an environmental management scheme for the construction activities, to restrict hours of construction, and to prevent burning.
- 4.12 The Urban Design Officer raises no objection to the principle of residential development or the proposed density, if anything he might suggest a higher density. He raises concerns about provision of a balanced community if there is only a limited range of smaller and more affordable properties. He also raises no objection to the main access off Estcourt Close, provided there is no objection from the Highway Authority. The pedestrian access off Estcourt Road provides an alternative means of accessing the site and would better connect the site with the wider area. Broadly he considers the indicative plan to be a logical layout.

The remainder of his comments relate to the detailed layout which would be relevant at the reserved matters stage given this is only an indicative layout currently. These comments relate to:

Provision of properties backing onto each other for security

Definition of the area around the main access

Avoiding splitting up the open space around the retained trees

Addressing large open 'incidental' areas

Defining streets and providing natural surveillance

- 4.13 The City Archaeologist raises no objection subject to a condition to secure a programme of archaeological work.
- 4.14 The Environmental Planning Manager raises no objection in principle. In respect of the pond he considers it would be best to keep it in situ and recommends a condition to either retain it or provide a compensatory feature as a replacement.
- 4.15 The Tree Officer agrees with the submitted tree report on the whole. The retention of protected trees should be in open space as indicated (rather than back gardens). If possible tree T40 should be incorporated into the layout, and a commitment to planting on the playing fields given depending on the planting proposed in the main body of the site. A tree protection plan and arboricultural impact assessment as per BS5837:2010 will also be required. The later revision to retain the pond and some of the copse at the south are welcomed.
- 4.16 The Landscape Architect has made a s106 request on the following basis:
1 ha public open space
£331,000 for sport (or provision for football of changing rooms and goal posts)
£121,000 for play (within nearby area)
£42,000 for general (or provision of general open space facilities – e.g. surfaced footpath link, seating, bins/dog bins, ball stop fence, boundary fence (e.g. knee rail) to open space/residential area boundary)
* This is an estimated request based on an estimated breakdown of properties and could change depending on the eventual detailed proposal.
- 4.17 The Policy Officer raises no objection and includes the following comments;

The Submitted Joint Core Strategy identified an Objectively Assessed Need for the JCS area of 30,500 dwellings for the period 2011-2031 with a housing requirement figure for Gloucester City of 11,300 dwellings.

The JCS Inspector's Interim report (May 2016) states that the Objectively Assessed Housing Need (OAHN) for the JCS area is 33,500 dwellings. The Inspector also concludes that a 5% policy uplift for the delivery of affordable housing should be applied making a total housing requirement across the area of 35,175. The housing need for Gloucester is defined as 14,340 dwellings.

The Housing Background Paper supporting the Inspector's Interim Findings (Feb 2016) demonstrated that the City has an indicative capacity of 7,685 dwellings comprising completions since 2011, existing commitments, potential City Plan supply and windfalls. The remaining supply of land to meet the Gloucester dwelling and employment land requirements will be found outside the City in urban extensions to Gloucester.

The site is not currently allocated for residential purposes in the 2002 Second Deposit Local Plan. Policy CS.1 Protection of community facilities is also identified.

Ward profiles were produced in order to support the Summer 2013 City Plan sites consultation. A SWOT analysis of each ward was produced which helped to identify potential issues that any new development in a ward might seek to address. For Longlevens ward the issues identified included;

- A low percentage of social rented and private rented homes making it difficult for first time buyers and those wishing to move to the area to purchase
- A lack of play equipment within the ward

The Planning Policy Team consider that any new housing development at the site would provide the opportunity to address some of the weaknesses in the ward which were acknowledged by the local community during the Summer 2013 City Plan sites consultation.

The site was submitted to the planning authority by the County Council for consideration in the 2011 Strategic Housing Land Availability Assessment (SHLAA) where the site was identified as 'a functioning school site but to be vacated in phases over the next few years'. The site has continued to be promoted by the County Council for development in subsequent SHLAA's and more recently through the Strategic Assessment of Land Availability (SALA).

The Cabinet of the County Council has now agreed to the disposal of the site. It comprises one of a suite of sites owned by the County Council across the City that has been agreed for disposal.

In 2013 each JCS authority undertook a Strategic Assessment of Land Availability (SALA), these studies, undertaken in compliance with the NPPF and Draft Beta National Planning Practice Guidance (October 2013) superseded previous SHLAA and SELAA documents studies.

The 2013 SALA identified the constraints affecting the site but in conclusion found it suitable, available and deliverable within five years and able to contribute to the Council's five year housing land supply with a capacity of approximately 108 dwellings using the agreed JCS SALA methodology.

The findings of the 2013 SALA were used to inform the potential City Plan capacity figure for the Submitted JCS (November 2014) and the site has continued to contribute to the City Plan Potential figure in subsequent updates of the JCS Housing Background Paper – the latest of which was published in March 2016 with the site contributing 85 dwellings to the City's total capacity and 85 dwellings to the City's five year housing land supply.

The site does provide the opportunity to provide a mix of house types and sizes to meet the housing need identified in the 2015 SHMA update submitted to as evidence to the JCS EiP. For the City the need for 2 and 3 bedroomed units is highlighted, as is the need for accommodation suitable for a rapidly ageing population, including downsizer accommodation that is designed to easily meet the changing living and mobility requirements of elderly occupiers.

Given the City cannot meet its housing need within the plan period and requires contributions from JCS strategic allocations located in the green belt within Tewkesbury Borough, in accordance with the duty to co-operate, within the first five years in order to achieve a 5 year housing land supply, it is important that all sites, brownfield and Greenfield, that have the potential to contribute to City Plan capacity are brought forward in order that the City can continue to deliver housing in accordance with national planning policy guidance cited in paragraph 47 of the NPPF.

In principle, and subject to the aforementioned bringing forward suitable sustainable development on the site will help to ensure that the City maintains a healthy housing land supply and will help to deliver more affordable housing and open space that is publically accessible to the benefit of the City's residents.

- 4.18 The Drainage Engineer remains unsatisfied with the level of information proposed in support of the application.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published. A subsequent consultation period on new material was also undertaken and expired on the 19th August 2016.

- 5.2 42 representations have been received and may be summarised as follows:

- Lack of public consultation;
- Previous exhibitions had consideration for 50 not 90 houses and traffic survey not presented at the exhibition and would also only be based on 50 not 90 houses, with no social housing and no houses on currently green areas; no explanation increased numbers;
- Social housing is not conducive to, representative of or in keeping with the area around this site;
- Entry road through Estcourt Close is not fit by virtue of construction and design to take both the proposed housing development traffic and the University service traffic;
- Estcourt Close only ever intended to have limited service entry to the school, the allotments and 24 houses;
- Impact would be reduced if construction traffic and future access were via Gambier Parry Gardens or the tennis centre;
- The Estcourt Road service road is equally unsuitable for access – design and construction is similar to Estcourt Close and surface is already breaking up;
- County Council as highway authority should undertake resurfacing and improvement works to the Estcourt Road service road;
- Accumulation of traffic with development of Debenhams field at same time will cause havoc;
- Should add a second access via Gambier Parry Gardens;
- Transport Assessment is inadequate as only looks at parking- needs to better assess impact of construction and mature traffic congestions;

- When College was operating, access via Estcourt Close was restricted for safety reasons to only allow teachers, disabled and service vehicles onto the site. All students entered the site using the pedestrian access in Estcourt Road. Also the flows were only for school periods and should be averaged over a year. These have not been considered;
- Wrong to conclude that that since the traffic impact of the proposed development is less than that of the school in operation, the development is therefore acceptable;
- Real figures for estimated traffic flows would be much larger than stated;
- Estcourt Close gets congested when Gloucester Rugby play;
- Estcourt Close is only 4.8m wide in places not 5.5m;
- Assessment fails to identify that the service road is also only 4.8m wide and is totally unsuitable given its condition and the parked cars reducing the useable width;
- New developments invariably display higher levels of car ownership than existing neighbouring areas;
- Bus service is very limited; actually site is further from stops than stated; disputing whether site is highly accessible;
- The completion of the cycle track along the north side of Estcourt Road, the repair and upgrade of the slip road along its entire length and the bringing in of parking restrictions to the local roads when there are matches at Kingsholm should be included in the s106 agreement/conditions;
- Should consider a proper priority junction between Estcourt Close and Estcourt Road (through the island between Estcourt Road and the service road giving direct access to Estcourt Close from the main Estcourt Road) – removing need to use the service road;
- Should access via a new road from Tewkesbury Road over Plock Court field, also serving the tennis centre;
- Impact of traffic flows from residential different to school – during summer holidays, nights and weekends;
- Insufficient parking provision;
- How would existing on-street parking be maintained for existing residents?;
- Estcourt Close does not have good forward visibility;
- Risk of accidents from construction traffic;
- Service road is of insufficient dimensions to cater for large construction vehicles;
- Current limited use of school facilities is having is creating a traffic and road safety problem with reckless driving; this will get worse with additional development;
- Should introduce a 20mph speed limit on the service road and traffic calming measures at all entrances/exits;
- Construction of the school post-dates the development of Estcourt Close;
- Pollution from traffic;
- No consideration to or catering for existing residents' interests – in terms of parking and general disruption, for construction and operational phase;
- The pedestrian access to Estcourt Road at the south needs upgrading – brick walls and low/not intrusive lighting; increased exposure to crime risk;
- Querying maintenance of the access route;
- Being able to walk around college grounds will be greatly reduced if permission is granted;

- There is no access from Estcourt Close to Plock Court;
- Estcourt Close is quiet and tranquil, additional homes, people, pedestrians and traffic will have a huge detrimental impact;
- Ecology survey looks only at the school and fails to acknowledge wildlife in adjoining areas;
- Submitted reports missed out the copse at the south of the site; this includes a pond, native trees and provides wildlife habitat;
- Need clarity on screening to adjacent existing properties;
- Other properties on Estcourt Road have had school building behind, but nos. 33-43 have never had buildings there – essential to retain a tree screen to screen the unaccustomed view;
- Number of houses should be reduced and create more green open space to benefit wildlife; boundary fences should allow wildlife to roam;
- The County Council gave a commitment only to build on the footprint of the school, not the playing fields. Residents believe development has crept beyond this. County Council should honour the undertaking it gave or demonstrate that the extent of land being built on has not expanded. It is understood that the number of dwellings proposed was increased due to the need to provide affordable housing as a result of the court ruling on the vacant buildings credit. As this has been overturned the Council should revert to a smaller number now;
- Clarity required on affordable housing; previous assurances given that this would not happen given anti social behaviour and due to the nature of the properties in Estcourt Road;
- Affordable housing should be provided as starter homes, which now fall under the definition of affordable housing; this will help young people who are not able to afford to buy given the relatively high property prices in this part of Gloucester;
- While there are several schools in the area, both senior schools are selective, The Milestone school is a school for children with special needs, any student attending a comprehensive school will need to be bussed out of Longlevens exacerbating traffic problems;
- Are Doctors surgeries able to accommodate the additional number of people from this and other local development?;
- The University's scheme has not yet been granted consent; (**it has since been granted*)
- The development will raise substantial monies to the County Council and should only be acceptable if there is planning gain to the local community;
- Site should be retained for educational purposes; lack of local non-selective school provision; school could easily be brought back into use; additional demand with other residential development in the area/planned development north of the City; evidence should be provided to justify the position;
- Unsatisfactory for houses to be sited so close to an intrusive facility (University's spectator stand and floodlit 3g pitches)
- Structural damage to houses from construction traffic;
- Does not meet requirement to retain or improve existing sporting areas;
- Concurrent use of pitches would be impossible and proximity to residents is of concern;
- Seek retention of trees and shrubbery at ends of adjoining gardens;
- Seek retention of trees on the playing fields by Gambier Parry Gardens;

- Seek confirmation that the only access to the development is through Estcourt Close;
- Seek confirmation that the remaining playing field is not developed and will be handed over to the City Council for use as a sporting facility. The suggested two football pitches and cricket pitch is considered appropriate;
- Seek confirmation that the City Council will not sell off the playing field for development which would call for an access through Gambier Parry Gardens;
- Maximum legal protection is put in place to ensure the playing pitches retained are never developed in future;
- Reassurance sought that the proposed playing pitches meet the necessary size standard to meet demand, consistent with the Council's playing pitch strategy;
- Devaluation of property;
- Increase in noise;
- Out of keeping with the area;
- Overbearing;
- Overshadowing;
- Loss of privacy;
- Overdevelopment of site;
- Other residents noted no objection in principle;
- In principle a sound proposal; use of previously developed land, sustainably located;
- Site has no landscape value, visual amenity, ecological value or archaeological interest;
- Provision of much needed housing and a measure of affordable housing;
- Benefits are undermined by unacceptable traffic impacts;
- Reserved matters application needs a construction environment management plan or equivalent to deal with construction traffic routing and other issues.

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 or via the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00631/OUT>

6.0 **OFFICER OPINION**

Legislative background

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

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

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

c) any other material considerations.

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

- Principle
- Design and landscaping
- Traffic and transport
- Loss of playing field
- Planning obligations
- Residential amenity
- Economic considerations
- Loss of school facility
- Drainage and flood risk
- Land contamination
- Ecology
- Archaeology

Principle

6.4 The site is not allocated in either the 1983 Adopted Plan or the 2002 Plan. The site is in part brownfield land comprising the site of educational buildings.

6.5 The NPPF states at paragraph 47 provisions to “boost significantly the supply of housing”. The NPPF further states at paragraph 49 that “housing applications should be considered in the context of the presumption in favour of sustainable development”.

6.6 The NPPF requires that local authorities should be able to demonstrate a five year supply of housing land plus a buffer. For Gloucester, the buffer is 5% because of its past record of housing delivery (local authorities with persistent under delivery are required to provide a 20% buffer).

6.7 The Council cannot currently demonstrate a five year supply of housing land as otherwise required to do so by paragraph 47 of the NPPF. The following issues are factors:

The JCS Inspector’s Interim Report recommends that the objectively assessed housing need for the JCS be uplifted by 5% from 33,500 new homes to 35,175 homes; and

The delivery of housing through the JCS is reliant on strategic housing sites coming forward on Greenbelt land. Such land is nationally protected and this strategy has not been formally endorsed through adoption of the JCS, which is anticipated in early 2017. The City Council’s adopted development plan dates from 1983 and this document does not have up to date allocations for new housing sites coming forward.

6.8 In practice then, the City has a route to ensuring its 5 year supply but it is not formally in place yet. Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local

planning authority cannot demonstrate a five year supply of deliverable housing sites. The five year supply position is clearly important in considering applications for housing but it is not considered to be decisive in this case. Specific policies are not in this case resisting appropriate residential development of the site. Other planning considerations are dealt with in the remaining sections of the report.

6.9 As noted in the Policy Officer's comments above, the site was submitted for consideration in the strategic housing land availability assessment, and subsequent land availability analysis found the site to be suitable, available and deliverable within five years and able to contribute to the Councils five year housing land supply. This informed the potential City Plan capacity figure for the JCS and the site has continued to contribute to this in subsequent updates. It is important that all sites that have the potential to contribute to City Plan capacity are brought forward in order that the City can continue to deliver housing in accordance with national policy. It would help to ensure that the City maintains a healthy housing land supply.

6.10 In terms of the broad principles of development, the site is within the built up area of the City and is a sustainable location for residential use. It would reuse a brownfield site and would contribute to housing supply. It could help to address identified issues in the ward including the low percentage of social rented and private rented homes and lack of play equipment. A mix of housing is proposed by the applicants to be in line with the Gloucestershire SHMA update 2014 and would come through in the reserved matters application/s if outline permission is granted. I do not consider there are in-principle reasons why the residential redevelopment of the site should be refused.

6.11 Paragraph 14 of the NPPF states that:

Where the development plan is absent, silent or relevant policies are out of date, local planning authorities should grant planning permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *Specific policies in this framework indicate development should be restricted*

6.12 The Policies of the 1983 Plan are out of date. The decision making basis of Paragraph 14 is therefore key in guiding the consideration of this application. Assessment of other planning issues is undertaken below and will indicate any such adverse impacts and benefits.

Design and landscaping

6.13 The existing school buildings range in style, materials and age, and are between one and three storeys. They are of limited architectural or historic interest and their loss is not of concern.

6.14 The development is proposed at two storeys maximum. This would tie in comfortably with the character of the surrounding area. At 90 units the scheme represents 28 dwellings per hectare over the developable area.

There are a range of design and layout styles in the nearby area, including the large property, low density ribbon development along Estcourt Road, the denser but still generous modern, largely detached Gambier Parry Gardens development, the mix of styles in Estcourt Close, and the denser, older properties south of Estcourt Road.

- 6.15 In my view a balance is needed between maintaining the character of the area and delivering the houses that are needed. Given the context I consider the 90 unit scheme acceptably strikes this balance. The indicative plan demonstrates that an appropriate scheme could be designed at reserved matters stage based on 90 units that would provide a contribution to housing supply while maintaining a good environment for residents and not significantly harming the character of the area.
- 6.16 The use of the pedestrian access to the south of the site is desirable in terms of ease of movement and sustainability. It is recommended that an upgrading of this with suitable lighting is sought by condition, in the interests of public safety and security. The construction of walls alongside it as requested in representations is not considered necessary or reasonable.
- 6.17 The site immediately borders the existing tennis centre and the site of the proposed sports pitches/sports hall to the north (the latter have outline permission and reserved matters applications have been submitted). There is currently no public access between the two and the application site acts as something of a barrier to north-south movement. The provision of one or ideally two links between the sites is highly desirable for residents to access the formal sport and open space facilities in a direct and sustainable manner and would also benefit the wider community. It appears to be agreeable to parties on either side. I recommend it is secured by condition.
- 6.18 The detailed comments made by the Urban Design Officer could be picked up in discussions about the detailed layout at reserved matters stage, if outline permission were granted. There are Conservation Areas to the south of Estcourt Road, but the proposals would not affect their character or appearance. The Police comments can be picked up at the reserved matters stage if the outline permission is granted, or are matters of detailed specification that could be addressed by the developer. In respect of their comments on the junction, this is assessed by the Highway Authority.
- 6.19 In terms of landscaping, a tree survey has been undertaken. There are 5 oaks on the site that are protected and they are proposed to be retained within the development. Their retention is obviously welcomed and in my view they would make a positive contribution to the appearance of the development. I recommend their retention is secured by condition alongside a strategy demonstrating that surroundings, future growth and maintenance are taken into account.
- 6.20 There is in addition a copse of trees at the south of the site that borders onto the residential properties beyond. It currently provides a fairly substantial screen for the properties to the south. In themselves the trees are not of

sufficient quality to merit a protection order but in association with the pond they provide habitat and a contribution to the natural environment of the site. The indicative plan shows partial retention around the pond which is desirable (or equivalent alternative provision) and I recommend conditions for a management strategy for selective thinning out and retention of habitat if retained.

- 6.21 There is a Landscape Conservation Area designated in the 2002 Plan to the north of the school at Plock Court. While this is an outdated approach to landscape designation, I do not consider the proposals would harm the landscape here anyway.
- 6.22 Overall I consider that subject to conditions there would be no conflict with the above cited design and landscaping policy context.

Traffic and transport

- 6.23 The existing vehicular access off the western end of Estcourt Close is proposed to be retained as the access to the development. Estcourt Close connects to Estcourt Road (the service road parallel with the main dual carriageway) via a priority junction, which links onto the dual carriageway section at various points along the road, and at either end the Cheltenham Road roundabout and the Tewkesbury Road/Kingsholm Road roundabout.
- 6.24 The applicants have undertaken a study based on census data on vehicle ownership in the ward. This shows 1.45 cars per household with 90 units then generating a demand for 130 spaces in the scheme (* I asked the Highway Authority regarding visitor parking implications also – see below).
- 6.25 There are several bus stops along Estcourt Road, the service runs through the local part of the city. The 94 services run on Cheltenham Road approximately 800m to the south east connecting the city centre and Cheltenham. Services also run on Tewkesbury Road approximately 600m to the west connecting the city centre to Tewkesbury and Cheltenham. The railway station is approximately 1.8km south of the site
- 6.26 There are links to the surrounding pedestrian infrastructure at the main site access and at the south of the site, and Estcourt Road has dedicated cycleways (partial) and footways on both sides of the carriageway. There are a number of uncontrolled crossing points along Estcourt Road and a Toucan crossing close to the pathway out of the site to the south.
- 6.27 The site is within 2km of various local facilities including public transport, schools (though it should be noted that one of the schools is for children with special needs and two are selective secondary schools), shops and employment opportunities.
- 6.28 A Transport Assessment and Travel Plan have been submitted. The Transport Assessment concludes that the site is in a sustainable location and the associated vehicle trip generation would not have a material impact upon the local highway network.

6.29 The Highway Authority has considered the proposals and raises no objection, making the following comments (italicised):

Access

6.30 *Vehicle access to the proposed development is proposed to be taken from the western end of Estcourt Close with the existing road being extended in to the proposed development at the location of the current access to the school. Currently only access is being determined as part of this application with all other matters reserved for future consideration, I am satisfied however that an access at this location could provide a safe and suitable internal layout.*

6.31 *The existing pedestrian access to the site will be retained and used to provide a pedestrian link between the site and Estcourt Road, this should be upgraded to provided street lighting which I would recommend is the subject of a planning condition.*

Traffic generation

6.32 *The submitted Transport Assessment (TA) has considered the likely level of vehicle movements that would be generated by the proposed development and compared this to that which could be granted by the existing use of the site (ie that no additional permissions would be required to reinstate the school use).*

6.33 *The TA has used the Trip Rate Computer Information System (TRICS) database in order to assess the likely multi-modal trip rate of the proposed development by using a database of surveys of similar sites.*

6.34 *This process found the anticipated level of movements associated with the proposed 90 dwellings to be as follows-*

<i>Time period</i>	<i>Vehicles</i>	<i>Cycles</i>	<i>Pedestrians</i>	<i>Public transport</i>
<i>0800-0900</i>	<i>44</i>	<i>1</i>	<i>14</i>	<i>4</i>
<i>1700-1800</i>	<i>42</i>	<i>2</i>	<i>11</i>	<i>3</i>
<i>0700-1900</i>	<i>383</i>	<i>13</i>	<i>112</i>	<i>25</i>

6.35 *As discussed above the site has an existing use as a school and therefore it is appropriate to consider the number of movements that could be associated with the existing use. The applicant has again used the TRICS database to obtain evidence of the number of movements associated with similar school sites. This found that the number of movements associated with the school site would be as follows-*

<i>Time period</i>	<i>Vehicles</i>	<i>Cycles</i>	<i>Pedestrians</i>	<i>Public transport</i>
<i>0800-0900</i>	<i>147</i>	<i>52</i>	<i>320</i>	<i>113</i>
<i>1700-1800</i>	<i>36</i>	<i>25</i>	<i>88</i>	<i>33</i>
<i>0700-1900</i>	<i>715</i>	<i>162</i>	<i>1012</i>	<i>317</i>

6.36 *These figures are based on the full capacity of the existing school which is 900 pupils. As stated in the TA due to the reduced demand at the school in the final few years of operation the average number of pupils enrolled at the school is 614 pupils. The TA has provided a comparison of movements between the proposed use and the lower enrolment figure in order to provide a reasonable comparison between the proposed use and the existing potential use of the site. This comparison shows an overall reduction in movements as a result of the development when compared with the number of movements from the school use.*

 * Insert provided here for reference - Figures for the average of 614 pupils (average number of pupils per year over the final 11 years):

Time period	Total vehicle trip generation		
	Arrivals	Departures	
0800-0900	73	28	(101)
1500-1600	26	57	(83)
1700-1800	8	18	(26)
0700-1900	250	244	(494)

6.37 *I note that there are a number of comments raised about the suitability of this approach as the school operated in such a way that the vehicle access from Estcourt Close was used only by staff, visitors and a limited number of pupils with most pupils who arrive by car or bus being dropped off close to the pedestrian link from the service road of Estcourt Road. This is accepted however it does not materially change the conclusions that are made within the TA. The site access would have been used by staff and visitors which are likely to have amounted to a number of vehicle movements broadly similar to the number anticipated from the proposed development. Whilst the TA has addressed the number of movements from the permitted use it is accepted that it has not fully considered the nature of these movements and their impact on Estcourt Close. I have however made my own assessment of these matters and consider that the overall conclusion that a suitable means of access is provided is still correct.*

6.38 *Notwithstanding the comparison to the previous use the number of vehicle movements generated by the proposed development is not considered to be significant and could be safely accommodated by the existing network.*

Impact on local highway network

6.39 *Away from the site access the impact of the development is reduced. As covered above the operation of the school was such the vehicle access was not used by all pupils and the majority that arrive at the school by vehicle were dropped off on the service road to Estcourt Road. This means that the proposed development of the site would significantly reduce the number of vehicles using this area with the exception of the evening peak hour which*

would be slightly higher but not significant in terms of the number of movements already accommodated.

- 6.40 *The number of vehicle movements on Estcourt Close would increase slightly for the daily period however the total numbers would still be low and can be safely accommodated by the existing highway network. The TA records Estcourt Close as being 5.5m wide however my own measurements are generally in the order of 5m. A limited amount of on-street parking occurs in this area however this does not restrict the flow of traffic and the largest vehicle needed to service the development would be no larger than that already serving the existing dwellings.*
- 6.41 *For non-motorised users (pedestrians, cyclists) the total number of movements is significantly less than the extant use of the site however the routes that are taken are likely to be materially different due to the change of use, ie rather than routes from the local residential areas to the site the routes would be from the site to the local facilities.*
- 6.42 *An NMU (*non-motorised user) Context Report has been submitted which covers the difference in these routes and identifies four routes from the development to the local facilities. This report identifies 4 items that are considered to be deficiencies in the local network when compared with current standards and considers that two items should be addressed as part of the application. Firstly that dropped kerbs and tactile paving should be provided across Estcourt Close at its junction with Estcourt Road to allow pedestrians to travel safely to the south east. Secondly to the south east of the site the cycle path that runs along side Estcourt Road terminates on the approach to the roundabout with a slip on to the carriageway. This is not clearly marked and would appear that some signs are missing. Given that this route forms part of a significant link within the city the existing levels of cycle movements would not be materially increase especially when considering the previous use of the site which had a much higher level of cycle use. I do however consider that the pedestrian link to from Estcourt Road should be upgraded with street lighting to make the route more attractive.*

Accessibility

- 6.43 *The proposed development site is located in an accessible position within the urban area of Gloucester. The city centre is within cycling distance of the site and some residents may be inclined to walk to the city particularly for leisure trips. Estcourt Road has a number of bus stops within a short walking distance of the site however the number of services serving these stops are limited. The frequent bus services are located on Tewkesbury Road and Cheltenham Road which are approximately 800 and 1000m walk from the site which are acceptable distances and not dissimilar to the surrounding residential areas. These services provide a connection to central Gloucester as well as Cheltenham and Tewkesbury.*

Layout and parking

- 6.44 *The application is submitted in Outline form with matters other than access reserved for future consideration. The proposed indicative layout is acceptable and I am satisfied that any future reserved matters application could provide*

for suitable levels of both residential and visitor car parking within the space available.

Travel Plan

- 6.45 *A Travel Plan has been submitted in support of the development and will be implemented and enforced by planning condition. The Travel Plan aims to increase the modal split of travel patterns from the development travelling by foot, cycle and bus reducing the number of movements by private car by 10%. The Travel Plan will use various measures such as providing walking and cycling maps, bus timetables and information packs which could be increased to meet the targets if required.*

Committed development

- 6.46 *The re-development of the adjacent University site will mean that Estcourt Close will also serve the university development. The MasterPlan shows that Estcourt Close will serve a student accommodation block which will have limited vehicle access only. It is considered that the cumulative effects of both developments would be acceptable and could be safely accommodated by the highway network.*
- 6.47 Several objections comment on the condition of the road surface. The County Council has powers under the Highways Act to recover costs for extraordinary damage, and they would ask the developer to provide a condition survey of the roads before commencing works if permission were granted and implemented.
- 6.48 The Authority could not reasonably ask for alternative or secondary access arrangements (e.g. from Gambier Parry Gardens or across Plock Court as suggested in representations) if the proposals are shown to be acceptable.
- 6.49 In terms of the construction traffic routing, the Highway Authority's recommended condition includes a provision for construction traffic and routing to site. There may be a requirement for a small amount of temporary parking restrictions for the construction period but this is unlikely to be significant.
- 6.50 Several representations refer to indications previously that the scheme would comprise c50 units. This may or may not indicate an acceptance within the community that this number would be acceptable. In any respect, the consideration must be based on whether the proposed scheme is acceptable in highways terms, not whether a lesser number of units would be preferable. The NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.51 Subject to conditions the application would not conflict with the above-cited highways policy context, notably in the context of the NPPF the residual cumulative impacts of the development would not be severe. No objection is raised in highways terms.

Loss of playing field

- 6.52 The proposed developable area extends partially beyond the limit of the existing educational built development and into the playing fields.
- 6.53 Representations note that the development extent was expanded when vacant buildings credit was withdrawn, and should therefore now be constrained to the footprint of the school again, as per the County Council's original commitment. I am unaware of any such commitments and changes, but nevertheless, the planning authority must determine the application in front of it, based on the relevant considerations.
- 6.54 The Authority's Playing Pitch Strategy identifies 2 good quality pitches and 1 poor quality non-turf cricket wicket that is not suitable for use. The strategy is to protect and enhance the sports provision. Sport England has not objected, accepting the proposed justification around loss of land incapable of forming part of a playing pitch and the scheme leading to no loss of ability to use/size of playing pitch. It is likely that the pitches would be managed in conjunction with the neighbouring facilities and would provide for the demand for types of pitches in that wider context. In this particular case the proposed arrangement is considered to be acceptable.
- 6.55 The applicant advocates the benefits of the scheme in securing the long-term community use of currently private playing fields. This may be seen as a positive improvement given the prospect of private playing field landowners otherwise keeping fields in limited or even no use at all and them not contributing to public demand for recreation facilities. In practice the offer of the western fields seeks to provide for open space demand associated with the scheme and is in part necessary mitigation for the housing development here anyway, rather than a unilateral benefit from the scheme. I view it as providing a practical means of maintaining the policy requirements for the non-development of fields and according with the aspirations of the playing pitch strategy to protect the school fields for sport.
- 6.56 There is no explicit compliance with the 2002 Plan policy SR.2 in this regard, however it is concluded that taking into consideration the weight to be afforded to the 2002 Plan, the advice of Sport England as an expert consultee and contribution of that to the assessment against the emerging and national policy in respect of the contribution that the existing facilities make and the overall harm that would arise, that subject to conditions no objection be raised in these terms.

Planning obligations

Affordable housing/vacant buildings credit

- 6.57 Current national planning policy includes an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant buildings when the Authority calculates

an affordable housing contribution. Vacant buildings credit has previously been deleted from Government policy after a High Court ruling, but a subsequent Court of Appeal decision has led to its reinstatement. It is now returned as a material consideration in the determination of the application, although a further successful challenge could remove it again. Representations ask for affordable housing provision to be delivered as starter homes, however this provision has not been fully enacted yet. It is also the Authority's policy to seek affordable housing on all larger residential schemes – not to pick and choose which ones by reference to the 'character' of the area.

- 6.58 The Authority's policy position on affordable housing is 40% of the total. The request from this scheme would ordinarily then be 36 units. Vacant buildings credit provides for the affordable housing requirement to be reduced by the same proportion as demolished vs proposed floorspace. While the floorspace of the existing school buildings floorspace is a known quantity, the precise residential floorspace proposed is unknown given this is an outline application.
- 6.59 The applicant has calculated that the remaining vacant buildings comprise 6,224 sq m and the proposed 90 dwellings as 7,950 sq m. The affordable housing request should therefore (on the basis of this estimated proposal) be 21.7% of the normal required. The applicant therefore proposes 8 affordable housing units of the 90, instead of 36 that would normally be sought.
- 6.60 As the affordable housing component would be calculated on a formula basis including the floorspace of the resultant detailed scheme, the affordable housing numbers could in practice go up or down slightly. The currently proposed 8 is on the basis of the indicative scheme floorspace.
- 6.61 The applicant's offer is therefore the policy-compliant position, factoring in vacant buildings credit. This should be secured by s106 agreement.

Open space

- 6.62 Again as this is an outline proposal, the precise open space request is likely to vary slightly as the detail is provided. On an assumed breakdown of unit sizes for the 90 units, the formula sets out the following for consideration:

1ha of public open space

£331,000 for sport (or suitable sports provision if required – e.g. changing rooms and goalposts provided for)

£121,000 for play (likely to be provided as an off-site contribution particularly given the need for 20-30m buffers around a play area)

£42,000 general (not required if facilities are delivered on site, e.g. surfaced footpath link to Plock Court, seating, bins/dog bins, ball stop fence, boundary knee rail to roads)

(the total sum of £494,000 would only be required if the applicant were to provide nothing and may be reduced depending on the detail of the mitigation)

- 6.63 2.3ha of open space is offered for adoption at the west side of the site. I consider that the scheme would mitigate its impact in terms of public open space requirements and also practically retain playing fields and bring them from private to public use allowing for wider use. I recommend that the Council secures the policy required open space and could adopt the whole western field to maintain the policy aspiration to avoid development on playing fields.
- 6.64 A package of mitigation measures is sought for open space/sport/play. The precise nature of this is under discussion currently and should be secured by s106 agreement.
- 6.65 It is worth commenting in this section on several of the issues raised by residents in respect of the proposed open space;

The indicative provision of formal sports facilities with the application is rather cramped. The arrangement is more likely to be a single pitch or combination of reduced size or junior pitches which appears to be where the demand is currently.

Ball stop fencing is sometimes required. It can be facilitated in certain instances by a demountable system that is raised up prior to matches.

Existing trees would come over to the Council in the adoption process and are likely to be retained particularly where residents evidently seek their retention. They do not appear to inhibit use of the fields and I do not see why the Council would want to remove them unless they caused a nuisance.

In terms of the proposals reducing the ability to walk the grounds of the school, there is probably no right to do this currently, and the proposals would actually increase public accessibility and use.

In terms of the comments about preventing future development on the playing fields, there would remain the general policy presumption against building on playing fields. Furthermore, quite apart from questioning whether the Council would ever actually want to build on its adopted open spaces, it is usual practice for there to be a restrictive covenant in the transfer agreement to prevent use for anything other than sporting, recreation, leisure or associated uses.

Libraries

- 6.66 A contribution of £17,640 is sought to library provision, specifically towards additional library resources at Longlevens library. This is based on 90 units and may be revised in respect of the eventual scheme. This should be secured by s106 agreement.

Education

- 6.67 A contribution of £333,155 is sought to primary school provision, specifically towards the provision of additional places at Kingsholm CE Primary. A contribution of £307,928 is sought to secondary school provision, specifically

towards the provision of additional places at Gloucester Academy. This should be secured by s106 agreement.

- 6.68 Both are based on 90 units and may be revised in respect of the eventual scheme.
- 6.69 The capacity of local medical services should be a matter for healthcare providers.
- 6.70 The s106 contributions will comply with the NPPF requirements and CIL Regulations and would mitigate the impacts of the development compliant with the above cited policy context.

Residential amenity

- 6.71 The distance between the edge of the site and the rears of properties on Estcourt Road is in the region of 30-40m. Several of the properties have substantial trees providing a degree of screening in addition. The separation distances are sufficient that no significant harm would be caused to the properties from the two storey development of this site for residential units. Similarly, with considerate design and layout, the proposed units should not significantly harm amenities in terms of impacts on the rear garden spaces.
- 6.72 As noted already the copse of trees at the south provides a screen between the properties bordering it and the rest of the application site. I can see that it would be desirable for residents if it were retained, but it not in my view essential in amenity terms given the 2 storey scale of the proposed development and the large rear gardens of the Estcourt Road properties – a scheme could be sensibly designed so as to have no significant harm on the amenities of residents here. I see no reason though why the detailed scheme could not retain some of the boundary trees here though. The indicative scheme indicates part retention of the copse however this is based on ecological considerations around the pond as much as anything.
- 6.73 The indicative layout shows that houses could be sited south of the access road at the site entrance and therefore adjacent to no. 23 Estcourt Close. There are potential impacts on this property depending on the detailed design and siting proposed but again with considerate design there is no reason that a scheme along the parameters proposed would cause significant harm.
- 6.74 The allotments are to the east side. The hedge/trees along this boundary appear to mostly be within the application site and is indicated to be kept in the ecological report. Even if it were to be removed as part of a development I do not see that the development would cause significant harm to this neighbouring use.
- 6.75 The proposed developed area is about 80 metres from the rear gardens of the Gambier Parry Gardens properties to the west, and the separation of properties is potentially greater if there is a circulatory road and set-back houses as in the indicative layout. At this separation, a residential

development along the parameters proposed would not be harmful to residents of those properties.

- 6.76 In terms of general disturbance, there would be a trade off between the activities and noise associated with a school use – large numbers, intensive use through limited hours of the day/weeks of the year vs ongoing continued residential use. I do not see that there would be disturbance associated with residential use of the site that would cause significant harm to the amenities of neighbouring residents.
- 6.77 The site borders the proposed site for the sports hall and pitches recently granted outline planning permission for the University. It appears likely that residential properties would abut the boundary here and that floodlights would be in close proximity to the boundary on the other side, if both schemes were implemented. The applicant has submitted the application in knowledge of this arrangement. The sports pitches reserved matters application is required to be accompanied by details of the floodlighting and noise fence and would need to be assessed in terms of impacts on future residents of this site if this scheme is granted when the sports pitches scheme is determined.
- 6.78 I recommend the environmental management scheme and hours of construction conditions are imposed. I do not consider the 'no burning' condition is necessary. Subject to conditions, the proposals would comply with the above cited policy context on amenity issues.

Economic considerations

- 6.79 The construction phase would support employment opportunities. I understand that the Home Builders Federation suggests that the construction of one home per annum generates on average 4.3 direct and indirect jobs. The proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some limited weight to the case for granting permission.

Loss of school facility

- 6.80 The scheme would clearly lead to the loss of a site last used as a school. The applicants advised that the closure of the school in 2010 was due to falling standards and a lack of demand for places. At this time the school merged with Gloucester Academy and relocated. They also advised that currently there is sufficient capacity within the planning area to meet the basic need for places and this will remain the case 'until a predicted 2017/2018'. Furthermore that the site is considered to be unsuitable for a new school as it is not in the correct location to suit future demand. The site is therefore surplus to the requirements of Gloucestershire County Council.
- 6.81 Policy CS.1 in the 2002 Plan seeks to resist the loss of existing community facilities unless the facility is replaced within the new development; or alternative provision of equivalent community benefit is provided; or 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 use as a community facility. In a wider sense, the NPPF notes that planning should “deliver sufficient community and cultural facilities and services to meet local needs”.

- 6.82 There is no obligation in planning terms to implement the residential scheme if it were granted, and the school use could be resumed if there were a change of approach from the County Council. Recent statements by the County Council have set out that they “are able to meet future demand by filling all the surplus places currently in some of our schools and by expanding existing schools. The County Council recently announced a £4.1m investment in schools in Gloucestershire to create extra space for more pupils”. Further, the Cabinet Member for Children and Young people said there is an agreed plan in place to deal with growth in secondary pupil numbers by filling empty places at other Gloucester schools, and by expanding them where necessary. They have also said that there is not enough funding or need for a new secondary school in Gloucester. There are no developments of the necessary size forecast for Gloucester and the surrounding area to justify a new small secondary school. The view of the education authority is evidently that the application site is not needed for that planning use.
- 6.83 On the face of it the lack of a non-selective school in this part of the City, children travelling out of the area to schools, and disposal of a school site is rather confusing. Nevertheless the relevant Authority has clearly decided it is surplus and it is difficult to see what practical result an objection on such grounds would lead to even if one gave significant weight to Policy CS.1 and determined that criterion 3 of the policy was not satisfied. In terms of the NPPF, the evidence from the relevant Authority indicates that sufficient community facilities to meet local needs are in place.
- 6.84 I understand that outside the planning system Councils are required to make a submission to the Department for Education to dispose of school sites.

Drainage and flood risk

- 6.85 A Flood Risk Assessment has been produced in support. The site is within flood zone 1. No historic flood events are recorded.
- 6.86 An indicative drainage strategy has been produced. This reflects the infiltration tests carried out to understand the size and volume of structures needed to accommodate surface water flows although those tests have not been provided for review by the drainage engineer. Given the poor infiltration rate an outfall to the STW system is proposed. The indicative proposed system utilises porous paving, and several modular storage systems beneath the roads which together with soakaways would discharge runoff from residential roofs. This is proposed to deal with runoff at source. Runoff from adopted road would be via a gully system and attenuated in geocellular crate units prior to the highway drain system although it proposes swales and bio retention areas if possible, which would contribute to quality of water treatment. The detention basins previously shown beneath retained trees have now been removed. It is stated that the greenfield runoff rate is achievable if the full SuDS strategy set out it utilised.

- 6.87 A more aspirational SuDS scheme would be sought than that indicated on the indicative plan. The applicant is content however that the required on site storage volume would be achievable with the stated use of SuDS features.
- 6.88 The Lead Local Flood Authority is satisfied subject to details of the SuDS system being secured by condition and Severn Trent Water also raises no objection. The Council's Drainage Engineer is satisfied as to flood risk, but remains unsatisfied at the level of information provided to demonstrate a satisfactory drainage strategy. Notably an above-ground sustainable urban drainage strategy, the results of the infiltration tests carried out (given the confusion about the possible drainage solutions), and evidence that a 90-unit scheme can accommodate above-ground SuDS features (including a suitable buffer zone). It is recommended that this is addressed. Subject to securing this, the proposals would comply with the above-cited policy context on drainage and flood risk.

Land contamination

- 6.89 There are a number of potential contamination sources but nothing out of the ordinary. No conflict with policy would arise and no objection is raised subject to the standard contaminated land condition.

Ecology

- 6.90 An ecological appraisal has been undertaken including a Phase 1 habitat survey. Their record search identified certain protected and notable species recorded within 1km of the site. The site is considered to be of low ecological value in terms of the habitats present. There is potential for protected or notable species to occur but this is likely to be restricted to foraging and commuting bats, and nesting birds.
- 6.91 The locations with potential to support bats were searched but there was no evidence and it is likely that they are absent from the roof spaces, and no external features offered potential roosting sites. None of the trees appeared to have suitable features that could be used by roosting bats. The creation of new residential gardens is likely to provide additional foraging habitat.
- 6.92 A supplementary report was submitted examining the woodland and pond in the copse to the south of the site. The pond scored a 'poor' rating for its suitability for Great Crested Newts which is below the threshold at which further surveys to determine the presence or absence of newts are usually recommended, and it is likely that they are absent.
- 6.93 The revised indicative layout shows the retention of the pond and some of the trees in the copse here. I recommend a condition to secure this or alternative replacement. I also recommend a condition to secure ecological mitigation, including replacement of lost trees, low impact lighting strategy for bats and provision of bat and bird boxes. Subject to these the proposals would comply with the above-cited policy context on ecology.

Archaeology

6.94 A desk based assessment was undertaken, followed by an archaeological evaluation comprising 7 trenches. A small group of Roman features was revealed in the south eastern corner and evidence of ridge and furrow cultivation across the site. No conflict with policy would arise and objection is raised subject to securing the archaeological work by condition.

7.0 CONCLUSION

7.1 The site is considered to be a suitable residential site in its location, and forms part of the Council's housing supply and is a potential City Plan allocation. Even with this, the Council cannot currently demonstrate a 5 year supply as required. The proposals would contribute to meeting housing demand. The proposals would not lead to a severe residual impact on the highway subject to certain conditions. The relevant Authority has determined that the site is not required for educational purposes and can be disposed of. The proposal would have some economic benefits in terms of construction jobs, New Homes Bonus, and it would reuse a vacant site. The proposal would mitigate social impacts in terms of contributions to affordable housing (likely on the basis of vacant buildings credit), education, libraries and open space. Subject to conditions the proposals would cause no environmental harm in respect of ecology, flood risk and archaeology. It would lead to a modest enhancement of the visual appearance of the environment subject to the approval of details.

7.2 Subject to conditions and a legal agreement there is no overall objection in relation to the local plan policy context provided the drainage strategy issues are resolved. On the same basis in respect of the NPPF, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies of NPPF as a whole. There are no other material considerations that indicate that the application should be refused. It is therefore considered that outline planning permission should be granted.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That, subject to confirmation that the Council's Drainage Engineer is satisfied as to the future provision of an acceptable sustainable urban drainage strategy, and securing of a legal agreement or agreements to provide the following;

1. A proportion of affordable housing (as set out in the report factoring in vacant buildings credit as required)
2. A package of mitigation for open space requirements that the Committee delegates to the Development Control Manager to finalise
3. A financial contribution towards education on the basis set out in the report
4. A financial contribution towards libraries on the basis set out in the report

and delegation from the Committee to the solicitor for the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor, planning permission is granted subject to the following conditions;

Condition 1

Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called “the reserved matters”) shall be obtained in writing from the Local Planning Authority prior to the commencement of development except as provided for by other conditions.

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

Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall begin either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 5

The area of the site developed for residential use and associated road infrastructure shall be no greater in extent than that shown on plan ref. 7769 007G Indicative Layout Option 2.

Reason

To secure the basis of the proposed development, to protect the remaining playing field and secure the terms under which the encroachment to playing fields is acceptable in accordance with the NPPF, Policy SR.2 of the 2002 City of Gloucester Second Deposit Local Plan and Policies INF4, INF5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

DESIGN

Condition 6

The scale of development shall be no greater than two storeys.

Reason

To secure the maximum scale parameters in the application in the interests of preserving the character and appearance of the area in accordance with the NPPF, Policy BE.1, BE.7 and BE.17 of the 2002 City of Gloucester Second Deposit Local Plan, and Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 7

No above ground construction of a building shall be commenced until details of all building facing materials and finishes for that building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials and exterior building components are appropriate to their context, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the National Planning Policy Framework and Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Highways, footpaths, cycle ways, parking areas and all other hard surfaces shall be implemented only in accordance with details of the surface material finishes (set out on a scaled layout plan) that have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the design and materials are appropriate to their context, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the National Planning Policy Framework and Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

Street and open space furniture, screen walls, fences/railings and other means of enclosure shall be implemented only in accordance with details (set out on scaled plans) that have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of privacy and security and to ensure that the design and materials are appropriate to their context, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the National Planning Policy Framework and Policies BE.5 and BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Unless otherwise agreed to in writing by the Local Planning Authority pedestrian access/es between the edge of the developed area of the application site and edge of the site bordering the sports facilities complex to the north shall be implemented in accordance with details of their layout and any gates or similar structures and a timetable for implementation to be submitted to and approved in writing by the Local Planning Authority.

Reason

The provision of links through to the proposed and existing sports facilities immediately to the north of the site is necessary to provide convenient and sustainable links for residents and to maximise the design opportunities of the site in accordance with the NPPF, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No above ground construction shall commence on site until details of street lighting for the pedestrian link between the site and Estcourt Road have been submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with the approved details prior to occupation of the first dwelling and shall be maintained as such until and unless adopted as highway maintainable at public expense.

Reason

In the interests of community safety while protecting the amenities of neighbouring residents and in order to take up the opportunities for sustainable transport modes and to give priority to pedestrian movements in accordance with paragraphs 17, 32 and 35 of the National Planning Policy Framework, Policies BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and Policies SD5 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

TREES AND LANDSCAPE

Condition 12

Reserved matters applications shall retain within the detailed layout the 5 no. existing trees (subject to a tree protection order) noted as retained on the indicative layout option 2 ref. 7769-007G submitted with the application for outline planning permission and shall be accompanied by a report detailing;

- a suitable use and physical arrangement of the area surrounding each tree;
- how the layout responds to the future growth and maintenance needs of the trees;
- that there will be no shading of nearby properties to an unreasonable degree (BRE209);
- proposals for suitable foundations of nearby buildings as may be necessary in respect of the presence of the retained trees;
- an arboricultural impact assessment to BS5837:2010;

Development shall proceed only in accordance with the approved details and these trees shall be retained in perpetuity.

Reason

To ensure adequate protection to existing protected trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

Reserved matters applications involving the land at the south west of the site around the pond shown to be retained on the indicative layout (option 2 ref. 7769-007G submitted with the application for outline planning permission) shall be accompanied by details to show the retention of trees in this location and the management of the area including any selective tree removal, thinning out and habitat retention. If the existing copse here is not proposed to be retained in its entirety, tree replacements of equivalent number shall be planted in accordance with details to be shown on the landscape plans and implemented in accordance with the landscape condition 16.

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat in accordance with the submitted Ecological Appraisal, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Any damage caused to any tree which is to be retained shall immediately be notified to the local planning authority and any such remedial work as is advised by the Authority shall be undertaken immediately. As soon as possible thereafter such further work as is necessary to secure the preservation of the tree shall be undertaken in accordance with BS 3998:1989 Tree Work.

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details of adequate measures to protect trees and hedgerows including those within the developable area required to be retained by condition 12 have been submitted to and approved in writing by the local planning authority. These shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002). Receipt of details pre-commencement is necessary to fully protect retained trees.

Condition 16

The approved landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting season following the completion of the buildings. The planting shall be maintained for a period of 5 years following implementation. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged 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 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policies BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the NPPF.

ECOLOGY

Condition 17

The existing pond at the south of the site shall be retained in situ or like for like replacement made. Any replacement provision shall be completed in full prior to the final occupation if a unit on the site unless an alternative timetable is agreed in writing by the Local Planning Authority in which case provision shall be made in accordance with the approved alternative timetable. The retention or re-provision of the pond shall be shown on the detailed layout plans in reserved matters applications.

Reason

To preserve biodiversity in development in accordance with that indicated in the application and with Paragraph 118 of the NPPF and Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014.

Condition 18

No development shall be commenced until a Schedule of ecological mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include;

- Retention of existing trees or replacement planting for trees that are felled;
- Works to retained areas of woodland;

- Retention and enhancement of existing pond, or replacement with enhanced pond with a methodology for infilling of the existing pond;
 - Bat and bird boxes or similar provision;
 - A lighting strategy demonstrating mitigation measures for bats;
- Development shall be implemented in accordance with the approved details and any physical measures shall be provided in full prior to the final occupation of a unit within the development unless an alternative timetable is agreed in writing by the Local Planning Authority in which case provision shall be made in accordance with the approved alternative timetable.

Reason

In accordance with the recommendations of the ecological report to incorporate biodiversity in development in accordance with the Paragraph 118 of the NPPF and Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014.

DRAINAGE

Condition 19

No development approved by the permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible and where applicable adheres to the relevant guidance and standards. The Strategy shall ensure a surface water discharge rate from the site of no more than 11.6 litres per second. The drainage scheme shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

Condition 20

No building shall be occupied until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions and shall operate for the lifetime of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

ENVIRONMENTAL HEALTH

Condition 21

Prior to commencement of the development hereby permitted, an Environmental Construction Management Plan shall be submitted to and approved in writing by this Authority which specifies mitigation measures in respect of the following issues (including demolition and preparatory groundworks) in order to prevent nuisance. The use shall not be commenced until the approved plan has been made fully operational, and thereafter it shall be operated and maintained for the full duration of the construction phase. The scheme shall include details of how dust will be qualitatively monitored: –

1. Dust from demolition
2. Dust from groundwork's
3. Dust from stockpiles and material handling/removal
4. Storage of waste
5. Keeping highways clear of mud

Reason

To safeguard the amenities of the area and the waterway in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 22

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and for the avoidance of doubt no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 23

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If

unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 120, 121 and 123 of the National Planning Policy Framework and Policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

ARCHAEOLOGY

Condition 24

No development, or demolition below slab level, 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 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 and Policies BE.36, BE.37 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit).

HIGHWAYS

Condition 25

1) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. provide for the parking of vehicles of site operatives and visitors;
- ii. provide for the loading and unloading of plant and materials;
- iii. provide for the storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities;
- v. specify the intended hours of construction operations;
- vi. measures to control the emission of dust and dirt during construction
- vii. measure to provide safe access for construction vehicles from Estcourt Road to the site access including a vehicle routing plan.

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition 26

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 27

No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Condition 28

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 29

No above ground development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

Condition 30

No above ground development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter

be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason

To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

Condition 31

No above ground development shall commence on site until details of a pedestrian crossing point across the south western arm and western turning head of Estcourt Close has been submitted to and agreed in writing by the Local Planning Authority and shall be provided in accordance with agreed details prior to occupation of the first dwelling and shall be maintained as such until and unless adopted as highway maintainable at public expense.

Reason

In order to take up the opportunities for sustainable transport modes and to give priority to pedestrian movements in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

Note

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Note

Trees on this site are protected by Tree Protection Order no. 294 confirmed 16th December 2015.

Note

Bird and bat protection informative notes.

Note

It is recommended that building demolition and any vegetation clearance or management of hedges be carried out outside the bird nesting season of March to August. Where this is not possible, buildings and vegetation should be surveyed for nesting birds by a suitably qualified person prior to works commencing. If found, the habitat must remain intact until the young have fledged.

Decision:

Notes:

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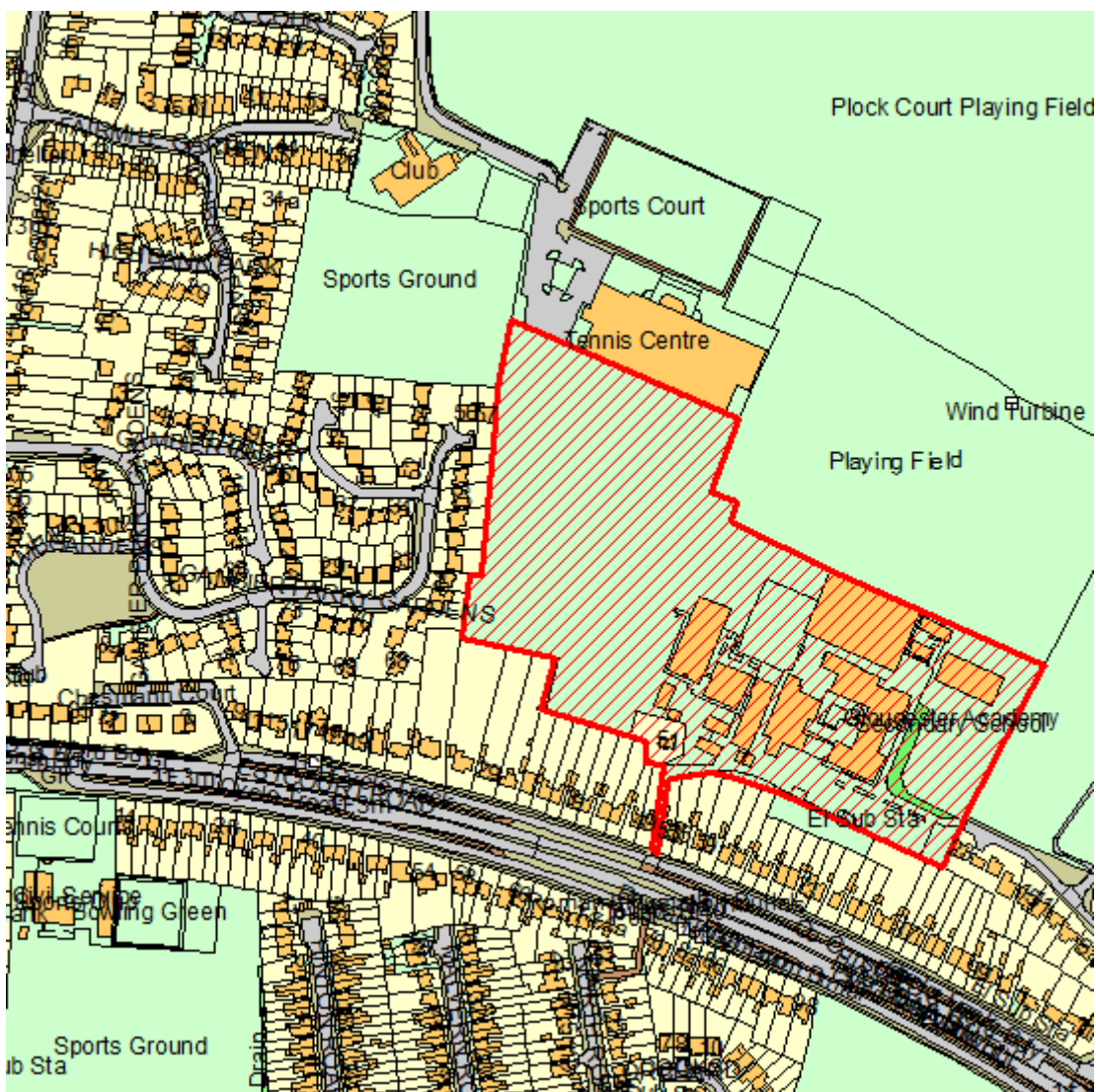
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Person to contact: Adam Smith
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16/00631/OUT

Former Gloucester Academy
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Gloucester
GL1 3LR

Planning Committee



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GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **6TH SEPTEMBER 2016**

ADDRESS/LOCATION : **GLOUCESTER CITY FOOTBALL CLUB**

APPLICATION NO. & WARD : **16/00573/OUT
WESTGATE**

EXPIRY DATE : **9TH SEPTEMBER 2016 (TIME EXTENSION
AGREED)**

APPLICANT : **MR EAMONN MCGURK**

PROPOSAL : **VARIATION OF CONDITIONS 9 AND 25 OF
OUTLINE PLANNING PERMISSION
REFERENCE 14/00685/OUT TO CHANGE
THE TIMING OF THE PROPOSED WIDENING
OF THE FOOTWAY ON SUDMEADOW
ROAD AND PROVISION OF CYCLE
STORAGE FACILITIES. REMOVAL OF
CONDITION 12 1(V) REQUIRING A
CONTRACT TO BE LET FOR THE
REPLACEMENT STADIUM PRIOR TO
COMMENCEMENT OF DEVELOPMENT
(INCLUDING THE RAISING OF GROUND
LEVELS).**

REPORT BY : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/
OBJECTIONS** : **1. SITE LOCATION PLAN
2. 14/00685/OUT COMMITTEE REPORT
FROM 17TH OCTOBER 2014.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is approximately 4.80 hectares in area and includes the former Gloucester City Football Club Stadium together with land immediately to the west. The site is to the west of Hempsted Lane set back between Sudmeadow Road and Spinnaker Road. The site is largely surrounded by commercial premises together with 13 residential properties in Sudmeadow Road. The site is also in close proximity to the Hempsted Landfill and civic amenity site. Llanthony Priory is located to the East of Hempsted Lane opposite the junction with Sudmeadow Road. Access to the site is obtained from Sudmeadow Road.

1.2 The application for outline planning permission for the re-development of the Gloucester City Football Club comprising the erection of a replacement football stadium, associated engineering works involving the raising of ground levels, ancillary facilities, access and car parking was reported to the Planning Committee on 17th October 2014. Outline planning permission was subsequently granted subject to conditions on 22nd September 2015 following completion of the Unilateral Undertaking. The means of access and siting were considered as part of this outline application. A copy of the planning committee report is appended which sets out full details of the scheme together with an analysis of the issues raised.

1.3 It is proposed to undertake the development on a phased basis and a reserved matters application has been submitted for phase 1 of the development comprising of:

The stand to south east wing containing spaces for players' facilities, admin and a small club shop on the ground floor opening out onto the pitch. Two separate entrances and two separate WC units are provided on opposite ends of the pitch to allow for segregation during matches. A stand to the south west is provided for terraced standing, but the other areas of the pitch will allow for level standing as shown on the site plan totalling an overall capacity of 3,068.

The Gross External Area (GEA) of the stadium is as follows:

840 Sq.m = Ground Floor GEA including stands: 840 Sq.m

342 Sq.m = First Floor GEA

1182 Sq.m = Total Stadium GEA (Phase 1)

1.4 On the basis that the development will be phased this application seeks to vary conditions 9 and 25 on outline planning permission 14/00685/OUT to change the timing of the proposed road widening of the footway on Sudmeadow Road and the provision of cycle storage facilities. It also seeks to remove part 1v of condition 12 on the existing outline planning permission requiring a contract to be let for the replacement stadium prior to the commencement of development on the site.

1.5 Condition 9 relates to the proposed widening of Sudmeadow Road and currently states:

Condition 9

No development shall commence until details of a scheme for the widening of the footway on Sudmeadow Road have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not be open to the public until the approved scheme has been completed in its entirety.

Reason

To ensure that the development has been designed to give priority to pedestrian and cycle movements and to ensure that the layout is safe and secure which minimises conflicts between traffic and cyclists or pedestrians, in

accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

1.6 Condition 9 is required to provide safe and suitable access addressing the significant increase in attendance as a result of the increase in capacity of the stadium. The applicant has argued that if the development is to be phased and Phase 1 remains below the existing licensed capacity of fewer than 4,500 spectators, requiring the condition to be satisfied prior the stadium being first open to the public would be unreasonable. It is suggested that the widening of the footway on Sudmeadow Road should be implemented once the capacity of the ground is increased, but not until then and they seek to vary the condition accordingly.

1.7 Condition 25 relates to the provision of secure and covered cycle parking within the site and currently states:

Condition 25

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 60 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided and to promote cycle use in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002).

1.8 The application seeks to amend condition 25 to allow for the cycle parking to be based on a phased basis in line with the development.

1.9 Part 1 v of condition 12 requires a contract to be let for the erection of the replacement stadium before any works can commence on site (including the raising of ground levels). The application seeks to remove this condition on the basis that this is impossible to provide with integrity as there will be multiple contracts and the funding for the construction hinges on future grants which are not yet in place. It is suggested that condition 28 helps provide assurances that the field will not be left in a state of disuse. Condition 12 currently states:

Condition 12

1. No development shall commence (including the raising of ground levels) on site until:

I. A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.

- II. A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
 - III. A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
 - IV. The works detailed in the approved Remediation Method Statement (other than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.
 - V. **A copy of the contract for the erection of the replacement stadium entered into between the applicant and a construction company has been duly submitted to, and approved in writing by, the Local Planning Authority.**
2. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.
 3. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

Reason

To ensure that the scheme may be implemented in accordance with the permission, that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

2.0 RELEVANT PLANNING HISTORY

- 2.1 The planning history of the site is summarised in the attached report from 2014.

- 2.2 The following applications have also been submitted and are pending consideration:

16/00572/CONDIT – Application to discharge the conditions on the outline planning permission ref. 14/00685/OUT.

16/00574/REM – Reserved matters application for partial implementation of the outline application.

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 From the Second Stage Deposit Plan the following policy is the most relevant:

ST.7 - Urban Design Principles
FRP.1a – Development and Flood Risk
FRP6 – Surface water run-off
FRP.10 – Noise
BE.1 - Scale, Massing and Height
BE.5 - Community Safety
BE.6 - Access for all
BE.7 - Architectural design
BE.21- Safeguarding of Amenity
TR.9 - Parking Standards
TR.11 - Provision of parking for people with disabilities
TR.12 - Cycle Parking Standards
TR.31 – Road safety
TR.32 – Protection of cycle/pedestrian routes
TR.33 – Provision for cyclists/pedestrians
SR.2 – Playing Fields and recreational Open Space

- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 **Gloucestershire County Council (Highways)** – It would appear that the maximum capacity on the site was 4,500 which fits with the trigger points that the applicant has suggested for the revision to condition 9. Below this point the development would not have a material impact compared to the previous use of the site.

The proposed variation to condition 25 is acceptable, however, it should be noted that as prefabricated cycle parking tends to come in units there may be practical limits on how this can be provided.

- 4.2 **Sport England** - The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.
- 4.3 **Lead Local Flood Authority (LLFA)** – The original application precedes the commencing date of the LLFA's statutory responsibilities of 6th April 2015 and the LLFA has confirmed that it will therefore not be making any comments on this application.

- 4.4 **Environment Agency** – The Environment Agency had lengthy engagement with the applicant and City Council regarding the development, particularly in relation to flood risk, during the outline application, and at previous stages of the development.

Our final substantive response to the planning application (our letter reference SV/2014/107817/01-L01, dated 07 July 2014) sets out our involvement and views. We are satisfied that an adequate Flood Risk Assessment (FRA) has been undertaken to inform the principle of development. This has identified the impact of the proposed development upon flood risk locally and proposes flood risk betterment. As such we are satisfied the proposals align with the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

The Football Club have agreed to provide £75,000 in contributions to us, which will assist the delivery of flood improvement works in the Hempstead/Rea area. This is a necessary financial contribution to ensure the proposals will provide flood risk betterment and demonstrate accordance with the guiding principles of the NPPF and NPPG. Subject to the financial contribution, secured by a Unilateral Undertaking, we have no objection to the development as proposed.

- 4.5 **Canal and River Trust** – After due consideration of the application details, the Canal and River Trust has no comments to make.
- 4.6 **Fisher German (Agents for CLH Pipeline System)** – Confirm that apparatus belonging to CLH Pipeline System may be affected by the proposals. No work should be undertaken or activity without first contacting the CLH Pipeline Operator for advice, and if required, Works Consent.
- 4.10 **Contaminated Land Advisors (WRS)** – WRS have reviewed the application in relation to contaminated land and no concerns have been identified and no adverse comments are made.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised by way of a press notice in the Citizen and through the display of a site notice. In addition 212 individuals/properties have been notified of the application in writing.
- 5.2 As a result of this publicity three letters of objection, two of which are from the same local resident and one letter of support have been received. The main concerns raised can be summarised as:
- There is nothing wrong with the stadium that exists. If the turf had not been taken off and the top soil sold they could have had a clean-up like other business in the area and been back playing within the month.
 - If you let the land be tipped without a contract let for the replacement stadium prior to the commencement of development there will never be

a new stadium. The tipping is the golden egg for the land and the money won't benefit the football club. Gloucester City AFC has virtually no money and can't afford to build a new stadium unless they still have the insurance money following the flood damage.

- It will be a disaster for all the businesses in the area if Sudmeadow Road is used for tip traffic. It would be more sensible to get access through Spinnaker Park as required by the previous S106 Agreement. Access could also be gained along the tip road. Don't see why a number of businesses in a very narrow road should be inconvenienced by 1 privately owned company when there is much better access elsewhere.
- Question how it is intended to widen the footpath in Sudmeadow Road and what effect this will have on access for all residents. Can or will it be made known what effects footpath widening will have on the Sudmeadow Road community and on which side of the road will it be carried out.
- The inclusion of the 'alternative access' would have alleviated the traffic generated by supporters when a home game is being played, whether they arrive by car or on foot. If this is not done there will be no benefits to residents and everything for Gloucester City supporters.
- Suggest that there is bias in favour of the football club and prejudice against the residents, whose home living conditions will be damaged and worsen as a result of this planning application.

5.3 The letter of support states that the City needs the Club back in the City where it belongs. It has youth teams which have made this city proud yet it plays senior football in Cheltenham providing them with a considerable financial support and starving the City Football Club with its valuable financial stream of income. Can see no valid reason why the Club should be deprived of its home any longer. The Club is a valuable asset to the community with its youth, senior and disabled squads.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00573/OUT>

6.0 OFFICER OPINION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The principle of the redevelopment of this site was established by the grant of outline planning permission in 2015. The current application seeks to amend conditions 9 and 25 and remove part 1v of condition 12 on planning permission ref. 14/00685/OUT.

- 6.3 The only amendments to the approved scheme relate to the timing of works to widen Sudmeadow Road together with the provision of cycle parking and the requirement to have entered into a contract to construct the stadium prior to any works (including the raising of land levels) can commence on site. All other aspects of the original application remain unchanged.
- 6.4 The application site was previously used as a football stadium with a licensed capacity of up to 4,500 spectators. It is intended that the works to provide a replacement stadium be phased with phase 1 providing a maximum capacity to accommodate 3,068 spectators. Information submitted with the current application suggests that the overall capacity of the proposed new stadium following completion of the final phase of development will be 4,347 spectators.
- 6.5 Paragraphs 6.36 – 6.41 in the attached committee report for the existing outline planning permission (14/00685/OUT) discuss the Highway Authority's consideration of the previous application and the need to consider changes to the Development Plan and other material considerations since the original planning permission was granted for the existing use of the site. The Highway Authority suggested that the most significant change was the emphasis on sustainable development and that improvements to the footway on Sudmeadow Road were required to comply with the requirements of paragraph 35 of the NPPF.
- 6.6 In its response to the current application the Highway Authority has indicated that it is satisfied that the works to widen Sudmeadow Road as required by condition 9 will not be required until the existing capacity of 4,500 spectators is exceeded on the basis that below this point the development would not have a material impact compared to the previous use of the site. On balance, taking into account the Highway Authority's advice I consider it is acceptable take into consideration the previous capacity and to change the timing of when the works are required to help facilitate the first phase of development. However, in line with the consideration of the original application and to comply with current national policy on sustainability as set out in paragraph 35 of the NPPF, I consider that these works should be required when the capacity exceeds the 3,068 spectators planned for in the first phase of development and recommend that the condition 9 is amended to read:

Condition 9 (revised)

Not less than 3 month prior to the capacity of the stadium hereby approved exceeding 3,068 spectators a scheme for the widening of the footway on Sudmeadow Road shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in its entirety within 2 months of the date of approval.

Reason

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF and Policy TR.31 of the Second Deposit City of Gloucester Local Plan.

- 6.7 Condition 25 currently requires the provision of 60 cycle parking spaces prior to the occupation of the development. On the basis that the developed will be phased the application seeks to vary this condition to also allow the provision of the cycle parking to be provided on a phased basis, This is acceptable to the Highway Authority and it is recommended that condition 25 be amended to read:

Condition 25 (revised)

The development hereby permitted shall not be brought into use until secure and covered cycle storage facilities for a minimum of 36 cycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority together with a phasing plan to increase cycle parking capacity in line with stadium spectator capacity to a maximum of 60 cycles.

Reason

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF.

- 6.8 The original outline planning application proposes changes to the existing ground levels across the site. This involves raising the area of the proposed pitch and stadium by approximately 4 metres to ensure that it does not flood. The proposed car parking areas located to the east and west of the stadium will be set lower than the existing ground levels and are designed to flood. The purpose of part 1v of condition 12 was to ensure that the land is brought back into use as a football stadium as the raising of the land in this location was only considered acceptable to facilitate the re-use of the site for this purpose. It is, however, recognised that there are difficulties in the applicant entering into a contract with a construction company at this stage. The priority is to ensure that any works undertaken do not increase the flood risk to surrounding properties and it is recommended that the removal of part 1v of condition 12 be replaced by a new condition to ensure that the 'cut' elements of the scheme to reduce the ground levels to the proposed car parking areas are undertaken alongside and at an early stage of any raising of levels. Ideally the engineering works required to reduce the ground levels to form the approved car parking area would be completed in their entirety prior to the importation of any material from outside the application site. However, the Football Club has indicated that it needs the ability to be able to undertake both elements of the work (the cut and fill) together and Officers have discussed this with the applicants to try and agree a form of wording that will also provide a workable solution for the Football Club. It is recommended that Part 1v of condition 12 is replaced with the following new condition:

New Condition

The engineering works required to reduce the ground levels to form the approved car parking areas as shown on drawing no 1650/03C shall be

completed in their entirety prior to any ground levels being raised beyond 9.8m AOD.

Reason

To prevent loss of flood storage capacity to alleviate the increased risk of flooding in accordance with Policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

- 6.9 The approved finished level of the football pitch (as shown on drawing no 1650/03C) is 11.40m AOD so if the datum is set at 9.8m AOD the stadium would still not be flood resilient and that would provide the necessary 'incentive' to make sure that the land lowering was completed in its entirety thereby allowing the further ground raising to continue to the approved levels to make the stadium flood resilient. In addition condition 28 on planning permission 14/00685/OUT will remain unchanged and states:

Condition 28

If within 3 years from the commencement of development the site is not operating as a football club then a restoration scheme including a timescale for the removal of the imported material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved restoration scheme shall be implemented in accordance with the approved details.

7.0 CONCLUSION

- 7.1 The principle of the redevelopment of the site for the football club was established with the grant of outline planning permission in 2015. The current application seeks to vary and remove conditions on the existing outline planning permission due to the intention to phase the development and practical difficulties in the letting of a contract at this stage.
- 7.2 While the principle of development was established by the grant of the outline planning permission in 2015 the granting of the current application will create a new standalone outline planning permission and all the issues should be assessed in accordance with current policy. The proposed amendments to conditions will not alter the nature of the previously approved scheme and would allow flexibility to allow for the scheme to be brought forward on a phased basis. The statutory consultees have raised no objections to the current application and I am satisfied that the policy circumstances in relation to the application have not changed and the proposal remains acceptable in terms of the principle of development, flood risks, impact on residential amenity and parking and highway issues as set out in the appended 2014 report. As such it is considered that the application is in accordance with policies in the Second Deposit City of Gloucester Local Plan (2002) and National Planning Policies.
- 7.3 Since the approval of this application will create a new standalone outline planning permission, the conditions on the existing permission 14/00685/OUT will need to be replicated, except where they have been amended by this application or are discharged.

- 7.4 The original outline planning permission was subject to a Unilateral Undertaking from the Applicant to secure a contribution of £75,000 towards local flood improvement works to achieve the flood risk betterment required by the Environment Agency to demonstrate accordance with the guiding principles of the NPPF and NPPG. A Deed of Variation is required to ensure that the provisions of the original Unilateral Undertaking will apply to the current application.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That authority is delegated to the Development Control Manager to grant, subject to the satisfactory completion of a Deed of Variation from the applicant to secure a financial contribution of £75,000 towards local flood improvement works, a revised outline planning permission subject to conditions.

Delegated powers are also sought to amend the wording of the conditions set out below if any conditions are discharged prior to issuing the decision.

Condition 1

Approval of the details of the, appearance, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the local planning authority before 22nd September 2018.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

Condition 2

The development hereby permitted shall be begun either before 22nd September 2020, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later. Written notification of the date of commencement of development shall be sent to the Local Planning Authority within 7 days of such commencement.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Plans and particulars of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act

1990.

Condition 4

The development hereby permitted shall be carried out within the site edged red on the 'Site Location Plan' drawing no. GCFC/001/2010, received by the Local Planning Authority on 3rd June 2014 (hereafter referred to as the Site) and in accordance with drawing no. 1650/03C received by the Local Planning Authority on 25th June 2014 and all 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).

PRIOR TO COMMENCEMENT

Condition 5

Prior to commencement of land raising operations a Waste Acceptance Procedure Protocol shall be submitted to and approved in writing by the Local Planning Authority. The land raising shall be carried out in accordance with the approved Protocol.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 and WCS 14 of the Waste Core Strategy (2004).

Condition 6

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Statement shall be adhered to throughout the construction period. The Statement shall:

- I. specify the type and number of vehicles and route to the site;
- II. provide for the parking of vehicles of site operatives and visitors;
- III. provide for the loading and unloading of plant and materials;
- IV. provide for the storage of plant and materials used in constructing the development;
- V. provide for wheel washing facilities;
- VI. specify the intended hours of construction operations;
- VII. specify measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

No part of the development as hereby permitted shall commence until details of an Environmental Management Scheme and Code of Practice have been submitted to, and approved in writing by the Local Planning Authority. The Environmental Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including noise, vibration, dust and smoke emanating from the site. Any emergency or other deviation from the above conditions shall be submitted to and approved in writing by the Local Planning Authority.

The Environmental Management Scheme shall include:

- I. Details of engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts;
- II. A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures. The specification shall include details of the method of piling;
- III. Measures to make local residents aware of any significant activities that are likely to cause significant disruption;

All demolition and construction work shall be undertaken in strict accordance with the approved Environmental Management Scheme and Code of Practice unless otherwise agreed in writing by the Local Planning Authority.

Condition 8

Prior to commencement of development details of a scheme to prohibit parking on Sudmeadow Road during the demolition, importation and construction period and provide temporary parking for residents for the same period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details for the duration of the demolition, importation and construction periods.

Reason

To provide safe and suitable access to the site for the duration of the construction period in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9 (revised)

Not less than 3 month prior to the capacity of the stadium hereby approved exceeding 3,068 spectators a scheme for the widening of the footway on Sudmeadow Road shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in its entirety within 2 months of the date of approval.

Reason

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF and Policy TR.31 of the Second Deposit City of Gloucester Local Plan.

Condition 10

No development shall commence until details of the design and layout of the pitch and the stadium have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The pitch and stadium shall be constructed in accordance with the approved details.

Reason

To ensure the development is fit for purpose and sustainable in accordance with policy SR.2 in the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

The development hereby permitted shall not commence until detailed drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12 (revised)

1. No development shall commence (including the raising of ground levels) on site until:

- I. A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.
- II. A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
- III. A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
- IV. The works detailed in the approved Remediation Method Statement (other

than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.

2. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.
3. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

Reason

To ensure that the scheme may be implemented in accordance with the permission, that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, a detailed assessment on the potential for noise from the development to affect neighbouring residential properties. The assessment should include assessment of the potential for noise from the following:

- the crowd at the stadium
- Any PA system
- Any fixed plant and equipment at the stadium
- Conference facilities
- Any vehicular traffic on the site

If the assessment indicates that noise from the development is likely to affect neighbouring noise sensitive premises then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of National Planning Framework Noise Guidance, BS4142: 1997.

"Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The approved noise mitigation scheme shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

Reason

To ensure that noise mitigation measures are built into the scheme to prevent nuisance to adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Prior to the importation of any materials onto the site details of all soils and ground formation materials to be imported onto the site for the purposes of raising ground levels, shall be submitted to and approved in advance in writing by the Local Planning Authority. Details to include descriptions, volumes, origins and appropriate chemical quality testing. Thereafter only the approved materials shall be imported onto the site.

Reason

To ensure the development is safe and suitable for use, and no hazardous or otherwise contaminated materials are imported onto the site.

Condition 15

Construction shall not commence on any building until samples of the external facing materials to the walls and the roof of the building and the hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

Condition 16

Development shall not commence, other than demolition, until precise details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

Condition 17

No construction of any building shall commence until details of measures to discourage seagulls from nesting and roosting on the building have been

submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to the occupation of any building, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policy BE.10 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 18

Development shall not commence until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers and shall include planting within expanses of car parking. Drawings must include accurate details of all existing trees with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policy B.12 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

Condition 19

The landscaping scheme approved under Condition 18 of this permission shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a minimum period of five years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged or diseased 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 five year maintenance period.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

Condition 20

Prior to the commencement of development a Waste Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall indicate how waste will be managed from the site during demolition of the existing building, throughout construction and during occupation of the proposed buildings.

Reason

In the interests of reducing the amount of waste going to landfill and in increasing recycling in accordance with Policy 36 of the Gloucestershire County Council Waste Local Plan (October 2004).

Condition 21

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 provided before the use hereby permitted commences. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site, unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the amenity of the occupiers of adjoining premises, to protect the general environment and to ensure that there are adequate facilities for the storage and recycling of recoverable materials to encourage energy conservation through recycling in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

During Construction**Condition 22**

No materials or substances shall be burnt within the application site during the demolition, importation and construction phases.

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 23

During the demolition, importation and construction phases no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched 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

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Prior to Occupation**Condition 24**

Prior to the first occupation of the development a flood warning and

evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved plan.

Reason

To protect the users of the building from risk of flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Condition 25 (revised)

The development hereby permitted shall not be brought into use until secure and covered cycle storage facilities for a minimum of 36 cycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority together with a phasing plan to increase cycle parking capacity in line with stadium spectator capacity to a maximum of 60 cycles.

Reason

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF.

Condition 26

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan no.1650/03C, and those facilities shall be maintained available for those purposes for the duration of the development.

Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 27

Details of any external lighting (including the playing surface lighting) proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. All external lighting shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason

To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002).

General

Condition 28

If within 3 years from the commencement of development the site is not operating as a football club then a restoration scheme including a timescale

for the removal of the imported material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved restoration scheme shall be implemented in accordance with the approved details.

Reason

The nature of the development is such that it is only considered acceptable in this location having regards to the previous use of the site as a football stadium and in the interests of the amenity of the area.

Condition 29

No material shall be deposited or used for landraising purposes in the Landraise Area as detailed in Dwg 1650/03C unless it has been previously processed according to the approved Waste Acceptance Procedure Protocol.

Reason

In order to define the scope of this consent and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

Condition 30

No material other than uncontaminated, inert and natural excavated materials, (including soils, subsoil's, bricks and concrete) shall be deposited in the Landraise Area as depicted in Dwg 1650/03C received by the Local Planning Authority on 25th June 2014.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy

Condition 31

No special wastes (as defined by the Environment Agency) shall be accepted on the site. If any special wastes are subsequently found they shall be removed, segregated and stored within a dedicated, covered, Special Waste storage container, for disposal off- Site.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy.

Condition 32

Any fly tipped material and any material inadvertently deposited at the site and not falling within the approved material detailed in condition 30 of this consent must be stored separately in a skip maintained on site for this purpose, and removed to a properly licensed waste facility on at least a weekly basis.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 of the Waste Core Strategy.

Condition 33

The total quantity of inert material imported into the site for the Landraise Area as detailed in Dwg 1650/03C shall not exceed 40,350 cubic metres of inert fill, comprising of soils, clays and inert construction waste.

Reason

To define the scope of the application in the interests of highway safety in accordance with Policy WCS 19 of the Waste Core Strategy (2012) and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS8 of the Waste Core Strategy (2012).

Condition 34

From the date of commencement of this consent the developer shall maintain records of the number of vehicles bringing materials to the site, and the quantity and type of material accepted onto the site and shall make them available to the Waste Planning Authority upon request, within seven days of such a request. All records shall be kept for at least 24 months.

Reason

In order that the Waste Planning Authority can monitor the site in the interests of the amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

Condition 35

Imported material shall only be stored within the red line area as shown in Dwg GCFC/001/2010 'Site Location Plan' received by the Local Planning Authority on 3rd June 2014.

Reason

In the interests of amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

Condition 37

No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned so as to prevent materials including mud and dust being deposited on the highway.

Reason

In the interests of highway safety and to prevent mud, debris and materials getting on the highway, in accordance with Policy WCS19 of the Waste Core Strategy.

Condition 38

No commercial vehicles carrying material shall enter the site unsheeted except those only carrying materials in excess of 500mm in any dimension.

Reason

In the interests of highway safety and in accordance with Policy 19 of the Waste Core Strategy.

Condition 39

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or indirectly via soakaways.

Reason

To prevent pollution of the water environment in accordance with Policy 33 of the adopted Gloucestershire Waste Local Plan.

Condition 40

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment in accordance Policy 33 of the Gloucestershire Waste Local Plan.

Condition 41

Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed in condition 23. Mitigation measures as defined in BS 5528: Part 1:1997 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

During demolition and construction on site:

- A.** The best practical means available in accordance with British Standard Codes of Practice BS5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- B.** Vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
- C.** A suitable and sufficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance.

No part of the development hereby permitted shall commence until a demolition and construction method statement for the demolition and construction process has been submitted and approved in writing by the Local Planning Authority. The statement shall include the following:

- A. An assessment of the presence or absence of asbestos and suitable
- B. mitigation measures is appropriate;
- C. The inclusion of suitable measures for the containment of dust, such as the use of debris screens and sheets, suitable and sufficient water sprays; enclosed chutes for dropping demolition materials to ground level;
- D. The use of enclosures or shields when mixing large quantities of concrete;
- E. Details of the provision for the temporary storage of materials on site with preference to the storage of fine dry materials inside buildings or enclosures, or the use of sheeting as far as practicable with water sprays as appropriate.
- F. Consideration to the use of pre-mixed plasters and masonry compounds.

The method statement scheme shall be implemented in strict accordance with details to be approved, unless otherwise agreed in writing by the Local Planning Authority

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 42

No events involving the use of the stadium pitch shall occur before 9.00am or after 11.00pm on any day (unless otherwise approved in writing by the Local Planning Authority).

Reason

In the interests of the amenity of adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 43

Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 8.00am and 8.00pm. The collection of refuse, bottles and recyclable materials shall only take place between 9.00am and 8.00pm Monday to Saturday and not at all on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenities of residents within the scheme and adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 44

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 45

Details of the proposed Public Address System shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby authorized being brought into first use. The approved Public Address System shall only be used during events that take place on the external area within the stadium; shall not be used more than two hours prior to the event commencing (with the exception of testing purposes) or within 30 minutes of the completion of the event (unless otherwise agreed in writing by the Local Planning Authority).

Reason

In the interest of neighbouring residential amenity and in the interests of public safety in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 46 (New Condition)

The engineering works required to reduce the ground levels to form the approved car parking areas as shown on drawing no 1650/03C shall be completed in their entirety prior to any ground levels being raised beyond 9.8m AOD.

Reason

To prevent loss of flood storage capacity to alleviate the increased risk of flooding in accordance with Policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Note 1

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bond) with the County Council before commencing those works.

Note 2

The applicant is advised that the layout and design of the pitch and the stadium should comply with relevant industry technical guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to:

- Natural Turf for Sport (Sport England, 2011)
<http://www.sportengland.org/media/30865/Natural-turf-for-sport.pdf>
- The FA's National Ground Grading documents
<http://nav.thefa.com/sitecore/content/TheFA/Home/Leagues/NationalLeagueSystem/GroundGrading>
- Guide to Safety at Sports Grounds, "The Green Guide", (DCMS, 2008)
<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

Note 3

The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16

Consent. The GPPS Operator can be contacted at OPA Central Services, Ashdon Road, Saffron Walden, Essex, CB10 2NF (e-mail anne.swallow@oilandpipelines.com) 01799 564101. For additional information please visit www.linsearch.org.

Note 4

The importation of soil, to raise levels, is likely to require a waste permit or exemption from the Environment Agency. The applicant is advised to telephone 03708 506 506 to discuss permit requirements in greater detail.

Statement of Positive and Proactive Engagement

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

Decision:

Notes:

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

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7TH OCTOBER 2014**

ADDRESS/LOCATION : **GLOUCESTER CITY FOOTBALL CLUB**

APPLICATION NO. & WARD : **14/00685/OUT
WESTGATE**

EXPIRY DATE : **12TH SEPTEMBER 2014**

APPLICANT : **GLOUCESTER CITY FOOTBALL CLUB**

PROPOSAL : **OUTLINE APPLICATION FOR THE RE-DEVELOPMENT OF GLOUCESTER CITY FOOTBALL CLUB COMPRISING THE ERECTION OF A REPLACEMENT FOOTBALL STADIUM, ASSOCIATED ENGINEERING WORKS INVOLVING THE RAISING OF GROUND LEVELS, ANCILLARY FACILITIES, ACCESS AND CAR PARKING. MEANS OF ACCESS AND SITING NOT RESERVED.**

REPORT BY : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/
OBJECTIONS** : **1. SITE LOCATION PLAN
2. ENVIRONMENT AGENCY
CONSULTATION RESPONSE DATED 7TH
JULY 2014
3. 66 LETTERS OF REPRESENTATION**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is approximately 4.80 hectares in area and includes the former Gloucester City Football Club Stadium together with land immediately to the west. The site is to the west of Hempsted Lane set back between Sudmeadow Road and Spinnaker Road. The site is largely surrounded by commercial premises together with 13 residential properties in Sudmeadow Road. The site is also in close proximity to the Hempsted Landfill and civic amenity site. Llanthony Priory is located to the East of Hempsted Lane opposite the junction with Sudmeadow Road. Access to the site is obtained from Sudmeadow Road.
- 1.2 The site was formerly used as the home stadium of Gloucester City Football Club (GCFC) with the adjacent land used as private playing fields. The site has remained unused since it flooded in July 2007. The entire site lies within

Flood Zone 3a (high risk) and Zone 3b (functional floodplain) of the River Severn. It is also identified as a private playing field in the second Deposit City of Gloucester Local Plan (2002).

- 1.3 The Gloucester City Football Club ground has suffered from flooding on a number of occasions including 2000 and most recently in 2007. Following the floods in 2007 the Club decided that it could no longer afford insurance, or to take the risk of playing at the site and since this date the Club has played outside of the City boundary at Forest Green Rovers FC (Nailsworth) and Cirencester Town FC (Cirencester). Following promotion to the Conference League the decision was taken to relocate to Cheltenham Town Football Club at Whaddon Road whose ground was of an appropriate standard. This situation has been ongoing for a number of years and is both costly and resulted in uncertainty for supporters, players and the Management Board.
- 1.4 In a bid to find a suitable site for GCFC the City Council undertook a search of its property holdings to establish if a suitable site could be provided for the Club within the City boundaries. The Club also undertook its own site search.
- 1.5 In December 2008 an all party working group comprising Members and Officer's from Gloucester City Council and representatives from GCFC, named 'The Football Task and Finish Group' (FTFG) was formed to help find a suitable site to provide a new stadium for the Club. Following the investigation and dismissal of a number of alternative sites within the City boundary the Club determined that the Sudmeadow Road site offered the most benefits and has sought to find a solution to the flooding problems. The FTFG met regularly over a period of approximately two years with advice provided by the Environment Agency, GCFC's Flood Risk Consultants JBA and Gloucestershire County Highways. The work progressed by the FTFG resulted in the Football Club's preparation of the previous outline planning application (ref. 11/00430/OUT).
- 1.6 An outline planning application was submitted in 2011 for a mixed use development consisting of a new football stadium, commercial development and flood defences (ref. 11/00430/OUT).
- 1.7 The proposed flood defences included as part of this earlier application included:
 - Upgrading approximately 120 metres of existing flood defence along the left bank of the River Severn (raised between 0.55 metres and 0.75 metres depending on whether floodwalls or embankments are used).
 - Construction of an approximately 640 metres long earth embankment up to 3.57 metres high across the river Severn floodplain.
 - Raising the application site by 3 metres (behind the proposed flood defences) above flood levels.
 - Protecting and improving the access to the existing household recycling centre, the landfill and its infrastructure during a flood event.

- 1.8 The flood protection measures also involved the raising of the land within the application site and around the access road to the existing Household Recycling Centre to the proposed embankment heights. It was calculated by the Applicant's flood consultants that the proposed works would have provided a 100-year plus climate change standard of protection to approximately 125 residential and commercial properties in the vicinity. The Flood Risk Assessment (FRA) indicated that the proposed works would, however, also have resulted in an increase in flood water levels by up to 20mm upstream.
- 1.9 Whilst this application was submitted in outline it included the means of access together with the appearance, layout and scale of the proposed stadium, with only landscaping reserved for this element. All matters were, however, reserved in relation to the proposed employment (use classes B1, B2 and B8) area.
- 1.10 The current application relates purely to a replacement football pitch, stadium, together with a new stadium building and associated car parking. The application has been made in outline with approval of the access and layout being sought. The appearance, landscaping and scale of the proposals are reserved for future consideration. The proposal also involves changes to the existing ground levels across the site.
- 1.11 In broad terms the proposed replacement football stadium will occupy a similar footprint to the existing stadium which it is to replace in the south west corner of the site with three adjacent areas of car parking. The site layout has been influenced by the flood modelling work and pre-application discussions with the Environment Agency. Although the application is in outline the Agent has indicated that the plans have been worked up in sufficient detail to demonstrate compliance with both the Flood Risk Assessment together with the various parameters of the Football Conference/FA. GCFC consider that the proposed development includes 'future proofing'.
- 1.12 The application also includes changes to the existing ground levels. This involves raising the area of the proposed pitch and stadium by approximately 4 metres to ensure that it does not flood. The proposed car parking areas located to the east and west of the stadium will be set lower than the existing ground levels and provide a total of 297 spaces. Taking into account the element of ground raising proposed and the re-use of the material 'cut' from the car park it has been calculated that there will be a requirement to import approximately 40,350 cubic metres of material to achieve the proposed new levels across the application site.
- 1.13 The Design and Access Statement (DAS) emphasises the importance of the higher levels of the proposed development which would allow views of the stadium above existing buildings in Spinnaker Road allowing the stadium to be visible when approaching the site from St Ann's Way over the canal bridge. The DAS states that this 'visibility' is an important aspect in terms of GCFC's locational accessibility and prominence in the City.

- 1.14 The stadium is designed to be fully flood resistant by preventing the egress of flood water whereas the car parking areas are designed to flood.
- 1.15 It has been indicated that the proposed stadium would have an overall height in the region of 10 – 14 metres (including structural elements) and illustrative plans have been provided showing a two storey stadium building along the eastern edge of the pitch with a reception, club shop/ticket, spectator concourse, changing/treatment rooms on the ground floor together with office kitchen, function and conference rooms, directors' board room, viewing boxes at first floor level. The plans also indicate a separate groundsman's store, spectator's concourse, toilets and snack bar to the south of the stadium together with an additional snack bar on the north western corner.
- 1.16 While the appearance of the building is reserved for future consideration, the supporting information indicates that the building would be designed with a steel structural frame to form the internal spaces as this will provide flexibility as many of the internal walls would be non-load bearing and the internal layout could be easily altered in the future.
- 1.17 The submitted plans indicate that the stands would be located around the entire stadium providing spectator seating/standing with a capacity for 4183 spectators.
- 1.18 Although this is an outline application the proposed layout has been determined by the flood modelling work together with the required parameters of the Football Conference/FA.
- 1.19 In the Supporting Traffic Report it is estimated that the demolition phase will take 8-10 weeks, with a minimum 42 weeks for the importation of material and a further 52 weeks for the construction phase.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There have been a number of previous applications on the Football Club site including:

11/00430/OUT – Redevelopment of Gloucester City Football Stadium comprising the erection of a new football stadium, associated ancillary facilities, employment land (Use Classes B1, B2 and B8), access from Sudmeadow Road, car parking and the construction of new flood defences. Outline application to include access, appearance, layout and scale of the proposed stadium (landscaping reserved) with all matters reserved in relation to the employment land. Refused 8th August 2013.

This application was originally reported to the Planning Committee on 4th September 2012 when it was resolved that:

1. The Planning Committee generally welcomed the proposal to redevelop the site to provide a new football stadium for Gloucester City Football Club and offered in principle support for the proposal subject to the

completion of further flood modelling and design work to provide greater certainty that the proposal is acceptable in terms of flood risk and highways. The Committee considered that the proposal was acceptable in terms of the principles of the sequential test as defined in the 'technical guidance to the National Planning Policy Framework', and is acceptable in terms of the loss of playing field space.

2. The applicant was made aware that this did not prejudice the City Council's decision on the outline application at a future date should the results of the further studies prove that the scheme is not viable, is undeliverable or would impact on third parties or critical infrastructure to an acceptable degree.
3. Phasing
In accordance with the advice of the Environment Agency, the City Council will not support any commencement of development until full details of the design, adoption and maintenance of the scheme have been approved by the City Council in conjunction with the Agency and the flood defences are fully constructed and operational prior to the commencement of any development.

The phasing of the flood defence itself requires careful consideration and the impact of phasing on third parties should also be fully assessed in the FRA. If necessary the provision of interim defences should be undertaken to protect properties during the construction phase.

4. Raising of Ground Levels
The impact of the proposed raising of the site behind the flood defences and removing this flood storage area in the event of the defences being overtopped has not been adequately assessed.

Whilst the reasons for the applicants proposing to raise the level of the site are understood, nevertheless the flooding impact of this proposed raising of the site has not been adequately explained and further analysis and evidence is required to make a considered judgement.

5. Access
The Football Club should make every attempt to secure the land needed to provide the alternative access and provide documented evidence of their efforts to do so before the use of Sudmeadow Road for access can be properly considered as a fall back position.
6. Technical Group
A Technical Group shall be established comprising representatives from the Football Club, the City and County Councils and the Environment Agency to facilitate progress with this application.

No further information was submitted and the application was subsequently reported back to the Planning Committee on 8th August 2013 when it was resolved to refuse outline planning permission for the following reason:

“The applicant has failed to submit sufficient information to demonstrate that the flooding and highway implications associated with the proposed development have been satisfactorily addressed in accordance with the National Planning Policy Framework, the associated Technical Guidance and Policies FRP.1a and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Previous applications on the site include:

11/00213/COU – Change of use of land for the storage of waste receptacles. Granted temporary permission 11th April 2011.

08/00412/COU – Change of use of club house to offices, re-positioning of metal staircase, formation of new door at first floor and alterations to Sudmeadow Road to provide enhanced pedestrian / cycle access. Granted temporary consent 16th June 2009.

07/01325/COU – Change of use of redundant football pitch to car park with access off Sudmeadow Road. Refused 6th December 2007.

06/00791/COU – Use of land for the landing / taking off of a helicopter (private use only). Refused 21st August 2006.

04/00529/FUL - Demolition of existing derelict building and erection of 2 storey office accommodation with ancillary living accommodation. Granted 3rd August 2004.

99/00328/OUT - (Outline) Partial Demolition and First Floor Extension to Existing Sports and Social Club. Granted outline permission 28th March 2000.

91/00908/FUL – Extension to form toilet block and construction of terracing. Granted 26th June 1991.

3.0 PLANNING POLICIES

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

3.2 Central Government Guidance - National Planning Policy Framework (NPPF)
The NPPF is a material consideration in determining this application. The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It is underpinned by a presumption in favour of sustainable development.

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

The NPPF core planning principles include encouraging the enhancement and improvement of places; proactively driving and supporting sustainable economic development; conserving heritage assets; and actively manage patterns of growth to make fullest use of public transport, walking and cycling.

The Development Plan

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

3.4 From the Second Stage Deposit Plan the following policies are relevant:

ST.7 - Urban Design Principles

FRP.1a – Development and Flood Risk

FRP6 – Surface water run-off

FRP.10 – Noise

BE.1 - Scale, Massing and Height

BE.5 - Community Safety

BE.6 - Access for all

BE.7 - Architectural design

BE.21- Safeguarding of Amenity

TR.9 - Parking Standards

TR.11 - Provision of parking for people with disabilities

TR.12 - Cycle Parking Standards

TR.31 – Road safety

TR.32 – Protection of cycle/pedestrian routes

TR.33 – Provision for cyclists/pedestrians

SR.2 – Playing Fields and recreational Open Space

3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy 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.

3.7 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 **Environment Agency** – For clarity the Environment Agency’s letter is appended in full.

4.2 **Gloucestershire County Council (Highways)** – No highway objection is raised.

4.3 **Gloucestershire County Council (Minerals and Waste Team)** – The land is not identified on the BGS resource map as falling within an area of potential economic resource. As such it is not considered necessary for the applicant to provide a minerals assessment.

It is acknowledged that the applicant had provided a Waste Minimisation Statement (WMS). If the application is successful a more detailed WMS will be required to accompany any reserved matters application. This should contain specific information such as tonnages/percentage of envisaged waste and details of what they will do with it in accordance with the Waste Minimisation Statement SPD and the adopted Gloucestershire Waste Strategy’s Core Policy WCS2 (Waste Reduction).

Waste Core Strategy Policy WCS11 is intended to prevent incompatible development between existing waste management sites and other uses. There has been a football stadium on this site for many years; however, given the nature of the waste management operations on the site and the potential for amenity issues such as odour, it is recommended that the Environmental Health Officers make an assessment of the proposed site to ensure that this proposal would not constitute incompatible development.

4.4 **Sport England** – Sport England has considered the application in the light of its playing field policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The Football Association (FA) has been consulted on the latest application. It supports the provision of a replacement in this location on a “like for like” basis with assurances that the risk of flooding has been satisfactorily mitigated, as indicated by the Flood Risk Assessment and continuing dialogue with the Environment Agency. The FA would like the opportunity to provide further comments at the reserved matters stage and advises the applicant to follow the relevant Ground Grading criteria and the Green Guide in the detailed design of the scheme. The FA also recommends that an independent specialist consultant be appointed to advise on the pitch specification and its future management.

Sport England considers that the proposed development accords with the second bullet point in paragraph 74 of the NPPF and has the potential mostly to fulfill the circumstances described in exception E4 of Sport England’s playing fields policy. This being the case, Sport England does not wish to raise an objection to this application subject to a condition requiring details of the design and layout of the pitch and stadium to have been submitted and approved in writing by the Local Planning Authority (after consultation with Sport England).

- 4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission, approval and implementation of drainage plans for the disposal of surface water and foul sewage.
- 4.4 **City Archaeologist** – Content that nothing has changed fundamentally in archaeological terms since the previous application and therefore no objections are raised.
- 4.5 **Contaminated Land Officer** – No objection subject to the inclusion of conditions.
- 4.6 **Canal and River Trust** – The Trust has commented that whilst it has no objection to the application it is suggested that the Highway Authority consider whether a Traffic Management Strategy is necessary during the construction phase and on match days to ensure that the bridge crossing at Gloucester Lock on Severn Road is not used for unsuitable or increased traffic as a result of this proposal.
- 4.7 **Fisher German (Government Pipeline and Storage System Land Agent)** – The Government Pipeline and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16 Consent.
- 4.8 **Urban Design Officer** – The appearance has been reserved at this stage and comments will be made on this aspect at the reserved matters stage. The issue of the raising of the ground level by approximately 4 metres upon which the pitch and surrounding structures will stand will have a significant visual impact on the surrounding area. It is suggested that at the next stage of the

design process, some work is done on key views towards the site from the surrounding area. Overall the layout is considered to be acceptable.

- 4.9 **Environmental Services Manager** – There are issues that will need further consideration in respect of environmental impact which can be considered at the reserved matters stage and dealt with by condition. Conditions are recommended in relation to the provision of an Environmental Management Strategy for demolition and construction (to include noise, vibration, dust, air quality); provision of a lighting scheme (to include floodlighting) so as not to cause a nuisance; Noise Management Strategy for stadium (post completion); provision of litter bins in locality and requirement to litter pick after matches.

There are no concerns regarding the proximity of the site to the Hempsted Landfill Site. The nearest external point of the landfill site's footprint lies approximately 100 metres away from the proposed development and given the intended end use should cause no issues in respect of nuisance.

- 4.10 **Planning Policy Manager** – The Planning Policy Team does not wish to pass any substantive policy comment on the application except to draw attention to the fact that the site is located in the functional floodplain. The applicant has submitted documentation which purports to address this matter. It is noted that the application is in outline form and design is to be a reserved matter. If outline planning permission is granted, the final design of the scheme should be considered in the context of the policies of the Pre-Submission JCS Plan as well as the development plan.

- 4.11 **City Council's Drainage Engineer** - The City Council's Drainage Engineer has made the following comments with regards to flood risk and drainage:

Impact of the Development on Flood Risk to Others

The proposal has been deemed to pass the sequential test and the exception test.

The Environment Agency (EA) has agreed to a £75k payment from the developer for flood alleviation works.

Discrepancies between topographic survey data and LIDAR data, both provided by the Applicant, led to difficulties in the hydraulic modelling work undertaken by JBA Consulting (the applicant's consultants).

The FRA states that the loss in flood plain storage associated with the development is 17,620 m³. An independent check on this figure indicates that the actual loss in flood plan storage associated with the development would be closer to 25,385 m³. This calculation is based on the topographic survey data, a 100 year + climate change flood level of 10.45 metres above datum, and takes into account both the cut and the fill proposed.

Supplementary modelling data provided by JBA indicates a 30 mm increase in flood depths for the 100 year storm, post development compared with pre-

development. The FRA states that 'model results are estimated to be subject to a +/- 30 mm tolerance.

With the above two points in mind, I am not confident that it is possible to conclude, with any degree of confidence, that the modelling demonstrates the proposal will not increase flood risk to third parties.

For this reason, I initially objected to the scheme on the basis that there was no guarantee that the developer's £75k contribution to the EA would be spent on local flood works. At a subsequent meeting with the EA and the developer, the EA agreed that they would in fact guarantee that this sum would be spent on local flood alleviation works, and it is understood that the measures will provide adequate protection against such flood events.

In light of this, along with the fact that the EA have worked extensively with the developer's consultant on the modelling, and are not raising any objection to the proposals from a flood risk perspective, I effectively rescinded my formal objection to the scheme.

That said, it is still worth stating that I am uncomfortable with the extent of 'loss in flood plain storage' associated with the proposal.

I feel it is extremely important that a robust flood alleviation scheme, to protect at risk properties, is designed and implemented as soon as is reasonably practicable.

Flood Risk at the Site

I concur with the EA's comments in this regard (safe access and egress etc).

Surface Water Drainage & SuDS

The FRA addendum (dated 11/9/14) provides additional information on the surface water drainage proposals:

- Existing impermeable area calculations are based on positively drained areas only.
- Post development runoff rate is 7.9 l/s compared with the existing rate of 12.3 l/s (35% reduction). This meets our requirement for a 20 % betterment in this regard.
- Storage volume (based on 100 year +30% cc event) = 1,261 m3.
- The main body of the FRA indicates that a SuDS treatment element will be an existing ditch / swale. The proposals thus incorporate the two treatment stages required (in line with National SuDS standards) .

The above looks to be acceptable.

Any planning consent granted should include a condition stating that the detailed design for the surface water drainage / SuDS shall be submitted to, and approved by, the local planning authority prior to construction work commencing.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised by way of a press notice in the Citizen and through the display of a site notice. In addition 265 properties have been individually notified in writing.
- 5.2 As a result of this publicity, 66 letters of representation have been received of which 59 are in support, 6 object /raise concerns to the application together with comments from The Vale of Gloucester Flood Alleviation Group.
- 5.3 The main concerns raised by the 6 letters of objection can be summarised as:

Flooding

- Very concerned about the redevelopment of the football club at raised levels. Question what flood defence has or is being put in place for the re-direction of the flood water.
- As a local resident my priority must be flood prevention and any scheme being provided to protect myself and my property. Having viewed the plans this aspect is not clear and my concern is that this area will be overlooked.
- Elevating the stadium will prevent it becoming flooded albeit that the parking areas remain at a lower level. The 13 existing residential properties cannot be elevated and will always be vulnerable to later flooding events.
- Strongly object to the football ground being raised 8 foot+. If the floodwater cannot go on the field it will flow back and put Sudmeadow Road and Hemmingsdale Road in more danger than before. Last time we expected a flood the water came up Sudmeadow Road and then over Phelps yard when it met it started to flow into the field. If the field is raised the water will come up the road to GIS Building and all the other units on the Business Park.
- Residents of Sudmeadow Road and Hemmingsdale Road are mostly new and rent their homes, so were not here when we flooded in 2007.
- The football ground is on floodplain and holds millions of gallons of water. Concerned as to where this water will go if the ground is raised. The existing drains cannot take it and in 2007 it was pumped back up flooding Sudmeadow and Hemmingsdale Road.
- It is OK for the supporters as they do not live around here.
- House insurance has increased because we are on a floodplain. If the calculations are wrong they could flood 32 homes together with employment units.
- The All Blues Rugby Club play away games when they are flooded and re-mark the pitch and play home games when the water has gone.

Highways

- Were promised that the Football Club would be accessed off Spinnaker Park where a new access road has been provided.

- The inclusion of the alternative access would go a long way to improving the relationship between GCFC and residents.
- Local residents do not want to see the return of the problems arising from GCFC that existed prior to the 2007 floods. Implementation of the alternative access would prevent that happening.
- Traffic in Sudmeadow Road is horrendous at all times of the working day. No one can access the main road until the traffic is held up at the traffic lights giving access for 1 lorry or two cars maximum to turn left or right at each light change.
- Concerned about increased volume of traffic during construction and when the site is in use. It is a daily battle to exit the road.
- Need to look at the congestion that occurs in this part of the city. Trying to get out of Hemmingsdale is an accident waiting to happen.
- The site is not as well served by public transport as the supporting information suggests. The cycle path is not as extensive as stated. Reality is that the majority of supporters will arrive by car.
- Demolition (8-10 weeks), material importation (42 weeks) and construction phases (52 weeks) will also impact on everyday traffic flow, with heavy plant machinery noise and mess. If alternative access were to be incorporated into application it would be some compensation for residents to look forward to with the completion of the football stadium as opposed to a return to the disturbance and noise experienced before 2007 when home games are played and other events.

General

- The planning for the Football Club does not make any sense if the gate numbers remain as poor as they have been for the last 10 years. The City Council has to subsidise the rent to play at Cheltenham Town.
- New replacement football stadium is said to be on a smaller scale than the 2011 application which is doubtful. Intended built stadium is said to accommodate a total spectator capacity of 4153 when the GCFC supporters number around 200 to 400. Flood ruined stadium was said to have a crowd capacity of 2220. The two storey grandstand appears to be out of proportion to the present requirements of a lower league football club but which could serve the requirements for managing an adjacent industrial estate. Concerned that a later application for industrial development could be submitted for the adjacent land.
- Submitted information states that one alternative site was rejected because the stadium and floodlighting would be seen from nearby residential homes. In Sudmeadow Road the application site can not only be seen but is in spitting distance.
- Question whether application is for new stadium that won't pay or to allow tipping to raise the levels with the associated revenue.
- The residents put up with quite a lot and proposal will add more congestion, noise and anti-social behaviour.
- Site layout drawing refers to extant planning permission for office building. This is a mis-statement as permission for the office building(s) has expired.

Vale of Gloucester Flood Alleviation Group – It is the view of the Group that Sudmeadow, including the Stadium, the Landfill Site and Spinnaker Park form a serious obstruction to the evacuation of flood flows from the Vale of Gloucester, thereby enhancing flood risk to the City and all areas upstream.

In the locality, a bypass channel could be formed to run from the Sudmeadow arm to Hempsted Meadows, by pulling back the tip, behind the Pressweld factory, (where there is a small ditch), and the bank at Lower Parting could be moved back to the tip. It is important that any such alleviation measures should at least be planned before consent is considered.

5.4 The main issues raised by the 58 letters of support can be summarised as:

- The club has been out of its natural home for far too long and deserves to return as quickly as possible.
- Currently have to drive to watch home games; if the plan is approved I can walk to games.
- The site is currently an eyesore and a disgrace particularly considering the re-generation in this area of the City.
- Once re-built the stadium will be a real asset to Gloucester.
- Having a successful football team is a great boost to both the business and pride of the City.
- We have lost a lot of supporters due to our nomadic existence; the fact that we do still exist and at the level we do is a huge testament to the dedication and hard work of many local people.
- Deserve the opportunity to build a proper home which can give the foundations to push on and strive for football league status.
- City is crying out for a community development for its football players, teams and supporters of all levels.
- It is clear that people have invested significant time and money to make this happen and engaged the right people during the process to get it right this time.
- The Club is engaging the community and investing in its youth set up.

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 The application raises a number of planning issues which require careful consideration including:

Flooding

6.2 The site is located within Flood Zones 3a (high risk) and 3b (functional floodplain) of the River Severn and it is acknowledged to be at high risk of fluvial flooding from the River Severn. Advice in the National Planning Policy Framework (NPPF) and the associated Technical Guide makes it clear that

development proposals in these zones should not result in a net loss in flood plain storage and should be aiming to reduce flood risk locally.

- 6.3 The NPPF sets out that inappropriate development should be avoided in areas at risk of flooding by directing development away from areas at highest risk, but where it is necessary, making it safe without increasing flood risk elsewhere. It is advised that Local Planning Authorities should only consider development in flood risk areas appropriate, where informed by a site-specific flood risk assessment.
- 6.4 The flood risk classification of a football club is 'less vulnerable', as defined in the NPPF, and is not considered appropriate on land within the functional floodplain (flood zone 3b, land where water has to flow or be stored in times of flood). It is, however, considered appropriate for flood zone 3a (land assessed as having a 1 in 100 or greater annual probability of river flooding), providing the sequential test has been undertaken and passed. The proposed new stadium does lie almost completely within the functional floodplain (flood zone 3b), and a new football club in this location would not ordinarily accord with the NPPF. However, the Environment Agency has taken into consideration that there is an existing football ground on the site and that this is an established use.
- 6.5 The FRA submitted in support of the application seeks to assess the risk from different types of flooding to the proposed development and the potential risk of flooding elsewhere from the proposed development; as well as how these risks can be appropriately managed. It identifies that the main types of flooding that could potentially apply to the proposed site are fluvial flooding from the River Severn and surface water flooding. The Environment Agency Flood Maps show the proposed development site is potentially at a high risk of fluvial flooding from the River Severn and is known to have flooded in 2000 and 2007. The peak flood level recorded during this event was 10.92 AOD. The primary objectives of the FRA are set out as to determine:
- Whether the site is at significant risk from any forms of flooding;
 - If the site is at risk of flooding, determine if safe access to and from the site will be maintained during an extreme flood event; and,
 - The impact of the development on flood risk to other sites, with particular focus on the effects of surface water from the site.

Hydraulic modelling

- 6.6 Flood risk to and from the proposed site has been assessed using the JBA Consulting Tidal Interface Model 1d-2d Tuflow model 2011 which was commissioned by the Environment Agency. This model has been amended by JBA Consulting for the purpose of this assessment. This is an improved model compared to the models that were used in the previous football club application as it is a 2d representation of the floodplain which can better inform the implications of any changes made to ground levels or new structures.

- 6.7 The applicants Hydrological Consultants, (JBA Consulting), were commissioned to assess the impact of various site configurations on flood levels. Three site arrangements (Options A, B and C) were considered as part of the option appraisal carried out by the applicants consultants.
- 6.8 The main difference between each of these three options is the amount of land raising involved, the siting of the stadium and the subsequent impact on flood risk as a result of losses in flood storage and the impact on water levels elsewhere.
- 6.9 Modelling results indicate that the effect on flood levels is greatest during the 50-year, 100-year and 75-year fluvial flood events for Options A, B and C respectively. During these worst case scenarios, the modelling suggests that none of the appraised options appeared to increase flood levels within third party buildings, although modest increases in flood depth across third party land were observed.
- 6.10 The modelling indicated that Option A is the only option capable of confining its impact on flood depths entirely within the applicants ownership, the ditch running alongside Cory Environmental's land and within the strip of grass land located between Gantry Railing's building and the application site and will not increase flood depth across Sudmeadow Road during any of the modelled scenarios. Overall the conclusions of the FRA are that Option A will generate the smallest reduction in floodplain capacity (a maximum of 17,620m³ when the 100-year with climate change levels are reached), will have a negligible effect on flood risk across third party land and will reduce depths outside of the proposed development site boundary during the most frequently modelled flood event (1 in 25 years). On this basis the FRA considered that the implementation of Option A will have a negligible effect on flood risk in Gloucester and provide the optimum solution for the Football Club.
- 6.11 The Environment Agency indicated that the preferred solution should aim to minimise the loss in floodplain capacity and not increase flood risks to third party land. Following an assessment of the three options the Option A was identified as the preferred option as it represents the least detrimental impact on flood risk and smallest reduction in floodplain capacity of the three options considered.
- 6.12 In its pre-application advice the Environment Agency acknowledged that with option A, the majority of ground raising has been reduced to just the area of the football ground. The Environment Agency did, however, state that it would seek clarification with any planning application that this has been kept to a minimum, to limit the impact of the proposals on flood risk losses in flood storage. The Agency also suggested that an additional option, of a flood resilient and impervious football ground, should have been considered in the report, which requires even less ground raising than option A together with reasoning as to why it was discounted.
- 6.13 The justification for increasing the ground levels proposed was not included in the final FRA and the alternative option was not assessed in the report. The

agent has, however, stated that the requirement to raise the ground levels “has been the subject of discussion and agreement with the Environment Agency (EA) as part of the pre-application process. The current scheme seeks to ensure that GCFC can provide a 100% flood resilient new (replacement) Football Stadium with floodable car park areas. The suggestion that an alternative option be considered was clarified between GCFC’s Hydrological Consultants and the EA whereby:

- *The loss in floodplain capacity was kept to a minimum (whilst ensuring that the proposed new football stadium was lifted out of the functional floodplain) whereby only the area of the football stadium was raised.*
- *The proposed ground levels within the development were derived as a compromise between:
 - (i) *minimising the flood risk impact on third party land.*
 - (ii) *tying in with surrounding land levels.*
 - (iii) *ensuring that the site can drain.**
- *The payment of a financial contribution towards local flood improvement works in the Hempsted area.”*

In addition the Design and Access Statement emphasises the importance of the raised land levels to increase the stadium’s visibility and prominence in the City.

Impact on Flood Levels

- 6.14 The Environment Agency has confirmed that it has reviewed and considers the options appraisal document prepared by the applicant’s consultants to be appropriate to inform the principle of development. This document includes modelling for the current proposal (Option A) and alternative design options. In comparison to the previously refused scheme, the Agency is satisfied that the impact on flood risk is restricted mainly to land in the ownership of the applicant and the losses in floodplain have been significantly reduced (although the model is indicating there is still a 17,620 m³ net loss in floodplain volume post development). With the current application the proposals are restricted mainly to the developed part of the site rather than the undeveloped area of functional floodplain.
- 6.15 Whilst the FRA states that the loss in floodplain storage associated with the development is 17,620 m³ an independent check on this figured commissioned by the City Council indicates that the actual loss in flood plain storage based on the topographical survey would be closer to 25,385 m³.
- 6.15 The results of the flood modelling indicate that there are changes in flood levels, with an increase of less than 40 mm, although this increase would be contained within land in the ownership of the Football Club and would not affect third party property. The modelling predicts that there would be an increase less than 40 mm during a 1 in 50 year flood event on third party land (along the drain that runs adjacent to the tip and between the applicants site and Gantry Railings), but it has been shown not to cause an increase in

flooding to properties and in all other events flood levels would increase by less than 30 mm. The FRA states that the model results are estimated to be subject to a +/- 30 mm tolerance.

Safe Development

- 6.16 The proposed development is classified as a 'less vulnerable' use and it is proposed that the stands and buildings will be raised above the 10.45 metre AOD flood level (1% annual probability flood level including allowance for climate change) and the football pitch will be raised to reduce the risk of flooding.
- 6.17 The proposed car parking areas would, however, still be subject to considerable flooding of between 3-4 metres during the 1 in 100 year event (including climate change). Access and egress to and from the Football Club would also be cut off during times of flooding. The FRA recommends that a full emergency plan is prepared, to support the safe evacuation of players, spectators, visitors and staff from the site. It is also recommended that managers of the site should receive the Environment Agency Flood Warning Service and make suitable arrangements for evacuation and closing the car parks on receipt of such a flood warning.

Betterment

- 6.18 The Environment Agency's original comments on the option appraisal document highlighted its concerns that the proposals were not fully in line with the NPPF with regards to flood risk. The site is located within flood zone 3b (functional floodplain) and the reduction in floodplain storage and no flood risk betterment were the Agency's primary concerns. The National Planning Policy Guidance (NPPG) is clear that development proposals in this zone should not result in a loss of flood plain storage and any development permitted should be aiming to reduce flood risk locally.
- 6.19 To try and align the proposals with the NPPF and NPPG the Environment Agency negotiated a £75,000 financial contribution to be paid by the applicants towards flood improvement works in the Hempsted/Rea Lane area of Gloucester that the Agency would be looking to deliver in a future 'Flood Risk Management Program'. Such flood improvement works would benefit both the Football Club and local community. On the basis of such a financial contribution the Environment Agency has indicated that it is satisfied that the application will provide flood risk betterment and thereby demonstrate accordance with the guiding principles of the NPPF and NPPG.
- 6.20 At a recent meeting with the Environment Agency and applicant, given the uncertainties in delivering the wider flood improvement works the Environment Agency agreed that it would guarantee that the contribution would be spent on local flood alleviation works to protect any properties considered to be at risk and that such a scheme would be designed and implemented as soon as reasonably practicable.

Sequential Test

- 6.21 While the proposals do not accord with the requirements of the NPPF the Environment Agency acknowledge that the City Council must balance community benefits, betterment and wider planning issues in determining whether such a departure from planning policy is acceptable. Notwithstanding this consideration the proposals should demonstrate that they pass the Sequential Test in accordance with the NPPF and associated Technical Guidance.
- 6.22 Advice contained in the NPPF and supporting Technical Guide retain the key elements of Planning Policy Statement 25 and state that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. The overall aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zones 3 be considered, again taking into account the flood risk vulnerability of land and applying the Exception Test if required. If following the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding the Exception Test can be applied. To pass the Exception Test the Technical Guidance states:
- It must be demonstrated that the development provides wider sustainable benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared ; and
 - A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall.

Both elements of the test should be passed for the development to be permitted.

- 6.23 A substantial amount of work was undertaken by the Football Task and Finish Group in looking at possible alternative sites that were not or at a lesser risk of flooding. At the end of this search it was determined that there was no other feasible site available. Commitment was made to the current site and GCFC has since made considerable investment in both time and finance in getting to the stage of submitting the current planning application.

The sites considered at the initial pre-application stage include:

- Coney Hill Rugby site.
- St Peter's High School.
- Waterwells – Quedgeley Wanderers.
- Tuffley Rovers.
- Gloucester Rugby Club.

- The Railway Triangle.
- Marconi Drive, Waterwells.
- Javelin Park.
- Saintbridge Rugby Club and School.
- Blackbridge
- Land at the rear of Walls factory.
- Land south of Grange Road.
- Land at Hempsted Lane.
- Civil Service Sports Ground.
- Land adjacent to the existing site that has already been raised.

6.24 The constraints identified as reasons why the alternative sites assessed were not considered suitable / feasible related to a combination of high acquisition costs, individual site constraints, shared use difficulties and funding difficulties associated with not being able to purchase on a freehold basis. Full details of the assessments and reasons that the sites are not considered suitable or available can be viewed in full on the planning application file and on-line via the City Council's Public Access System.

6.25 The Football Club has assessed a number of sites and concluded that none are available or suitable to meet the needs and aspirations of the Club. Whilst it is recognised that it will always be possible to identify a greenfield site out of Flood Zone 3 the Club want to be located within the City boundary.

6.26 In addition it should be taken into consideration that the existing use of the site is for a football stadium and the Club could continue to use the site for this purpose in its current format without the need for any planning permission. The site is considered to be in a sustainable location and the proposal will also offer benefits to the City in terms of attracting investment and raising the profile of the area. Subject to Members being satisfied that the proposal will be safe for its lifetime and provide community benefits in reducing the flood risk to a number of properties in the immediate locality without unduly increasing the risk elsewhere, it is considered that the proposal meets the test set out in the NPPF and is acceptable in this location.

6.27 On balance given the wider community benefits, the fact that the site has an extant permission for use as a football stadium and the desire and benefits of the Football Club to remain in a central location within the City it is considered that the Sequential Tests has been satisfied. At the meeting on 4th September 2012 the Committee also confirmed that it considered the proposal was acceptable in terms of the principles of the Sequential Test.

Surface Water Drainage and Sustainable Urban Drainage (SuDS)

6.28 Additional information was submitted on the proposed surface water drainage proposals in an addendum to the Flood Risk Assessment. The City Council's Drainage Officer has confirmed that the details submitted are considered acceptable subject to a condition requiring the submission, approval and implementation of a detailed design for the surface water/SuDS.

Parking and Highway Issues

- 6.28 Access to the site is obtained from Sudmeadow Road which provides access to a number of business uses and a terrace of residential houses. The site is within walking distance of the City Centre and the associated modes of sustainable transport.
- 6.29 The application is supported by a Transport Statement which has been assessed by the Highway Authority.

Baseline Transport Data

- 6.30 Traffic data for Llanthony Road has been described for the peak hours of the highway network. An Automatic Traffic Count (ATC) was undertaken on Sudmeadow Road and details the 12 hour weekday average flow of 1231 vehicles. The weekend flows are significantly fewer at average flows of approximately 300 vehicles as would be expected given the significant number of employment uses accessed via the road.
- 6.31 Sudmeadow Road is controlled by waiting restrictions prohibiting waiting around the junction with Hempsted Lane. Waiting is restricted on the north side of the road Monday – Friday 8am – 6pm. Parking is permitted on the south side of the road adjacent to raised kerbs or in marked bays. Parking is not permitted on the south side of Sudmeadow Road in close proximity of the stadium to maintain a turning area. The constrained width of Sudmeadow Road and the parking provision impacts on the ability for vehicles to pass, particularly large vehicles.

Proposed Trips

- 6.32 The development can be expected to generate similar levels of traffic to that associated with the existing land use (if it were to come back into operation) but the vehicle movements will be largely confined to match days (generally Saturdays and weekday evenings) that fall outside of the highway network peak. Given the sustainable location of the site (and subject to improvements being made to the existing footway on Sudmeadow Road) the Highway Authority considers that it is not unreasonable to predict that there are realistic opportunities for home supporters to use sustainable modes of travel to access the stadium, including car sharing. Away supporters are expected to arrive by car sharing or coaches. This is not materially different to the existing lawful use of the site.

Construction Traffic

- 6.33 The areas of concern raised by the Highway Authority relate to three phases of development: the demolition phase, the importation phase and the construction phase. It is noted that these works will only be a temporary impact albeit that the total duration of the three phases is 104 weeks. The Transport Statement states that the predictions of construction related traffic is difficult to quantify currently.
- 6.34 Whilst the supporting Traffic Statement states that the demolition phase is unlikely to give rise to significant amounts of daily traffic it is estimated that the

importation phase could result on up to 50-60 vehicle movements to and from the site. The Statement also suggests that the construction phase could result in 70-90 vehicle movements per day.

- 6.35 During pre-application discussions with the Highway Authority a temporary Traffic Regulation Order was discussed to prohibit the existing waiting allowances within the proximity of the site with the provision of temporary parking for the residential units being located elsewhere during the construction period was agreed as necessary. No details of this have been included within the application but this can be covered by condition as can a Construction Method Statement to enable exact details of the construction operation to be submitted to and assessed by the Planning Authority.
- 6.36 The Highway Authority has suggested that it is appropriate to consider what changes to the Development Plan and other material considerations have occurred since the planning permission was originally granted for the stadium. The Highway Authority has suggested that the most significant change is the emphasis on sustainable development.
- 6.37 The NPPF states that developments that generate significant movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.38 Pre-application discussions between the applicant and the Highways Authority identified the need for improvements to the footway on Sudmeadow Road to ensure that the development would comply with the requirements of paragraph 35 of the NPPF.
- 6.39 These improvements have not been included in the current application but the Highway Authority is satisfied that they can be secured by way of planning conditions.
- 6.40 As the proposal relates to a replacement football stadium, the development of the development on the local transport network is not considered by the Highway Authority to be materially different to that which historically occurred (and which could occur again without the benefit of planning permission) and no severe impact would occur. As such, no infrastructure improvements are proposed or sought by the Highway Authority to mitigate the impact of the development (as set out in paragraph 32 of the NPPF).
- 6.41 However, it is considered that the poor quality of the footway on Sudmeadow Road is likely to deter users from walking to the site or using public transport and also likely to increase the conflict between pedestrians and other road users. The Highway Authority has recommended a condition requiring improvements to be undertaken to the existing footway along Sudmeadow Road.

Alternative access arrangement

- 6.41 The planning history associated with the alternative access to the Football Club and the development of the adjacent land for industrial purposes is long and complex.
- 6.42 In summary the Football Club relocated to its present site in the mid 1980's. The planning permission was subject to a Legal Agreement requiring the formation of an alternative access from the, then undeveloped, land to the south east should an adoptable road become available close to the boundary.
- 6.43 The land to the east and south-east has since been developed for industrial purposes. The outline planning application for industrial and warehousing development was submitted in 1989 and permission was subsequently granted following protracted negotiations in 1993. This permission was the subject of a Section 106 Agreement which included an obligation to provide a vehicular access road to the Football Club.
- 6.44 The access across Messrs Bishop and Broady's land was finally implemented following High Court action. Unfortunately while the access road from Spinnaker Road has been constructed there is a small area of intervening land in the ownership of a third party between the end of the road and the Football Club site the owner's of which were not party to the original legal agreement and access cannot currently be achieved across this land to the application site at the present time.
- 6.45 Provision of access from Spinnaker Road is considerably more preferable as it would bypass Sudmeadow Road and significantly reduce the impact on the occupiers of residential properties. The City Council has always maintained that the Football Club should make every attempt to secure this land and provide the alternative access before the use of Sudmeadow Road for access can be properly considered as a fall back position.
- 6.46 However, the current application proposes access from Sudmeadow Road and does not include any alternative access. The application therefore has to be considered on this basis.

Siting and Design of the Building

- 6.47 The application has been made in outline and whilst the appearance, landscaping and scale of the development are being reserved for future consideration, the means of access and layout are being sought at this stage.
- 6.48 The location of the stadium within the site is considered logical and has been somewhat dictated by the results of the flood modeling. The raising of the ground level for the pitch and stadium will, however, have a significant visual impact when viewed from the surrounding area. The Design and Access Statement emphasises the importance of the higher levels of the proposed development which would allow views of the stadium above existing buildings in Spinnaker Road allowing the stadium to be visible when approaching the site from St Ann's Way over the canal bridge. It further states that this

'visibility' is an important aspect in terms of GCFC's locational accessibility and prominence in the City.

- 6.49 Notwithstanding this the Urban Design Officer has indicated that further work in relation to key views towards the site will need to be progressed and submitted in support of the reserved matters application.
- 6.50 As with the previous application it is accepted that the proposal signifies major investment on what is a currently vacant site close to the City centre and its re-development offers the opportunity to have a positive visual impact.

Residential Amenity

- 6.51 It is recognised that the relationship between the site and the existing properties will be particularly sensitive and is a real concern for existing residents.
- 6.52 The closest residential properties are the 13 terraced houses in Sudmeadow Road. Number 1 Sudmeadow Road is located approximately 10 metres from the existing and proposed vehicular and pedestrian access to the site and approximately 90 metres from the corner of the new stadium. It is considered that the main impact on the residents in these houses is likely to result from traffic to the site particularly in the short term during the demolition, importation and, construction phases and subsequently on match days.
- 6.53 Although the site has not been used by the Football Club since July 2007, the use of the site in planning terms remains that of a football ground and this use could be resumed on the current site without the need for any further planning permission. The access from Sudmeadow Road was always envisaged to be a temporary arrangement and it was expected that an access would be provided from Spinnaker Road. Whilst it is recognised that the provision of the alternative access from Spinnaker Road would significantly reduce the impact of the proposed development to both residents and businesses there is no indication that this is likely to be provided in the short term and it does not form part of the current application.
- 6.54 The Environmental Service Manager has raised no objection to the application subject to a number of conditions to help mitigate the impact of the development on the residential amenity of neighbouring properties both during the demolition, importation and construction phases and on completion of the development.
- 6.55 On the basis that the site can be re-used as a football club without the need for any further planning permission, that the additional traffic associated with demolition, importation and construction phases will be temporary and subject to the conditions recommended by the Environmental Service Manager, I consider that on balance the proposal will not cause an unacceptable impact on the residential amenities of the neighbouring properties to a degree that would justify a refusal of planning permission.

Human Rights

- 6.56 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/REASON FOR APPROVAL

- 7.1 It is acknowledged that there has been and is considerable support from fans, Officers and Members to help the Football Club move back to the City and secure the future of the Club. At its meeting on 4th September 2012 the Planning Committee generally welcomed the proposal to redevelop the existing site to provide a new football stadium and offered in principle support subject to the completion of further flood modelling and design work and greater certainty that the proposal was acceptable in terms of flood risk and highways. The Committee considered that the proposal was acceptable in terms of the principles of the Sequential Test as defined in the technical guidance to the NPPF.
- 7.2 I consider that the main issues relating to this application are still the location of the development and, in particular, the raising of ground levels in the functional floodplain and the potential impact on flood levels together with access.
- 7.3 The Highway Authority has confirmed that sufficient information has been submitted with the current application to properly assess the impact of the proposed development in highway terms and has raised no objection to the current application.
- 7.4 The Environment Agency has indicated that it is satisfied with the modelling that has been undertaken for Option A and that the losses in flood storage and impact on flood risk elsewhere is significantly less than that proposed by the previous planning application (ref.11/00430/OUT). Whilst the Environment Agency considers that the impact on flood risk is minimal, there remains a predicted small localised increase in flood levels and a loss in flood storage. Without any benefit, it is difficult to be satisfied that the development complies with the NPPF and on this basis the Environment Agency has negotiated a financial contribution that could help deliver a reduction in flood risk and ensure that the proposals are in line with the aims of the NPPF. Subject to the financial contribution to provide flood risk betterment, the Agency has concluded that it is satisfied that an adequate FRA has been undertaken, that the proposals align with the NPPF and NPPG and has no objection to the development proposed.

- 7.5 In its pre-application advice, the Environment Agency recommended that any future application should provide evidence that the ground raising had been kept to a minimum to limit the impact on flood risk and losses in flood storage. The Environment Agency also suggested that an additional option should be considered, of a flood resilient and impervious football ground, which would require less ground raising than Option A, together with reasoning as to why this option was discounted. While some information has been provided to justify the raising of the ground levels, I consider that this is limited and a fully documented justification has not been provided.
- 7.6 While no objection has been raised by the Environment Agency and it is accepted that the applicants have used the most appropriate and up to date flood model available, the City Council's Drainage Engineer has, expressed a number of concerns relating to the actual loss of floodplain storage based on the topographic survey and given this together with the predicted increase in flood depths for the 100 year storm when factoring in the estimated tolerance levels. Based on these uncertainties the Drainage Officer has indicated that he is not confident that it is possible to conclude, with any degree of confidence, that the modelling demonstrates that the proposal will not increase flood risk to third parties.
- 7.7 On this basis the Drainage Engineer originally raised objections to the application. However, following assurances from the Environment Agency that the financial contribution would be spent on local flood alleviation works to protect local properties at risk, and on the basis that the Environment Agency has worked extensively with the applicant's consultant on the modelling and has raised no objections to the application from a flood risk perspective, this objection has been withdrawn. There are, however, still concerns in relation to the extent of loss of floodplain storage.
- 7.8 I consider that the most significant concern relates to the interpretation of the results of this modelling, the loss of floodplain storage and any potential impact on the risk, frequency and intensity of flooding to third party property.
- 7.9 Overall I consider this to be a very finely balanced decision. When taking into consideration the results of the modelling, the potential to use the proposed £75,000 contribution towards flood resilience measures, such as property level protection, for properties in the immediate vicinity of the site and on the basis that the Environment Agency, as lead flood authority, have raised no objection to the application, on balance it is recommended that subject to the completion of the Unilateral Undertaking to secure the financial contribution to the EA that planning permission is granted.
- 7.10 If, however, Members still have concerns about any of the findings of the FRA they may wish to take a more precautionary approach and seek an independent review of the submitted FRA and interpretation of the results of the modelling undertaken.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That authority be delegated to the Development Control Manager to grant, subject to the satisfactory completion of a Unilateral Undertaking from the applicant to the Environment Agency to secure a financial contribution of £75,000 towards local flood improvement works, outline planning permission subject to the following conditions:

Condition 1

Approval of the details of the, appearance, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

Condition 2

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later. Written notification of the date of commencement of development shall be sent to the Local Planning Authority within 7 days of such commencement.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Plans and particulars of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall be carried out within the site edged red on the 'Site Location Plan' drawing no. GCFC/001/2010, received by the local planning authority on 3rd June 2014 (hereafter referred to as the Site) and in accordance with drawing no. 1650/03C received by the Local Planning Authority on 25th June 2014 and all 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).

PRIOR TO COMMENCEMENT

Condition 5

Prior to commencement of land raising operations a Waste Acceptance Procedure Protocol shall be submitted to and approved in writing by the Local Planning Authority. The land raising shall be carried out in accordance with the approved Protocol.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 and WCS 14 of the Waste Core Strategy (2004).

Condition 6

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles and route to the site;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. specify measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

No part of the development as hereby permitted shall commence until details of an Environmental Management Scheme and Code of Practice have been submitted to, and approved in writing by the Local Planning Authority. The Environmental Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including noise, vibration, dust and smoke emanating from the site. Any emergency or other deviation from the above conditions shall be submitted to and approved in writing by the Local Planning Authority.

The Environmental Management Scheme shall include:-

- (i) Details of engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts;
- (ii) A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures. The specification shall include details of the method of piling;
- (iii) Measures to make local residents aware of any significant activities that are likely to cause significant disruption;

All demolition and construction work shall be undertaken in strict accordance with the approved Environmental Management Scheme and Code of Practice unless otherwise agreed in writing by the Local Planning Authority.

Condition 8

Prior to commencement of development details of a scheme to prohibit parking on Sudmeadow Road during the demolition, importation and construction period and provide temporary parking for residents for the same period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details for the duration of the demolition, importation and construction periods.

Reason

To provide safe and suitable access to the site for the duration of the construction period in accordance with policy TR>31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

No development shall commence until details of a scheme for the widening of the footway on Sudmeadow Road have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not be open to the public until the approved scheme has been completed in its entirety.

Reason

To ensure that the development has been designed to give priority to pedestrian and cycle movements and to ensure that the layout is safe and secure which minimises conflicts between traffic and cyclists or pedestrians, in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No development shall commence until details of the design and layout of the pitch and the stadium have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The pitch and stadium shall be constructed in accordance with the approved details.

Reason

To ensure the development is fit for purpose and sustainable in accordance with policy SR.2 in the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

The development hereby permitted shall not commence until detailed drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

1. No development shall commence (including the raising of ground levels) on site until:
 - (i) A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.
 - (ii) A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
 - (iii) A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
 - (iv) The works detailed in the approved Remediation Method Statement (other than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.
2. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and

approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.

3. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, a detailed assessment on the potential for noise from the development to affect neighbouring residential properties. The assessment should include assessment of the potential for noise from the following:

- The crowd at the stadium
- Any PA system
- Any fixed plant and equipment at the stadium
- Conference facilities
- Any vehicular traffic on the site

If the assessment indicates that noise from the development is likely to affect neighbouring noise sensitive premises then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of National Planning Framework Noise Guidance, BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The approved noise mitigation scheme shall be

implemented in full prior to the commencement of the use permitted and be permanently maintained.

Reason

To ensure that noise mitigation measures are built into the scheme to prevent nuisance to adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Prior to the importation of any materials onto the site details of all soils and ground formation materials to be imported onto the site for the purposes of raising ground levels, shall be submitted to and approved in advance in writing by the Local Planning Authority. Details to include descriptions, volumes, origins and appropriate chemical quality testing. Thereafter only the approved materials shall be imported onto the site.

Reason

To ensure the development is safe and suitable for use, and no hazardous or otherwise contaminated materials are imported onto the site.

Condition 15

Construction shall not commence on any building until samples of the external facing materials to the walls and the roof of the building and the hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

Condition 16

Development shall not commence, other than demolition, until precise details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

Condition 17

No construction of any building shall commence until details of measures to discourage seagulls from nesting and roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to the occupation of any building, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policy BE.10 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 18

Development shall not commence until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers and shall include planting within expanses of car parking. Drawings must include accurate details of all existing trees with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policy B.12 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

Condition 19

The landscaping scheme approved under Condition 18 of this permission shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a minimum period of five years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged or diseased 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 five year maintenance period.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

Condition 20

Prior to the commencement of development a Waste Management Plan shall be submitted to and approved by the local planning authority. The Plan shall indicate how waste will be managed from the site during demolition of the existing building, throughout construction and during occupation of the proposed buildings.

Reason

In the interests of reducing the amount of waste going to landfill and in increasing recycling in accordance with Policy 36 of the Gloucestershire County Council Waste Local Plan (October 2004).

Condition 21

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 provided before the use hereby permitted commences. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site, unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the amenity of the occupiers of adjoining premises, to protect the general environment and to ensure that there are adequate facilities for the storage and recycling of recoverable materials to encourage energy conservation through recycling in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

During Construction

Condition 22

No materials or substances shall be burnt within the application site during the demolition, importation and construction phases.

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 23

During the demolition, importation and construction phases no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched 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

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Prior to Occupation

Condition 24

Prior to the first occupation of the development a flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved plan.

Reason

To protect the users of the building from risk of flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Condition 25

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 60 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided and to promote cycle use in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 26

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan no.1650/03A, and those facilities shall be maintained available for those purposes for the duration of the development.

Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 27

Details of any external lighting (including the playing surface lighting) proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. All external lighting shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason

To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002).

General

Condition 28

If within 3 years from the commencement of development the site is not operating as a football club then a restoration scheme including a timescale for the removal of the imported material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the restoration approved restoration scheme shall be implemented in accordance with the approved details.

Reason

The nature of the development is such that it is only considered acceptable in this location having regards to the previous use of the site as a football stadium and in the interests of the amenity of the area.

Condition 29

No material shall be deposited or used for landraising purposes in the Landraise Area as detailed in Dwg 354/04/2012 unless it has been previously processed according to the approved Waste Acceptance Procedure Protocol.

Reason

In order to define the scope of this consent and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

Condition 30

No material other than uncontaminated, inert and natural excavated materials, (including soils, subsoil's, bricks and concrete) shall be deposited in the Landraise Area as depicted in Dwg 1650/03C received by the Local Planning Authority on 25th June 2014.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy

Condition 31

No special wastes (as defined by the Environment Agency) shall be accepted on the site. If any special wastes are subsequently found they shall be removed, segregated and stored within a dedicated, covered, Special Waste storage container, for disposal off- Site.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy

Condition 32

Any fly tipped material and any material inadvertently deposited at the site and not falling within the approved material detailed in condition 30 of this consent must be stored separately in a skip maintained on site for this purpose, and removed to a properly licensed waste facility on at least a weekly basis.

Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 of the Waste Core Strategy.

Condition 33

The total quantity of inert material imported into the site for the Landraise Area as detailed in Dwg 1650/03C shall not exceed 40,350 cubic metres of inert fill, comprising of soils, clays and inert construction waste.

Reason

To define the scope of the application in the interests of highway safety in accordance with Policy WCS 19 of the Waste Core Strategy (2012) and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS8 of the Waste Core Strategy (2012).

Condition 34

From the date of commencement of this consent the developer shall maintain records of the number of vehicles bringing materials to the site, and the quantity and type of material accepted onto the site and shall make them available to the Waste Planning Authority upon request, within seven days of such a request. All records shall be kept for at least 24 months.

Reason

In order that the Waste Planning Authority can monitor the site in the interests of the amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

Condition 35

Imported material shall only be stored within the red line area as shown in Dwg GCFC/001/2010 'Site Location Plan' received by the Local Planning Authority on 3rd June 2014.

Reason

In the interests of amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

Condition 37

No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned so as to prevent materials including mud and dust being deposited on the highway.

Reason

In the interests of highway safety and to prevent mud, debris and materials getting on the highway, in accordance with Policy WCS19 of the Waste Core Strategy.

Condition 38

No commercial vehicles carrying material shall enter the site unsheeted except those only carrying materials in excess of 500mm in any dimension.

Reason

In the interests of highway safety and in accordance with Policy 19 of the Waste Core Strategy.

Condition 39

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or indirectly via soakaways.

Reason

To prevent pollution of the water environment in accordance with Policy 33 of the adopted Gloucestershire Waste Local Plan.

Condition 40

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment in accordance Policy 33 of the Gloucestershire Waste Local Plan.

Condition 41

Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed in condition 23. Mitigation measures as defined in BS 5528: Part 1:1997 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

During demolition and construction on site:

- (a) The best practical means available in accordance with British Standard Codes of Practice BS5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- (b) Vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
- (c) A suitable and sufficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance.

No part of the development hereby permitted shall commence until a demolition and construction method statement for the demolition and construction process has been submitted and approved in writing by the Local Planning Authority. The statement shall include the following:

- (a) An assessment of the presence or absence of asbestos and suitable mitigation measures is appropriate;
- (b) The inclusion of suitable measures for the containment of dust, such as the use of debris screens and sheets, suitable and sufficient water sprays; enclosed chutes for dropping demolition materials to ground level;

- (c) The use of enclosures or shields when mixing large quantities of concrete;
- (d) Details of the provision for the temporary storage of materials on site with preference to the storage of fine dry materials inside buildings or enclosures, or the use of sheeting as far as practicable with water sprays as appropriate.
- (e) Consideration to the use of pre-mixed plasters and masonry compounds.

The method statement scheme shall be implemented in strict accordance with details to be approved, unless otherwise agreed in writing by the Local Planning Authority

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 42

No events involving the use of the stadium pitch shall occur before 9.00am or after 11.00pm on any day (unless otherwise approved in writing by the Local Planning Authority).

Reason

In the interests of the amenity of adjoining residents in accordance with policy Be.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 43

Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 8.00am and 8.00pm. The collection of refuse, bottles and recyclable materials shall only take place between 9.00am and 8.00pm Monday to Saturday and not at all on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenities of residents within the scheme and adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 44

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 45

Details of the proposed Public Address System shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby authorized being brought into first use. The approved Public Address System shall only be used during events that take place on the external area within the stadium; shall not be used more than two hours prior to the event

commencing (with the exception of testing purposes) or within 30 minutes of the completion of the event (unless otherwise agreed in writing by the Local Planning Authority).

Reason

In the interest of neighbouring residential amenity and in the interests of public safety.

Notes

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bond) with the County Council before commencing those works.
3. The applicant is advised that the layout and design of the pitch and the stadium should comply with relevant industry technical guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to:
 - Natural Turf for Sport (Sport England, 2011)
<http://www.sportengland.org/media/30865/Natural-turf-for-sport.pdf>
 - The FA's National Ground Grading documents
<http://nav.thefa.com/sitecore/content/TheFA/Home/Leagues/NationalLeagueSystem/GroundGrading>
 - Guide to Safety at Sports Grounds, "The Green Guide", (DCMS, 2008)
<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>
4. The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16 Consent. The GPSS Operator can be contacted at OPA Central Services, Ashdon Road, Saffron Walden, Essex, CB10 2NF (e-mail anne.swallow@oilandpipelines.com) 01799 564101. For additional information please visit www.linerearch.org.
5. The importation of soil, to raise levels, is likely to require a waste permit or exemption from the Environment Agency. The applicant is advised to telephone 03708 506 506 to discuss permit requirements in greater detail.

Decision:

Notes:

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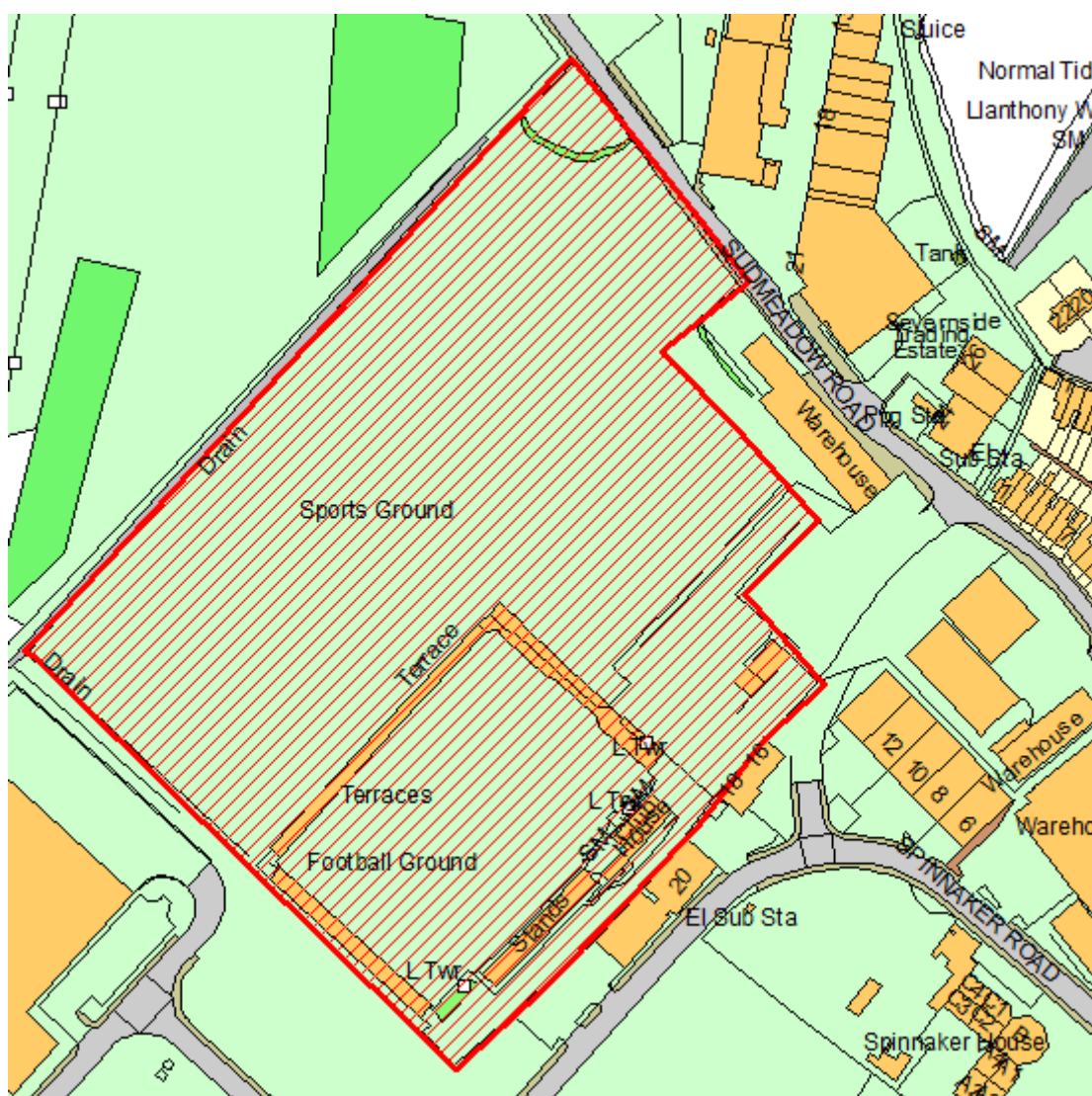
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Person to contact: Caroline Townley
(Tel: 396780.)

16/00573/OUT

Gloucester City Football Club
Sudmeadow Road
Gloucester
GL2 5FD

Planning Committee



GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	6TH SEPTEMBER 2016
ADDRESS/LOCATION	:	LAND AT THE DOCKS (FORMER BRITISH WATERWAYS CAR PARK)
APPLICATION NO. & WARD	:	16/00829/FUL WESTGATE
EXPIRY DATE	:	1ST SEPTEMBER 2016
APPLICANT	:	GLOUCESTER QUAYS LLP
PROPOSAL	:	Construction of new public square, associated engineering works and hard landscaping (including relocation of heritage features) (proposed as an interim scheme pending implementation of previously approved scheme of works ref. 14/00415/FUL).
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises part of the 'square' of land previously used for car parking between The Waterways Museum and the Barge Arm East flat block, Llanthony Road and the dock inlet.
- 1.2 A scheme of works has previously been granted for this site and extending to a wider area, and this has been partially implemented by the removal of the covered transit sheds for the Rugby World Cup Fanzone.
- 1.3 This application proposes an 'interim' scheme of works for the square. Their supporting report states "at this juncture the desire is to implement an 'interim' scheme ... to improve the appearance and functionality of the site until the 2015 planning permission is fully implemented".
- 1.4 The new scheme involves:
 - Resurfacing with coloured asphalt, with two distinct areas of resin bound gravel within it, and installation of a line of reclaimed bricks as a detail around the southern section (the existing rail lines across the square would be retained);

- Installation of a series of benches;
- Installation of a series of lighting columns and lighting of the retained shed;
- Historic artefacts would be retained;
- The existing steps and ramp on the southern side would be retained to provide access to Llanthony Road.

1.5 The application is referred to the planning committee because it involves a scheme previously determined by the Planning Committee that is now proposed in a different manner.

2.0 RELEVANT PLANNING HISTORY

98/00568/OUT

2.1 This was an outline planning application for the comprehensive redevelopment of the Docks for D2 leisure uses, A1 retail, A3 restaurants/bars and hotel development, refurbishment and conversion of warehouses for such uses including residential, office and cultural/entertainment uses, provision of public open space, landscaping and car parking, relating to the Docks area bounded by Commercial Road, Southgate Street and Llanthony Road. Permission was granted on appeal 9th February 2000.

04/00777/REM

2.2 This was an application for the Public Realm works 'Phase 1A', comprising the areas around Vinings, Albert and Double Reynolds Warehouses and the Mariners chapel. It was granted subject to conditions 3rd August 2004.

05/01022/FUL

2.3 This was an application for the Public Realm works 'Phase 1B', comprising the areas around Biddle and Shipton Warehouses, the Barge Arm flats and Albion Cottages. It was granted subject to conditions 8th November 2005.

09/00398/FUL

2.4 This was an application for 'Phase 2' of the Docks public realm works to the east and north of Victoria basin, including resurfacing, new terracing and steps, erection of walls and screening structures, street furniture, lighting, planting and art features including the public art 'spear'. It was granted subject to conditions 28th July 2009.

14/00415/FUL

2.5 This was an application for the construction of a new public square, associated engineering works, canopy and hard landscaping (includes removal of existing structures, walls and railings), and works to Llanthony Road. It was granted subject to conditions 9th April 2014.

3.0 PLANNING POLICIES

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

Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'
- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who dealt with an appeal relating to the Peel Centre, St. Ann Way (13/00559/FUL), '*...its sheer ages suggests it must be out of date...*' (par. 11 of the Inspector's report). Members are advised that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF.

Central Government Guidance - National Planning Policy Framework

- 3.5 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF includes relevant policy on;

- Building a strong, competitive economy and Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are;

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

In respect of heritage considerations, the 1990 Listed Buildings and Conservation Areas Act includes;

S66, which states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”;

S72, which states “In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Emerging Development Plan

Draft Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

- 3.6 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (“JCS”) and Gloucester City Plan (“City Plan”) once they are adopted.
- 3.7 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.
- 3.8 Paragraph 216 of the NPPF states that weight can be given to relevant policies in 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 NPPF
- 3.9 The JCS is part way through the Examination process and the Inspector published an Interim Report in May 2016. However, a number of proposed modifications are expected to be made to the policies in the plan. The Council has received legal advice to the effect that the JCS can only be given limited weight at this time.
- 3.10 Relevant policies from Draft JCS are:
SD1 – Presumption in favour of sustainable development
SD5 – Design requirements
SD9 – Historic environment
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management

Gloucester City Plan

- 3.11 The Gloucester City Plan (“City Plan”) is at a much less advanced stage than the JCS. The City Plan will be presented in three parts: Part 1 will set out the context for the City Plan, including the main challenges facing the city, a strategy for development and key development principles. Part 2 will identify development management policies. Part 3 will identify development opportunities.

3.12 Part 1 was subject to consultation in 2012 and is to be reviewed. Part 2 was subject to consultation in 2013 on potential future development sites in the City as well as a draft vision and strategy for the city centre. Parts 2 and 3 have also yet to be completed.

3.13 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council.

Gloucester Local Plan, Second Stage Deposit 2002

3.14 Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. 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, albeit of limited weight.

2002 Plan allocations

3.15 Conservation Area
Area of principal archaeological interest
(Mixed use allocation)
(Major commercial leisure commitment)

3.16 Members are advised that the following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

3.17 2002 Plan Policies

FRP.1a – Flood risk
FRP.6 – Surface water runoff
FRP.10 – Noise
FRP.11 – Pollution
BE.4 – Criteria for the layout, circulation and landscape of new development
BE.5 – Community safety
BE.6 – Access for all
BE.7 – Architectural design
BE.21 – Safeguarding of amenity
BE.23 – Development affecting the setting of a listed building
BE.29 – Development in Conservation Areas
BE.31 – Preserving sites of archaeological interest
BE.37 – Recording and preserving archaeology
TR.11 – Provision of parking for people with disabilities
TR.31 – Road safety
T.1 – Visitor attractions in the central area

Gloucester Docks Draft Planning Guidance January 2006

3.18 This document was adopted as interim planning guidance for the purposes of development control. It sets out a strategy for the continued development of the docks area following the initial phases of redevelopment. Principles include;

Preservation and enhancement of historic buildings and environment
 Introducing a lively mix of uses with day round appeal
 High quality architecture in an historic context
 Creating a safe and attractive public realm
 Improving linkages to and integration with the city centre and Gloucester Quays
 Reducing the impact and use of cars
 Improving pedestrian circulation and maintaining access to and along the waterside
 Providing a new, high quality residential, tourism, leisure and working quarter for the city
 Public realm development must take account of and respect all existing historic docks artefacts, use opportunities for interpretive materials, should be capable of hosting public art displays, and should be overlooked and well lit.

The application site area is proposed for a new public square and an enhanced approach to the museum, a hotel, residential, small business units and decked parking.

The document notes that car parking minimises development and detracts significantly from the character and amenity of the area. It should be kept to a minimum.

Gloucester Docks: Public realm strategy 2006

- 3.19 This sets out guidance to ensure a consistent, high quality approach, including the following;
- Use of Forest of Dean sandstone paving in untrafficked public areas between buildings away from the dock edge;
 - Use of granite paving for trafficked areas;
 - Use of resin bound aggregate for dock edges up to coping stones;
 - Retention of historic features;
 - Specified ranges of street furniture – seats, bins, lighting, signs;
 - Requirement for public realm to be accessible for the disabled.

The Docks Conservation Area Appraisal & Management Proposals

- 3.20 This reviews and sets out management proposals for this Conservation Area and includes commentary on the quality and design of modern floorscape and items in the public realm, noting “much of this conservation area is pedestrianised. Except on the periphery, cars are secondary. The floorscape of the spaces between the conservation area’s many historic buildings affects the setting of nearby buildings and is a vital element in the conservation area’s distinctive character and appearance.” Management recommendations include Policy CA3/7: “The Council has published a Public Realm Strategy for Gloucester Docks to ensure a consistent, high quality approach is taken to the treatment of the public realm at various stages in the redevelopment and enhancement of the Docks. The Council will ensure that all new developments adhere to the guidelines in the Public Realm Strategy”.

- 3.21 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of

4.0 CONSULTATIONS

- 4.1 The Highway Authority raises no objection.
- 4.2 The Canal and River Trust is considering the surface material chosen and the length of time this interim proposal is likely to be place for, and we await their formal comments. Members will be updated at the Committee meeting.
- 4.3 The Police have not commented. Any comments received will be reported at the Committee meeting.
- 4.4 The Civic Trust notes that their panel is at a loss to understand why one of the biggest development companies in Britain is pleading poverty for failing to complete a major feature of the Gloucester Docks Conservation Area which is rated of national and international importance. This “temporary” scheme is unacceptable. Coloured tarmac is no substitute for the granite setts and Forest of Dean stone of the original proposal. We urge further negotiations to establish how long is temporary. Any temporary planning permission should have a time limit.
- 4.5 The Conservation Officer objects to the proposal. The Officer notes that the site is highly prominent and is a primary route from the Quays to the City Centre; the area also provides a setting for the designated heritage asset of Llanthony Warehouse, the Waterways Museum which has recently been refurbished. The current interim proposal seeks to undertake a temporary scheme, which is of an undefined time period, and would introduce a lower quality materials than those granted as part of the 2014 consent. Presently the revised scheme proposes a coloured tarmac with areas of resin bound gravel, since 2009 the public realm schemes have introduced high quality materials with resin bound, granite setts and natural stone paving in the docks conservation area. These materials have preserved and enhanced the setting of the designated conservation area and its assets and therefore the Officer is concerned by the proposed introduction of a coloured tarmac to the area. The area is also highly used by service vehicles and the coloured tarmac has proven not to stand up to high use within the Kimbrose public realm scheme which has been stained and needed numerous repairs.

The Officer cites the Docks Conservation Area Management recommendations as noted above. Therefore due to the materials being proposed being of a low quality and not following the standard of public realm materials which have been used within the conservation area the Officer recommends that the scheme is refused. The used of coloured tarmac does not meet policy CA3/7 of the Docks Conservation Area Management Recommendations which requires a consistent and high quality approach across the Conservation Area.

- 4.6 The Urban Design Officer has not yet commented. Any comments received will be reported at the Committee meeting.
- 4.7 The Environmental Health Officer raises no concerns but wishes to impose the same conditions in respect of the construction phase as per the earlier permission.
- 4.8 The Contaminated Land consultant raises no objection.
- 4.9 The City Archaeologist raises no objection.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published. The consultation period has expired.
- 5.2 One representation has been received;
Conversion of this former carpark to a well-designed public space is welcomed, however hope its potential is fully realised and done to a high standard and somewhat in keeping with its historic setting. The name Orchard Square would suggest its previous use and would like to see this captured again with the inclusion of some trees similar to those introduced elsewhere around the docks. There is visitor interest in the historic elements of the docks and any reduction or depletion of these features should be avoided.
- 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.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00829/FU>
[L](#)

6.0 OFFICER OPINION

- 6.1 It is considered that the main issues with regard to this application are as follows:
- Design and conservation
 - Economic considerations
 - Traffic and transport
 - Residential amenity
 - Archaeology

Design and conservation

- 6.2 It was concluded in respect of the previous scheme that with the use of a good quality paving, the scheme would improve the appearance of the area and would be more respectful to the surrounding buildings including the listed Waterways Museum warehouse. The new application is far less aspirational in its use of materials.

- 6.3 It was also noted that the earlier scheme would result in extended periods between events and particularly in winter months in being a rather open and 'windswept' space, and this is not overcome in the new scheme either, although it is a by-product of seeking open areas that could be used flexibly for events.
- 6.4 The retained shed at the north end would remain. The wall/railing at Llanthony Road, previously agreed to be demolished, would also be retained for the time being with this new scheme. The railway tracks and water trough in the existing square are to be retained in this new scheme. The existing goods wagon and cranes are outside the current application site boundary, as are the mooring rings and other features along the dock inlet, and would be retained. There would therefore be limited impact on the standing historic features themselves.
- 6.5 The resin bound gravel proposed for the two 'feature' areas could match that used elsewhere in the Docks. The reference point for the coloured asphalt proposed for the main area of resurfacing appears to be that used at the shared space on Commercial Road/Southgate Street, which is outside the Docks and the surfacing options are constrained by highways standards and are of a lesser quality than the surfacing materials in the Docks area. It is a much weaker reference point in my view.
- 6.6 The difficult issue with this planning application is the question of whether it would truly be an interim scheme. We have a far more aspirational scheme 'waiting in the wings' that would improve the area and accord with the public realm improvements elsewhere in the Docks and the public realm guidance. The application notes that "the current temporary appearance of the site is not considered to be presenting the most appropriate form for the city or immediate area in terms of attracting tourists or investment. Whilst our client is not yet in a position to fully implement the 2015 planning permission ... there is a desire and recognition that the former Waterways car park area needs to be 'tidied up' in the meantime" and "the timescale for the implementation of the remainder of the 2015 planning permission is to be determined and, as such, it is considered prudent in the meantime to seek approval for a range of interim improvements". It does however later note that "... at this point there is no desire to implement the significant engineering works inherent in the 2015 planning permission". I have asked the applicant for further details of their commitment to construction of the earlier scheme but to date no response has been received.
- 6.7 Members should be aware that although the scheme is described all through the supporting information as an 'interim' scheme, granting planning permission as it stands would not ensure its removal after a certain time, nor guarantee the full implementation of the earlier scheme, and no mechanism is offered by the applicant to do so. It could therefore come to represent a permanent solution. If this is truly an interim scheme and the earlier scheme is fully implemented in the relatively near future, then there are no concerns. The applicant has confirmed that none of the currently-proposed works would prejudice the implementation of the earlier scheme. However if that does not

happen then we would be left with a scheme of much poorer quality permanently.

- 6.8 The Authority needs to consider whether the proposals would preserve the setting of listed buildings, and would preserve or enhance the character and appearance of the conservation area. The current condition of the site is of poor quality with patched asphalt interspersed with red brick sett paving and is part of the existing character and appearance of the conservation area. I consider a new surfacing treatment, downgraded in quality from that in the previous application, but one that would tie in with the public realm strategy and that delivered elsewhere in the Docks, could be a modest enhancement over and above the existing, and would therefore be acceptable.
- 6.9 As noted above, the resin bound gravel could match that used elsewhere and referred to in the public realm guidance, albeit better quality materials are sought for public squares. The coloured asphalt would not match the enhanced Docks materials nor that in the public realm guidance. Also, the proposed colour finish of the asphalt surfacing seems to be similar to that used at the shared space on Commercial Road/Southgate Street which has suffered from tyre marking. As the area would be used by delivery vans/lorries making turning manouvres, this seems likely to occur again. I would like to explore with the applicant the options of a) replacing the asphalt with a resin bound gravel to accord with that used elsewhere and in the public realm guide and not mark up under vehicle movements or such other materials that may be more appropriate. This may have implications in terms of the structural resistance of resin bound gravel to such vehicle movements and an alternative more suitable material may be an option; or b) whether there is a commitment that could be secured to the temporary nature of the proposed scheme and implementation of the earlier scheme, if so, the asphalt element may be accepted as truly being only an 'interim' solution.
- 6.10 Further clarity could also be secured by the approval of details if permission is granted. The proposed street furniture should match in with the existing in the Docks to help tie the area together, or if a distinct style is sought they should blend in comfortably with the general style.
- 6.11 The Police have previously raised concerns about misuse of materials and street furniture. The current scheme does not introduce any elements that are of concern over and above the approved scheme. I understand that the area would effectively be operated as part of the Quays management arrangements and would also be well overlooked from residential and commercial premises. Considered selection of materials and furniture can assist with issues around cleaning, replacement/repair from damage and deterring misuse.
- 6.12 Under the proposed options, the proposals would comply with the duties under S66 and S72 of the 1990 Listed Buildings and Conservation Areas Act as to the setting of listed buildings and Conservation Areas.

Economic considerations

6.13 As previously considered, the square provides the direct approach to the Waterways Museum, Gloucester Brewery and Wetherspoons, as well as a route to the Quays leisure area and the Barge Arm café's frontage. The works are likely to make this approach somewhat more attractive and the resulting public square would create a slightly better environment for events and would likely have a modest beneficial effect in terms of economic development. The loss of the car park has already been dealt with and accepted in the earlier application.

Traffic and transport

6.14 Vehicular access for servicing would not change from the existing – existing business would continue to be serviced across the square. I understand that the applicant is legally obliged to maintain this anyway.

6.15 Service vehicles would enter the square from the north via Southgate Street and leave to the south via Llanthony Road with the exception of articulated vehicles which would enter and exit to the north. Rising bollards are proposed at the north and south ends of the square at the vehicular approaches.

6.16 As with the previous scheme the arrangements involve large vehicles making turning manoeuvres across this public space and is a source of potential conflict with pedestrians. Again a condition is recommended to secure a management plan.

6.17 The Highway Authority is content that suitable turning space will be available for service vehicles within the square. Furthermore additional vehicle tracking has been provided for Llanthony Road which shows that in the unlikely event of the automated bollard failing, emergency vehicles would still be able to access the site via the removable bollard.

6.18 Most of the levels changes across the site have been removed already but the resurfacing would slightly further improve the convenience for pedestrians/cyclists to cross the area.

6.19 The Canal & River Trust was keen to retain disabled parking within the square close to the museum and this is achieved with three disabled spaces proposed in the new scheme. As before, this will need some management system as they could be used by visitors on an ad-hoc and are beyond the line of bollards from either direction.

6.20 The Highway Authority concludes that the impact of the scheme on the highway network would be broadly the same as the permitted scheme. No severe residual impact would arise subject to conditions and no objection is raised.

Residential amenity

6.21 Similar considerations apply as to the earlier application. The area is already used for sporadic events through the year and this would continue. The proposal is likely to reduce the number of vehicle movements in front of the flats (this has effectively happened already), and the works ought to make a

slightly more pleasant environment in terms of their immediate surroundings. The lighting proposals would assist with crime prevention aims and details of the light spill would assist in consideration of the impact on the amenities of residents.

- 6.22 With suitable conditions to control times of construction, noise and dust management, and lighting I do not consider that the works would have any significant adverse impact on the amenities of local residents.

Archaeology

- 6.23 The City Archaeologist has noted that the works are minimally intrusive with no sizeable groundworks. Given the nature of the works they are unlikely to have any impact on archaeological remains and no objection is raised and no condition is necessary.

Other planning considerations

- 6.24 The area of flood zone 2 around the Docks partially encroaches into the application site at the north west. However given the nature of the proposal I do not consider the sequential test to be of assistance here and do not consider there to be any overriding flood risk concerns given the existing site and the nature of the proposal. Existing drainage channels are proposed to be retained.

- 6.25 There are no significant contaminated land concerns and no condition is necessary.

- 6.26 The representation also refers to the inclusion of trees. None are proposed in the current scheme. The inclusion of trees in the Docks divides opinion about whether they are historically incongruous or a welcome 'softening' feature. No trees were included in the earlier scheme and it is not considered necessary to insist on their inclusion.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 The proposal would lead to a modest enhancement in the appearance of the area that could be consistent with the existing Docks public realm and/or the public realm guidance if the asphalt could be replaced with a more appropriate material (and would not prejudice implementation of the earlier scheme). The proposal would slightly improve useability by pedestrians and for events, and would likely make a modest contribution to economic development. It would be a significant downgrade from the previously-consented scheme and although proposed as an interim scheme, could be delivered and retained permanently if granted. If a commitment could be secured to its temporary nature, the asphalt option may be taken as a truly interim solution. It is not

immediately apparent how this could be done but could be discussed with the applicant. With suitable controls no significant harm is likely to the amenities of local residents.

- 7.3 Subject to conditions the proposal, under the proposed course of events in the Officer recommendation, would comply with the above-cited policy context.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That delegated authority is given to the Development Control Manager to discuss with the applicant about securing either

A) replacement of the proposed coloured asphalt with an alternative material that ties in acceptably with the existing new public realm works within the Docks and/or that in the Gloucester Docks Public Realm Strategy 2006 and any associated amendments to the scheme layout in liaison with the Chairman of Planning Committee; or

B) a commitment by legal agreement to a temporary period for the proposed resurfacing (including the proposed coloured asphalt) and setting a timescale for completion of the earlier scheme of public realm works for the square (ref. 14/00415/FUL);

and on the basis of securing either option A or B, grant planning permission subject to the following conditions subject to there being no issues raised by the Canal & River Trust that have not been considered and cannot be overcome by the approval of details under condition. If neither option A nor B can be secured, the application will be referred back to the Planning Committee for determination.

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 approved plans referenced;

(M 5392-100 Rev. D06 - Interim Landscape Proposal * as may be amended)
(M 5392-200 Rev. D02 – Interim public realm – sections * as may be amended)

(received by the Local Planning Authority on 5th July 2016), except where otherwise required by conditions of this permission.

Reason

To ensure that the works are undertaken in accordance with the approved plans.

Condition 3

Surfacing materials shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation.

Reason

To ensure that the materials are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Items of street furniture (including benches, lighting, walls, bollards, balustrades) shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation. Details of the pole mounted lighting shall include a plan of their arrangement and resultant light levels across the site. Details of ground mounted lighting shall include details of their fixing and maintenance in respect of vandalism, water ingress or other damage.

Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition 5

No works shall be undertaken to the railway tracks or any other retained features until a Methodology for their retention/reinstatement (including provisions to make the track and adjoining materials resilient to vehicle movements and turning across them) has been submitted to and approved in writing by the Local Planning Authority. Works to the railway tracks and other retained features shall take place only in accordance with the approved Methodology.

Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition 6

No development shall take place until drainage plans for the disposal of surface water have been submitted to and approved by the Local Planning Authority unless the existing drainage system is retained in situ. If a new system is proposed it shall subsequently be implemented only as approved.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100 and 103 of the NPPF and Policies FRP.1a, FRP.6 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 and the NPPF.

Condition 7

Construction and demolition work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of protecting the amenities of local residents in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework and Policies BE.21, FRP.10 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 8

No development shall commence until a scheme for the management of noise and dust from the construction process shall be submitted to and approved in writing by the Local Planning Authority and development shall be undertaken only in accordance with the approved scheme.

Reason

In the interests of protecting the amenities of local residents in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework and Policies BE.21, FRP.10 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 9

Prior to the commencement of the installation of new surfacing materials, a Management plan for delivery and servicing vehicles shall be submitted to and approved in writing by the Local Planning Authority. This shall provide measures to ensure the safety of pedestrians utilising the square during delivery visits (notably to take account of the required reversing manoeuvre) and provisions if the delivery vehicle is temporarily blocked from entering the site (by an event or otherwise). Deliveries and servicing taking place on the site shall be conducted only in accordance with the approved Management plan.

Reason

The delivery arrangements propose that vehicles traverse and stop within the public area. The condition is necessary in the interests of highway safety, in accordance with Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 32 and 35 of the NPPF and Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 10

Prior to the installation of any new bollards, details of an access management system to allow access to the spaces within the square for disabled persons' vehicles shall be submitted to and approved in writing by the Local Planning Authority. The access management system shall thereafter be employed at all times unless otherwise agreed to in writing by the Local Planning Authority.

Reason

To permit access to the parking spaces in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 57 and 58 of the NPPF, and Policy BE.6 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 11

Development shall comply with the submitted Waste Minimisation Statement dated July 2016 and received by the Local Planning Authority on 5th July 2016.

Reason

To minimise waste in accordance with Policy 36 of the Gloucestershire Waste Local Plan 2004 and Policy WCS2 of the Gloucestershire Waste Core Strategy November 2012.

Notes

Every effort should be made to supply the deliveries management plan to tenants of properties needing to be serviced off the new public square, and advise them of the management arrangements for the disabled parking spaces for customer use.

It is recommended that Amey Gloucestershire is contacted on 08000 514514 to discuss whether the development will require traffic management measures on the public highway.

The applicant/developer is advised to contact Desmond Harris on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust".

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

16/00829/FUL

Llanthony Wharf Car Park
Llanthony Road
Gloucester

Planning Committee



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	06 SEPTEMBER 2016
ADDRESS/LOCATION	:	PEEL CENTRE, ST ANN WAY
APPLICATION NO. & WARD	:	16/00005/OUT MORELAND
EXPIRY DATE	:	25th MAY 2016
APPLICANT	:	PEEL GROUP AND NEXT PLC
PROPOSAL	:	Hybrid application seeking planning permission for the regeneration / redevelopment of the Peel Centre comprising: a) full application for the conversion of former cinema to Class A1 including mezzanine; and b) outline application for demolition of existing units and erection of extensions to the former cinema building, to provide four new Class A1 units in total
REPORT BY	:	ED BAKER
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN SUMMARY & CONCLUSIONS OF REPORT BY CARTER JONAS

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to land at the Peel Centre, St. Ann Way. The Peel Centre is an out of town retail park located to the south of the city centre.
- 1.2 The Peel Centre has a frontage to the south side of St. Ann Way from which it is accessed. To the other side of St. Ann Way to the north is Gloucester Quays Retail Outlet, next to which are redundant docklands buildings, including the Llanthony Provender Mill. To the west, the site backs onto the Gloucester and Sharpness Canal. To the other side of the canal further to the west is a Sainsbury's supermarket. To the south side of the Peel Centre is the Madleaze industrial estate. Bristol Road bounds the Peel Centre on its east side which has a mixture of commercial and residential uses.
- 1.3 The application relates to the western part of the Peel Centre nearest to the canal and contains the former cinema (which has relocated to Gloucester Quays); two Class A3 restaurant buildings (previously occupied by Angel Chef

and Pizza Hut); car park and service areas. All the buildings on the site are currently vacant.

- 1.4 The Docks Conservation Area is located to the other side of St. Ann Way to the north. This includes a number of nearby Listed Buildings including:
 - Llanthony Provender Mill, Grade II Listed;
 - Iron Framed Shed, Grade II Listed;
 - Downing Malthouse, Grade II; and
 - Downings Malthouse Extension, Grade II Listed
- 1.5 The site is located to the immediate south of an Area of Principal Archaeological Interest.
- 1.6 The site is within Flood Zones 2 and 3.
- 1.7 The application seeks planning permission for the demolition of the two Class A3 restaurant buildings; the conversion of the former cinema building to Class A1 retail use including mezzanine floor; and the erection of extensions to the former cinema building to create new Class A1 retail floor space. The proposal would result in four new Class A1 retail units.
- 1.8 The indicative proposed site layout shows the four Class A1 retail units as Units 6A, 6B, 6C and 6D. However, the size of these individual units may ultimately vary. The amount and type of floor space which is proposed by the application is broken down as follows:
 - 4,194 sq. m. gross / 2,555 sq. m. net of comparison goods retail floor space to provide a Next Home and Fashion store with ancillary café (shown as Unit 6D);
 - 4,328 sq. m. gross / 3,679 sq. m. net of comparison goods retail floor space within two retail units (Units 6A and 6B); and
 - 929 sq. m. gross / 743 sq. m. net of convenience goods retail floor space (food) within one retail unit (Unit 6C).
- 1.9 This is a hybrid application whereby full planning permission is sought for the demolition of the existing buildings and conversion of the former cinema for Class A1 use; and outline permission is sought for the erection of the extensions for Class A1 retail use.
- 1.10 In respect of the outline element, access, layout and scale are to be determined now with appearance and landscaping reserved.
- 1.11 The proposed buildings would be orientated on a north-south axis. Unit 6D (Next) is shown on the northern end adjacent the bridge on St. Ann Way. The buildings would face eastwards towards the existing retail units at the Peel Centre. The building would back onto the Gloucester and Sharpness Canal. Servicing would be at the rear on the west side of the buildings. The canal-side towpath is outside the site and would be retained.

- 1.12 The total length of the buildings would be 120 metres. The depth of the units would be between 57 metres (Units 6A, 6B and 6C) and 58 metres (Unit 6D). The height of Units 6A, 6B and 6C would be 11 metres. Unit 6D is shown as being taller at 13.5 metres in height.
- 1.13 Units 6A, 6B and 6C are of a uniform architectural design (the drawings for Unit 6A being indicative as it is proposed under the outline part of the application). The ground floor of the main façade would be predominantly glazed with the central part of the front of each unit also glazed to first storey level. The elevations would be faced in timber effect panelling with powder coated aluminium cladding on the corners. The applicant has amended the design of the rear elevation with the introduction of some translucent cladding and higher signage fascias as a response to concerns that the rear of the building does not do enough to address the canal-side and towpath.
- 1.14 The design of Unit 6D (Next) (also indicative) has a different architectural approach. It would have a glazed façade with limestone colonnades at the front. The side and rear of the unit would be faced in brick slips. There would also be glazing at the rear with the café overlooking the canal.
- 1.15 The application is supported by the following documentation:
- Planning & Sustainability Statement;
 - Retail Planning Statement;
 - Design & Access Statement;
 - Heritage Statement;
 - Transport Statement;
 - Travel Plan;
 - Flood Risk Assessment;
 - Waste Minimisation Statement;
 - Land Contamination Statement;
 - Statement of Community Involvement; and
 - Plans and drawings including 3D visualisations.
- 1.16 The application is brought to the planning committee because of the scale and nature of the proposal.
- 1.17 The Local Planning Authority is also considering two applications to vary conditions on permissions 09/01308/FUL and 13/00559/FUL to alter the range of goods that can be sold from Units 3A and 1B at the Peel Centre (16/00007/FUL and 16/00008/FUL). Those applications have been submitted by the same applicant and, along with application 16/00005/OUT, are presented by the applicant as a “package of measures” aimed at enhancing the Peel Centre. Given the cumulative impact of all the proposals, and the similarity of the issues that arise, the three applications are brought before the committee together. However, Members are advised that each of the applications should be determined on their own individual merits.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The Peel Centre has a long and complex planning history. Previous decisions which are considered most relevant to the current application are summarised below in chronological order.

11159/11a - approved

- 2.2 This was an application for the erection of 93,000 square feet retail, new highway, drive-through restaurant and formation of car park. The application was approved in April 1989.

11159/11b – approved

- 2.3 This was an outline planning application, with planning permission being granted for 16,000 square feet of retail development, plus a multiplex cinema, theme bar, restaurant and car park. Reserved matters approval was subsequently granted via applications 11159/11b(i) and (ii). It does not appear that the retail element of this permission was implemented.

11159/13 – approved

- 2.4 This was an application for the erection of 41,000 square feet retail units and formation of car parking area. The application was approved in August 1989.

05/00751/COU – approved

- 2.5 This was an application for change of use of Unit 7 from assembly and leisure (class D2) to restaurant / cafe (class A3). The application was approved in August 2005.

08/01116/FUL - approved

- 2.6 This was an application for the extension and refurbishment of the existing cinema, the erection of an attached building to provide 4 (no.) units for class A3/A4/A5 use, canal-side public realm improvements, erection of 4 (no.) wind turbines (later removed) and associated car park re-arrangements and landscaping works. The application was approved in June 2008. However, the permission was not implemented and the permission expired.

09/01308/FUL – approved

- 2.7 This was an application to vary condition 6 of planning permission ref. 11159/11a to alter the range of goods that can be sold. The application was approved in July 2010.

09/01310/FUL – withdrawn

- 2.8 This was an application to vary condition 2 of planning permission ref. 11159/11b to alter the range of goods that can be sold. The application was withdrawn in April 2010.

09/01311/FUL – approved

- 2.9 This was an application to vary condition 4 of planning permission 11159/13 to alter the range of goods that can be sold. The application was approved in July 2010.

11/01292/FUL – approved

- 2.10 This was an application for alterations to and change of use of the existing cinema building to retail use (class A1), erection of extension to building for retail use (class A1), and associated alterations to parking and servicing arrangements, landscaping and public realm works. It was granted subject to conditions (including notably a “bulky goods” condition to reflect that imposed at the time on the remainder of the Peel Centre) in July 2012. The applicant has apparently commenced works to keep this permission alive although no formal determination has been made by the Local Planning Authority that works lawfully started and that the permission remains extant.

13/00559/FUL – appeal allowed

- 2.11 This was an application to vary condition 1 of planning permission ref. 09/01311/FUL to alter the range of goods that can be sold from amalgamated Unit 3a and 3b for occupation by “Home Bargains”. It was refused by the City Council but allowed at appeal following a public inquiry.

13/00560/FUL – withdrawn

- 2.12 This is an application seeking to vary condition 3 of planning permission ref. 11/01292/FUL (to allow the sale of an unrestricted range of goods from the existing cinema building, with no change to the restricted range of goods from the extension). The application was withdrawn in March 2013.

14/01173/FUL - withdrawn

- 2.13 This was an application to vary condition 3 of permission ref. 11/01292/FUL to alter the range of goods allowed to be sold and provide flexibility by allowing one retail unit of up to 4,048sq m gross floor space in the converted and extended cinema to sell toys. The application was withdrawn in October 2015.

14/01445/FUL – approved

- 2.14 This is an application seeking variation of condition 1 of planning permission 09/01308/FUL to alter the range of goods that can be sold from an amalgamation of Units 3a and 3b. The application was approved in March 2015.

15/00004/FUL – approved

- 2.15 This is an application seeking alterations to and change of use of existing cinema building to retail use (class A1), erection of extension to building for retail use (class A1), associated alterations to parking and servicing arrangements, landscaping and public realm works - Variation of condition 2, and removal of conditions 19 and 20, of planning permission 11/01292/FUL, to omit the requirement for compensatory flood storage works and allow a lower finished floor level. The application was approved in August 2015.

15/00155/FUL – appeal withdrawn

- 2.16 This is an application seeking variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 93,000 sq. ft. retail, new highway, drive-through restaurant and formation of car park). The applicants appealed against non-determination, however, the appeal was later withdrawn.

15/00156/FUL – appeal withdrawn

- 2.17 This is an application seeking variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 41,000 sq. ft. retail units and formation of car parking area). The applicants appealed against non-determination, however, the appeal was later withdrawn.

15/00157/FUL – approved

- 2.18 This is an application seeking planning permission for external alterations and enhancements to existing retail warehouse units including complete re-cladding with modern glazing and materials and new entrance lobby for Unit 1A. The application was approved in July 2015.

15/00158/FUL – appeal withdrawn

- 2.19 This is an application for alterations to, and change of use of, vacant cinema building to retail use (Class A1), erection of extension to building for retail use (Class A1), and associated alterations to parking and servicing arrangements, landscaping and public realm works. The applicants appealed against non-determination, however, the appeal was later withdrawn.

15/00490/NMA – approved

- 2.20 This was a non-material amendment proposal to alter condition 2 (approved drawings) and pre-commencement conditions 7, 8, 11, 12, 13, 14, 15, 17, 19, 22, 23, 25, 26, 28, 29 and 30 of permission ref. 11/01292/FUL to exclude the laying of foul water services to the proposed retail units from pre-commencement conditions. The application was approved in May 2015.

15/01126/FUL – undetermined

- 2.21 This is an application seeking alterations to, and change of use of, vacant cinema building to retail use (Class A1), erection of extension to building for retail use (Class A1), and associated alterations to parking and servicing arrangements, landscaping and public realm works. The application is undetermined pending the outcome of applications 16/0005/OUT, 16/0007/FUL and 16/0008/FUL.

15/01127/FUL – undetermined

- 2.22 This is an application seeking variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 93,000 sq. ft. retail, new highway, drive-through restaurant and formation of car park). The application is undetermined pending the outcome of applications 16/0005/OUT, 16/0007/FUL and 16/0008/FUL.

15/01128/FUL – undetermined

- 2.23 This is an application seeking variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 41,000 sq. ft. retail units and formation of car parking area). The application is undetermined pending the outcome of applications 16/0005/OUT, 16/0007/FUL and 16/0008/FUL.

16/00007/FUL – undetermined

- 2.24 This is an application seeking variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263 sq. m. net within new sub-divided unit 1B and 1,015 sq. m. net from unit 3A. The application was submitted alongside the application subject to this report and is being considered concurrently.

16/00008/FUL – undetermined

- 2.25 This is an application seeking variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263 sq. m. net within new sub-divided unit 1B and 1,015sq. m. net from unit 3A. The application was submitted alongside the application subject to this report and is being considered concurrently.

16/00320/NMA – approved

- 2.26 This was a non-material amendment proposal to amend the external alterations approved under permission 15/00157/FUL. The application was approved in April 2016.

3.0 PLANNING POLICIES

- 3.1 This part of the report identifies local and national planning policies that are relevant to the consideration of the application and considers the weight that can be afforded to them.

Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'
- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who presided over the appeal relating to Units 3A and 3B at the Peel Centre (13/00559/FUL), '*...its sheer age suggests it must be out of date...*' (par. 11 of the Inspector's report).
- 3.5 The 1983 Local Plan policy most relevant to the proposals is Policy S.1(a):
'Major comparison shopping facilities will not normally be permitted outside the main shopping area, defined on Plan 10, other than in accordance with the specific provisions of other policies.'
- 3.6 Policy S.1(a) is out of date and superseded by national planning policy, namely section 2 of the NPPF, *Ensuring the vitality of town centres*.

National Planning Policy Framework

- 3.7 The NPPF published in March 2012 is a material consideration of considerable importance. It sets out the Government's planning policies for England and how these are expected to be applied.
- 3.8 Guidance on how to interpret the NPPF is provided by the online National Planning Practice Guidance ("NPPG").
- 3.9 Annex 1 of the NPPF provides advice on the weight that should be afforded to adopted Local Plans that pre-date the NPPF, and emerging Local Plans.

3.10 Paragraph 14 of the NPPF says that: '*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...*

...For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.'*

3.11 Section 2 of the NPPF, *Ensuring the vitality of town centres*, provides national policy on how to deal with proposals for town centre development.

Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

3.12 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury ("JCS") and Gloucester City Plan ("City Plan").

3.13 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.

3.14 Paragraph 216 of the NPPF states that weight can be given 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 NPPF.

3.15 The JCS is part way through the Examination process and the Inspector published her Interim Report in May 2016. However, a number of proposed modifications will be made to the policies in the plan. The legal advice that the Council has received is that the JCS can be given limited weight at this time.

Gloucester City Plan

- 3.16 The City Plan will sit underneath the JCS and provide locally specific site allocations and development management policies, within the strategic context of the JCS. To date, consultation has taken place on Part 1 of the City Plan, which sets out the context, strategy and key principles, and Part 2, which sets out a draft City Centre Strategy and looks at potential site opportunities. The next stage will be the publication of a Draft City Plan for public consultation. This will include an updated Part 1 and Part 2, along with a range of locally specific Development Management policies. The City Plan can be given no meaningful weight at this time.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.17 Regard is also had to the policies contained within the Gloucester Local Plan, Second Stage Deposit 2002 (“2002 Local Plan”). The 2002 Local Plan was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes.
- 3.18 However, the 2002 Local Plan was never subject to Examination and was never formally adopted. In this regard, the weight that can be given to the Local Plan is, therefore, limited. This view is supported by the Inspector presiding over the 13/00559/FUL appeal, who commented that: ‘*The Gloucester Local Plan did not progress beyond the Second Stage Deposit of 2002; while its policies were adopted for development control purposes, they cannot carry any significant weight.*’ (par. 12 of the Inspector’s report). This approach is, however, contradicted in other appeal decisions where Inspectors choose to give policies in the 2002 Local Plan reasonable weight.
- 3.19 The main body of the committee reports refers to policies contained in 2002 Local Plan where they broadly accord with policies contained in the NPPF, and are applicable to the proposal. Policy S.8 of the 2002 Local Plan identifies the Primary Shopping Area in the City Centre. Policy S.10 identifies Quedgeley Centre as a District Centre.

Other relevant policies

- 3.20 The following policy documents are considered relevant insofar as they demonstrate the Council’s on-going commitment to seeing the redevelopment of the Kings Quarter area and the regeneration of the city centre more generally.

Revised Draft Central Area Action Plan 2006

- 3.21 This reached preferred options stage in August 2006. It was subject to two rounds of public consultation. Policy CA20 allocates the wider area for major new comparison goods retail development as part of a mixed use scheme. It also provides general development management policies. It is a non-statutory document and of limited weight. The content of the plan will be taken forward through the emerging Gloucester City Plan.

Revised Draft Supplementary Planning Document - Kings Square and Bus Station Planning Brief 2007

- 3.22 This set out the Council's approach to the development of this area. It was not formally adopted by the Council but was prepared in accordance with the relevant planning regulations and subject to extensive public consultation. It is a non-statutory document and is updated by the 2013 concept statement.

Kings Quarter Planning Concept Statement 2013

- 3.23 This statement carries forward previous policy objectives for the Kings Square and Bus Station area of the City. It is a non-statutory document. It was subject to a six week period of consultation, amended in light of consultation responses, and was adopted by the Council as interim SPD for development control purposes. The Concept Statement sets out the opportunity and objectives to deliver a redevelopment of Kings Quarter, creating a vibrant addition to the City's shopping offer, including a new and improved bus station, improved linkages to the railway station, Northgate Street and the city centre, and public realm improvements. The scheme sought to deliver a significant change in the City's retail performance by achieving a substantial level of new retail-led, mixed use development to act as a catalyst for the continued regeneration of the wider city centre area and city as a whole.

Emerging Gloucester City Plan – Sites and places Consultation – May 2013

- 3.24 The City Plan covers the whole of the Council's administrative area and once adopted will provide locally specific development management policies and site allocations (in general conformity with the JCS). "Part 1" sets out the context and key principles for the plan, which include the delivery of a transforming city that brings regeneration benefits, continuing the longstanding strategy of delivering development on a city centre first approach and the primacy of Kings Quarter redevelopment as the Council's priority regeneration site for delivering a step change in its retail performance. "Part 2" sets out sites in the City that are being considered for development, the uses they are being considered for and how they could have a positive contribution to the city. Given the Council's longstanding strategy for the retail-led regeneration of King's Quarter, this proposal is carried forward.
- 3.25 The Draft City Centre Strategy forms part of "Part 2" of the City Plan and has been prepared partly in response to evidence (JCS Retail Study Phase 1) that the City Centre is underperforming for a City the size of Gloucester and the identification of underlying weaknesses such as an under representation of certain categories of retailing and a poor quality environment. It sets out a draft vision, objectives and key components of a strategy such as strengthening the City centre as a regional shopping destination and improve its retail ranking, to maintain and improve the vitality and viability of the city centre, the delivery of a 'step-change' in the retail performance of the City centre and quality urban spaces through the bringing forward of the Kings Quarter scheme, delivery of a new high quality bus station in the Kings

Quarter scheme that will provide a key gateway feature, and applying the 'city centre first' approach.

Strategic Economic Plan for Gloucestershire 2014

- 3.26 The Kings Quarter scheme is identified as a key county-wide regeneration priority for helping to deliver the Strategic Economic Plan for Gloucestershire, a document sponsored by the Local Enterprise Partnership.

Gloucester Regeneration Strategy 2016 - 2021

- 3.27 The Council's regeneration strategy sets out a clear strategic framework of priorities that received Member endorsement. A consultation draft was subject to a period of consultation in spring 2015. The strategy is not a statutory planning document. Kings Quarter is identified as a major strategic regeneration priority. The City Plan will be the statutory development plan to deliver the strategy spatially.
- 3.28 The 1983 Local Plan, JCS, draft City Plan and 2002 Local Plan can be viewed at the relevant website address:- Gloucester development plan policies – <http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy>. The NPPF and NPPG can be viewed at the Department of Community and Local Government website – <http://planningguidance.communities.gov.uk/>.

4.0 CONSULTATIONS

4.1 Highway Authority (Gloucestershire County Council)

No objection – comments as follows:

- The application is supported by both a Transport Assessment and Travel Plan in accordance with best practice;
- The site is well served by pedestrian footways/shared cycle ways including controlled crossings along St. Ann Way providing access to further retail development and Gloucester City Centre. On road cycle facilities existing along Southgate Street and Bristol Road. A ramped shared footway/cycle way exists to the north that links from St. Ann Way to the site and along the Gloucester and Sharpness Canal tow path which also provides access to the site. There are adequate public transport facilities and services in the locality. The site is considered to be in a well located and accessible area;
- The existing access arrangements to the site will remain unchanged. I am satisfied that safe and suitable access is provided for all users;
- The layout will result in the loss of some existing parking spaces. Servicing of the site has been demonstrated by vehicle tracking for a 16.5 metre articulated vehicle and 10 metre rigid lorry;

- The number of parking spaces would be reduced from 353 to 175 spaces. The total provision for the Peel Centre would be 762 spaces. 14 disabled spaces would be provided. Motorcycle and bicycle parking is proposed. The NPPF and Ministerial Statement 2015 require local authorities to only impose parking standards on residential and non-residential development where there is clear and compelling justification in order to manage the local road network. The proposed parking arrangements are 15% less than what would have been required pre-2011. A car park count has also been undertaken. The surveys show a peak on a Saturday afternoon of between 350 and 400 vehicles over the surveyed weeks. Having regard to all these factors and the accessibility of the site by sustainable means of transport, the proposed level of parking provision is satisfactory;
- Traffic surveys have been undertaken. Trip generation has been assessed against the fall-back of the previous planning permission (11/01292/FUL). The increase in traffic resulting from the proposal will lead to an increase of one vehicle every minute passing through the linked signalised junctions of Bristol Road/St. Ann Way/Peel Centre during the Friday peak. This would double to two vehicles during the Saturday peak hour. Capacity testing has been undertaken that demonstrates that the St. Ann Way junction with the Peel Centre operates satisfactorily. However, the Bristol Road/Southgate Street junction is close to capacity. The proposal is predicted to increase traffic queues by 2 vehicles on this junction and by 3 vehicles on the St. Ann Way junction. However, the impact is not considered severe;
- No objections are raised on highway safety grounds; and
- The submitted Framework Travel Plan is acceptable.

The following planning conditions are recommended:

- Provision of the parking and serving areas shown on the plan
- Provision of cycle parking
- Provision of travel plans that accords with the Framework Travel Plan
- Provision of a Construction Method Statement

4.2 Conservation Officer

No objection – comments as follows:

- The site is located adjacent the Docklands Conservation Area and the prominent Heritage Assets at Bakers Quay and Llanthony Priory;
- There are prominent views of the site from St. Ann Way, including elevated views from St. Ann Bridge;
- The current buildings do not make a positive contribution to the street scene and the proposal provides opportunity to improve the built form

by introducing a high quality scheme, including pedestrian and cycle links along the canal corridor;

- Locally distinctive materials should be used for both the buildings and landscaping; and
- A comprehensive signage strategy should be included to ensure that each site has a uniform approach, adding to the quality of the scheme.

The following planning conditions are recommended:

- Samples of external materials for both the buildings and landscaping;
- Details of ventilation extracts;
- A comprehensive signage strategy; and
- Pedestrian/cycle links to the quays and city centre.

4.3 Urban Design Officer

7th April 2016

Comments as follows:

Unit 6D (Next)

- Replacing the Angel Chef and Pizza Hut buildings will be an improvement. The existing buildings are dated and they give a very negative impression, which contributes greatly to the negative quality of this specific area;
- There is lack of information about the treatment of the space at the rear of the building next to the canal-side. Previous applications included fairly detailed landscaping plans for this important area;
- The overall impression of the proposal is fairly positive. The scale of the structure is acceptable, particularly given the larger structures locally, including the Quays retail centre and historic warehouses;
- The use of Jura Limestone is at odds with the character of the local area. Cotswold stone was used to some extent as a detailing material and it would be more appropriate to use brick as a main material, which references the character and history of the area. This would also read well with the Engine Shed and Provender warehouse buildings, which are adjacent the site to the north;
- A combination of red sandstone and red/orange brick would form a more locally distinctive finish;
- The design of the front colonnade should be more integral to the main building so that it does not look like it is “struck on”;
- The use of Wienerberger brick slip is supported and this will enable a good range of colour options;

- Comments on the colour finish vertical panels that separate each section of the building; and
- With some alterations to the material finishes to Unit 6, this part of the proposal would be acceptable.

Units 6A, 6B and 6C

- Some of the visualisations convey an uninspiring impression of the design with rather repetitive and flat treatment to the “rear” and side of the former cinema building. Another view shows the rear more clearly and reveals some positive aspects to the design. The use of much lighter vertical bands stand proud of the main facing material, thereby causing shadow and adding some interest and depth. This approach really should be emphasised and extended around all the sides and rear of the building to help lift the appearance;
- The large expanses of flat metal panelling really give quite a dull impression. It is assumed that these are meant to be a focal point, however, the material is of insufficient quality to achieve this;
- The rear of the building is not the same design quality as the front. The issue of front and back is so important because each side is as visible as each other, with the back being particularly prominent next to the canal and bridge. The canal-side elevations clearly define the canal and towpath. If one of the aspirations of the Council is to improve the overall quality of experience of moving down the canal towards the Docks then these significant elevations need to be of a good level of design quality and material finishes. Previous proposals for the site have all been more interesting;
- The Sainsbury’s supermarket opposite the site achieves a greater level of design quality onto the canal-side, with a raised first floor decking area to the café, windows above the internal shelving and some good landscaping. Even the structure of the building is interesting, with a series of columns to the underside of the roof; and
- The design of Units 6A, 6B and 6C cannot be supported at this time.

29th July 2016

Comments as follows:

- The latest revisions mainly apply to the rear elevation of the existing cinema unit and its extension to the south. Some of the grey powder aluminium flashing (dark grey panels) have either been reduced or removed. The extent and area of Parklex cladding material has been greatly reduced and now appears as more pronounced vertical bands, separated by similar vertical bands of translucent cladding. The distinct signage is now higher and larger. The pattern of brick treatment is now more distinctly vertical in alignment and not bunched around each of the service doors as in the previous revision;

- The overall impression of the rear elevation is very flat with limited relief across the two distinct sections. The overall form is very squat and horizontally emphasised with no interest or relief provided by a roof form. The translucent panels do add interest to the rear elevation but will not add any real surveillance over the towpath. The overall approach to the rear elevation will not add any activity and life to that important linear space;
- The cinema extension section is clearly recessive in scale and design quality, when compared to the proposed Next store and the integrity of the design suffers as a result. Far more efforts is needed for the design to counter the fundamental issue of the service yard being at the rear;
- The Urban Design Officer goes onto make a number of positive suggestions for improving the design of the building, including reference to the very strong and clear historic buildings in the area, including the industrial character of the Quays and Docks; and improvements to roof design;
- The amended elevations are going in the right direction, particularly with reference to the clearer vertical brick sections which are useful in countering the very strong horizontal emphasis of the form. However, more depth and relief is needed across the elevations;
- The Urban Design Officer remains unconvinced about the use of Parklex cladding and a larger sample would be needed. When viewed from a distance the texture and grain of the wood is lost and mass of single colour would be seen. Alternative materials are suggested; and
- The Urban Design Officer would not be able to support the scheme design as it stands. The following NPPF policies apply:

‘Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation’ (par. 58)

‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.’ (par. 61)

‘Significant weight should be given to truly outstanding or innovative designs which help raise the standard of design more generally in the area.’ (par. 63)

‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’ (par. 64)

4.4 City Archaeologist

No objection – comments as follows:

- The site has some archaeological potential. Roman archaeological remains have been identified to the east of the site towards Bristol Road and recent archaeological works just across Bristol Road have demonstrated that archaeological remains survive at a greater depth than was previously anticipated;
- Recent works at Llanthony Priory to the north-west have also shown that archaeological remains can survive below modern dumped deposits in this part of Gloucester, often in good condition; and
- The site has some archaeological interest being the site of the nineteenth century Gloucester Wagon and Carriage Works. I am therefore concerned that any development requiring ground works in this area may have an adverse impact on significant archaeological remains.

The following planning condition is therefore recommended:

- Implementation of a programme of archaeological works in accordance with a written scheme of investigation.

4.5 Environment Agency

No objection – comments as follows:

- The site is within Flood Zones 2 and 3
- In relation to previous applications, we advised that finished floor levels (“FFL”) for the cinema should be as high as possible. The 2011 permission secured FFL at 11.65 metres AOD. Levels should be set above the historic level of 11.18 metres AOD as a minimum and preferably above the modelled Sud Brook 1:100 year flood level (plus climate change) at 11.22 metres AOD. In addition, flood resilient measures at 11.78 metres AOD should be secured for all the units. Ultimately, a minimum FFL of 11.22 metres AOD was agreed;
- The same FFL of 11.22 metres AOD is proposed by the current application and this should be secured by a planning condition;
- Since the previous permissions, guidance on climate change has changed. However, the guidance acknowledges that for schemes that are well progressed through the planning system, as in this case, it not be practical to re-assess the scheme with the new climate change requirements. We therefore do not require the applicant to undertake further Flood Risk Assessment (“FRA”) work. The lack of an up to date FRA does add weight to the need to ensure all units employ flood resilient measures up to 11.78 metres AOD and that, where possible, FFL should be set higher than the 11.22 metres AOD minimums; and

- A flood compensation scheme was previously agreed to be secured by planning condition. The previous scheme could be conditioned or a new scheme required. The flood compensation scheme should be carried out prior to commencement of the rest of development rather than first occupation so that the development does not increase flood risk to third parties.

4.6 Lead Local Flood Authority (Gloucestershire County Council)

No objection – comments as follows:

- Due to the presence of Flood Zone 3, the lead flood authority is the Environment Agency;
- The Flood Risk Assessment is acceptable;
- There is no information on SuDS implementation. We recommend SuDS for all new developments;
- Water quality will be considered by the County Council as part of assessment of SuDS. However, pollution control is a matter for the Environment Agency; and
- Future management and maintenance of the SuDs are a matter for the Local Planning Authority and not the County Council.

The following planning conditions are recommended:

- Details of compensatory flood storage; and
- Requirement for evidence of water company consent.

4.7 Drainage Officer

Comments as follows:

- The main issue relates to agreement of a 100 year plus climate change flood level. This in turn affects the finished floor levels and any compensation for loss in flood-plain storage. The Environment Agency has had considerable involvement here and so it is best that the Environment Agency reviews the proposal; and
- The Lead Local Flood Authority will advise on any SuDS requirements.

4.8 Severn Trent Water

No objection – subject to the following conditions:

- Submission of a foul and surface water drainage scheme
- Implementation of the approved drainage scheme
- Advice that there may be a public sewer within the site and that the applicant should take this into account
- Advice on the Building Regulations process

Officer comment – the final two points are not planning conditions, but may be best relayed to the applicant/developer by way of informative notes.

4.9 Canal and River Trust

No objection – comments as follows:

- The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- Requires planning conditions to be imposed to allow proper assessment of the application and its impact on the canal;
- Further details of landscaping and lighting for the canal-side are required. A comprehensive landscaping proposal is necessary and should include details for the rest of the path along the canal, tree planting, bin storage and further detail on the fence/seating area at the rear. Detail on lighting position, light spill and hours of operation compared with the current situation would be welcomed. Without this information the following conditions are recommended.

Recommended planning conditions:

- Details of a hard and soft landscaping scheme;
- Details of the proposed lighting, including details of foundations;
- Detail of protective fencing to safeguard the canal during construction; and
- Details of proposed surface water drainage.

The following informative note is recommended:

- The applicant/developer should contact the Waterway Engineer to make sure that the necessary consents are in place and that the works comply with the Trust's code of practice for works.

4.10 Environmental Health Officer

No objection – subject to the following conditions:

- Restriction on hours during construction
- Dust mitigation scheme
- Measures to protect the highway from mud during construction
- No burning of materials/substances during construction
- Noise assessment of any mechanical plant
- Odour management plan
- Termination point of the extraction flue above roof eaves
- Scheme for external lighting

The following informative note is recommended:

- Requirement for a Permit to Operate crushers and screens during construction under the Environmental Permitted Regulations 2010.

4.11 Contaminated Land Services

Comments as follows:

- An appropriate conceptual model has been provided, which identifies commercial site users as being the main receptors at risk of any ground gas and vapours;
- Direct contact with soils is thought to be minimal as the site will remain largely covered with hardstanding. A pathway to groundwater is thought not to exist. Although the presence of alluvium could create a pathway, it is unlikely to have a significant impact on the canal;
- An intrusive investigation is recommended to determine ground conditions and should include gas monitoring comprising four visits over one month and soil and water sampling. This should include a generic risk assessment;
- Although the report dates back to 2008 it is generally satisfactory and information contained in it would remain unchanged. However, it would be prudent to request an update, particularly on reported pollution incidents and industrial uses in the surrounding area as these could have an impact on the site. This could be done as a supplementary letter report. Otherwise, planning conditions are recommended.

The following planning conditions are recommended:

- Requirement that the following conditions are fulfilled prior to the commencement of development, other than implementation of an approved remediation scheme;
- Site characterisation;
- Submission of remediation strategy;
- Implementation of approved remediation scheme;
- Reporting of unexpected contamination; and
- Long term monitoring and maintenance.

4.12 Environmental Manager

No objection – comments as follows:

- Lighting details should be provided by condition as the canal corridor is an important foraging area for bats and it should not be over-lit. Light spillage should be kept to a minimum.

The following planning conditions are recommended:

- Submission and approval of a landscaping scheme; and
- Submission and approval of a lighting scheme

4.13 Police Crime Prevention Design Advisor

Comments as follows:

- Footpaths must be wide, lit, have clear lines of sight, not afford hiding places and be maintained. Benches must not provide climbing opportunities into the premises;
- Fencing and access gating should be robust steel to prevent burglary. Emergency egress to be provided;
- Advice on lighting standards;
- Use of bollards and planters to prevent vehicular attack on the building;
- Windows and doors to have enhanced security to address the lack of a secure perimeter boundary;
- Access control measures to be used to control visitor movements;
- CCTV should be provided
- Bins should be lockable, fixed and located away from buildings to prevent arson and anti-social behaviour;
- Servicing compounds should be secure. Doors to have enhanced levels of security and areas covered by CCTV;
- Secure cycle parking should be provided for each business unit; and
- It is recommended that the development is built to meet Secured by Design standards.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised by way of a press notice and the display of site notices. In addition, 11 neighbouring properties have been directly notified of the application in writing.

5.2 Representations have been received from a number of different parties and are summarised below. The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00005/OUT>

Ellandi LLP

5.3 Ellandi manages the Eastgate Shopping Centre in Gloucester City Centre on behalf of Lone Star Funds. Ellandi has submitted three objections against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

24th February 2016 – holding objection

- Several letters of objection were submitted against previous applications 15/01126/FUL, 15/01227/FUL and 15/01128/FUL, which are currently pending and will be withdrawn depending on the outcome of the current applications;
- Ellandi continues to have fundamental concerns as to the likely significant adverse impacts of the proposal on the city centre;
- The proposal would have long lasting implications for the City Centre including shifting the balance of retail provision towards Gloucester Quays and the Peel Centre and away from the City Centre's traditional primary shopping areas;
- The Peel Centre would command a clear competitive advantage over the City Centre as a shopping destination and would not complement the City Centre as the applicant suggests. The Peel Centre will compete "head on" for shopping trips, expenditure and retailers; and
- A more comprehensive review of the application will be undertaken. In the interim, this holding objection has been submitted.

29th March 2016 – objection

- The proposal will bring no material benefit to the vitality and viability of the City Centre and runs counter to the Council's 'Regeneration and Economic Development Strategy'. The proposal represents further incremental change to provision outside the City Centre boundary in an area where the applicant has a vested interest to deliver retail uses;
- The applicant states that the range of goods sought is necessary for the Peel Centre to compete with other retail parks in the area. This is not a planning argument that we have come across before. It is neither an objective of the NPPF or NPPG. National policy seeks to foster competitive town centres through directing town centre uses to them;
- The proposal will compete directly with the City Centre, which is unacceptable. The Peel Centre should remain a bulky goods retail park. The applicant has had ample opportunity over time to invest in the Peel Centre but it has been allowed to deteriorate over time. Regeneration is not an appropriate term for the proposals at the Peel Centre. The proposal would not deliver a combination of social, environmental and economic benefits;
- The applicant's ownership in and around Gloucester Quays is substantial and includes the remainder of the GQ redevelopment and regeneration area, the Peel Centre retail park, Madleaze industrial estate and adjacent development sites. Incremental and ongoing improvements are likely to be part of a strategy to further strengthen the retail offer in the area. The effect will be to dilute the City Centre's retail offer and shift the balance of retailing to Peel's ownership;

- The City Centre should be allowed to strengthen without being undermined by unsustainable out of town developments such as that proposed. The proposal represents a significant risk to delivery of the regeneration strategy for the city centre;
- The proposal will likely result in significant adverse impact on Gloucester City Centre. It will undermine existing and planned investment in the City Centre. It will lead to a significant impact on the City Centre's vitality and viability;
- The proposal would give the Peel Centre a clear competitive advantage over the city centre as a shopping destination (providing free parking, easy access by car and lower rents). The applicant does not address the shifting of balance of retail in the City Centre towards out of centre locations. The application is heavily reliant on qualitative assessment to demonstrate acceptability. The assessment should take account of local circumstances derived from a qualitative assessment, as is made clear in paragraph 017 of the NPPG;
- The applicant's assertion that linked trips would increase is highly questionable. The proposal would lead to a reduction in trips where a wider range of retail uses at the Peel Centre would simply remove the need for shoppers to visit the City Centre;
- The applicant's interpretation of the 2012 exit survey is also misleading. The applicant cites 26% as being the figure for linked trips, which masks the fact that 74% of customers stated that they did not visit the City Centre. This figure is only likely to increase if the proposal goes ahead. The applicant actively discourages customers leaving the Peel Centre by foot (the applicant has a policy of clamping vehicles not belonging to customers of the Peel Centre);
- There are no obvious pedestrian friendly routes between the Peel Centre and City Centre. The journey to the PSA is convoluted and over half a mile (>800 metres), including a steep incline. The applicant has significantly over-played the linked trips;
- There are a number of units that remain vacant in the City Centre. A number of others are let on a temporary basis. There is a real risk that overall improvement will not be maintained. A number of the City Centre's key anchors have a recent track record of taking space in out of centre locations;
- The applicant's assessment fails to mention that the proposal will be in direct competition with the remainder of the City Centre (i.e. existing investment) including Eastgate and Kings Walk shopping centres;
- The applicant has not offered a no-poaching clause – even if it did the clause provides little comfort as it still allows a retailer to take a second but primary unit at the Peel Centre whilst maintaining minimal presence in the City Centre. The enforceability of such clauses is questioned;
- The lack of named occupiers (other than Next) makes assessment of impact difficult. The proposal for open Class A1 use will be of

significant interest to retailers. The proposal would compete directly with the City Centre;

- The proposal would have significant impact on the emerging revised proposals for the redevelopment of Kings Quarter;
- There will be little commercial incentive for Ellandi to make its planned improvements to the Eastgate Centre which includes reconfiguration of units, refurbishment of the existing mall space and options for major redevelopment of the first floor shopping centre, which is currently vacant. These proposals can only come forward if they are viable. A factor will be whether there are any other schemes that will undermine consumer sentiment and lead to a reduction in City Centre footfall;
- The complex planning history of the Peel Centre leads to considerable confusion as to what is currently permitted on site (i.e. the fall-back position). Ellandi provides a summary of what it believes Units 1, 2, 3 (3A and 3B), 4A, 5A, 5B, former cinema building, and the former Angel Chef and Pizza hut units can be lawfully used for in terms of use and planning restrictions;
- The proposal will not bring about regeneration in the true sense. It will serve to redevelop a first generation retail warehouse park which has fallen into a state of disrepair. Redevelopment will be at the expense of much needed regeneration of the City Centre. The proposal will do little to encourage new tourists to the area. Job creation will largely be job displacement from the City Centre. 'Environmental improvements' are restricted and could be addressed by other means;
- The proposal is contrary to both national and local planning policy which seeks to maintain and strengthen the vitality and viability of town centres. The proposal is also contrary to the objectives of the Council, investors and City Centre businesses. The applications should be refused without delay for the following reasons:
 - The proposal has potential to accommodate a wide range of retailers, a number of which already serve as anchors in the city centre. Examples that have leases expiring in the next 3 years or where there are lease renewal discussions are River Island, Dorothy Perkins, Burton and Primark;
 - BHS has entered into administration and there is significant risk that it may choose not to continue operating from its Gloucester store at Kings Walk, which could leave their 47,500 sq. ft. store available for Next to occupy;
 - Impact from the proposal will be on a like for like basis with these stores. The relocation of any of these stores to the Peel Centre will substantially reduce footfall in the City Centre. This will have consequences for consumer choice and trade. The impact on vitality and viability of the City Centre will likely be significant;

- The proposal will undermine investor confidence in the city and weaken attempts to bring forward regeneration and renewal. The scheme is not linked to the City Centre;
- The proposal will undermine the Council's aspiration to control retailing in this out of centre location. The applicant has further substantial landholdings around the site and will very likely seek to consolidate their position as a new city centre for Gloucester;
- The proposal will result in displacement and relocation of jobs rather than a net increase in employment; and
- The proposal would have a direct and significant impact on Quedgeley District Centre. The loss of a key anchor (Next) from the District Centre will likely be a significant as it removes the main fashion draw from Quedgeley.

17th May 2016 – objection

- The proposal will result in future closures and/or relocations of existing retailers who currently serve as anchors in the City Centre;
- Regardless of whether or not a no-poaching clause is put in place, there is very little that be done to prevent the eventual relocation of these stores to the Peel Centre;
- The following City Centre stores will be reaching the end of their lease in the next five years:
 - Primark
 - Argos
 - River Island
 - New Look
 - Acadia (Topshop, Topman and Dorothy Perkins)
- All of these retailers have a track record of taking space in out of centre locations, often relocating from nearby allocated centres. The proposal would accommodate these retailers. These are also the types of retailers that Next would seek to co-locate with and this will likely be a condition of their relocation to the Peel Centre;
- A number of other City Centre retails are considered 'at risk':
 - BHS is currently in administration. Closure will leave a large vacant unit in a prime city centre location (circa 4,000 sq. m.);
 - Recent acquisition of Argos by Sainbury's is expected to result in a number of relocations / closures. The Sainbury's store adjacent the Peel Centre is large enough to accommodation an Argos concession; and
 - Marks and Spencer has relocated a number of their town centre stores to out of centre stores and this could happen in Gloucester. It has already occurred in Rugby, Great Yarmouth, Stevenage and Hartlepool.

- The loss of these stores will have a significant and long lasting impact on the City Centre which is already showing signs of vulnerability. The proposal will undermine attempts to fill voids where there is already tempered demand in Gloucester as a whole;
- The combined floor space of these stores is between 9,000 and 19,422 sq. m. or between 6.5% and 14% of the total floor space in the City Centre. Large, persistent voids in the City Centre undermines visitor perceptions and investor confidence;
- These stores currently perform an important and vital role in attracting visitors to the City Centre and drives footfall. The loss of any number of these stores would be significant. It would also compound current high vacancy rates in the City Centre and the constrained demand for new retail floor space in Gloucester as a whole. This will result in retailers and jobs relocating to out of centre locations. It will also reduce the chances of a leisure-led scheme coming forward at Kings Quarter;
- The aforementioned stores are large and it would be difficult to find a new occupier following relocation / closure. A prime example is the former Marks and Spencer store on Northgate Street which was either vacant or temporarily occupied for over five years;
- The City Centre is highly vulnerable to out of centre development such as that proposed. Even modest trade diversion from a new development may lead to a significant adverse impact;
- We consider no-poaching conditions to be highly ineffective. The condition proposed by the applicant does very little to prevent the eventual relocation of stores to the Peel Centre. The clause is only a short term measure and does very little to prevent impact on investment in the City Centre. It will not prevent a loss of investor confidence and will not guard against the applicant's goal to provide a modern retail park in an out of centre location;
- The proposed wording only prevents retailers from relocating to the Peel Centre for 12 months. A retailer would have two options: either cease trading in the City Centre for 12 months or keep the existing city centre operating for 12 months and endure the cost of running two stores for that period. However, it is likely that the retailer would choose either option, especially if the expected "incentives" such as 12-24 months free rent at the Peel Centre are on offer from the applicant. The condition also does not prescribe what level of trade should continue from the existing City Centre unit during that 12 month period;
- The no-poaching clause would be wholly ineffective in mitigating the impacts of the proposal on the City Centre;
- We are surprised that the applicant has no clear steer as to who is targeted to occupy the development, other than Next and possibly Iceland, particularly given the level of investment in the proposal. Reference to Iceland is a red herring as it is the only store not in the City Centre or in close proximity to the site. Iceland is not an occupier that Next tends to re-locate with;

- Refers to Carter Jonas' letter of 24th March 2016 which raises concerns about linked trips between the Peel Centre and City Centre (Carter Jonas has been appointed by the Council to provide specialist retail advice on the planning applications). The applicant's 2012 exit survey of customers is fundamentally flawed. The Peel Centre also actively discourages customers leaving their cars there and walking to the City Centre with the threat of clamping of vehicles not belonging to customers of the Peel Centre. Ellandi also questions the level of scrutiny of the 2012 exit survey at the Home Bargains public inquiry, which was a proposal for only one unit;
- The applicant is unwilling to commit to a planning condition that would require all four units to be built at the same time – this illustrates the applicant's intentions to bring about further improvements to the scheme once the principle of open Class A1 use is established;
- Remain unconvinced of the fall-back position of the two existing Class 3 restaurants being converted to retail use. Both these units are poorly configured, cannot be viewed particularly well from the road and are considerably dated;
- We welcome the applicant's acceptance of conditions to prevent subdivision of the proposed four units and not to install any additional mezzanine floors. However, since the application is in outline, we question how the conditions would work in practice. We also query whether these conditions should also be applied to the proposals to vary conditions (Units 3A and 1B);
- Ellandi wishes to emphasise the extent of the applicant's land holdings to the south of the city centre (Madleaze Industrial Estate). They do not doubt that the applicant has seriously considered the reconfiguration of current existing floor space to include some of this land to the south. Once open A1 retail floor space is established at the Peel Centre it will be far easier to promote a reconfigured scheme that relies on the current proposal as a fall-back;
- The wording of conditions proposed by the applicant to control the types of goods that can be sold from the units is not accepted as they fail to mitigate the inevitable loss of trade from the city centre; and
- Ellandi asks that the applicant addresses all the points they raise.

Aviva Investors

- 5.4 Aviva has land interests at Kings Walk in Gloucester City Centre and has submitted an objection against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

4th May 2016 – objection

- The Peel Centre and Kings Walk have the same catchment areas, and compete for the same retailers. The Local Planning Authority should

consider the proposal very carefully, in particular the potential impacts on Gloucester City Centre and investor confidence;

- Aviva objected to the suite of applications at the Peel Centre submitted in January 2015 for a different redevelopment scheme. The applicant appealed against non-determination and subsequently withdrew the appeals. Aviva's primary concern about the previous applications were:
 - i) The applicant had downplayed progress that is ongoing with regards to redevelopment of Kings Quarter;
 - ii) That the proposals do not accord with the emerging JCS, which seeks to protect key regeneration proposals such as Kings Quarter from inappropriate developments elsewhere.
- Since January 2015, further progress has been made with King Quarter including planning permission for a new bus station. That site is next to Kings Square and forms part of the first phase of the Kings Quarter redevelopment;
- Aviva is concerned about the impact of the proposal on the vitality and viability of the City Centre, as well as impact on existing, committed and planned public and private investment;
- Agrees with the content of the letter Carter Jonas's letter of 24th March 2016 to the Local Planning Authority that raises a number of '*key issues, inconsistency, and gaps in [the applicant's] evidence pertaining to the retail planning case, and specifically on the robustness of the sequential and impact assessment*';
- The Peel Centre is a large scale retail warehouse centre that is defined by the NPPF as being 'out of centre'. The applicant argues that the Peel Centre is highly accessible from the City Centre Primary Shopping Area ("PSA"), even though it is located approximately 870 metres from it. The applicant explains that 26% of Peel Centre customers also visited the 'city centre' as part of their trip. Carter Jonas does not consider this figure to be particularly high. Aviva agrees with this judgement and further agrees with Carter Jonas that there are significant flaws with the data being used by the applicant to substantiate the linked trip theory. The results of the survey are inaccurate and misleading. This figure will be even lower should the proposal be granted planning permission. This is because the types of goods sold will be very similar to the goods that are usually sold within the City Centre. Because of this, it is likely that a customer would visit either the City Centre or the Peel Centre, but not both;
- The letter from the Highway Authority provided at Appendix H of the Retail Planning Statement is misleading because it discusses connectivity between the City Centre and Gloucester Quays, and not the Peel Centre. Their point should therefore be disregarded. Any linked trips between the Peel Centre and defined City Centre should not be given significant weight when the application is considered;
- There has been an historic increase in the amount of retail floor space outside the defined City Centre and this is of particular concern to

Aviva. The proposal is akin to a comprehensive out of centre retail development. Aviva's concerns are:

- i) The impact on the vitality and viability of the City Centre;
 - ii) The impact on existing, committed and planned public and private investment at Kings Quarter.
- The main impact on vitality and viability is due to the proposal attracting the same type of operators that are traditionally located within the City Centre. This is evidenced by the fact that Next, being a traditional town centre use, is seeking to locate to the site. The Peel Centre would become a retail destination in its own right, and not just for bulky goods. This will reduce visitors to the city centre;
 - Quotes the PPG on the issue of impact on investment;
 - The applicant seeks to dismiss investment at Kings Quarter as having any policy status. Aviva argues that this is not completely accurate. The Kings Quarter Concept Statement was adopted by the Council in January 2013 as interim Supplementary Planning Guidance. Whilst this does not have the same weight as a development plan document, it does nonetheless give Kings Square policy status. The document states that the proposal for Kings Quarter '*...forms a key part of the City's longstanding and ongoing regeneration strategy for the City, which seeks to deliver a City Centre first approach...*'
 - The bus station development is phase 1 of the Kings Quarter proposals and will act as a catalyst for further phases of the development;
 - The application also dismisses the progress that has been made on the JCS, which is now at an advanced stage. Aviva quotes par. 4.3.6 of the JCS: '*It is important... that key regeneration proposals, such as Kings Quarter, are protected from inappropriate developments elsewhere and realised in the context of the clear strategy for the City centre in its City Plan.*';
 - Some weight can now be given to the emerging JCS as it has reached an advanced stage in preparation and there are no significant unresolved objections relating to the retail policies in the plan; and
 - Aviva believes that mention of Iceland is a red-herring as they are the only store not in the city centre or close to the site. Moreover, Iceland does not tend to co-locate with Next.

The Royal London Mutual Insurance Society Ltd

- 5.5 The Royal London Mutual Insurance Society Ltd ("RLMIS") is the owner of the Quedgeley Retail Park in Quedgeley. RLMIS has submitted an objection against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

25th May 2016 – objection

- Quedgeley Retail Park is a defined district centre within Gloucester. Next occupies a sizeable unit on the retail park and is proposing to relocate from Quedgeley to the application site;
- As a District Centre, Quedgeley Centre has the same policy status as a town centre. By contrast, the Peel Centre is “out-of-centre”;
- A significant component of Quedgeley Centre is the Quedgeley Retail Park, which comprises 7 units, including larger retail units accommodating Next, Brantano, Matalan and Boots. The retail park provides a good range of non-food goods and makes a significant contribution to the vitality and viability of Quedgeley Centre;
- Reference to paragraph 023 of the NPPF;
- The sequential test and retail impact test apply as set out in the NPPF;
- RLMIS’s concern primarily relates to the loss of Next from Quedgeley Centre and the implications for the vitality and viability of this district centre. The applicant has submitted no information on the availability of alternative sites in Quedgeley Centre. Therefore, the sequential test has not been satisfied;
- The proposal is to relocate Next from Quedgeley Centre to the application site. The Next unit at Quedgeley is approximately 780 sq. m. It is a sizeable unit in the context of Quedgeley Centre. If the unit becomes empty for a significant period, this will have a harmful impact on the vitality and viability of the district centre. There is no evidence as to the prospect of the unit being re-let in the foreseeable future;
- The applicant’s sequential test focuses on the City Centre and provides no assessment of the availability of sites within and on the edge of Quedgeley Centre. Therefore, the sequential test cannot be satisfied. Reference to Carter Jonas’ letter of 24th March 2016, which comments on this specific issue; and
- It would be far preferable for Next to extend or relocate within Quedgeley Centre.

Vixcroft Ltd

- 5.6 Vixcroft are the prospective new owners of Kings Walk in Gloucester City Centre having exchanged contracts with Aviva to take over the lease of the shopping centre. Vixcroft has submitted an objection against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

8th August 2016 – objection

- Kings Walk is an important element of the City Centre and requires revitalisation. The asset includes the BHS store which will imminently cease to trade from BHS’s insolvency. The BHS store is a prominent and important element of the City Centre’s retailing and its re-

occupation is dependent upon retailer's confidence in the future of the City Centre;

- The health and vitality of the Gloucester City Centre rests, to some degree, on the decision of the Local Planning Authority in relation to these three planning applications, which are a serious threat to the viability of the City Centre. This is because diversion of retail activity, which should otherwise be naturally concentrated on the City Centre in accordance with planning policy, will harm the City Centre;
- Future investment should be directed to Gloucester City Centre to support its vitality and viability. Out of centre development, such as that proposed, which diverts economic activity out of the City Centre, should be refused;
- Reoccupation of the BHS store will be assisted by the protection of the City Centre. Vixcroft are unable to say at this stage what will happen to the BHS unit, and this is one element of the City Centre. The Local Planning Authority's concerns should be City-wide, albeit the BHS situation is an indicator of the wider issues facing the City Centre; and
- Resolution and implementation of the Kings Quarter development will significantly support the future regeneration of the City Centre. For these same reasons, the outcome of the three planning applications will have a significant bearing on the viability, fundability and thus deliverability of the Kings Quarter project. As a consequence, there is a strong case for refusal of these planning applications.

Letters of support

5.7 Five letters of support from local people have been received. The points that are raised are summarised below.

- The regeneration of Gloucester over the last 20 years has been incredible and there is more to come. The applicant has been instrumental in supporting this growth, including commitment to regenerate Gloucester Quays. This has brought employment opportunities and visitor growth for Gloucester;
- The proposals provide many economic opportunities for Gloucester. The City needs a boost for high end retailers. The proposed Next store will open the flood gates for new retailers and employment opportunities for Gloucester;
- Following the change of focus for Kings Quarter, there is no risk of competition and the application proposals will support the regeneration plans for the City. The applicant will be able to attract the bigger retailers to Gloucester and this would complement the range of shops at the Peel Centre, thus improving the retail offer for local people. It would also add to the existing attractions and help to improve visitor numbers to the City;

- Believes that the proposal can only be considered a good thing in enhancing the overall Peel centre and creating jobs for the city;
- The applicant has demonstrated a long term commitment to Gloucester for over 20 years and has been a driving force behind regenerating the quayside in Gloucester, creating over 1,000 permanent jobs;
- The proposed Next store would provide a major boost to the local area. It would substantially improve the retail offer and act as a catalyst to attract a wider range of big-brand new retail tenants to the area. This is particularly important now that the King's Quarter regeneration has moved away from a retail focus;
- Gloucester has limited retail offer which means that one has to travel further afield to shop;
- The proposal would provide a significant number of new jobs for local people as well as additional business rates to the local council thereby providing economic benefit to the whole of Gloucester;
- It is a shame to waste ugly space with lots of commercial potential; and
- The only proviso should be that the design fits with that of The Quays and the docks more generally so as you walk or look along the river you get a sense of the heritage of the City.

Letter of objection

5.8 A local resident objects to the application for the following reasons.

- 'Yet again a mismatch of old and new buildings. Gloucester has a great Victorian quay and dock. Do we really need a modern building ruining our quay side?

I'm all for development of the Peel Centre but please keep with the Victorian history of the canal and docks.'

6.0 OFFICER OPINION

Legislative background

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

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

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

c) any other material considerations.

6.3 Members are advised that the main issues relevant to the consideration of the application are as follows:

- Planning history
- Application of planning policy
- Impact on the vitality and viability of Gloucester City Centre and Quedgeley Centre and the application of the sequential test
- Investment and economic benefits
- Impact on the character and appearance of the area
- Impact on adjacent Heritage Assets
- Archaeology
- Impact on neighbouring property
- Access and parking
- Flood risk
- Drainage
- Contamination
- Ecology
- Crime prevention
- Local finance considerations
- Procedural matters

Planning history

6.4 The Peel Centre has a long and complex planning history. Of particular relevance are two previous planning permissions for new build retail on the former cinema site.

6.5 Firstly, application 11/01292/FUL which was granted planning permission in July 2012 for change of use and extension of the cinema building to form five Class A1 retail units. The permission was subject to a restrictive condition that limited the type of goods that could be sold to “bulky goods”. The permission ran for three years ending in July 2015. The applicant apparently commenced works to keep this permission alive although no formal determination has been made by the Local Planning Authority that a lawful start was made and that the permission remains extant.

6.6 Secondly, application 15/00004/FUL which was granted planning permission in August 2015. This was essentially a modification of application 11/01292/FUL and sought to amend conditions 2 (approved plans), 19 (flood compensation requirement) and 20 (finished floor levels) of the earlier permission. The permission was also subject to a restrictive condition that limited the type of goods that could be sold to “bulky goods”. It also runs for three years and remains extant until August 2018. Therefore, whether permission 11/01292/FUL remains extant is to an extent a moot point.

6.7 The previous planning permission is a “fall-back position” i.e. what could legitimately take place without the need for further planning permission. The

impacts of the current proposal need to be considered in the context of the impacts that would result from the previous planning permission if it was implemented. Regard is had to this fall-back position when the various impacts of the proposed development are considered in this report.

Application of planning policy

- 6.8 Given that the 1983 Local Plan (being the statutory Development Plan) is out-of-date, the application should be determined in accordance with paragraph 14 of the NPPF. This says that planning permission should be granted: ‘...*unless any adverse impacts of doing so would **significantly and demonstrably** [my emphasis] outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole...*’
- 6.9 Members should have this in mind when they consider the range of benefits and impacts of the proposal as discussed in the various sections of the report below.

Impact on the vitality and viability of Gloucester City Centre and Quedgeley Centre and application of the sequential test

- 6.10 The Local Planning Authority has commissioned Carter Jonas (“CJ”) to provide specialist retail advice on this application, as well as related applications 16/00007/FUL and 16/00008/FUL. CJ has provided a detailed report on the impacts of the proposals that can be found at the following link: <http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00005/OUT> (“Report from Council’s consultant” received 11.8.16). An Executive Summary of the report is appended to this committee report.
- 6.11 Given that the Local Planning Authority does not have an up-to-date Development Plan and that only limited weight can be given to emerging local planning policy, the application should be considered in accordance with the NPPF and NPPG, with particular reference to section 2 of the NPPF: *Ensuring the vitality of town centres*.
- 6.12 The NPPF says that ‘*Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*’ (par. 23). National planning policy advocates a “town centre” first approach to protect the interests of city, town and district centres.
- 6.13 The application site is situated approximately 810 metres from the Primary Shopping Area (“PSA”) in the City Centre as defined by the 2002 Local Plan. In respect of the PSA in the emerging JCS, this distance is slightly lower at around 700 metres. In both cases, this means that the site is “out of centre” for the purposes of retail policy (i.e. it is within an urban area but more than 300 metres from the primary shopping area) (Annex 2 of the NPPF).
- 6.14 The proposal is for Class A1 retail development, which is a “main town centre use” according to the NPPF. The NPPF says that proposals for main town centre uses that are not in an existing centre and not in accordance with an

up-to-date development plan should be subject to a “sequential test” (par. 24). Moreover, such proposals should also be subject to a retail impact assessment where the floor space is greater than 2,500 sq. m., as is the case with the application proposals (par. 26). The impact assessment should include an assessment of:

- i) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- ii) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

6.15 The NPPF is clear that ‘*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*’ (par. 27)

The Sequential Test

6.16 The application is supported by a Retail Planning Statement (“RPS”), which seeks to address both the sequential and retail impact tests.

6.17 ‘*The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.*’ (par. 008 NPPG, revision date: 06 04 2014)

6.18 It is for the applicant to demonstrate compliance with the sequential test, wherever possible, supported by the Local Planning Authority. The application of the sequential test should be proportionate and appropriate for the given proposal. Applicants and local planning authorities are required to demonstrate flexibility on issues such as format and scale: ‘*It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*’ (par. 010, NPPG, 06 03 2014)

6.19 The applicant has examined a number of potential alternative sites within and adjacent the Primary Shopping Area. In order to do this, they have established some parameters. The site area of the application site is 1.9 hectares (ha) and in order to demonstrate a “degree of flexibility”, the applicant has extended the site search to land up to 20% less in overall size (i.e. sites of 1.52 ha and above). There is no specific reasoning as to why a reduction of 20% is used and this seems to be an arbitrary figure.

6.20 CJ advises that the applicant's scope for flexibility on format and scale should be greater by virtue of the fact that other than Next, there are no named occupiers for the proposed development. Any potential sequential sites should be assessed on their potential to accommodate the proposed floor space of the application proposals, with adequate servicing arrangements.

6.21 On the question of "disaggregation" (whether proposals can be subdivided in order that they can be accommodated on sequential preferable sites), CJ refers to the decision in *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13. The Court held that when it comes to flexibility, local planning authorities are expected to consider different built forms and sub-division of large proposals:

'As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals in order that their scale may fit better within existing developments in the town centre' (para 28)

6.22 CJ advises that where an application proposal comprises a number of separate units or different uses, a combination of more central sites should be considered provided that they do not require any of the individual retailers to disaggregate their offer. By way of clarification, the proposed Asda store that was the subject of the Dundee decision was a single free-standing store in a single building which could only have been reduced in size through the disaggregation of the store's offer. There is a fundamental difference between the disaggregation of a single store compared with the sub-division of individual retailers forming part of a larger development. A sequential approach that prevents the assessment of whether some retailers on a large scheme might be accommodated on sequentially preferable sites runs totally against the town centre first approach. The unintended consequence of this is that it creates an incentive for applicants to propose schemes so large that they will never be able to be accommodated on central or edge of centre sites.

6.23 In terms of the requirement for sequentially preferable sites to be "available", CJ advises that this should be considered in the context of the timescales for development of the application proposals, if permission is granted, and on the facts of the case, including Local Plan policy and regeneration objectives. Indeed, the Inspector presiding over the appeal against the Council's refusal of application 13/00559/FUL took the view that for a site to be "available" it does not necessarily have to be immediately available: *'...depending on the circumstances of the case, having to be immediately available for occupation seems somewhat too restrictive.'* (par. 17 of the Inspector's decision). That said, CJ do advise that the Local Planning Authority should not place significant weight in their sequential assessment on more central sites if they are likely to be delayed for a substantial period.

6.24 The applicant has examined a number of potential sequentially preferable sites including the former M&S at 17-23 Northgate Street; Greater Blackfriars; Kings Quarter; and the BHS unit at 27-39 Eastgate Street. The Local Planning Authority has also considered availability within the Eastgate Centre.

Former M&S unit at 17-23 Northgate Street

- 6.25 It is understood that TK Maxx has agreed terms on this unit and as such it is not available.

Greater Blackfriars

- 6.26 The City Council and County Council are jointly working together to bring forward a Local Development Order for the Barbican car park and Quayside House sites. The LDO is envisaged to be housing led with some small-scale offices and commercial uses. Public consultation on the proposals is planned to take place in September 2016. The site is therefore unlikely to be available.
- 6.27 At the JCS Examination in Public, the City Council identified part of Greater Blackfriars as having potential for retail development (up to 3,200 square metres of retail floor space across three separate sites) and that this would be explored further through the development plan process. These sites would not accommodate the proposed development. In addition, the sites would likely not be available for a number of years. This land can therefore be discounted.

Kings Quarter

- 6.28 Kings Quarter is located in the heart of the City Centre to the north east of Eastgate Street and south east of Northgate Street. The site covers approximately 4 ha and includes Kings Square, the bus station, Market Parade and the adjoining multi-storey car park.
- 6.29 The Kings Quarter site has been an identified regeneration site for a number of years and remains the Council's key priority for the transformation of the City Centre through new development and public/private sector investment. This is demonstrated by the series of local policy documents issued over the last ten years for redevelopment of the Kings Quarter site (see pars. 3.22 to 3.27 inclusive of this report). The Kings Quarter Planning Concept Statement 2013 sets out proposals to redevelop the area, creating a vibrant addition to the City Centre's shopping offer, including a new and improved bus station, improved linkages to the railway station, Northgate Street and the City Centre, as well as public realm improvements. In December 2015, planning permission was granted for the creation of a new bus station (15/01142/FUL).
- 6.30 More recently, in July of this year, the City Council went out to public consultation on alternative options for mixed use redevelopment of the Kings Quarter site. The new scheme is expected to include an indoor market, new multi-storey car park, a variety of restaurants and shops, residential development and a hotel. Although the level of new retail floor space has been reduced in comparison with previous proposals for the site, the current options would deliver between approximately 5,000 and 10,000 sq. metres of retail floor space. This will include a Tesco convenience store (400 sq. m.) and is likely to include some ancillary Class A3/A4/A5 uses. A planning application is expected to be submitted early in 2017 with the scheme developed

out in three phases. Phase 1 consists of the redevelopment of the bus station and should be complete by summer 2017. Phase 2 is likely to include the indoor market, some retail, car park and possibly the hotel. This is expected to be completed by Spring 2019. Phase 3 is likely to include the remaining retail floor space and residential with completion by Summer 2019.

- 6.31 Aviva has agreed to sell their interest in the adjoining Kings Walk to Vixcroft for a sum in the region of £20 million. Vixcroft anticipate investing a further £5 million in improvements to Kings Walk and have also expressed an interest in working with the City Council to invest significantly in the Kings Quarter redevelopment scheme.
- 6.32 The retail element of the new Kings Quarter scheme is not expected to be delivered until mid-2019, or by 2020 at the latest. Pre-application discussions have only just begun and planning applications are due to be submitted early next year. In view of these timescales, it is considered that the Kings Quarter redevelopment will not occur soon enough to be considered a realistic alternative to the application site. With this in mind, it is considered that Kings Quarter is not available at this time.

Eastgate Centre

- 6.33 In their objections, Ellandi (which manages the Eastgate Centre) have referred to proposals to deliver up to 2,000 sq. m. of new retail floor space at first level at the Eastgate Centre. However, there is no indication of timescales or availability. In addition, this level of floor space would not be able to accommodate the proposed development. Opportunities at the Eastgate Centre can therefore be discounted at this time.

BHS unit at 27-39 Eastgate Street

- 6.34 BHS has recently been forced into administration and is in the process of closing its 163 stores across the country with the loss of over 11,000 jobs. This includes the store in Gloucester City Centre, which has now closed. The BHS unit in Eastgate Street will therefore be available in the short term and as far as the Council is aware there are no prospective occupiers in place for all or part of the store.
- 6.35 BHS is a key anchor store with a prominent frontage onto Eastgate Street within the Primary Shopping Area of the City Centre. It is understood that the store has a total gross area of 3,993 sq. m. of which 2,050 sq. m. is at ground floor level and the remainder (1,943 sq. m.) at first floor.
- 6.36 It is apparent that the unit could not accommodate the proposed development in its entirety. However, the unit could accommodate the proposed Next Home and Fashion unit (Unit 6D), assuming some flexibility in format and scale. With a total gross floor space of 4,215 sq. m. gross, it is only just over 5% larger than the BHS unit (estimated to be 3,993 sq. m.). Furthermore, the proposed Next store has a ground floor area of 1,700 sq. m. gross, which is slightly less than the BHS unit (2,050 sq. m.). Aside from Next, it is clear that two of the

three other Class A1 (food and non-food) units (Units 6A, 6B and 6C) could be accommodated in the BHS unit.

- 6.37 Notwithstanding the fact that it has been identified that different elements of the proposed cinema redevelopment could be accommodated in the BHS units, it remains that the proposed floor space could not be accommodated in the BHS units in its entirety, even assuming some flexibility in terms of format and scale; and there are no other sites/buildings currently available in the City Centre that could accommodate the residual space. CJ therefore concludes at the time of preparing its appraisal that there are no sequentially preferable sites either in or on the edge of the City Centre's PSA that can reasonably accommodate the proposed cinema redevelopment as a whole, assuming some flexibility in terms of format and scale.
- 6.38 The sequential test is therefore considered to be passed insofar as the development proposed by this application is concerned.

Quedgeley Centre

- 6.39 Neither the applicant nor CJ are aware of any sites either in or on the edge of the District Centre that could accommodate the proposal, even after assuming some flexibility in terms of format and scale. The representation from Royal London Mutual Insurance Society Limited (owners of Quedgeley Retail Park) did not indicate the availability of sequentially preferable sites within the District Centre. It is considered that there are no sequentially preferable sites within or on the edge of Quedgeley Centre.

Retail impact

- 6.40 CJ has considered the retail impacts of the proposed development in two inter-related parts. Firstly, an appraisal of impact on centre trade and turnover. Secondly, an assessment of impact on centre vitality, viability and investment. CJ considers the impact of the proposal in isolation; cumulatively alongside existing retail commitments in the area; and alongside the proposals under applications 16/00007/FUL and 16/00008/FUL.

Impact on centre trade and turnover

- 6.41 CJ has tested the applicant's assessment of the likely trade diversion (£m) and impact (%) on the turnover of the City Centre and Quedgeley District Centre. "Trade diversion" is a store's turnover that would have otherwise been spent in the City or District Centre (e.g. £15m from Newtown town centre). "Trade draw" is defined as the area from which a store would draw its trade and is normally zoned (e.g. 50% of turnover is from Zone 1 etc.).
- 6.42 In their RPS, the applicant carries out four impact assessment scenarios as described below:

- Scenario A – existing/permitted scenario of the previously approved cinema development (11/01292/FUL and 15/00004/FUL); Units 3A and 1B used for the sale of bulky goods; and the vacant Angel Chef and Burger King units occupied by non-bulky good retails;
- Scenario B – broadening the range of goods to be sold from Units 3A and 1B only (applications 16/00007/FUL and 16/00008/FUL);
- Scenario C – the proposed development only (16/00005/OUT); and
- Scenario D – the proposed development (16/00005/OUT) and the widening of the goods sold from Units 3A and 1B (16/00007/FUL and 16/00008/FUL).

6.43 The NPPF requires that impact on city/town centre trade/turnover should be carried out *'up to five years from the time the application is made.'* (par. 26). The applicant assumes a base year of 2015 and a design year of 2020. CJ agrees with this approach.

6.44 The RPS forecasts that the development will have the following turnover:

- Next store (Unit 6D) - **£9.5 million** in 2020
- Units 6A and 6B (non-food open retail) - **£16 million**
- Unit 6C (food) - **£9.5 million**

6.45 The applicant suggests that the turnover of the development can be discounted by £3.25 million, which is the amount of turnover forecast for the Angel Chef and Pizza Hut units if they were used for open Class A1 sales. The applicant believes that it is a plausible fall-back that those two existing units could be used for retail sales as the change of use from Class A3 (restaurant/café) to Class A1 (retail) is permitted development. They cite instances where this has occurred elsewhere in the country. CJ are dubious, expressing the view that the existing Class A3 units do not meet the needs of modern Class A1 retailers and that is therefore highly unlikely that they would be used for retail sales. However, Members are advised that some weight should be given to this fall-back because if the Local Planning Authority was faced with a planning application to modify the two buildings so that they can better accommodate retail operators, it is unlikely that it would be able to raise objections about the retail use of the buildings.

6.46 The RPS forecasts that the permitted scheme (Scenario A) would have a total turnover of £18.9 million.

6.47 CJ notes that the applicant has made no allowance for the growth in turnover up to 2020, having used turnover at 2015 (2013 prices). CJ go onto undertake their own "sensitivity testing" of the figures assessing the impact of higher turnover forecasts, and this is examined later in this section of the report.

6.48 The applicant calculates the turnover of the existing City Centre and CJ is satisfied with the assumptions that the applicant uses. In 2015, the City Centre achieved a turnover of £334.7 million of which 95% of turnover was for

comparison good sales. Quedgeley Centre is estimated at achieving a turnover over £149 million in 2015, of which 37% related to comparison goods. The applicant calculates the turnover of the existing Next store at Quedgeley Centre as generating £3.9 million turnover.

- 6.49 Interestingly, the combined turnover of Gloucester Quays and other out-of-centre shopping facilities such as the Peel Centre, St. Oswald's Retail Park and Eastern Avenue, is £300.8 million – equivalent to 90% of the City Centre's total turnover.
- 6.50 The applicant assesses the sales area and turnover performance of known commitments in Gloucester. This assumes that new commitments will achieve a total comparison goods turnover of £46.6 million.
- 6.51 Regarding "trade draw", the RPS predicts that the open Class A1 units would draw 40% of the forecast turnover for those units from the City Centre. CJ is very concerned that the proposal for open Class A1 retail would potentially result in the relocation of existing retailers from the City Centre to the application site, and this would lead to a much higher trade draw and impact on the City Centre's turnover. CJ advises that the trade draw from the City Centre will be much greater than assumed by the applicant.
- 6.52 Insofar as "bulky goods" sales, CJ advises that trade draw from existing large format retailers at Quedgeley Centre will be higher than the 2% assumed by the applicant in their RPS. Similarly, CJ predicts a higher trade draw of convenience goods from Quedgeley Centre than calculated in the RPS.
- 6.53 Turning to trade diversion and impact, the applicant assumes the following:
- Scenarios A-D – existing retail commitments will have a -3.8% impact on the City Centre; -2.7% impact on Quedgeley Centre; and -5.2% impact on Abbeydale Centre;
 - Scenario D – there will be a -3.2% solus impact on both the City Centre and Quedgeley Centre; and -0.5% impact on Abbeydale Centre;
 - The cumulative impact of existing retail commitments and the proposals are -7.0% on the City Centre; -5.9% on Quedgeley Centre; and -5.7% on Abbeydale Centre; and
 - Net difference between impact of existing retail commitments and proposed development – -2.0% on the City Centre; -2.9% on Quedgeley Centre; and -0.5% on Abbeydale Centre.
- 6.54 The applicant considers that the additional impacts on the centres would be low when compared to the impact of existing retail commitments. The applicant further argues that in reality these impacts will be even less because the calculations have assumed that the approved Tesco store at St. Oswald's Retail Park will go ahead (it is understood that Tesco will now not build the store). In addition, the applicant says that the calculations do not take account of the further linked trips between the Peel Centre and City Centre that would result if the proposed development went ahead. The applicant carried out a

customer survey in 2012, which concluded that 26% of shoppers visiting the Peel Centre also visited the City Centre, and these linked trips provide spin-off benefits to the City and Docks areas. According to the applicant, these factors are likely to overstate the true level of impact on the City Centre.

- 6.55 The applicant also assesses the sensitivity of the “solus” impact of the proposals assuming higher trade draws from the City Centre for the non-bulky goods at 50% and 75% (“sensitivity testing”). For Scenario D, it calculates the impact on City Centre turnover as -2.1% (50% draw) and -3.1% (75% draw). The applicant makes the point that even at an unrealistic and overinflated assumption of 75% draw, the impact on City Centre would be low and certainly not significant.
- 6.56 CJ has carried out its own sensitivity testing of the proposals based on corrected turnover, trade draw assumptions and updated commitments. It models three different impact scenarios. Scenarios 1 and 2 are based on previous assumptions with regard to retail commitments in Gloucester, whereas Scenario 3 draws on the latest evidence relating to retail commitments, having regard to the JCS Inspector’s recent update on retail matters. Scenario 3 therefore represents the preferred impact position.
- 6.57 In their note of 27th July 2016, the JCS Inspector commented that neither the Tesco permission (St. Oswald’s Retail Park) nor the Interbrew scheme should be treated as commitments for the purpose of meeting Gloucester’s short term need for new comparison goods floor space up to 2021. Accordingly, CJ has removed these commitments from the impact assessment. However, in terms of remaining commitments, CJ has allowed for a number of other factors. Firstly, an uplift in turnover at the Peel Centre of £2.6 million arising from the Home Bargains permission. Secondly, the recent planning permission for the Ashchurch Designer Outlet Centre, which comprises a net sales area of 13,436 sq. m. along with a garden centre of circa 6,460 sq. m. That development is expected to achieve a comparison goods turnover of £70 million. It was reported that the proposal would draw significant trade from Gloucester City Centre (-£18.5 million). Thirdly, that the permission for the Tesco includes an element of bulky goods retail warehousing and this is included in the assessment.
- 6.58 In terms of the “solus” affects of the proposed cinema redevelopment, CJ advises that the impact on the City Centre would be -3.6% and the impact on Quedgeley Centre would be -4.6%. Whilst these “solus” impacts might be considered low in percentage terms, this masks the fact that they will divert significant turnover (£ millions) from both centres; up to £14.3 million from the City Centre and £6.9 million from Quedgeley Centre. Moreover, the effect of existing retail commitments, including the Ashchurch decision dated 30 June 2016, is significant. Allowing for these commitments, CJ forecasts that the cumulative impact of the proposal on the City Centre will increase to **-9%** (-£35.5 million) and **-4.8%** (-£7.2 million) on Quedgeley Centre. CJ advises that the cumulative impact would be significantly adverse. Indeed, this level of trade diversion is significant both in percentage impact and monetary terms. Furthermore, when combined with the proposals to widen the sale of goods

from Units 3A and 1B under applications 16/00007/FUL and 16/00008/FUL, the cumulative impacts on the City Centre and Quedgeley Centre would be - **11% (£43.2 million)** and **-5.4% (-£8 million)** respectively. In such case, the retail impacts would clearly be even greater.

- 6.59 CJ considers that its analysis is reasonable, robust and realistic. It reflects the fact that the proposed development will compete “like-against-like” with the types of retailers and retail offer in these existing centres. The fact that the only named retailer is Next, which is currently trading at Quedgeley Centre, clearly supports these assumptions.
- 6.60 CJ gives little weight to the applicant’s argument that the proposal would result in significant linked trips with the City Centre. CJ advises that allowing for a mix of new open Class A1 retail units (application 16/00005/OUT) and widening the conditions on the existing floor space (applications 16/00007/FUL and 16/00008/FUL), this will create a more attractive standalone shopping destination that will compete with, rather than complement, the City Centre’s retail offer. If linkages and benefits should arise from the proposal, the main beneficiary would likely be Gloucester Quays to the other side of St. Ann Way. The concern is that the Peel Centre and Gloucester Quays will become an overly strong combined competitor destination in its own right and customers will less likely need to visit the City Centre to shop.

Impact on Centre vitality, viability and investment

- 6.61 CJ go on to assess the impact of the proposal on the overall vitality and viability of the City Centre and Quedgeley Centre, including the impact on any existing, committed and planned public and private sector investment, and on local consumer choice. CJ deals with the impact on the City Centre first.

Impact on Gloucester City Centre

- 6.62 Although on the surface the City Centre seems to be performing relatively well against a number of key performance indicators, CJ still has concerns about its overall vitality and viability. There has been limited investment in new retail floor space in the City Centre over the past decade or more and the City Centre has been losing its competitive edge to other centres and out-of-centre retailing over the same period of time. There has also been a long term decline in the requirements from retailers for space in the City Centre and the prime retail area in the City Centre has become increasingly compact.
- 6.63 The JCS Retail Study confirms that there are several underlying weaknesses in Gloucester that need to be addressed, not least the under-provision of comparison goods retailing in the City Centre and lack of investment over the years. GVA’s appraisal of the health of Gloucester City Centre also concluded that it has ‘...struggled in terms of its performance in terms of certain key indicators in recent years’ (par. 4.103) and it has ‘...lost market share in comparison goods shopping and the proportion of clothing/fashion retailers in the centre has fallen’ (par. 4.104).

- 6.64 Although the applicant points out that vacancy rates have fallen back from a high of 21% in 2010, current figures show that more than one in ten of all units in the Primary Shopping Area are vacant. This will be exacerbated by the closure of the BHS unit on Eastgate Street. The City Centre has also fallen in the National rankings from 84th in 2008 to 98th in 2014 and Prime Zone A rents are significantly below the levels achieved pre-recession. There are also reduced requirements from retailers for representation in the City Centre.
- 6.65 This explains in part why the Council and its development partner, Stanhope, have struggled to deliver a retail-led redevelopment scheme for Kings Quarter in the post-recession period. Indeed, investor and business confidence in the City Centre, and indeed other centres across the UK, has been further dented by the collapse of BHS, which will result in a large vacant unit on Eastgate Street in the City Centre. Store Twenty One has also entered into administration and could close its store in the City Centre in the near future. The issues and challenges facing the City Centre and other town centres across the UK have been further exacerbated by the growth in out-of-town retailing and online shopping. This has impacted on shopper behaviour and expenditure, as well as retailers' business models.
- 6.66 In Gloucester, there has been a significant increase in retail floor space located outside of the City Centre, and an increase in the range of goods sold outside it. Gloucester's five retail parks alone provide over 71,800 sq. m. of floor space and this excludes other standalone stores and permitted space. Evidence indicates that the market share of the City Centre has fallen over time, whereas the market shares of out-of-centre locations have increased.
- 6.67 In response to these concerns, many traditional based "city/town centre" retailers are moving to out-of-centre locations. Examples include Marks and Spencer's, Debenhams, Dorothy Perkins, Wallis, Miss Selfridge and Burtons. There is real concern that with the "pool" of available retailers shrinking, the proposal at the Peel Centre will compete "like-against-like" with existing retailers in the City Centre and potential occupiers of existing and new space, such as Kings Quarter.
- 6.68 There is further risk that existing retailers in the City Centre on temporary leases, or leases coming up for renewal, could choose to move out of centre. On this point, the objection from Ellandi (which manages the Eastgate Centre) identifies that a number of key stores in the City Centre will be reaching the end of their lease term in the next five years. These include Primark, Argos, River Island, New Look and Arcadia (incorporating Top Shop, Top Man and Dorothy Perkins). These retailers are all taking space in out-of-centre locations elsewhere in the country, often relocating from existing centres.
- 6.69 In terms of impact on investment, CJ raise concerns about the impact of the proposal on the delivery of the Kings Quarter scheme. This important redevelopment scheme is a longstanding priority for the Council and is a key part of its policy/regeneration initiatives for the City Centre. The revised scheme for Kings Quarter is expected to deliver at least 5,000 square metres

of retail floor space. CJ advises that the proposals will compete “like-against-like” with the proposed Kings Quarter investment, and other existing and planned investments across the City Centre, including the Eastgate Centre. At this critical time in the recovery of the City Centre, after a long period when the majority of new investment in the area has occurred outside the City Centre, CJ advises that the proposal would have a significant adverse impact on operator demand and investor confidence in the City Centre.

- 6.70 CJ does not believe that the proposals will generate significant linked trips and expenditure to the City Centre that will outweigh any of the significant adverse impacts identified. Indeed, the reverse is very likely because the increase in scale and quality of retail offer at the Peel Centre, anchored by Next, will effectively create a standalone out-of-centre scheme that will function as a destination in its own right, particularly given its linkages with Gloucester Quays. This will further increase the critical mass of retail and commercial leisure uses to the south of the City Centre to its significant detriment. This will further erode the vitality and viability of the City Centre, impacting on investor confidence and market demand.

Impact on Quedgeley Centre

- 6.71 Quedgeley Centre is identified as a designated District Centre. Quedgeley Centre includes the large Tesco superstore with smaller shops including a local Post Office, an Aldi discounted food store and Quedgeley Retail Park.
- 6.72 Quedgeley Retail Park comprises seven larger format units including Next, Brantano, Matalan, Boots and other tenants. Together these retailers make a significant contribution to the Centre’s overall vitality and viability. The proposal involves the relocation of Next from the Quedgeley Centre to the application site. Members are advised that this would result in the closure of Next in a designated Centre in the retail hierarchy that is afforded policy protection by local and national planning policy, and its relocation to an out-of-centre shopping location that is not afforded planning policy protection.
- 6.73 CJ notes that another tenant at Quedgeley Centre, Brantano, has recently suffered from UK-wide trading and financial problems and there is concern that the loss of Next, were planning permission to be granted, could be compounded by the loss of another anchor tenant. Royal London Mutual Insurance Society Limited (“RLMISL”), which owns the Quedgeley Retail Park where Next is located, has formally objected to the planning application. RLMISL reaffirm the policy protection afforded to Quedgeley Centre. They also note that if the Next store is vacant for a significant period, ‘...*this will have a harmful impact on the vitality and viability of the centre and its ability to serve the shopping needs of the area*’. RLMISL also emphasise that the applicant has provided no evidence as to the likelihood of the Next unit being re-let in the foreseeable future. This is significant given the importance of Next to the overall vitality and viability of Quedgeley Centre.
- 6.74 CJ advises that based on the evidence, the proposals would have a significant adverse impact on the overall vitality and viability of Quedgeley Centre,

including on consumer choice, trade and existing investment in the centre. Any assessment of the impact of closure of Next should also take account of the loss of linked trips, footfall, expenditure and turnover from other shops, businesses and services in Quedgeley Centre.

“No poaching” condition

- 6.75 The applicant has sought to further address the impact of the proposal on the Centres by offering what is commonly known in the planning industry as a “no poaching condition”. The purpose of such a condition is to regulate the occupation of new retail development by existing tenants in a town/district centre. In this case the applicant confirms the no poaching condition would relate to both Gloucester City Centre and Quedgeley Centre.
- 6.76 The applicant suggests the following wording for the condition.
- i) *‘Otherwise than in the circumstances set out at (ii) below, for a period of five years from the date on which the development is first occupied, no retail floor space hereby approved shall be occupied by any retailer who has within a period of 12 months immediately prior to their occupation of the development hereby approved, occupied retail floor space which exceeds 250 sq. m. [Gross External Area] within the Primary and Secondary Frontage of Gloucester City Centre (as shown on plan X, dated X).*
 - ii) *Such Occupation shall only be permitted where such retailer as identified in (i) above submits a scheme which commits to retaining their presence as a retailer within the Primary and Secondary Frontage of Gloucester City Centre (as shown on plan X, dated X) for a minimum period of 5 years following the date of their proposed occupation of any retail floor space hereby approved, and such scheme has been approved in writing by the Local Planning Authority.’*
- 6.77 There is much debate amongst planning practitioners as to whether no poaching conditions are workable in practice. The condition suggested by the applicant above is based on a condition that was subject to a legal ruling in the case of *Skelmersdale Ltd Partnership, R (on the application of) v West Lancashire Borough Council & Anor* [2016]. The central issue was whether the condition was lawful and capable of being enforced. The aim of the condition was to protect the viability of an existing shopping centre by preventing retailers currently operating from that centre from occupying retail space within the new development without first submitting a scheme for the local planning authority’s approval committing them to retaining a retail presence in the old shopping centre for at least five years.
- 6.78 The condition subject to the challenge required the retailers who wished to take up floor space in the new development to submit to the local planning authority a scheme to “commit” to remaining in the existing shopping centre and for that scheme to be approved by the local planning authority. However, the condition did not contain a specific implementation clause requiring the

commitment to be complied with following its approval. The judge held, notwithstanding the absence of such a clause, the condition to be sound and did not give leave for the condition to be challenged by Judicial Review.

- 6.79 The City Council's legal advisors have reservations about the wording of the condition referred to in the ruling and suggested by the applicant. Although the judge rejected the claim, he did not provide specific guidance on how the condition would be implemented in the specific circumstances of the proposals. It remains unclear how the parties would deal with the implementation process in part ii of the condition (e.g. what would a "scheme" comprise?) or whether the Council would have any recourse if the relevant town centre operation were to cease within the 5 year period and what effect this would have on the continuing presence of the same operator in the Peel Centre.
- 6.80 Moreover, the wording of the first part of the condition suggested by the applicant differs from the condition subject to the ruling. The applicant's condition requires that for a period of five years from first occupation of the proposed development, no retailer that has occupied a City Centre site within 12 months prior to their occupation of the development may occupy the development. The applicant's wording is somewhat muddled. It refers to '*...any retailer who has within a period of 12 months immediately prior to their occupation of development...*' The point is that the retailer would not be able to occupy the proposed development and so the requirement '*...prior to their occupation of the development...*' could never be met. Furthermore, the condition subject to the ruling also related to any City Centre retailer at the date of the planning permission. If planning permission were to be granted then there would be a build time which would very probably be over 12 months. According to the applicant's condition, on the granting of planning permission, any existing City Centre retailer that wanted to move to the Peel Centre could give notice and wind their business down during the requisite 12 months set by the condition, and then move straight into the proposed development when it is opened, free from restriction. The City Centre would lose a retailer which would result in potential harm to its vitality and viability.
- 6.81 One of the practical criticisms of part ii) of the applicant's condition – which provides for an alternative whereby an existing City Centre retailer who wants to move to the Peel Centre may do so if they submit a scheme that requires their continued presence in the City Centre for five years – is open to potential abuse. Were it to approve such a scheme, the Council would have little or no control over the efforts that the retailer would make in continuing a meaningful and viable presence in the City Centre. There is concern that the retailer could wind down their City Centre store, fail to invest in it properly and make it a "clear second" to their new store at the Peel Centre.
- 6.82 There is also concern that a no poaching condition would be unable to guard against a change of format by a particular retailer. For example, Topshop, Topman, Miss Selfridge, Dorothy Perkins, Burton and Wallis – which all fall under the Arcadia Group – may all operate as individual outlets and could be protected as such. However, if the retailing offer changes to an Arcadia Outfit

model, which includes representation from any combination of these outlets under one store, they may not be protected by a no poaching condition, and could move from the City Centre to the Peel Centre.

- 6.83 The reality is that even if a no poaching condition is imposed, confidence in the City Centre is still likely to be significantly undermined by the proposal for significant out-of-centre comparison retail development at the Peel Centre as proposed by this application. The granting of planning permission for the proposed development would send the wrong message that existing Centres do not come first. The no poaching condition would also fail to control existing non-City Centre retailers who are looking to locate to Gloucester for the first time. Moreover, the effects of the no poaching condition would only be for five years, after which time existing retailers in the City Centre would be free to move to the application site.
- 6.84 For these reasons, members are advised that whilst a no poaching clause could have some effect, it would likely not prevent the significant adverse impacts on the vitality and viability of the City Centre and Quedgeley Centre identified by CJ.

Conclusion on retail impact

- 6.85 National and local planning policies promote a “town centre first” approach to help maintain and enhance the vitality and viability of town centres. The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, ‘*it should be refused*’ (par. 27).
- 6.86 The sensitivity testing undertaken by CJ forecasts that the proposal will have a potential solus impact on the City Centre and Quedgeley Centre of up to -3.6% and -4.6% respectively. Although these figures might be considered low in percentage terms, they mask the fact that the proposed cinema redevelopment will divert significant turnover from both centres: up to £14.3 million from the City Centre and £6.9 million from Quedgeley Centre. Crucially, the proposal would have a cumulative impact of -9% and -4.8% when taking into account other existing retail commitments.
- 6.87 The cumulative impact, according to CJ, would be significantly adverse. Indeed, this level of trade diversion is significant both in % impact and monetary terms. Based on its review of the health of the City Centre and Quedgeley Centre, and the potential impact on existing, planned and committed investment and consumer choice, CJ advises that the proposals will have a significant adverse impact on both centres. Furthermore, when combined with the proposed widening of the sale of goods from Units 3A and 1B (applications 16/00007/FUL and 16/00008/FUL), the cumulative impacts would be -11% (-£43.2 million) and -5.4% (-£8.0 million).
- 6.88 At this critical time in the recovery of the City Centre, and following a long period when the majority of new investment in Gloucester has occurred outside the City, Members are advised that the proposals will have a significant adverse impact on operator demand and investor confidence in the

City Centre. Furthermore, based on the review of the evidence submitted, CJ advises that the proposals will not generate significant linked trips and expenditure to the City Centre to outweigh any of the significant adverse impacts identified.

- 6.89 With regard to Quedgeley Centre, it is concluded that the proposed relocation of Next to the Peel Centre represents a significantly adverse impact, and this will be further exacerbated by the loss of linked trips, footfall and expenditure to other shops, businesses and services in the District Centre.
- 6.90 CJ have assessed the proposed five-year 'no poaching' clause/condition suggested by the applicants. It advises that the condition would not mitigate the harm caused to the City Centre and Quedgeley Centre.
- 6.91 Members are advised that these objections should be given substantial weight in the decision making process.

Investment and economic benefits

- 6.92 The applicant says that the proposed development forms part of a comprehensive regeneration/redevelopment package for the Peel Centre. The applicant believes that the proposals represent sustainable development, achieving economic, social and environmental gains simultaneously.

Economic considerations

- 6.93 The applicant contends that the proposal would have significant regeneration benefits through the enhancement of the appearance of the tired and dated former cinema, Angel Chef and Pizza Hut buildings, as well as improvements to the canal-side public realm, car park and landscaping. Combined with the visual improvements secured under permission 15/00157/FUL (and 16/00320/NMA), the applicant suggests that the proposals will significantly regenerate and modernise the Peel Centre. Furthermore, the proposed development will likely give rise to further linked trips and spin off benefits with additional footfall for the wider Peel Centre.
- 6.94 Gloucester Quays Retail Outlet is located opposite the Peel Centre on the other side of St. Ann Way and the applicant notes that the retail park is a key gateway site to the City, therefore, emphasising the importance of visual improvement of the application site and wider Peel Centre.
- 6.95 The applicant argues that the proposal would help strengthen the City Centre. By introducing a Next Home and Fashion store, the applicant believes that Gloucester can compete with other centres on the same sub-regional shopping category, such as Cheltenham. Moreover, the applicant states their belief that the proposal would not result in significant adverse impact on any other potential investment in the City, and considers that they would complement rather than conflict with the Kings Quarter redevelopment. The applicant is further of the view that the proposal would encourage further

linked trips between the Peel Centre and City Centre providing further spin-off benefits to the City Centre and the docks area.

- 6.96 However, these views are contrary to the advice provided by the Council's retail specialist, CJ. As explained in depth in the previous section of this report, Members are advised that the proposal would have a significant adverse impact on the vitality and viability of both the City Centre and Quedgeley Centre. There is deep concern that the proposals will compete with the City Centre on a "like-against-like" basis and create a robust standalone retail destination its own right, particularly in conjunction with Gloucester Quays. The proposals would compete for the same retailers who are either in or interested in moving to these Centres. Investor confidence in the Centres would be harmed.
- 6.97 It is further considered that the applicant's argument of linked trips between the Peel Centre and City Centre is significantly overplayed. The applicant bases their assumptions on linked trips in the light of a customer survey that was carried out at the Peel Centre in 2012. This reported that 26% of customers visiting the Peel Centre also linked their trip with a visit to the City Centre. There are a number of weaknesses with the survey. Firstly, it was undertaken in 2012 and is not up to date. The survey pre-dates the relocation of the cinema from the application site to Gloucester Quays and this alone represents a considerable change in how customers use the Peel Centre. Furthermore, the survey question around linked trips with the City Centre is non-specific as it does not provide a definition of the City Centre. For example, some customers might consider the "city centre" to include Gloucester Docks, the nearby Sainsbury's supermarket and possibly even the Peel Centre itself. For planning purposes, it is clear that City Centre means the Primary Shopping Area, which is some 800 metres from the site. Finally, the figure of 26% linked trips is not in itself considered substantial.
- 6.98 There is real concern that the proposal would lead to the Peel Centre becoming a robust standalone retail destination in its own right, particularly in conjunction with Gloucester Quays. The City Centre could effectively be shifted southwards and the attraction of the existing City Centre thereby significantly weakened with a reduction in linked trips between the Peel Centre and City Centre, not consolidating or increasing them.
- 6.99 The applicant also argues the case for job creation at the Peel Centre. They cite the *Centre for Cities Outlook Report (2015)*, which identifies Gloucester as the ninth fastest growing city in Great Britain, yet it is also identified as the city with the lowest job growth between 2004 and 2013. The applicant says that the proposed development would generate a significant number of full and part time jobs, although they do not confirm how many jobs there might be. The applicant says that the proposal would also support construction jobs when the development is built.
- 6.100 Members are advised that whilst the proposals might create new jobs and support existing jobs, this could well be at the expense of jobs in the City Centre and Quedgeley Centre. The diversion of trade from those centres to

the application site would likely result in business and job casualties in those centres. It is considered that there is not a strong and compelling case on the job creation/consolidation argument that outweighs the serious concerns about the impact of the proposals on the health and wellbeing of the City Centre and Quedgeley Centre.

Social considerations

- 6.101 The applicant makes various points with respect to social sustainability. These include the accessibility of the site by non-car modes; the quality of the design; improvements to the canal-side; and that the proposed development would be DDA compliant. None of these points are unusual or persuasive, and do not off-set the considerable concerns about the adverse impact on the vitality and viability of the City Centre and Quedgeley Centre.

Environmental considerations

- 6.102 The applicant goes onto to raise a number of environmental sustainability criteria. These include the fact that the application site is previously developed land and that the proposals would enhance the site and its setting (making reference to Llanthony Provendar Mill, a Grade II Listed Building). The applicant says that the design of the buildings will have regard to the use of energy, climate change, water, waste and recycling. The accessibility of the site is emphasised including accessibility by public transport. Other points include the provision of a Travel Plan; that cycle facilities will be provided; and that at 870 metres from the Primary Shopping Area, the site is within walking distance of the City Centre. The applicant states that the proposals would not result in a material increase in traffic; that the strategic location of the site will encourage further linked trips (thereby reducing vehicle trips and emissions); that the increase in retail warehouse offer will reduce the need to travel farther afield; that flood risk will not be increased; and that a waste minimisation strategy is provided. Again none of these factors, either individually or cumulatively, are considered significant or persuasive. Many of the points in favour of the proposals – such as accessibility; good design; and the provision of cycle facilities – are simple planning policy requirements that would apply to any new development. These environmental considerations do not overcome the significant concerns about the impact of the proposals on the vitality and viability of the City Centre and Quedgeley Centre.

Other factors

- 6.103 The applicant states that previous planning permissions for new retail buildings on the site, namely applications 11/01292/FUL and 15/00004/FUL, are an important material consideration. This is correct and members are advised that the fall-back of the applicant building these schemes has been taken into account in the assessment of the current proposals. However, there is fundamental disagreement with the applicant's assertion that the proposals are '*...very similar...*' (par. 6.2.1, Planning & Sustainability Statement) to the previous approved schemes because the retail offer proposed by the current application (largely open Class A1) is substantially different to what was

approved previously (restricted bulky goods retail sales). This is explained in detail in the earlier section of this report.

- 6.104 The applicant cites Policy MU.2 of the 2002 Local Plan, which seeks the regeneration of the “Western Waterfront”. The 2002 Local Plan is not specific as to what this regeneration might entail for the Peel Centre. The Western Waterfront allocation refers to mixed use to include residential, employment, retail, education, leisure, hotels, culture, community facilities and services. It also refers to the provision of a canal-side footpath and cycleway and site-specific obligations. It is not therefore specific that the regeneration must be for retail uses; other uses may be equally acceptable in achieving this end – housing for example, or leisure, and agents have advised the Council that the leisure market has been improving recently. Moreover, the regeneration emphasis for the City has now changed, as supported by the Council’s *Regeneration and Economic Development Strategy*.

Design enhancements

- 6.105 The applicant confirms that as part of the package of proposals, they would implement the planning permission for design improvements to the existing warehouse buildings at the Peel Centre. This would see the implementation of non-material amendment 16/00320/NMA that amends the design approved under planning permission 15/00157/FUL. The applicant has indicated that they wish to implement the design changes in full although is unclear how they would be secured as part of the current proposal. Indeed, the applicant confirms that they would be unable to accept a planning condition to require implementation of 16/00320/NMA because this would hold them to ransom to individual tenants. For Members’ information, application 16/00320/NMA can be viewed at the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00320/NMA>

- 6.106 The existing retail warehouse buildings at the Peel Centre are tired and dated, and are not particularly attractive. The design changes proposed under application 16/00320/NMA would upgrade the “artificial façade” of Units 1 to 5. These changes include increased glazing at ground level; micro rib metal cladding at the top; and new entrance canopies with timber effect framing and timber louvres. The alterations would enhance the visual appearance of the existing warehouses, although the design and quality of the materials is not particularly high. Indeed, the Local Planning Authority reported at the time of granting planning permission for these alterations that there is ‘...*some sympathy with the view that there are some missed opportunities and the scheme could be more aspirational, however, there is little doubt that with the use of appropriate materials the result would be an enhancement in the appearance of these buildings.*’

- 6.107 Whilst the design of the existing warehouse buildings at the Peel Centre is considered poor by modern standards, the approved alterations are simply satisfactory and what one might expect from a “standard retail park”. The design changes represent a stepped improvement over the existing appearance of the buildings but are not exceptional. It is arguable that the

physical alterations are neither below nor above the mediocre. With this in mind, the weight that can be attached to these improvements is limited, particularly bearing in mind that there is no clear mechanism to secure the design improvements if permission is granted for the proposal. Certainly, the design benefits do not outweigh the very substantial concerns about significant adverse impact on the vitality and viability of the City Centre and Quedgeley Centre if the development were to go ahead.

6.108 Members are advised that even if the design improvements were of substantial and innovative design quality, this would still not be sufficient to outweigh the fundamental objections to the scheme.

Investment in the Peel Centre

6.109 The Peel Centre has a number of vacant uses and current occupation of the retail park is broken down as follows:

- Unit 1A – Toys R Us
- Unit 1B – vacant
- Unit 2 – Hobbycraft
- Unit 3A – vacant
- Unit 3B – vacant (prospective occupation by Home Bargains)
- Unit 4A – Gala Bingo
- Unit 4B – vacant
- Unit 5A – Bensons for Beds
- Unit 5B – Dreams
- Unit 6 (former cinema) – vacant
- Unit 7 (former Angel Chef) – vacant
- Unit 8 (former Pizza Hut) – vacant

6.110 The applicant acknowledges that the Peel Centre has a poor physical environment. They say that without further investment those tenants that remain may look to relocate to alternative destinations which are either further afield and in less sustainable locations. The result being that a prominent retail park on a gateway connection would further deteriorate.

6.111 The applicant says that the existing units have been subject to an extensive marketing exercise. They confirm that there has been no interest from “bulky goods” retailers that would meet the current restrictive conditions that limit occupation of many of the units to bulky goods only. The Council appointed Rapleys to provide specialist marketing advice on the similar previous planning applications at the Peel Centre. Rapleys were satisfied with the marketing campaign carried out by the applicant (letter from Rapley’s, 16 July 2015). It would seem that there is little demand from bulky retailers to occupy the Peel Centre.

6.112 The applicant says that without new tenants, the refurbishment of the Peel Centre would not be viable. This will in turn affect whether existing tenants decide to remain at the retail park. This is of serious concern to the applicant and has motivated the promotion of the current suite of planning applications.

The applicant has agreed terms with Next to occupy Unit 6D as a Home & Fashion store. They say that they have had to offer Next a significant incentive package to secure their relocation from Quedgeley Retail Park. Next would not open a new state of the art store in a predominantly vacant and tired retail park. The applicant confirms that developing just the Next element of the proposals is not financially viable without all the other elements delivered.

- 6.113 The applicant has provided some high level information on the costs of the proposed scheme. The cost of the development (16/00005/OUT), including reverse premium payable to Next as part of the package of incentives to attach them to the Peel Centre, is £11.5 million. The cost of the refurbishment of Units 2 to 5; works to create a new unit for Home Bargains (Unit 3B); and potential subdivision of Toys R Us (Unit 1A) is in the region of a further £5 million. This equates to a total investment of over £16 million over the next three to five years.
- 6.114 Rent levels are on average £11 per square foot, which the applicant claims is lower than at St. Oswalds Retail Park which achieves rents of around £20 per square foot. If the proposed development proceeds, rental levels are expected to rise to around £15 per square foot initially and are likely to remain below £20 per square foot at the first rental review. The applicant says that if the proposals do not go ahead, it is likely that existing rental levels at the Peel Centre will do nothing but stagnate.

Conclusion

- 6.115 It is apparent that the Peel Centre is in a difficult state in terms of its inability to attract new bulky goods retailers to the retail park and the number of current vacancies. The package of measures proposed by the various planning applications both current and past, would seemingly help in the attempt to reverse the decline in competitiveness of the Peel Centre and would result in stepped visual improvements to the appearance of the retail park.
- 6.116 However, the Peel Centre is an out-of-centre retail park for planning policy purposes and is afforded no policy protection, unlike the City Centre and Quedgeley Centre. National planning policy in the NPPF is reiterated: local planning authorities should treat '*...town centres as the heart of their communities and pursue policies to support their vitality and viability*' (par. 23). The deterioration and present state of the Peel Centre is unfortunate but is the result of market forces and possibly a lack of investment over the years. Interestingly, Rapleys advised the Council that the deterioration of the Peel Centre could have been limited by earlier action to invest.
- 6.117 The health, vitality and viability of the City Centre and Quedgeley Centre, and wellbeing of Gloucester as a whole, must take precedence in accordance with national and local policy. Therefore, the weight that can be afforded to the material considerations advanced by the applicant in favour of the proposals, as outlined above, is substantially outweighed by the significant adverse impact that the proposed development would have on the City Centre and Quedgeley Centre if the proposals were to go ahead.

Impact on the character and appearance of the area

- 6.118 The site is situated to the south side of the busy St. Ann Way which links the A430 (Hempsted Lane/Llanthony Road) to the south side of the city centre. The site has significant passing traffic with St. Ann Way providing access to the Sainsbury's supermarket to the west; Gloucester Quays to the north; the south side of the city centre; and links to other parts of the city.
- 6.119 The Peel Centre is quite prominent. The main public views of the site are from St. Ann Way to the north and from either side of the Gloucester and Sharpness canal to the west, including from the Sainsbury's supermarket to the other side of the canal. The site is lower than St. Ann Way as the road rises to the bridge over the canal. There is a pedestrian route from either side of the bridge to the canal-side below. There is towpath on either side of the canal although on the east side (on the side of the application site), this terminates next to the Madleaze Industrial Estate to the south.
- 6.120 The Peel Centre was built in the late 1980s and has a tired and dated appearance. The existing buildings on the application site comprise the former cinema, the former Angel Chef and former Pizza Hut. All the buildings are currently vacant. The cinema building is not unattractive but is boarded up. The Angel Chef and Pizza Hut buildings are of a bespoke design of their time and are unattractive. Redevelopment of the site therefore has the potential to make a positive contribution to the character and appearance of the area.
- 6.121 Planning permissions have previously been granted for buildings of a not dissimilar footprint and form to what is proposed by the current planning application. The previous scheme remains extant (15/00004/FUL). The proposal is for four retail units in a single block positioned parallel to the canal. Unit 6A would be located on the southern end, with the units ascending to Unit 6D on the northern end, next to St. Ann Way. Unit 6D is the proposed Next store. This part of the scheme is in outline and the indicative drawings show a tall building that would be approximately 13.5 metres in height (at the parapet) that rises above the bridge over St. Ann Way.
- Unit 6D (Next)*
- 6.122 The indicative design of Unit 6D is modern, fresh and attractive. The building would have a largely glazed façade with projecting limestone colonnades at the front. The side and rear of the building would be faced in brick slips. The size of Unit 6D is reasonably substantial, however, it is considered that the massing of the building is appropriate to its context with much larger buildings in the area such as Gloucester Quays and the historic warehouses.
- 6.123 The Urban Design Officer has some criticisms about the design detail of Unit 6D – the use of buff limestone in such large quantity is generally inappropriate to the area. A combination of red sandstone and red/orange brick would form

a more locally distinctive finished. In addition, the colonnades do not appear to have a seamless join with the main part of the building, and therefore do not appear to be integrated. However, since the “Appearance” of Unit 6D is reserved for subsequent approval, these small but important design issues could be addressed at a later stage.

6.124 Overall, the indicative design of Unit D represents a marked visual improvement on the existing Angel Chef and Pizza Hut buildings at the site.

Units 6A, 6B and 6C

6.125 These units are located further into the site from St. Ann Way. They are of a uniform design; slightly lower than Unit 6D at 11 metres in height (at the parapet) with partial glazed fronts, and clad in timber effect panelling with powder coated aluminium clad corners. These units do not demonstrate the same design quality as Unit 6D (Next) but are a marked improvement over the tired and dated appearance of the other retail units at the Peel Centre.

6.126 Units 6A, 6B and 6B are “hybrid” proposals whereby part full and outline permissions are sought. The full permission element is the conversion of the former cinema building (Units 6B and 6C) and the outline element (for which Appearance is reserved) is the extension (Unit 6A). The submitted drawings show a homogenous design for all three units, which is understandable, and therefore the design of the buildings is essentially treated as fixed for the purposes of the assessment of the proposal.

6.127 The Urban Design Officer raises objections to the design of Units 6A, 6B and 6C. There is concern that the design of these units is too plain, with not enough articulation and the large expanses of flat metal panelling giving quite a dull impression. These are not the focal point that they are probably meant to be. Perhaps the greatest issue is that the rear of the building is not the same design quality as the front. The issue of front and back is considered very important because each side is as visible as the other. The back of the building is particularly prominent from both sides of the canal and the bridge. The Urban Designer comments that if one of the aspirations of the Council is to improve the overall quality of experience of moving down the canal towards the Docks then these significant elevations need to be of a good level of design quality and material finishes. Previous proposals for the site have all been more interesting.

6.128 Indeed, applications 11/01292/FUL and 15/00004/FUL are much more successful in their presentation of the rear elevation to the canal-side. Those elevations contain substantially more glazing and articulation and give the impression of the rear of the building being a main front façade. The Urban Design Officer notes that the Sainsbury’s supermarket opposite the site achieves a greater level of design quality onto the canal-side, with a raised first floor decking area to the café, windows above the internal shelving and some good landscaping. Even the structure of the building is interesting, with a series of columns to the underside of the roof.

- 6.129 The applicant has responded to these concerns with further amendments to the design of the rear of Units 6A, 6B and 6C. The amount of metal cladding has been reduced, translucent cladding added and the height of the fascia boards raised to give more of the impression of shop fronts facing towards the canal. There is more vertical emphasis to the design of the rear elevation but the changes are only partially successful. The Urban Design Officer advises that the rear of the building remains very flat with limited relief across the two distinct sections. The overall form is very squat and horizontally emphasised with no interest or relief provided by a roof form. The translucent panels do add interest to the rear elevation but will not add any real surveillance over the towpath. The overall approach to the rear elevation will not add any activity and life to that important linear space.
- 6.130 The Urban Design Officer goes on to make a number of positive suggestions about how the design of Units 6A, 6B and 6C could be improved; however, the applicant has declined to make any further changes. The planning committee must therefore determine the design before it. It is regrettable that the applicant has chosen not to re-visit the design of these units in a more fundamental way and perhaps the proposal fails to take the opportunities for improving the character and quality of the area, contrary to advice contained in paragraph 64 of the NPPF. Nevertheless, the proposal is a substantial improvement over the appearance of the existing buildings at the site and, to a limited extent, further incremental design improvements can be secured through more appropriate use of materials (which could be required by condition were planning permission to be granted). It would also be necessary to ensure appropriate quality boundary treatment at the rear of the building next to the canal towpath. Landscaping is reserved for subsequent approval and would be addressed at that stage.
- 6.131 Whilst the design of Units 6A, 6B and 6C is something of a missed opportunity it is considered that, on balance, the design of these units is of sufficient quality to be acceptable. The proposal is considered acceptable having regard to Policies BE.1, BE.7 and BE.9 of the 2002 Gloucester Local Plan, Second Stage Deposit 2002.

Impact on adjacent Heritage Assets

- 6.132 The Docks Conservation Area is located to the other side of St. Ann Way to the north of the site. Within the Conservation Area and just to the other side of St. Ann Way is Llanthony Provendar Mill, which is a Grade II Listed Building in some disrepair. This part of the Docks Conservation Area is known as “Bakers Quay” and the Local Planning Authority has recently granted planning permission to redevelop this area (15/01144/FUL). The proposals include the demolition and redevelopment of the Provendar Mill site and are subject to a Section 106 Legal Agreement.
- 6.133 The Conservation Officer offers no objection to the proposal, both in terms of its impact on the Docks Conservation Area and nearby Listed Buildings. The existing buildings on the application site are unattractive and the proposal provides an opportunity to rejuvenate the site in a positive way. No adverse

impacts on the historic environment are identified. The character and appearance of the adjacent Conservation Area would be preserved. The setting of the Provendar Mill Listed Building would also be preserved. In these regards, the proposal accords with Policy BE.23 of the 2002 Local Plan.

Archaeology

- 6.134 The site is located to the immediate south of an Area of Principal Archaeological Interest. The City Archaeologist reports that the site has archaeological potential. Roman archaeological remains have been found around Bristol Road to the east. Archaeological remains also survive at Llanthony Priory to the north-west. The site was also the location of the 19th Century Gloucester Wagon and Carriage Works.
- 6.135 Development of the site has the potential to harm significant archaeological remains and for this reason the City Archaeologist has advised a condition to require a programme of archaeological work in accordance with a written scheme of investigation. Such a condition was imposed on the previous planning permission, 15/00004/FUL (condition 13). Provided that this condition is imposed, it is advised that the proposal would not have a harmful impact on archaeology. In this regard, the proposal is considered to accord with Policies BE.34, BE.36 and BE.37 of the 2002 Local Plan.

Impact on neighbouring property

- 6.136 The proposed development would not give rise to harmful environmental impacts on neighbouring property. The site backs onto the Gloucester and Sharpness Canal to the west. The Sainsbury's supermarket located further to the west is separated by the canal. Bakers Quay to the north side of St. Ann Way is separated by the highway. To the east, the site faces the Peel Centre. On the south side of the site, the proposed building would be approximately 65 metres from the nearest buildings on the Madleaze Industrial Estate, which is considered ample separation. There would also be a car park in between. In these regards, the proposal is considered to accord with Policy BE.21 of the 2002 Local Plan.

Access and parking

- 6.137 The application is supported by a Transport Assessment which assesses the impacts of the proposal on the highway. The Highway Authority has assessed the proposal and offers no objection to the application.
- 6.138 The site has good accessibility with satisfactory links to public transport and is accessible by foot and by bicycle.
- 6.139 The proposal would provide a satisfactory level of car parking. Adequate disabled, bicycle and motor cycle parking can also be provided.
- 6.140 Trip generation has been assessed in comparison to the existing planning permission, 15/00004/FUL. The access to the site from St. Ann Way has capacity but the Bristol Road/Southgate Street junction is reported to be close

to capacity. Paragraph 32 of the NPPF says that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*' The Highway Authority advises that the impacts of the proposal on the local road network would not be "severe" and as such planning permission should not be refused for this reason.

- 6.141 The Highway Authority has no objection to the proposal on highway grounds.
- 6.142 The application is accompanied by a Framework Travel Plan, which the Highway Authority advises is satisfactory. Detailed travel plans for each unit could be secured by condition if planning permission was to be granted.
- 6.143 Having regard to the fall-back of the existing planning permission for development of the site for new retail units and the advice of the Highway Authority, it is considered that the proposal is acceptable with regard to its highway impacts. In these regards, the proposal is considered to accord with Policy TR.31 of the 2002 Local Plan.

Flood risk

- 6.144 The Gloucester and Sharpness Canal is located to the immediate west of the site. The site is located within Flood Zones 2 and 3, which means that it is at both medium and high risk of flooding.
- 6.145 The site benefits from planning permission for a retail building of not dissimilar footprint. It is considered unnecessary to apply the flood risk sequential test, which seeks to steer development to areas at least risk of flooding, given the fall-back of the existing planning permission.
- 6.146 In terms of flood risk, the Environment Agency advises that FFL should be set no lower than 11.22 metres AOD. This was also a requirement of the existing planning permission, 15/00004/FUL (condition 20). The applicant has confirmed that they would accept this planning condition.
- 6.147 The applicant also confirms that they would accept a planning condition that would require flood resilience measures for each of the proposed units up to 11.78 metres AOD. The applicant would also accept a condition requiring a flood compensation scheme (condition 19 of the previous permission).
- 6.148 Given that the conditions and requirements of the Environment Agency can be met, it is advised that the proposal is acceptable with regard to flood risk. In this regard, the proposal is considered to accord with Policy FRP.1a of the 2002 Local Plan.

Drainage

- 6.149 The proposal is for Major development and should attract the requirement for Sustainable Urban Drainage Systems ("SuDS"). A suitable SuDS scheme could be secured by means of planning condition were planning permission to be granted. A SuDS scheme was secured as part of the existing planning permission (condition 22).

- 6.150 Severn Trent Water requires details of foul drainage and this could be secured by means of a planning condition were planning permission to be granted.
- 6.151 In these regards, the proposal is considered to accord with Policy FRP.6 of the 2002 Local Plan.

Contamination

- 6.152 Worcestershire Regulation Services (“WRS”) provides the Local Planning Authority with advice on land contamination issues. It has considered the proposal and advised that it would be prudent to update the 2008 report that accompanies the planning application. This should provide an update on reported pollution incidents and industrial uses in the surrounding area as these could have an impact on the application site.
- 6.153 The applicant has not provided any further information on this point and WRS advises that it is not fundamentally necessary. WRS are satisfied that the suite of conditions recommended in their original response would secure the necessary additional information. Members are therefore advised that contamination issues can be appropriately dealt with by planning conditions. This was the approach taken to the existing planning permission 15/00004/FUL (condition 23), which remains a fall-back. In this regard, the proposal is considered to accord with Policy FRP.15 of the 2002 Local Plan.

Ecology

- 6.154 The Environmental Manager advises that the canal corridor is an important foraging area for bats and it should not be over-lit. It is therefore necessary to keep light spillage to a minimum. A planning condition would be required were planning permission to be granted to require a suitable lighting scheme. This same approach was taken to the existing planning permission (condition 12)
- 6.155 The existing planning permission also requires the provision of bird and bat boxes (condition 14). Subject to these conditions, it is considered that the proposal would have an acceptable impact on ecological interests. The proposal is considered to accord with Policy B7 of the 2002 Local Plan.

Crime prevention

- 6.156 The Police Crime Prevention Design Advisor makes a number of recommendations about the design of the scheme. These points generally fall outside the remit of the planning process and would recommend good practice were the proposed development to go ahead.
- 6.157 A balance would need to be struck between providing well-lit footpaths and pedestrian routes and the need to ensure appropriate low levels of lighting for bats, particularly close to the canal. This detail could be secured by planning condition were planning permission to be granted.

Local finance considerations

- 6.158 The proposal would have some benefit in terms of business rates. No particular local finance considerations have been identified.

Procedural matters

- 6.159 Under the Town and Country Planning (Consultation) (England) Direction 2009, the Local Planning Authority is required to refer the application to the Department of Communities and Local Government (“DCLG”) if the planning committee resolves to grant planning permission. This is because of the level of retail floor space that is proposed. The Local Planning Authority would be unable to issue the decision without confirmation from DCLG.
- 6.160 Members are advised that the requirement to refer the application to DCLG should not be considered a “safety net”. Members will note that the application for the much larger Ashchurch development in Tewkesbury Borough was not “called in”.

7.0 CONCLUSION

- 7.1 The proposal is for Major new retail development comprising approximately 9,500 square metres gross floor space in an out-of-centre location. National planning policy requires a ‘*city centre first*’ approach to the handling of planning applications for new retail development. Applications must satisfy both the “sequential” and “retail impact” tests.
- 7.2 Members are advised that there are no sequentially preferable sites within the Primary Shopping Area of Gloucester City Centre, or adjacent to it, or within or adjacent Quedgeley Centre, that are suitable and available. The sequential test is therefore satisfied.
- 7.3 However, the proposals would have a significant adverse impact on the vitality and viability of both the City Centre and Quedgeley Centre. The ‘solus’ impact of the cinema redevelopment alone on the City Centre would be -3.6% and on Quedgeley Centre, -4.6%. Taking into consideration existing retail commitments, the impacts would be -9% (-£35 million) and -4.8% (-£7.2 million). Moreover, when combined with the proposed widening of the sale of goods from Units 3A and 1B (applications 16/00007/FUL and 16/00008/FUL), the cumulative impacts would be -11% and -5.4%. There is no “universal threshold” which can be applied to indicate whether an impact on trade/turnover is likely to be ‘*significantly adverse*’, as it will depend on the individual circumstances of the locality and type of centres based on a more detailed assessment of their overall vitality and viability.
- 7.4 At this critical time in the recovery of the City Centre, and following a long period when the majority of new investment in Gloucester has occurred outside the City, the proposal will have a significant adverse impact on operator demand and investor confidence in the City Centre. The proposed development, if granted, could put at risk planned investment in the City

Centre including at Kings Quarter, Kings Walk and the Eastgate Shopping Centre. There is real danger that the Peel Centre, particularly in conjunction with Gloucester Quays, will become a strong standalone retail destination in its own right which will directly compete with the City Centre, thereby drawing an unacceptable level of trade away from it. The proposals would not generate significant linked trips and expenditure to the City Centre to outweigh any of the significant adverse impacts identified.

- 7.5 With regard to Quedgeley Centre, the proposed relocation of Next to the Peel Centre represents a significantly adverse impact, and this will be further exacerbated by the loss of linked trips, footfall and expenditure to other shops, businesses and services in the District Centre.
- 7.6 The Peel Centre is out-of-centre and is not protected by retail planning policy. The material considerations advanced by the applicant in favour of the proposals, including the economic and environmental improvements to the Peel Centre, are not compelling and do not outweigh the significant adverse impacts that the proposal would have on the vitality and viability of both the City Centre and Quedgeley Centre.
- 7.7 Relevant retail policies in the 1983 Local Plan are out-of-date and the application should be determined in accordance with national planning policy contained in the NPPF. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless '*...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies [in the NPPF] taken as a whole*'.
- 7.8 Members are advised that the adverse impacts of the proposed development, namely the adverse impacts on vitality and viability of the City Centre and Quedgeley Centre, significantly and demonstrably outweigh the benefits of the proposal. Accordingly, the planning application should be refused.
- 7.9 The proposal has been considered with regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, which require special attention to be paid to the desirability of preserving nearby Listed Buildings and their setting, and to preserve or enhancing the character or appearance of the Conservation Area.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That planning permission is refused for the following reasons:
- i) The proposed development would give rise to significant and demonstrable adverse impacts on the vitality and viability of both Gloucester City Centre and Quedgeley District Centre. The proposal would have a significant adverse impact on operator demand and investor confidence in the City Centre by providing a significant amount of new retail floor space in an out-of-centre location. Moreover, the proposed relocation of Next to the Peel Centre represents a significantly adverse impact, which will be exacerbated by the loss of

linked trips, footfall and expenditure to other shops, businesses and services in Quedgeley District Centre. The proposal fails to accord with paragraphs 26 and 27 of the National Planning Policy Framework (published March 2012) and is unacceptable.

Decision:

Notes:

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Person to contact: Ed Baker
(Tel: 01452 396835)

7 SUMMARY & CONCLUSIONS

- 7.1 Carter Jonas ('CJ') was instructed by Gloucester City Council (the 'Council') to provide independent advice on the retail planning merits of the planning applications by Peel Holdings (Land and Property) Limited ('Peel') and Next plc (the 'applicants') submitted in January 2016. The current applicants are seeking to expand the (Class A1) retail offer and widen the range of comparison and convenience goods that can be sold from the Peel Centre located outside of Gloucester City Centre
- 7.2 Our appraisal has been based on a thorough review of all the relevant evidence and supplementary information prepared by the applicants and third parties set out in Section 1 to this report. It sets out our independent advice on the retail planning (sequential and impact) merits of the application proposals carried out in compliance with local and national planning policy guidance, and specifically the National Planning Policy Framework ('NPPF').
- 7.3 In summary, national and local plan policies promote a *'town centres first'* approach to help maintain and enhance the vitality and viability of town centres. Although policy does not prohibit out-of-centre development per se - dependent on the satisfaction of the sequential and impact tests - it equally does not seek to protect existing out-of-centre schemes, unless they are identified and allocated in up-to-date development plan policies. In this case the Peel Centre is in an out-of-centre location¹ and is afforded no policy protection. The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, *"it should be refused"* (paragraph 26).
- 7.4 Notwithstanding our findings and advice on the retail planning merits of the application proposals, it is ultimately for the decision-taker, in this case the local planning authority, to weigh the merits of each application in the balance against other key material considerations. It should be noted at the outset that we have not been instructed by the Council to consider any potential wider economic, regeneration, planning and policy considerations that may be material to the overall assessment and determination of the application proposal; this includes the applicant's case for enabling development.
- 7.5 In summary the Peel Centre occupies a prominent location on the main route south from the City Centre, and is located to the south of St Ann Way, to the east of the Gloucester and Sharpness Canal and to the west of Bristol Road. The Peel Centre's current tenant mix and planning history is summarised in Section 2 of this report.

¹ It is accepted by the applicant (for example, see paragraph 2.2.4 of WYG's RPS) that the centre lies some 870 metres from Gloucester City's (draft) Primary Shopping Area (PSA), as defined by the Draft City Plan (Part 2, 2013) and the emerging Gloucester City Plan. It is therefore defined by the NPPF as being 'out-of-centre' in retail planning policy terms and subject to the sequential and impact tests.

7.6 The application proposals which the Council is required to assess and determine are as follows (also see Section 2):

- **16/00005/OUT: Hybrid retail conversion and extension to vacant cinema** seeking the demolition of the former Angel Chef and Pizza Hut units, the conversion of the vacant cinema building and extension to provide four new retail units comprising:
 - 4,194 sq m gross (GIA) / 2,555 sqm net of comparison goods retail for the proposed Next Home and Fashion store with ancillary cafe;
 - 4,328 sq m gross (GIA) / 3,679 sqm net of comparison goods retail within two retail warehouse units; and
 - 929 sq m gross (GIA) / 743 sq m net of convenience goods retail within one retail warehouse unit.
- **16/00007/FUL & 16/00008/FUL: seeking variation of condition 1 of permission 09/01308/FUL & 13/00559/FUL respectively** to alter the range of goods that can be sold to allow a “full range of non-bulky comparison goods” to be sold from 1,263 sqm net within new sub-divided unit 1B and 1,015 sqm net from unit 3A²;

7.7 The applicant is seeking to broaden the range of comparison goods permitted to be sold from part of Unit 3A (1,476sq m) and Unit 1B (2,474sq m – the downsized Toys R Us store) to allow a full range of non-bulky comparison goods to be sold. In their letter of 6th May 2016, WYG set out their preferred wording for the planning condition relating to retail goods restriction for the retail conversion and extensions to the vacant cinema building (see paragraphs 3.24-3.25 of CJ’s appraisal).

7.8 WYG’s **sequential assessment** in support of the application proposals is set out in Section 3 of their RPS and draws on their previous assessments carried out in support of the 2015 applications. Our appraisal of the applicant’s sequential approach is set out in Section 4 of this report, and is informed by the NPPF and other material considerations; including the *Planning Practice Guidance* (PPG), the ‘*Dundee Judgement*’ and other case law, including the recent ‘*Mansfield*’ judgement. The NPPF states that applications should be refused where they fail the sequential test (NPPF, para 27)³. Based on our interpretation of the sequential test, and the need to demonstrate flexibility on issues such as format and scale, we conclude that there are no sequential sites that are currently available and/or suitable that could reasonably accommodate the proposed cinema redevelopment application (16/00005/OUT). However, we do consider that the BHS unit in the City’s Primary Shopping Area (PSA) is available and does represent a sequentially preferable alternative for application proposals 16/00007/FUL and 16/00008/FUL.

² WYG state that the reason for the second and third applications - which are both seeking to vary the goods conditions attached to parallel planning permissions for units 1B and 3A (i.e. 09/01308/FUL and 13/00559/FUL) - is to address the Council’s views expressed at the Home Bargains appeal (see WYG’s RPS, para 2.3.6).

³ PPG (para 010; Reference ID: 2b-010-20140306) also states that failure to undertake a sequential assessment could in itself constitute a reason for refusing permission

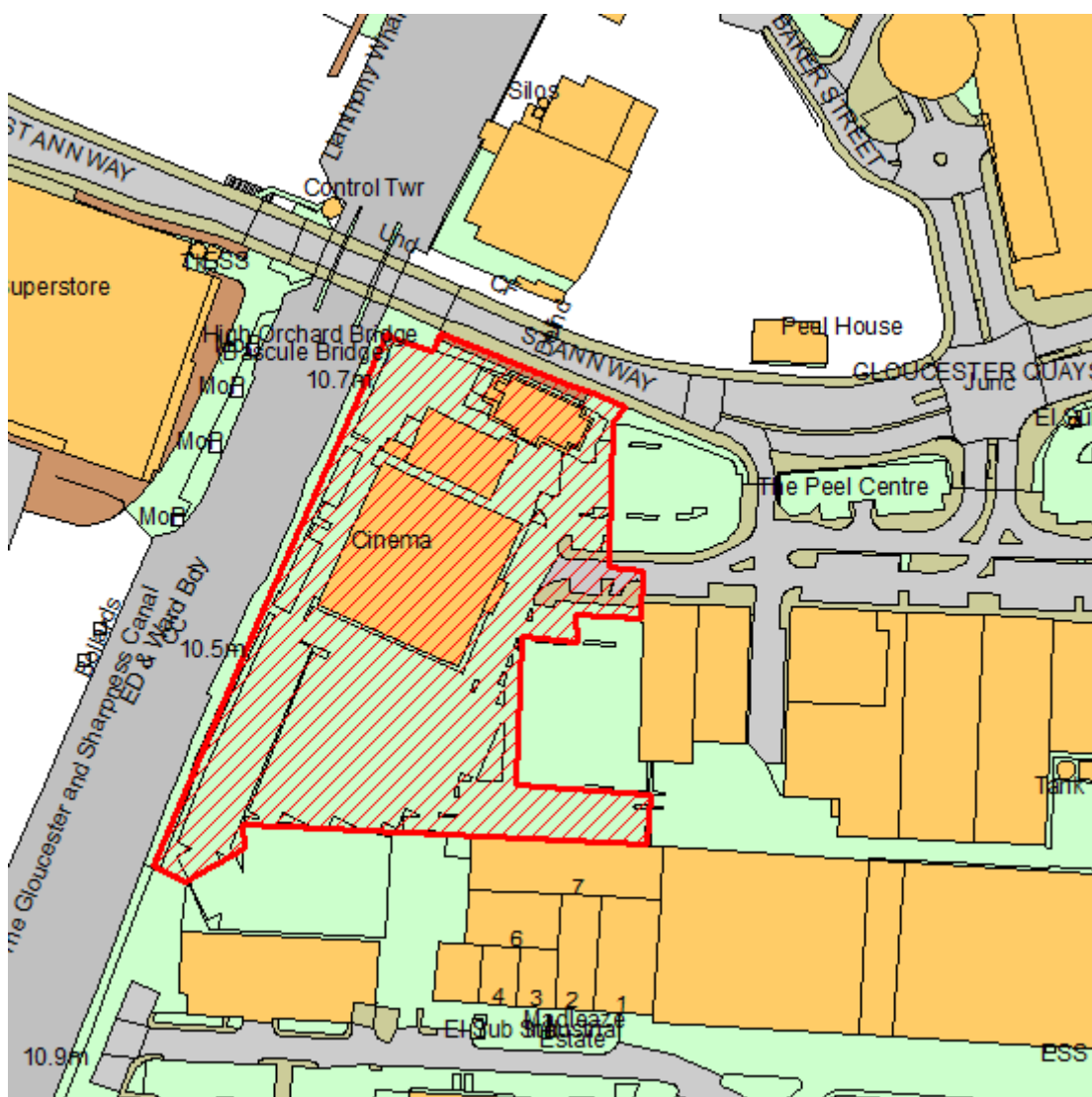
- 7.9 Turning to the applicant's economic **impact assessment**, our preferred impact scenario forecasts that the 'solus' impacts of the variation of condition application and the cinema redevelopment will be -2% and -3.6% respectively on the City Centre. The 'solus' impacts of the two application proposals on Quedgeley District Centre will be -0.5% and -4.8% respectively. In our judgement and experience these forecast 'solus' impacts of -2% to -3.6% would not normally give cause for concern. However, the cumulative impact of the two application proposals on the City Centre when considered with the planned retail commitments, including the Ashchurch DOC, are "*significantly adverse*" in our view and represent reasonable grounds for refusing both applications.
- 7.10 However, as we conclude in Section 5, it is necessary to assess the likely impact of proposals in terms of the overall vitality and viability of centres. Based on our review of the health of the City Centre and Quedgeley District Centre, and the potential impact on existing, planned and committed investment and consumer choice, carried out accordance with the NPPF and PPG, we conclude that the application proposals will have a "*significant adverse impact*" on both centres (see Section 6). At this critical time in the recovery of the City Centre, and following a long period when the majority of new investment in Gloucester has occurred outside the City, we consider that the application proposals will have a significant adverse impact on operator demand and investor confidence in the City Centre. Furthermore, based on our review of the evidence submitted, it is our judgement that the application proposals will not generate significant linked trips and expenditure to the City Centre to outweigh any of the significant adverse impacts identified.
- 7.11 With regard to Quedgeley District Centre, we conclude that the proposed relocation of Next to the Peel Centre represents a significantly adverse impact, and this will be further exacerbated by the loss of linked trips, footfall and expenditure to other shops, businesses and services in the District Centre.
- 7.12 In conclusion, based on our detailed appraisal of the application proposals we advise the Council that both applications fail the impact test, and applications 16/00007/FUL & 16/00008/FUL also fail the sequential approach. They should therefore be refused in accordance with local and national planning policies.
- 7.13 We have also been asked by the Council to consider whether the five-year '*no poaching*' clause/condition forwarded by the applicants (most recently in their letter to the Council dated 16th June 2016) has a material effect on our overall assessment of the impact of the application proposals and, it follows, our advice to the Council.

- 7.14 We have given this issue careful thought throughout our assessment. It is clear in this case that the application proposals are seeking a significant quantum of Open A1 retail floorspace in an out-of-centre location that will compete “*like-against-like*” with the City Centre for shoppers, retail expenditure and retailers. In our judgement the grant of planning permission in this case, even with a ‘*no poaching*’ clause in place, would have a significant adverse impact on the already fragile business and investor confidence in the City Centre. This concern has been underlined by the responses by Ellandi, owners of the Eastgate Centre, and other key stakeholders in the City and District Centres to the application proposals. It is apparent that the City Centre has suffered from a lack of investment in the scale and quality of its retail offer for a number of years and, as a result, it is losing market share to competing centres and out-of-centre shopping facilities, as well as online shopping. The ‘*no poaching*’ clause will not, for example, prevent retailers who may in normal circumstances take space in the City Centre from choosing to locate in the Peel Centre ahead of the City. This would further impact on the City Centre’s market share, turnover and viability as a shopping location.
- 7.15 This needs to be considered against the background of the City Council’s key objective for the City Centre, namely to deliver the King’s Quarter redevelopment opportunity. Although the emerging masterplan design concepts indicate that its retail floorspace will be significantly reduced compared with previous proposals, the plans are still for approximately 5,000 sqm of new Class A1 retail floorspace. It is vital that the Council’s plans for King’s Quarter and other potential investments in the City are not derailed by proposals for new Class A1 retailing outside the City Centre, and we cannot see how the ‘*no poaching*’ clause would effectively reduce the impact of the application proposals on this important City Centre investment.
- 7.16 In summary we consider there are a number of significant “*unknowns*” and “*risks*” with regard to the ‘*no poaching*’ clause, and we are not persuaded that it would mitigate against the significant adverse impacts we have identified in this case.
- 7.17 Notwithstanding our conclusions, and as stated throughout this appraisal, it is ultimately for the Council as decision-taker in this case to weigh all the positive and negative economic, social and environmental impacts of the application proposal in the balance.
- 7.18 We trust that this appraisal is helpful to the Council in its consideration of the merits of the application proposal.

16/00005/OUT

Peel Centre
St Ann Way
Gloucester

Planning Committee



GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	06 SEPTEMBER 2016
ADDRESS/LOCATION	:	PEEL CENTRE, ST ANN WAY
APPLICATION NO. & WARD	:	16/00007/FUL & 16/00008/FUL MORELAND
EXPIRY DATE	:	25th MAY 2016
APPLICANT	:	PEEL GROUP AND NEXT PLC
PROPOSAL	:	APPLICATION 1: 16/00007/FUL - Variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263sq m net within new sub-divided unit 1B and 1,015sq m net from unit 3A APPLICATION 2: 16/00008/FUL - Variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263sq m net within new sub-divided unit 1B and 1,015sq m net from unit 3A
REPORT BY	:	ED BAKER
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN EXECUTIVE SUMMARY REPORT BY CARTER JONAS

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The applications relate to land at the Peel Centre, St. Ann Way. The Peel Centre is an out of town retail park located to the south of the city centre.
- 1.2 The Peel Centre has a frontage to the south side of St. Ann Way from which it is accessed. To the other side of St. Ann Way to the north is Gloucester Quays Retail Outlet, next to which are redundant docklands buildings, including the Llanthony Provender Mill. To the west, the site backs onto the Gloucester and Sharpness Canal. To the other side of the canal further to the west is a Sainsbury's supermarket. To the south side of the Peel Centre is the

Madleaze industrial estate. Bristol Road bounds the Peel Centre on its east side which has a mixture of commercial and residential uses.

- 1.3 The applications relate to Units 3A and 1B of the existing retail warehouses that are situated parallel to and face St. Ann Way.
- 1.4 The Docks Conservation Area is located to the other side of St. Ann Way to the north. This includes a number of nearby Listed Buildings including:
 - Llanthony Provender Mill, Grade II Listed;
 - Iron Framed Shed, Grade II Listed;
 - Downing Malthouse, Grade II; and
 - Downings Malthouse Extension, Grade II Listed
- 1.5 The site is located to the immediate south of an Area of Principal Archaeological Interest.
- 1.6 The site is within Flood Zones 2 and 3.
- 1.7 This report relates to two applications that seek permission for the same proposal. **“Application 1” (16/00007/FUL)** seeks Variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263sq m net within new sub-divided unit 1B and 1,015sq m net from unit 3A.
- 1.8 **“Application 2” (16/00008/FUL)** seeks Variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263sq m net within new sub-divided unit 1B and 1,015sq m net from unit 3A
- 1.9 The applications are supported by the following documentation:
 - Planning & Sustainability Statement;
 - Retail Planning Statement;
 - Transport Statement;
 - Travel Plan;
 - Flood Risk Assessment;
 - Statement of Community Involvement; and
 - Plans and drawings.
- 1.10 The applications are brought to the planning committee because of the scale and nature of the proposals. The planning committee will need to make a separate resolution on each of the two planning applications.
- 1.11 The Local Planning Authority is also considering an application seeking planning permission to redevelop the former cinema for retail purposes. That proposal includes the demolition of two Class A3 restaurant buildings; the conversion of the former cinema building to Class A1 retail use including mezzanine floor; and the erection of extensions to the former cinema building

to create new Class A1 retail floor space. The proposal would result in four new Class A1 retail units (16/00005/OUT).

- 1.12 That application has been submitted by the same applicant and, along with applications 16/00007/FUL and 16/00008/FUL, are presented by the applicant as a “package of measures” aimed at enhancing the Peel Centre. Given the cumulative impact of all the proposals, and the similarity of the issues that arise, the three applications are brought before the committee together. However, Members are advised that each of the applications should be determined on their own individual merits.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The Peel Centre has a long and complex planning history. Previous decisions which are considered most relevant to the current applications are summarised below in chronological order.

11159/11a - approved

- 2.2 This was an application for the erection of 93,000 square feet retail, new highway, drive-through restaurant and formation of car park. The application was approved in April 1989.

11159/11b – approved

- 2.3 This was an outline planning application, with planning permission being granted for 16,000 square feet of retail development, plus a multiplex cinema, theme bar, restaurant and car park. Reserved matters approval was subsequently granted via applications 11159/11b(i) and (ii). It does not appear that the retail element of this permission was implemented.

11159/13 – approved

- 2.4 This was an application for the erection of 41,000 square feet retail units and formation of car parking area. The application was approved in August 1989.

05/00751/COU – approved

- 2.5 This was an application for change of use of Unit 7 from assembly and leisure (class D2) to restaurant / cafe (class A3). The application was approved in August 2005.

08/01116/FUL - approved

- 2.6 This was an application for the extension and refurbishment of the existing cinema, the erection of an attached building to provide 4 (no.) units for class A3/A4/A5 use, canal-side public realm improvements, erection of 4 (no.) wind turbines (later removed) and associated car park re-arrangements and landscaping works. The application was approved in June 2008. However, the permission was not implemented and the permission expired.

09/01308/FUL – approved

- 2.7 This was an application to vary condition 6 of planning permission ref. 11159/11a to alter the range of goods that can be sold. The application was approved in July 2010.

09/01310/FUL – withdrawn

- 2.8 This was an application to vary condition 2 of planning permission ref. 11159/11b to alter the range of goods that can be sold. The application was withdrawn in April 2010.

09/01311/FUL – approved

- 2.9 This was an application to vary condition 4 of planning permission 11159/13 to alter the range of goods that can be sold. The application was approved in July 2010.

11/01292/FUL – approved

- 2.10 This was an application for alterations to and change of use of the existing cinema building to retail use (class A1), erection of extension to building for retail use (class A1), and associated alterations to parking and servicing arrangements, landscaping and public realm works. It was granted subject to conditions (including notably a “bulky goods” condition to reflect that imposed at the time on the remainder of the Peel Centre) in July 2012. The applicant has apparently commenced works to keep this permission alive although no formal determination has been made by the Local Planning Authority that works lawfully started and that the permission remains extant.

13/00559/FUL – appeal allowed

- 2.11 This was an application to vary condition 1 of planning permission ref. 09/01311/FUL to alter the range of goods that can be sold from amalgamated Unit 3a and 3b for occupation by “Home Bargains”. It was refused by the City Council but allowed at appeal following a public inquiry.

13/00560/FUL – withdrawn

- 2.12 This is an application seeking to vary condition 3 of planning permission ref. 11/01292/FUL (to allow the sale of an unrestricted range of goods from the existing cinema building, with no change to the restricted range of goods from the extension). The application was withdrawn in March 2013.

14/01173/FUL - withdrawn

- 2.13 This was an application to vary condition 3 of permission ref. 11/01292/FUL to alter the range of goods allowed to be sold and provide flexibility by allowing one retail unit of up to 4,048sq m gross floor space in the converted and extended cinema to sell toys. The application was withdrawn in October 2015.

14/01445/FUL – approved

- 2.14 This is an application seeking variation of condition 1 of planning permission 09/01308/FUL to alter the range of goods that can be sold from an amalgamation of Units 3a and 3b. The application was approved in March 2015.

15/00004/FUL – approved

- 2.15 This is an application seeking alterations to and change of use of existing cinema building to retail use (class A1), erection of extension to building for retail use (class A1), associated alterations to parking and servicing arrangements, landscaping and public realm works - Variation of condition 2, and removal of conditions 19 and 20, of planning permission 11/01292/FUL, to omit the requirement for compensatory flood storage works and allow a lower finished floor level. The application was approved in August 2015.

15/00155/FUL – appeal withdrawn

- 2.16 This is an application seeking variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 93,000 sq. ft. retail, new highway, drive-through restaurant and formation of car park). The applicants appealed against non-determination, however, the appeal was later withdrawn.

15/00156/FUL – appeal withdrawn

- 2.17 This is an application seeking variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 41,000 sq. ft. retail units and formation of car parking area). The applicants appealed against non-determination, however, the appeal was later withdrawn.

15/00157/FUL – approved

- 2.18 This is an application seeking planning permission for external alterations and enhancements to existing retail warehouse units including complete re-cladding with modern glazing and materials and new entrance lobby for Unit 1A. The application was approved in July 2015.

15/00158/FUL – appeal withdrawn

- 2.19 This is an application for alterations to, and change of use of, vacant cinema building to retail use (Class A1), erection of extension to building for retail use (Class A1), and associated alterations to parking and servicing arrangements, landscaping and public realm works. The applicants appealed against non-determination, however, the appeal was later withdrawn.

15/00490/NMA – approved

- 2.20 This was a non-material amendment proposal to alter condition 2 (approved drawings) and pre-commencement conditions 7, 8, 11, 12, 13, 14, 15, 17, 19, 22, 23, 25, 26, 28, 29 and 30 of permission ref. 11/01292/FUL to exclude the laying of foul water services to the proposed retail units from pre-commencement conditions. The application was approved in May 2015.

15/01126/FUL – undetermined

- 2.21 This is an application seeking alterations to, and change of use of, vacant cinema building to retail use (Class A1), erection of extension to building for retail use (Class A1), and associated alterations to parking and servicing arrangements, landscaping and public realm works. The application is undetermined pending the outcome of applications 16/0005/OUT, 16/0007/FUL and 16/0008/FUL.

15/01127/FUL – undetermined

- 2.22 This is an application seeking variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 93,000 sq. ft. retail, new highway, drive-through restaurant and formation of car park). The application is undetermined pending the outcome of applications 16/0005/OUT, 16/0007/FUL and 16/0008/FUL.

15/01128/FUL – undetermined

- 2.23 This is an application seeking variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold from Unit 3a and new sub-divided Unit 1b - to allow a full range of non-bulky comparison goods (original development is the erection of 41,000 sq. ft. retail units and formation of car parking area). The application is undetermined pending the outcome of applications 16/0005/OUT, 16/0007/FUL and 16/0008/FUL.

16/00007/FUL – undetermined

- 2.24 This is an application seeking variation of condition 1 of permission 09/01308/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263 sq. m. net within new sub-divided unit 1B and 1,015 sq. m. net from unit 3A. The application was submitted alongside the application subject to this report and is being considered concurrently.

16/00008/FUL – undetermined

- 2.25 This is an application seeking variation of condition 1 of permission 13/00559/FUL to alter the range of goods that can be sold to allow a full range of non-bulky comparison goods to be sold from 1,263 sq. m. net within new

sub-divided unit 1B and 1,015sq. m. net from unit 3A. The application was submitted alongside the application subject to this report and is being considered concurrently.

16/00320/NMA – approved

- 2.26 This was a non-material amendment proposal to amend the external alterations approved under permission 15/00157/FUL. The application was approved in April 2016.

3.0 PLANNING POLICIES

- 3.1 This part of the report identifies local and national planning policies that are relevant to the consideration of the applications and considers the weight that can be afforded to them.

Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'
- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who presided over the appeal relating to Units 3A and 3B at the Peel Centre (13/00559/FUL), '*...its sheer age suggests it must be out of date...*' (par. 11 of the Inspector's report).
- 3.5 The 1983 Local Plan policy most relevant to the proposals is Policy S.1(a):
'Major comparison shopping facilities will not normally be permitted outside the main shopping area, defined on Plan 10, other than in accordance with the specific provisions of other policies.'
- 3.6 Policy S.1(a) is out of date and superseded by national planning policy, namely section 2 of the NPPF, *Ensuring the vitality of town centres*.

National Planning Policy Framework

- 3.7 The NPPF published in March 2012 is a material consideration of considerable importance. It sets out the Government's planning policies for England and how these are expected to be applied.
- 3.8 Guidance on how to interpret the NPPF is provided by the online National Planning Practice Guidance ("NPPG").

3.9 Annex 1 of the NPPF provides advice on the weight that should be afforded to adopted Local Plans that pre-date the NPPF, and emerging Local Plans.

3.10 Paragraph 14 of the NPPF says that: '*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...*

...For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.'*

3.11 Section 2 of the NPPF, *Ensuring the vitality of town centres*, provides national policy on how to deal with proposals for town centre development.

Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

3.12 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury ("JCS") and Gloucester City Plan ("City Plan").

3.13 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.

3.14 Paragraph 216 of the NPPF states that weight can be given 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 NPPF.

3.15 The JCS is part way through the Examination process and the Inspector published her Interim Report in May 2016. However, a number of proposed modifications will be made to the policies in the plan. The legal advice that the Council has received is that the JCS can be given limited weight at this time.

Gloucester City Plan

- 3.16 The City Plan will sit underneath the JCS and provide locally specific site allocations and development management policies, within the strategic context of the JCS. To date, consultation has taken place on Part 1 of the City Plan, which sets out the context, strategy and key principles, and Part 2, which sets out a draft City Centre Strategy and looks at potential site opportunities. The next stage will be the publication of a Draft City Plan for public consultation. This will include an updated Part 1 and Part 2, along with a range of locally specific Development Management policies. The City Plan can be given no meaningful weight at this time.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.17 Regard is also had to the policies contained within the Gloucester Local Plan, Second Stage Deposit 2002 (“2002 Local Plan”). The 2002 Local Plan was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes.
- 3.18 However, the 2002 Local Plan was never subject to Examination and was never formally adopted. In this regard, the weight that can be given to the Local Plan is, therefore, limited. This view is supported by the Inspector presiding over the 13/00559/FUL appeal, who commented that: ‘*The Gloucester Local Plan did not progress beyond the Second Stage Deposit of 2002; while its policies were adopted for development control purposes, they cannot carry any significant weight.*’ (par. 12 of the Inspector’s report). This approach is, however, contradicted in other appeal decisions where Inspectors choose to give policies in the 2002 Local Plan reasonable weight.
- 3.19 The main body of the committee reports refers to policies contained in 2002 Local Plan where they broadly accord with policies contained in the NPPF, and are applicable to the proposal. Policy S.8 of the 2002 Local Plan identifies the Primary Shopping Area in the City Centre. Policy S.10 identifies Quedgeley Centre as a District Centre.

Other relevant policies

- 3.20 The following policy documents are considered relevant insofar as they demonstrate the Council’s on-going commitment to seeing the redevelopment of the Kings Quarter area and the regeneration of the city centre more generally.

Revised Draft Central Area Action Plan 2006

- 3.21 This reached preferred options stage in August 2006. It was subject to two rounds of public consultation. Policy CA20 allocates the wider area for major new comparison goods retail development as part of a mixed use scheme. It also provides general development management policies. It is a non-statutory document and of limited weight. The content of the plan will be taken forward through the emerging Gloucester City Plan.

Revised Draft Supplementary Planning Document - Kings Square and Bus Station Planning Brief 2007

- 3.22 This set out the Council's approach to the development of this area. It was not formally adopted by the Council but was prepared in accordance with the relevant planning regulations and subject to extensive public consultation. It is a non-statutory document and is updated by the 2013 concept statement.

Kings Quarter Planning Concept Statement 2013

- 3.23 This statement carries forward previous policy objectives for the Kings Square and Bus Station area of the City. It is a non-statutory document. It was subject to a six week period of consultation, amended in light of consultation responses, and was adopted by the Council as interim SPD for development control purposes. The Concept Statement sets out the opportunity and objectives to deliver a redevelopment of Kings Quarter, creating a vibrant addition to the City's shopping offer, including a new and improved bus station, improved linkages to the railway station, Northgate Street and the city centre, and public realm improvements. The scheme sought to deliver a significant change in the City's retail performance by achieving a substantial level of new retail-led, mixed use development to act as a catalyst for the continued regeneration of the wider city centre area and city as a whole.

Emerging Gloucester City Plan – Sites and places Consultation – May 2013

- 3.24 The City Plan covers the whole of the Council's administrative area and once adopted will provide locally specific development management policies and site allocations (in general conformity with the JCS). "Part 1" sets out the context and key principles for the plan, which include the delivery of a transforming city that brings regeneration benefits, continuing the longstanding strategy of delivering development on a city centre first approach and the primacy of Kings Quarter redevelopment as the Council's priority regeneration site for delivering a step change in its retail performance. "Part 2" sets out sites in the City that are being considered for development, the uses they are being considered for and how they could have a positive contribution to the city. Given the Council's longstanding strategy for the retail-led regeneration of King's Quarter, this proposal is carried forward.
- 3.25 The Draft City Centre Strategy forms part of "Part 2" of the City Plan and has been prepared partly in response to evidence (JCS Retail Study Phase 1) that the City Centre is underperforming for a City the size of Gloucester and the identification of underlying weaknesses such as an under representation of certain categories of retailing and a poor quality environment. It sets out a draft vision, objectives and key components of a strategy such as strengthening the City centre as a regional shopping destination and improve its retail ranking, to maintain and improve the vitality and viability of the city centre, the delivery of a 'step-change' in the retail performance of the City centre and quality urban spaces through the bringing forward of the Kings Quarter scheme, delivery of a new high quality bus station in the Kings

Quarter scheme that will provide a key gateway feature, and applying the 'city centre first' approach.

Strategic Economic Plan for Gloucestershire 2014

- 3.26 The Kings Quarter scheme is identified as a key county-wide regeneration priority for helping to deliver the Strategic Economic Plan for Gloucestershire, a document sponsored by the Local Enterprise Partnership.

Gloucester Regeneration Strategy 2016 - 2021

- 3.27 The Council's regeneration strategy sets out a clear strategic framework of priorities that received Member endorsement. A consultation draft was subject to a period of consultation in spring 2015. The strategy is not a statutory planning document. Kings Quarter is identified as a major strategic regeneration priority. The City Plan will be the statutory development plan to deliver the strategy spatially.
- 3.28 The 1983 Local Plan, JCS, draft City Plan and 2002 Local Plan can be viewed at the relevant website address:- Gloucester development plan policies – <http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy>. The NPPF and NPPG can be viewed at the Department of Community and Local Government website – <http://planningguidance.communities.gov.uk/>.

4.0 CONSULTATIONS

- 4.1 Highway Authority (Gloucestershire County Council)

No objection.

- 4.2 Environment Agency

No comments.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The applications have been publicised by way of a press notice and the display of site notices. In addition, 58 neighbouring properties have been directly notified of the applications in writing.
- 5.2 Representations have been received from a number of different parties and are summarised below. The full content of all correspondence on these applications can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00007/FUL>
<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00008/FUL>

Ellandi LLP

- 5.3 Ellandi manages the Eastgate Shopping Centre in Gloucester City Centre on behalf of Lone Star Funds. Ellandi has submitted three objections against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

24th February 2016 – holding objection

- Several letters of objection were submitted against previous applications 15/01126/FUL, 15/01227/FUL and 15/01128/FUL, which are currently pending and will be withdrawn depending on the outcome of the current applications;
- Ellandi continues to have fundamental concerns as to the likely significant adverse impacts of the proposal on the city centre;
- The proposal would have long lasting implications for the City Centre including shifting the balance of retail provision towards Gloucester Quays and the Peel Centre and away from the City Centre's traditional primary shopping areas;
- The Peel Centre would command a clear competitive advantage over the City Centre as a shopping destination and would not complement the City Centre as the applicant suggests. The Peel Centre will compete "head on" for shopping trips, expenditure and retailers; and
- A more comprehensive review of the applications will be undertaken. In the interim, this holding objection has been submitted.

29th March 2016 – objection

- The proposal will bring no material benefit to the vitality and viability of the City Centre and runs counter to the Council's 'Regeneration and Economic Development Strategy'. The proposal represents further incremental change to provision outside the City Centre boundary in an area where the applicant has a vested interest to deliver retail uses;
- The applicant states that the range of goods sought is necessary for the Peel Centre to compete with other retail parks in the area. This is not a planning argument that we have come across before. It is neither an objective of the NPPF or NPPG. National policy seeks to foster competitive town centres through directing town centre uses to them;
- The proposal will compete directly with the City Centre, which is unacceptable. The Peel Centre should remain a bulky goods retail park. The applicant has had ample opportunity over time to invest in the Peel Centre but it has been allowed to deteriorate over time. Regeneration is not an appropriate term for the proposals at the Peel Centre. The proposal would not deliver a combination of social, environmental and economic benefits;
- The applicant's ownership in and around Gloucester Quays is substantial and includes the remainder of the GQ redevelopment and regeneration area, the Peel Centre retail park, Madleaze industrial

estate and adjacent development sites. Incremental and ongoing improvements are likely to be part of a strategy to further strengthen the retail offer in the area. The effect will be to dilute the City Centre's retail offer and shift the balance of retailing to Peel's ownership;

- The City Centre should be allowed to strengthen without being undermined by unsustainable out of town developments such as that proposed. The proposal represents a significant risk to delivery of the regeneration strategy for the city centre;
- The proposal will likely result in significant adverse impact on Gloucester City Centre. It will undermine existing and planned investment in the City Centre. It will lead to a significant impact on the City Centre's vitality and viability;
- The proposal would give the Peel Centre a clear competitive advantage over the city centre as a shopping destination (providing free parking, easy access by car and lower rents). The applicant does not address the shifting of balance of retail in the City Centre towards out of centre locations. The application is heavily reliant on qualitative assessment to demonstrate acceptability. The assessment should take account of local circumstances derived from a qualitative assessment, as is made clear in paragraph 017 of the NPPG;
- The applicant's assertion that linked trips would increase is highly questionable. The proposal would lead to a reduction in trips where a wider range of retail uses at the Peel Centre would simply remove the need for shoppers to visit the City Centre;
- The applicant's interpretation of the 2012 exit survey is also misleading. The applicant cites 26% as being the figure for linked trips, which masks the fact that 74% of customers stated that they did not visit the City Centre. This figure is only likely to increase if the proposal goes ahead. The applicant actively discourages customers leaving the Peel Centre by foot (the applicant has a policy of clamping vehicles not belonging to customers of the Peel Centre);
- There are no obvious pedestrian friendly routes between the Peel Centre and City Centre. The journey to the PSA is convoluted and over half a mile (>800 metres), including a steep incline. The applicant has significantly over-played the linked trips;
- There are a number of units that remain vacant in the City Centre. A number of others are let on a temporary basis. There is a real risk that overall improvement will not be maintained. A number of the City Centre's key anchors have a recent track record of taking space in out of centre locations;
- The applicant's assessment fails to mention that the proposal will be in direct competition with the remainder of the City Centre (i.e. existing investment) including Eastgate and Kings Walk shopping centres;
- The applicant has not offered a no-poaching clause – even if it did the clause provides little comfort as it still allows a retailer to take a second

but primary unit at the Peel Centre whilst maintaining minimal presence in the City Centre. The enforceability of such clauses is questioned;

- The lack of named occupiers (other than Next) makes assessment of impact difficult. The proposal for open Class A1 use will be of significant interest to retailers. The proposal would compete directly with the City Centre;
- The proposal would have significant impact on the emerging revised proposals for the redevelopment of Kings Quarter;
- There will be little commercial incentive for Ellandi to make its planned improvements to the Eastgate Centre which includes reconfiguration of units, refurbishment of the existing mall space and options for major redevelopment of the first floor shopping centre, which is currently vacant. These proposals can only come forward if they are viable. A factor will be whether there are any other schemes that will undermine consumer sentiment and lead to a reduction in City Centre footfall;
- The complex planning history of the Peel Centre leads to considerable confusion as to what is currently permitted on site (i.e. the fall-back position). Ellandi provides a summary of what it believes Units 1, 2, 3 (3A and 3B), 4A, 5A, 5B, former cinema building, and the former Angel Chef and Pizza hut units can be lawfully used for in terms of use and planning restrictions;
- The proposal will not bring about regeneration in the true sense. It will serve to redevelop a first generation retail warehouse park which has fallen into a state of disrepair. Redevelopment will be at the expense of much needed regeneration of the City Centre. The proposal will do little to encourage new tourists to the area. Job creation will largely be job displacement from the City Centre. 'Environmental improvements' are restricted and could be addressed by other means;
- The proposal is contrary to both national and local planning policy which seeks to maintain and strengthen the vitality and viability of town centres. The proposal is also contrary to the objectives of the Council, investors and City Centre businesses. The applications should be refused without delay for the following reasons:
 - The proposal has potential to accommodate a wide range of retailers, a number of which already serve as anchors in the city centre. Examples that have leases expiring in the next 3 years or where there are lease renewal discussions are River Island, Dorothy Perkins, Burton and Primark;
 - BHS has entered into administration and there is significant risk that it may choose not to continue operating from its Gloucester store at Kings Walk, which could leave their 47,500 sq. ft. store available for Next to occupy;
 - Impact from the proposal will be on a like for like basis with these stores. The relocation of any of these stores to the Peel Centre will substantially reduce footfall in the City Centre. This will have

consequences for consumer choice and trade. The impact on vitality and viability of the City Centre will likely be significant;

- The proposal will undermine investor confidence in the city and weaken attempts to bring forward regeneration and renewal. The scheme is not linked to the City Centre;
- The proposal will undermine the Council's aspiration to control retailing in this out of centre location. The applicant has further substantial landholdings around the site and will very likely seek to consolidate their position as a new city centre for Gloucester;
- The proposal will result in displacement and relocation of jobs rather than a net increase in employment; and
- The proposal would have a direct and significant impact on Quedgeley District Centre. The loss of a key anchor (Next) from the District Centre will likely be a significant as it removes the main fashion draw from Quedgeley.

17th May 2016 – objection

- The proposal will result in future closures and/or relocations of existing retailers who currently serve as anchors in the City Centre;
- Regardless of whether or not a no-poaching clause is put in place, there is very little that be done to prevent the eventual relocation of these stores to the Peel Centre;
- The following City Centre stores will be reaching the end of their lease in the next five years:
 - Primark
 - Argos
 - River Island
 - New Look
 - Acadia (Topshop, Topman and Dorothy Perkins)
- All of these retailers have a track record of taking space in out of centre locations, often relocating from nearby allocated centres. The proposal would accommodate these retailers. These are also the types of retailers that Next would seek to co-locate with and this will likely be a condition of their relocation to the Peel Centre;
- A number of other City Centre retails are considered 'at risk':
 - BHS is currently in administration. Closure will leave a large vacant unit in a prime city centre location (circa 4,000 sq. m.);
 - Recent acquisition of Argos by Sainbury's is expected to result in a number of relocations / closures. The Sainbury's store adjacent the Peel Centre is large enough to accommodation an Argos concession; and
 - Marks and Spencer has relocated a number of their town centre stores to out of centre stores and this could happen in

Gloucester. It has already occurred in Rugby, Great Yarmouth, Stevenage and Hartlepool.

- The loss of these stores will have a significant and long lasting impact on the City Centre which is already showing signs of vulnerability. The proposal will undermine attempts to fill voids where there is already tempered demand in Gloucester as a whole;
- The combined floor space of these stores is between 9,000 and 19,422 sq. m. or between 6.5% and 14% of the total floor space in the City Centre. Large, persistent voids in the City Centre undermines visitor perceptions and investor confidence;
- These stores currently perform an important and vital role in attracting visitors to the City Centre and drives footfall. The loss of any number of these stores would be significant. It would also compound current high vacancy rates in the City Centre and the constrained demand for new retail floor space in Gloucester as a whole. This will result in retailers and jobs relocating to out of centre locations. It will also reduce the chances of a leisure-led scheme coming forward at Kings Quarter;
- The aforementioned stores are large and it would be difficult to find a new occupier following relocation / closure. A prime example is the former Marks and Spencer store on Northgate Street which was either vacant or temporarily occupied for over five years;
- The City Centre is highly vulnerable to out of centre development such as that proposed. Even modest trade diversion from a new development may lead to a significant adverse impact;
- We consider no-poaching conditions to be highly ineffective. The condition proposed by the applicant does very little to prevent the eventual relocation of stores to the Peel Centre. The clause is only a short term measure and does very little to prevent impact on investment in the City Centre. It will not prevent a loss of investor confidence and will not guard against the applicant's goal to provide a modern retail park in an out of centre location;
- The proposed wording only prevents retailers from relocating to the Peel Centre for 12 months. A retailer would have two options: either cease trading in the City Centre for 12 months or keep the existing city centre operating for 12 months and endure the cost of running two stores for that period. However, it is likely that the retailer would choose either option, especially if the expected "incentives" such as 12-24 months free rent at the Peel Centre are on offer from the applicant. The condition also does not prescribe what level of trade should continue from the existing City Centre unit during that 12 month period;
- The no-poaching clause would be wholly ineffective in mitigating the impacts of the proposal on the City Centre;
- We are surprised that the applicant has no clear steer as to who is targeted to occupy the development, other than Next and possibly Iceland, particularly given the level of investment in the proposal. Reference to Iceland is a red herring as it is the only store not in the

City Centre or in close proximity to the site. Iceland is not an occupier that Next tends to re-locate with;

- Refers to Carter Jonas' letter of 24th March 2016 which raises concerns about linked trips between the Peel Centre and City Centre (Carter Jonas has been appointed by the Council to provide specialist retail advice on the planning applications). The applicant's 2012 exit survey of customers is fundamentally flawed. The Peel Centre also actively discourages customers leaving their cars there and walking to the City Centre with the threat of clamping of vehicles not belonging to customers of the Peel Centre. Ellandi also questions the level of scrutiny of the 2012 exit survey at the Home Bargains public inquiry, which was a proposal for only one unit;
- The applicant is unwilling to commit to a planning condition that would require all four units to be built at the same time – this illustrates the applicant's intentions to bring about further improvements to the scheme once the principle of open Class A1 use is established;
- Remain unconvinced of the fall-back position of the two existing Class 3 restaurants being converted to retail use. Both these units are poorly configured, cannot be viewed particularly well from the road and are considerably dated;
- We welcome the applicant's acceptance of conditions to prevent subdivision of the proposed four units and not to install any additional mezzanine floors. However, since the application is in outline, we question how the conditions would work in practice. We also query whether these conditions should also be applied to the proposals to vary conditions (Units 3A and 1B);
- Ellandi wishes to emphasise the extent of the applicant's land holdings to the south of the city centre (Madleaze Industrial Estate). They do not doubt that the applicant has seriously considered the reconfiguration of current existing floor space to include some of this land to the south. Once open A1 retail floor space is established at the Peel Centre it will be far easier to promote a reconfigured scheme that relies on the current proposal as a fall-back;
- The wording of conditions proposed by the applicant to control the types of goods that can be sold from the units is not accepted as they fail to mitigate the inevitable loss of trade from the city centre; and
- Ellandi asks that the applicant addresses all the points they raise.

Aviva Investors

- 5.4 Aviva has land interests at Kings Walk in Gloucester City Centre and has submitted an objection against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

4th May 2016 – objection

- The Peel Centre and Kings Walk have the same catchment areas, and compete for the same retailers. The Local Planning Authority should consider the proposal very carefully, in particular the potential impacts on Gloucester City Centre and investor confidence;
- Aviva objected to the suite of applications at the Peel Centre submitted in January 2015 for a different redevelopment scheme. The applicant appealed against non-determination and subsequently withdrew the appeals. Aviva's primary concern about the previous applications were:
 - i) The applicant had downplayed progress that is ongoing with regards to redevelopment of Kings Quarter;
 - ii) That the proposals do not accord with the emerging JCS, which seeks to protect key regeneration proposals such as Kings Quarter from inappropriate developments elsewhere.
- Since January 2015, further progress has been made with King Quarter including planning permission for a new bus station. That site is next to Kings Square and forms part of the first phase of the Kings Quarter redevelopment;
- Aviva is concerned about the impact of the proposal on the vitality and viability of the City Centre, as well as impact on existing, committed and planned public and private investment;
- Agrees with the content of the letter Carter Jonas's letter of 24th March 2016 to the Local Planning Authority that raises a number of '*key issues, inconsistency, and gaps in [the applicant's] evidence pertaining to the retail planning case, and specifically on the robustness of the sequential and impact assessment*';
- The Peel Centre is a large scale retail warehouse centre that is defined by the NPPF as being 'out of centre'. The applicant argues that the Peel Centre is highly accessible from the City Centre Primary Shopping Area ("PSA"), even though it is located approximately 870 metres from it. The applicant explains that 26% of Peel Centre customers also visited the 'city centre' as part of their trip. Carter Jonas does not consider this figure to be particularly high. Aviva agrees with this judgement and further agrees with Carter Jonas that there are significant flaws with the data being used by the applicant to substantiate the linked trip theory. The results of the survey are inaccurate and misleading. This figure will be even lower should the proposal be granted planning permission. This is because the types of goods sold will be very similar to the goods that are usually sold within the City Centre. Because of this, it is likely that a customer would visit either the City Centre or the Peel Centre, but not both;
- The letter from the Highway Authority provided at Appendix H of the Retail Planning Statement is misleading because it discusses connectivity between the City Centre and Gloucester Quays, and not the Peel Centre. Their point should therefore be disregarded. Any

linked trips between the Peel Centre and defined City Centre should not be given significant weight when the application is considered;

- There has been an historic increase in the amount of retail floor space outside the defined City Centre and this is of particular concern to Aviva. The proposal is akin to a comprehensive out of centre retail development. Aviva's concerns are:
 - i) The impact on the vitality and viability of the City Centre;
 - ii) The impact on existing, committed and planned public and private investment at Kings Quarter.
- The main impact on vitality and viability is due to the proposal attracting the same type of operators that are traditionally located within the City Centre. This is evidenced by the fact that Next, being a traditional town centre use, is seeking to locate to the site. The Peel Centre would become a retail destination in its own right, and not just for bulky goods. This will reduce visitors to the city centre;
- Quotes the PPG on the issue of impact on investment;
- The applicant seeks to dismiss investment at Kings Quarter as having any policy status. Aviva argues that this is not completely accurate. The Kings Quarter Concept Statement was adopted by the Council in January 2013 as interim Supplementary Planning Guidance. Whilst this does not have the same weight as a development plan document, it does nonetheless give Kings Square policy status. The document states that the proposal for Kings Quarter '*... forms a key part of the City's longstanding and ongoing regeneration strategy for the City, which seeks to deliver a City Centre first approach...*'
- The bus station development is phase 1 of the Kings Quarter proposals and will act as a catalyst for further phases of the development;
- The application also dismisses the progress that has been made on the JCS, which is now at an advanced stage. Aviva quotes par. 4.3.6 of the JCS: '*It is important... that key regeneration proposals, such as Kings Quarter, are protected from inappropriate developments elsewhere and realised in the context of the clear strategy for the City centre in its City Plan.*';
- Some weight can now be given to the emerging JCS as it has reached an advanced stage in preparation and there are no significant unresolved objections relating to the retail policies in the plan; and
- Aviva believes that mention of Iceland is a red-herring as they are the only store not in the city centre or close to the site. Moreover, Iceland does not tend to co-locate with Next.

The Royal London Mutual Insurance Society Ltd

- 5.5 The Royal London Mutual Insurance Society Ltd ("RLMIS") is the owner of the Quedgeley Retail Park in Quedgeley. RLMIS has submitted an objection against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

25th May 2016 – objection

- Quedgeley Retail Park is a defined district centre within Gloucester. Next occupies a sizeable unit on the retail park and is proposing to relocate from Quedgeley to the application site;
- As a District Centre, Quedgeley Centre has the same policy status as a town centre. By contrast, the Peel Centre is “out-of-centre”;
- A significant component of Quedgeley Centre is the Quedgeley Retail Park, which comprises 7 units, including larger retail units accommodating Next, Brantano, Matalan and Boots. The retail park provides a good range of non-food goods and makes a significant contribution to the vitality and viability of Quedgeley Centre;
- Reference to paragraph 023 of the NPPF;
- The sequential test and retail impact test apply as set out in the NPPF;
- RLMIS’s concern primarily relates to the loss of Next from Quedgeley Centre and the implications for the vitality and viability of this district centre. The applicant has submitted no information on the availability of alternative sites in Quedgeley Centre. Therefore, the sequential test has not been satisfied;
- The proposal is to relocate Next from Quedgeley Centre to the application site. The Next unit at Quedgeley is approximately 780 sq. m. It is a sizeable unit in the context of Quedgeley Centre. If the unit becomes empty for a significant period, this will have a harmful impact on the vitality and viability of the district centre. There is no evidence as to the prospect of the unit being re-let in the foreseeable future;
- The applicant’s sequential test focuses on the City Centre and provides no assessment of the availability of sites within and on the edge of Quedgeley Centre. Therefore, the sequential test cannot be satisfied. Reference to Carter Jonas’ letter of 24th March 2016, which comments on this specific issue; and
- It would be far preferable for Next to extend or relocate within Quedgeley Centre.

Vixcroft Ltd

- 5.6 Vixcroft are the prospective new owners of Kings Walk in Gloucester City Centre having exchanged contracts with Aviva to take over the lease of the shopping centre. Vixcroft has submitted an objection against applications 16/00005/OUT, 16/00007/FUL and 16/00008/FUL.

8th August 2016 – objection

- Kings Walk is an important element of the City Centre and requires revitalisation. The asset includes the BHS store which will imminently cease to trade from BHS’s insolvency. The BHS store is a prominent and important element of the City Centre’s retailing and its re-

occupation is dependent upon retailer's confidence in the future of the City Centre;

- The health and vitality of the Gloucester City Centre rests, to some degree, on the decision of the Local Planning Authority in relation to these three planning applications, which are a serious threat to the viability of the City Centre. This is because diversion of retail activity, which should otherwise be naturally concentrated on the City Centre in accordance with planning policy, will harm the City Centre;
- Future investment should be directed to Gloucester City Centre to support its vitality and viability. Out of centre development, such as that proposed, which diverts economic activity out of the City Centre, should be refused;
- Reoccupation of the BHS store will be assisted by the protection of the City Centre. Vixcroft are unable to say at this stage what will happen to the BHS unit, and this is one element of the City Centre. The Local Planning Authority's concerns should be City-wide, albeit the BHS situation is an indicator of the wider issues facing the City Centre; and
- Resolution and implementation of the Kings Quarter development will significantly support the future regeneration of the City Centre. For these same reasons, the outcome of the three planning applications will have a significant bearing on the viability, fundability and thus deliverability of the Kings Quarter project. As a consequence, there is a strong case for refusal of these planning applications.

Letters of support

5.7 Five letters of support from local people have been received. The points that are raised are summarised below.

- The regeneration of Gloucester over the last 20 years has been incredible and there is more to come. The applicant has been instrumental in supporting this growth, including commitment to regenerate Gloucester Quays. This has brought employment opportunities and visitor growth for Gloucester;
- The proposals provide many economic opportunities for Gloucester. The City needs a boost for high end retailers. The proposed Next store will open the flood gates for new retailers and employment opportunities for Gloucester;
- Following the change of focus for Kings Quarter, there is no risk of competition and the application proposals will support the regeneration plans for the City. The applicant will be able to attract the bigger retailers to Gloucester and this would complement the range of shops at the Peel Centre, thus improving the retail offer for local people. It would also add to the existing attractions and help to improve visitor numbers to the City;

- Believes that the proposal can only be considered a good thing in enhancing the overall Peel centre and creating jobs for the city;
- The applicant has demonstrated a long term commitment to Gloucester for over 20 years and has been a driving force behind regenerating the quayside in Gloucester, creating over 1,000 permanent jobs;
- The proposed Next store would provide a major boost to the local area. It would substantially improve the retail offer and act as a catalyst to attract a wider range of big-brand new retail tenants to the area. This is particularly important now that the King's Quarter regeneration has moved away from a retail focus;
- Gloucester has limited retail offer which means that one has to travel further afield to shop;
- The proposal would provide a significant number of new jobs for local people as well as additional business rates to the local council thereby providing economic benefit to the whole of Gloucester;
- It is a shame to waste ugly space with lots of commercial potential; and
- The only proviso should be that the design fits with that of The Quays and the docks more generally so as you walk or look along the river you get a sense of the heritage of the City.

6.0 OFFICER OPINION

Legislative background

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
 - b) any local finance considerations, so far as material to the application; and
 - c) any other material considerations.
- 6.3 Members are advised that the main issues relevant to the consideration of the applications are as follows:
- Planning history
 - Application of planning policy
 - Impact on the vitality and viability of Gloucester City Centre and Quedgeley Centre and the application of the sequential test
 - Investment and economic benefits
 - Impact on neighbouring property

- Access and parking
- Flood risk
- Local finance considerations
- Procedural matters

Planning history

- 6.4 The Peel Centre has a long and complex planning history. The two applications subject of this report propose a variation to the types of goods that can be sold from Units 3A and 1B, as approved under application 09/01308/FUL (Application 1) and 13/00559/FUL (Application 2).
- 6.5 Permission 09/01308/FUL grants a variation of condition 6 of the original planning permission for the Peel Centre, permission 11159/11a.
- 6.6 Condition 1 of permission 09/01308/FUL reads as follows:

'Notwithstanding the provisions of Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or re-enacting that Order with or without modification, the retail units as defined in green on Plan A (received by the Local Planning Authority on 3rd December 2009) in so far as the same form part of the development hereby approved shall not be used for the sale of the following goods unless expressly provided for below and/or on a basis which is incidental and/or ancillary to the main goods sold:

- 1. Food and drink, other than for consumption on the premises;*
- 2. Clothes and fashion accessories;*
- 3. Footwear excepting only the sale of footwear from no more than 1,185 square metres of gross floor space within one only of the retail units as defined in green on plan A (received by the Local Planning Authority on 3rd December 2009);*
- 4. Sporting goods, equipment, clothing and footwear excepting only the sale of such items from no more than 2,388 square metres of gross floor space within one only of the retail units as defined in green on plan A (received by the Local Planning Authority on 3rd December 2009);*
- 5. Toys excepting only the sale of toys from no more than 4,048 square metres of gross floor space within one only of the retail units as defined in green on plan A (received by the Local Planning Authority on 3rd December 2009);*
- 6. Books and stationery except where included as part of the range of a toy retailer;*
- 7. Cameras, video equipment, mobile phones, audio and visual recordings except where included as part of the range of an electrical retailer selling other items such as white goods, TVs, computers, etc;*
- 8. Pharmaceutical goods, perfume goods and toiletries;*
- 9. Jewellery goods, clocks and watches; and*

10. All uses within categories A1 (B to F) of Class A1.

Reason: To safeguard the vitality and viability of the City Centre.'

6.7 Permission 13/00559/FUL in turn grants a variation of condition 1 of permission 09/01311/FUL (which itself varied permission 11159/11a). The purpose of application 13/00559/FUL was to enable a wider range of goods to be sold from specific maximum floor areas within Units 3A and 3B.

6.8 Condition 1 of planning permission 13/00559/FUL (granted at appeal) reads as follows:

'Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that Order with or without modification, the retail units outlined in green on Plan A, ref. A024676/D, dated 1 December 2009, shall not be used for the sale of the following goods unless expressly provided for and/or on a basis which is incidental and/or ancillary to the main goods sold:

1. *food and drink, other than for consumption on the premises, except for no more than 690 square metres of gross floor space within amalgamated Units 3a and 3b as defined in blue on plan ref. A024676/E, dated 1 December 2009;*
2. *clothes and fashion accessories;*
3. *footwear excepting only the sale of footwear from no more than 1,185 square metres of gross floor space within one only of the retail units as defined in green on Plan A, ref. A024676/D, dated 1 December 2009*
4. *sporting goods, equipment, clothing and footwear excepting only the sale of such items from no more than 2,388 square metres of gross floor space within one only of the retail units as defined in green on Plan A, ref. A024676/D, dated 1 December 2009;*
5. *toys, excepting only the sale of toys from no more than 4,048 square metres of gross floor space within one only of the retail units as defined in green on Plan A, ref. A024676/D, dated 1 December 2009, and from no more than 230 square metres of gross floor space within amalgamated Units 3a and 3b as defined on plan ref. A024676/E, dated 1 December 2009;*
6. *books and stationery except where included as part of the range of a toy retailer;*
7. *cameras, video equipment, mobile phones, audio and visual recordings, except where included as part of the range of an electrical retailer selling other items such as white goods, TVs, computers, etc.;*
8. *pharmaceutical goods, perfume goods and toiletries, except from no more than 230 square metres of gross floor space within amalgamated Units 3a and 3b as defined on plan ref. A024676/E, dated 1 December 2009;*
9. *jewellery goods, clocks and watches; and*

10. *all uses within categories (b) to (f) inclusive of Class A1 in the Town and Country Planning (Use Classes Order) 1987.*

6.9 For Members' information, in relation to item 10, categories (b) to (f) read:

- b) as a post office,
- c) for the sale of tickets or as a travel agency,
- d) for the sale of sandwiches or other cold food for consumption off the premises,
- e) for hairdressing,
- f) for the direction of funerals

6.10 This report goes onto assess the impact of the proposed widening of the range of goods that can be sold from Units 3A and 1B.

Application of planning policy

6.11 Given that the 1983 Local Plan (being the statutory Development Plan) is out-of-date, the applications should be determined in accordance with paragraph 14 of the NPPF. This says that planning permission should be granted: '*...unless any adverse impacts of doing so would **significantly and demonstrably** [my emphasis] outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole...*'

6.12 Members should have this in mind when they consider the range of benefits and impacts of the proposals as discussed in the various sections of the report below.

Impact on the vitality and viability of Gloucester City Centre and Quedgeley Centre and application of the sequential test

Background

6.13 The Local Planning Authority has commissioned Carter Jonas ("CJ") to provide specialist retail advice on these applications, as well as related application 16/00005/OUT. CJ has provided a detailed report on the impacts of the proposals that can be found at the following link: <http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00007/FUL> ("Report from Council's consultant" received 11.8.16). An Executive Summary of the report is appended to this committee report.

6.14 Given that the Local Planning Authority does not have an up-to-date Development Plan and that only limited weight can be given to emerging local planning policy, the applications should be considered in accordance with the NPPF and NPPG, with particular reference to section 2 of the NPPF: *Ensuring the vitality of town centres*.

6.15 The NPPF says that '*Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*' (par. 23). National planning policy advocates a "town centre" first approach to protect the interests of city, town and district centres.

- 6.16 This part of the Peel Centre is situated approximately 750 metres from the Primary Shopping Area (“PSA”) in the City Centre as defined by the 2002 Local Plan. In respect of the PSA in the emerging JCS, this distance is slightly lower at around 650 metres. In both cases, this means that the site is “out of centre” for the purposes of retail policy (i.e. more than 300 metres from the primary shopping area but within the urban area) (Annex 2 of the NPPF).
- 6.17 The proposals relate to the retail use of Units 3A and 1B, which is a “main town centre use” according to the NPPF. The NPPF says that proposals for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be subject to a “sequential test” (par. 24). Moreover, such proposals should also be subject to a retail impact assessment where the floor space is greater than 2,500 sq. m., as is the case with the application proposals (par. 26). The impact assessment should include an assessment of:
- i) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - ii) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
- 6.18 The NPPF is clear that ‘*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*’ (par. 27)

The proposal

- 6.19 Under planning permission 13/00559/FUL, Units 3A and 1B can also be used for the sale of food and drink (up to 690 sq. m.), toys (up to 230 sq. m.) and pharmaceutical goods, perfume goods and toiletries (up to 230 sq. m.).
- 6.20 The applicant wishes to widen the types of goods that can be sold from these units to any non-food sales in Unit 3A (up to 1,015 sq. m. net) and 1B (up to 1,264 sq. m. net).
- 6.21 The applicant is proposing the following planning conditions:

Condition 1A:

‘Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that Order with or without modification, with the exception of 1,263sq m net floor space within Unit 1B and 1,015sq m net floor space within Unit 3A (this amount of floor space within Units 3A and 1B may be used for the sale of any non-food goods) the retail units outlined in green on Plan A, ref. A024676/D,

dated 1 December 2009, shall not be used for the sale of the following comparison goods unless expressly provided for and/or on a basis which is incidental and/or ancillary to the main goods old:

- 1. clothes and fashion accessories;*
- 2. footwear excepting only the sale of footwear from no more than 1,185 square metres of gross floor space within one only of the retail units as defined in green on Plan A, ref. A024676/D, dated 1 December 2009;*
- 3. sporting goods, equipment, clothing and footwear excepting only the sale of such items from no more than 2,388 square metres of gross floor space within one only of the retail units as defined in green on Plan A, ref. A024676/D, dated 1 December 2009;*
- 4. toys, excepting only the sale of toys from no more than 4,048 square metres of gross floor space within one only of the retail units as defined in green on Plan A, ref. A024676/D, dated 1 December 2009, and from no more than 230 square metres of gross floor space within Unit 3b as defined on plan ref. A024676/F, dated 25 April 2016;*
- 5. books and stationery except where included as part of the range of a toy retailer;*
- 6. cameras, video equipment, mobile phones, audio and visual recordings, except where included as part of the range of an electrical retailer selling other items such as white goods, TVs, computers, etc.;*
- 7. pharmaceutical goods, perfume goods and toiletries, except from no more than 230 square metres of gross floor space within Unit 3b as defined on plan ref. A024676/F, dated 25 April 2016;*
- 8. jewellery goods, clocks and watches; and*
- 9. all uses within categories (b) to (f) inclusive of Class A1 in the Town and Country Planning (Use Classes Order) 1987.'*

Condition 1B:

'Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that Order with or without modification, with the exception of no more than 690 square metres of gross floor space within Unit 3b (as defined in blue on plan ref. A024676/F, dated 25 April 2016) the retail units outlined green on Plan A, ref. A024676/D, dated 1 December 2009, shall not be used for the sale of food and drink, other than for consumption on the premises.'

The Sequential Test

- 6.22 The applications are supported by a Retail Planning Statement ("RPS"), which seeks to address both the sequential and retail impact tests.
- 6.23 *'The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and*

vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. (par. 008 NPPG, revision date: 06 04 2014)

- 6.24 It is for the applicant to demonstrate compliance with the sequential test, wherever possible, supported by the Local Planning Authority. The application of the sequential test should be proportionate and appropriate for the given proposal. Applicants and local planning authorities are required to demonstrate flexibility on issues such as format and scale: *'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.'* (par. 010, NPPG, 06 03 2014)
- 6.25 The applicant has examined a number of potential alternative sites within and adjacent the Primary Shopping Area. In order to do this, they have established some parameters. The site area of the application site is 1.2 hectares (ha) and in order to demonstrate a "degree of flexibility", the applicant has extended the site search to land up to 20% less in overall size (i.e. sites of 0.96 ha and above). There is no specific reasoning as to why a reduction of 20% is used and this seems to be an arbitrary figure.
- 6.26 CJ advises that the applicant's scope for flexibility on format and scale should be greater by virtue of the fact that other than Next (in relation to application 16/00005/OUT), there are no named occupiers for Units 3A or 1B. Any potential sequential sites should be assessed on their potential to accommodate the proposed floor space of the application proposals, with adequate servicing arrangements.
- 6.27 On the question of "disaggregation" (whether proposals can be subdivided in order that they can be accommodated on sequential preferable sites), CJ refers to the decision in *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13. The Court held that when it comes to flexibility, local planning authorities are expected to consider different built forms and sub-division of large proposals:

'As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals in order that their scale may fit better within existing developments in the town centre' (para 28)

- 6.28 CJ advises that where an application proposal comprises a number of separate units or different uses, a combination of more central sites should be considered provided that they do not require any of the individual retailers to disaggregate their offer. By way of clarification, the proposed Asda store that was the subject of the Dundee decision was a single free-standing store in a single building which could only have been reduced in size through the disaggregation of the store's offer. There is a fundamental difference between the disaggregation of a single store compared with the sub-division of individual retailers forming part of a larger development. A sequential approach that prevents the assessment of whether some retailers on a large

scheme might be accommodated on sequentially preferable sites runs totally against the town centre first approach. The unintended consequence of this is that it creates an incentive for applicants to propose schemes so large that they will never be able to be accommodated on central or edge of centre sites.

6.29 In terms of the requirement for sequentially preferable sites to be “available”, CJ advises that this should be considered in the context of the timescales for development of the application proposals, if permission is granted, and on the facts of the case, including Local Plan policy and regeneration objectives. Indeed, the Inspector presiding over the appeal against the Council’s refusal of application 13/00559/FUL took the view that for a site to be “available” it does not necessarily have to be immediately available: ‘... *depending on the circumstances of the case, having to be immediately available for occupation seems somewhat too restrictive.*’ (par. 17 of the Inspector’s decision). That said, CJ do advise that the Local Planning Authority should not place significant weight in their sequential assessment on more central sites if they are likely to be delayed for a substantial period.

6.30 The applicant has examined a number of potential sequentially preferable sites including the former M&S at 17-23 Northgate Street; Greater Blackfriars; Kings Quarter; and the BHS unit at 27-39 Eastgate Street. The Local Planning Authority has also considered the availability of the Eastgate Centre.

Former M&S unit at 17-23 Northgate Street

6.31 It is understood that TK Maxx has recently agreed terms on this unit and as such it is not available.

Greater Blackfriars

6.32 The City Council and County Council are jointly working together to bring forward a Local Development Order for the Barbican car park and Quayside House sites. The LDO is envisaged to be housing led with some small-scale offices and commercial uses. Public consultation on the proposals is planned to take place in September 2016. The site is therefore unlikely to be available.

6.33 At the JCS Examination in Public, the City Council identified part of Greater Blackfriars as having potential for retail development (up to 3,200 square metres of retail floor space across three separate sites) and that this would be explored further through the development plan process. These sites would not accommodate the proposed development. In addition, the sites would likely not be available for a number of years. This land can therefore be discounted.

Kings Quarter

6.34 Kings Quarter is located in the heart of the City Centre to the north east of Eastgate Street and south east of Northgate Street. The site covers approximately 4 ha and includes Kings Square, the bus station, Market Parade and the adjoining multi-storey car park.

- 6.35 The Kings Quarter site has been an identified regeneration site for a number of years and remains the Council's key priority for the transformation of the City Centre through new development and public/private sector investment. This is demonstrated by the series of local policy documents issued over the last ten years for redevelopment of the Kings Quarter site (see pars. 3.22 to 3.27 inclusive of this report). The Kings Quarter Planning Concept Statement 2013 sets out proposals to redevelop the area, creating a vibrant addition to the City Centre's shopping offer, including a new and improved bus station, improved linkages to the railway station, Northgate Street and the City Centre, as well as public realm improvements. In December 2015, planning permission was granted for the creation of a new bus station (15/01142/FUL).
- 6.36 More recently, in July of this year, the City Council went out to public consultation on alternative options for mixed use redevelopment of the Kings Quarter site. The new scheme is expected to include an indoor market, new multi-storey car park, a variety of restaurants and shops, residential development and a hotel. Although the level of new retail floor space has been reduced in comparison with previous proposals for the site, the current options would deliver between approximately 5,000 and 10,000 sq. metres of retail floor space. This will include a Tesco convenience store (400 sq. m.) and is likely to include some ancillary Class A3/A4/A5 uses. A planning application is expected to be submitted early in 2017 with the scheme developed out in three phases. Phase 1 consists of the redevelopment of the bus station and should be complete by summer 2017. Phase 2 is likely to include the indoor market, some retail, car park and possibly the hotel. This is expected to be completed by Spring 2019. Phase 3 is likely to include the remaining retail floor space and residential with completion by Summer 2019.
- 6.37 Aviva has agreed to sell their interest in the adjoining Kings Walk to Vixcroft for a sum in the region of £20 million. Vixcroft anticipate investing a further £5 million in improvements to Kings Walk and have also expressed an interest in working with the City Council to invest significantly in the Kings Quarter redevelopment scheme.
- 6.38 The retail element of the new Kings Quarter scheme is not expected to be delivered until mid-2019, or by 2020 at the latest. Pre-application discussions have only just begun and planning applications are due to be submitted early next year. In view of these timescales, it is considered that the Kings Quarter redevelopment will not occur soon enough to be considered a realistic alternative to the application site. With this in mind, it is considered that Kings Quarter is not available at this time.

Eastgate Centre

- 6.39 In their objections, Ellandi (which manages the Eastgate Centre) have referred to proposals to deliver up to 2,000 sq. m. of new retail floor space at first level at the Eastgate Centre. However, there is no indication of timescales or availability. Opportunities at the Eastgate Centre can therefore be discounted at this time.

BHS unit at 27-39 Eastgate Street

- 6.40 BHS has recently been forced into administration and is in the process of closing its 163 stores across the country with the loss of over 11,000 jobs. This includes the store in Gloucester City Centre, which has now closed. The BHS unit in Eastgate Street will therefore be available in the short term and as far as the Council is aware there are no prospective occupiers in place for all or part of the store.
- 6.41 BHS is a key anchor store with a prominent frontage onto Eastgate Street within the Primary Shopping Area of the City Centre. It is understood that the store has a total gross area of 3,993 sq. m. of which 2,050 sq. m. is at ground floor level and the remainder (1,943 sq. m.) at first floor.
- 6.42 CJ is unconvinced by the applicant's sequential case in relation to Units 3A and 1B. With a total proposed gross floor space of 3,950 sq. m., the BHS unit (which is 3,993 sq. m. gross) could accommodate the application proposals in full, assuming some flexibility in terms of format and scale.
- 6.43 The applicant argues that the proposal to widen the types of goods that can be sold from Units 3A and 1B is essential to the viability of the wider scheme (in conjunction with the cinema redevelopment proposed under application 16/00005/OUT), although there is limited information to support this. In any event, it is considered that such argument is more pertinent to the applicant's enabling case that would see the wider proposals lead to new investment in the Peel Centre (which is material consideration dealt with elsewhere in this report). It is not a matter that directly satisfies the sequential test.
- 6.44 Members are advised that the BHS unit represents a sequentially preferable location. For these reasons, the applications therefore fail the sequential test.

Quedgeley Centre

- 6.45 Neither the applicant nor CJ are aware of any sites either in or on the edge of the District Centre that could accommodate the proposals, even after assuming some flexibility in terms of format and scale. The representation from Royal London Mutual Insurance Society Limited (owners of Quedgeley Retail Park) did not indicate the availability of sequentially preferable sites within the District Centre. It is considered that there are no sequentially preferable sites within or on the edge of Quedgeley Centre.

Retail impact

- 6.46 CJ has considered the retail impacts of the proposal in two inter-related parts. Firstly, an appraisal of impact on centre trade and turnover. Secondly, an assessment of impact on centre vitality, viability and investment. CJ considers the impact of the proposed variation of condition applications in isolation; cumulatively alongside existing retail commitments in the area; and alongside the proposed cinema redevelopment under application 16/00005/OUT.

Impact on centre trade and turnover

- 6.47 CJ has tested the applicant's assessment of the likely trade diversion (£m) and impact (%) on the turnover of the City Centre and Quedgeley District Centre. "Trade diversion" is a store's turnover that would have otherwise been spent in the City or District Centre (e.g. £15m from Newtown town centre). "Trade draw" is defined as the area from which a store would draw its trade and is normally zoned (e.g. 50% of turnover is from Zone 1 etc.).
- 6.48 In their RPS, the applicant carries out four impact assessment scenarios as described below:
- Scenario A – existing/permitted scenario of the previously approved cinema development (11/01292/FUL and 15/00004/FUL); Units 3A and 1B used for the sale of bulky goods; and the vacant Angel Chef and Burger King units occupied by non-bulky good retails;
 - Scenario B – broadening the range of goods to be sold from Units 3A and 1B only (applications 16/00007/FUL and 16/00008/FUL);
 - Scenario C – the proposed development only (16/00005/OUT); and
 - Scenario D – the proposed development (16/00005/OUT) and the widening of the goods sold from Units 3A and 1B (16/00007/FUL and 16/00008/FUL).
- 6.49 The NPPF requires that impact on city/town centre trade/turnover should be carried out '*up to five years from the time the application is made.*' (par. 26). The applicant assumes a base year of 2015 and a design year of 2020. CJ agrees with this approach.
- 6.50 The RPS forecasts that the cumulative proposals will have the following turnover:
- Next store (Unit 6D) - **£9.5 million** in 2020
 - Units 6A and 6B (non-food open retail) - **£16 million**
 - Unit 6C (food) - **£9.5 million**
 - Unit 3A (bulky and non-bulky sales) - **£5 million**
 - Unit 1B (bulky and non-bulky sales) - **£8.4 million**
- 6.51 The applicant suggests that the turnover of the development can be discounted by £3.25 million, which is the amount of turnover forecast for the Angel Chef and Pizza Hut units if they were used for open Class A1 sales. The applicant believes that it is a plausible fall-back that those two existing units could be used for retail sales as the change of use from Class A3 (restaurant/café) to Class A1 (retail) is permitted development. They cite instances where this has occurred elsewhere in the country. CJ are dubious, expressing the view that the existing Class A3 units do not meet the needs of modern Class A1 retailers and that is therefore highly unlikely that they would be used for retail sales. However, Members are advised that some weight

should be given to this fall-back because if the Local Planning Authority was faced with a planning application to modify the two buildings so that they can better accommodate retail operators, it is unlikely that it would be able to raise objections about the retail use of the buildings.

- 6.52 The RPS forecasts that the permitted scheme (Scenario A) would have a total turnover of £18.9 million.
- 6.53 CJ notes that the applicant has made no allowance for the growth in turnover up to 2020, having used turnover at 2015 (2013 prices). CJ go onto undertake their own “sensitivity testing” of the figures assessing the impact of higher turnover forecasts, and this is examined later in this section of the report.
- 6.54 The applicant calculates the turnover of the existing City Centre and CJ is satisfied with the assumptions that the applicant uses. In 2015, the City Centre achieved a turnover of £334.7 million of which 95% of turnover was for comparison good sales. Quedgeley Centre is estimated at achieving a turnover over £149 million in 2015, of which 37% related to comparison goods. The applicant calculates the turnover of the existing Next store at Quedgeley Centre as generating £3.9 million turnover.
- 6.55 Interestingly, the combined turnover of Gloucester Quays and other out-of-centre shopping facilities such as the Peel Centre, St. Oswald’s Retail Park and Eastern Avenue, is £300.8 million – equivalent to 90% of the City Centre’s total turnover.
- 6.56 The applicant assesses the sales area and turnover performance of known commitments in Gloucester. This assumes that new commitments will achieve a total comparison goods turnover of £46.6 million.
- 6.57 Regarding “trade draw”, the RPS predicts that the open Class A1 units would draw 40% of the forecast turnover for those units from the City Centre. CJ is very concerned that the proposal for open Class A1 retail would potentially result in the relocation of existing retailers from the City Centre to the application site, and this would lead to a much higher trade draw and impact on the City Centre’s turnover. CJ advises that the trade draw from the City Centre will be much greater than assumed by the applicant.
- 6.58 Insofar as “bulky goods” sales, CJ advises that trade draw from existing large format retailers at Quedgeley Centre will be higher than the 2% assumed by the applicant in their RPS. Similarly, CJ predicts a higher trade draw of convenience goods from Quedgeley Centre than calculated in the RPS.
- 6.59 Turning to trade diversion and impact, the applicant assumes the following:
- Scenarios A-D – existing retail commitments will have a -3.8% impact on the City Centre; -2.7% impact on Quedgeley Centre; and -5.2% impact on Abbeydale Centre;
 - Scenario D – there will be a -3.2% solus impact on both the City Centre and Quedgeley Centre; and -0.5% impact on Abbeydale Centre;

- The cumulative impact of existing retail commitments and the proposals are -7.0% on the City Centre; -5.9% on Quedgeley Centre; and -5.7% on Abbeydale Centre; and
- Net difference between impact of existing retail commitments and proposed development – -2.0% on the City Centre; -2.9% on Quedgeley Centre; and -0.5% on Abbeydale Centre.

- 6.60 The applicant considers that the additional impacts on the centres would be low when compared to the impact of existing retail commitments. The applicant further argues that in reality these impacts will be even less because the calculations have assumed that the approved Tesco store at St. Oswald's Retail Park will go ahead (it is understood that Tesco will now not build the store). In addition, the applicant says that the calculations do not take account of the further linked trips between the Peel Centre and City Centre that would result if the proposed development went ahead. The applicant carried out a customer survey in 2012, which concluded that 26% of shoppers visiting the Peel Centre also visited the City Centre, and these linked trips provide spin-off benefits to the City and Docks areas. According to the applicant, these factors are likely to overstate the true level of impact on the City Centre.
- 6.61 The applicant also assesses the sensitivity of the "solus" impact of the proposals assuming higher trade draws from the City Centre for the non-bulky goods at 50% and 75% ("sensitivity testing"). For Scenario D, it calculates the impact on City Centre turnover as -2.1% (50% draw) and -3.1% (75% draw). The applicant makes the point that even at an unrealistic and overinflated assumption of 75% draw, the impact on City Centre would be low and certainly not significant.
- 6.62 CJ has carried out its own sensitivity testing of the proposal based on corrected turnover, trade draw assumptions and updated commitments. It models three different impact scenarios. Scenarios 1 and 2 are based on previous assumptions with regard to retail commitments in Gloucester, whereas Scenario 3 draws on the latest evidence relating to retail commitments, having regard to the JCS Inspector's recent update on retail matters. Scenario 3 therefore represents the preferred impact position.
- 6.63 In their note of 27th July 2016, the JCS Inspector commented that neither the Tesco permission (St. Oswald's Retail Park) nor the Interbrew scheme should be treated as commitments for the purpose of meeting Gloucester's short term need for new comparison goods floor space up to 2021. Accordingly, CJ has removed these commitments from the impact assessment. However, in terms of remaining commitments, CJ has allowed for a number of other factors. Firstly, an uplift in turnover at the Peel Centre of £2.6 million arising from the Home Bargains permission. Secondly, the recent planning permission for the Ashchurch Designer Outlet Centre, which comprises a net sales area of 13,436 sq. m. along with a garden centre of circa 6,460 sq. m. That development is expected to achieve a comparison goods turnover of £70 million. It was reported that the proposal would draw significant trade from Gloucester City Centre (-£18.5 million). Thirdly, that the permission for the

Tesco includes an element of bulky goods retail warehousing and this is included in the assessment.

- 6.64 In terms of the “solus” affects of the proposed widening of goods applications, CJ advises that the impact on the City Centre would be -2.0% and the impact on Quedgeley Centre would be -0.5%. However, the effect of existing retail commitments, including the Ashchurch decision dated 30 June 2016, is significant. Allowing for these commitments, CJ forecasts that the total cumulative impact of the proposals under applications 16/00007/FUL and 16/00008/FUL on the City Centre will be **-7.3%** and on Quedgeley Centre the impact would be and **-0.7%**. The proposals would divert significant trade; up to £28.9 million from the City Centre. This level of impact is considered to be significantly adverse. When then combined with the proposed cinema redevelopment (16/00005/OUT), the cumulative impacts on the City Centre and Quedgeley Centre would clearly be even greater at -11% (£43.2 million) and -5.4% (-£8 million) respectively.
- 6.65 CJ considers that its analysis is reasonable, robust and realistic. It reflects the fact that the widening of goods proposals will compete “like-against-like” with the types of retailers and retail offer in these existing centres. The fact that the only named retailer for the wider proposals is Next, which is currently trading at Quedgeley Centre, clearly supports these assumptions.
- 6.66 CJ gives little weight to the applicant’s argument that the proposal would result in significant linked trips with the City Centre. CJ advises that allowing for a mix of new open Class A1 retail units (application 16/00005/OUT) and widening the conditions on the existing floor space (applications 16/00007/FUL and 16/00008/FUL), this will create a more attractive standalone shopping destination that will compete with, rather than complement, the City Centre’s retail offer. If linkages and benefits should arise from the proposal, the main beneficiary would likely be Gloucester Quays to the other side of St. Ann Way. The concern is that the Peel Centre and Gloucester Quays will become an overly strong combined competitor destination in its own right and customers will less likely need to visit the City Centre to shop.

Impact on Centre vitality, viability and investment

- 6.67 CJ go on to assess the impact of the proposal on the overall vitality and viability of the City Centre and Quedgeley Centre, including the impact on any existing, committed and planned public and private sector investment, and on local consumer choice. CJ deals with the impact on the City Centre first.

Impact on Gloucester City Centre

- 6.68 Although on the surface the City Centre seems to be performing relatively well against a number of key performance indicators, CJ still have concerns about its overall vitality and viability. There has been limited investment in new retail floor space in the City Centre over the past decade or more and the City Centre has been losing its competitive edge to other centres and out-of-centre

retailing over the same period of time. There has also been a long term decline in the requirements from retailers for space in the City Centre and the prime retail area in the City Centre has become increasingly compact.

- 6.69 The JCS Retail Study confirms that there are several underlying weaknesses in Gloucester that need to be addressed, not least the under-provision of comparison goods retailing in the City Centre and lack of investment over the years. GVA's appraisal of the health of Gloucester City Centre also concluded that it has '*...struggled in terms of its performance in terms of certain key indicators in recent years*' (par. 4.103) and it has '*...lost market share in comparison goods shopping and the proportion of clothing/fashion retailers in the centre has fallen*' (par. 4.104).
- 6.70 Although the applicant points out that vacancy rates have fallen back from a high of 21% in 2010, current figures show that more than one in ten of all units in the Primary Shopping Area are vacant. This will be exacerbated by the closure of the BHS unit on Eastgate Street. The City Centre has also fallen in the National rankings from 84th in 2008 to 98th in 2014 and Prime Zone A rents are significantly below the levels achieved pre-recession. There are also reduced requirements from retailers for representation in the City Centre.
- 6.71 This explains in part why the Council and its development partner, Stanhope, have struggled to deliver a retail-led redevelopment scheme for Kings Quarter in the post-recession period. Indeed, investor and business confidence in the City Centre, and indeed other centres across the UK, has been further dented by the collapse of BHS, which will result in a large vacant unit on Eastgate Street in the City Centre. Store Twenty One has also entered into administration and could close its store in the City Centre in the near future. The issues and challenges facing the City Centre and other town centres across the UK have been further exacerbated by the growth in out-of-town retailing and online shopping. This has impacted on shopper behaviour and expenditure, as well as retailers' business models.
- 6.72 In Gloucester, there has been a significant increase in retail floor space located outside of the City Centre, and an increase in the range of goods sold outside it. Gloucester's five retail parks alone provide over 71,800 sq. m. of floor space and this excludes other standalone stores and permitted space. Evidence indicates that the market share of the City Centre has fallen over time, whereas the market shares of out-of-centre locations have increased.
- 6.73 In response to these concerns, many traditional based "city/town centre" retailers are moving to out-of-centre locations. Examples include Marks and Spencer's, Debenhams, Dorothy Perkins, Wallis, Miss Selfridge and Burtons. There is real concern that with the "pool" of available retailers shrinking, the proposed widening of the sale of goods at the Peel Centre will compete "like-against-like" with existing retailers in the City Centre and potential occupiers of existing and new space, such as Kings Quarter.
- 6.74 There is further risk that existing retailers in the City Centre and Quedgeley Centre on temporary leases, or leases coming up for renewal, could choose

to move out of the centres. On this point, the objection from Ellandi (which manages the Eastgate Centre) identifies that a number of key stores in the City Centre will be reaching the end of their lease term in the next five years. These include Primark, Argos, River Island, New Look and Arcadia (incorporating Top Shop, Top Man and Dorothy Perkins). These retailers are all taking space in out-of-centre locations elsewhere in the country, often relocating from existing centres.

6.75 In terms of impact on investment, CJ raise concerns about the impact of the proposal on the delivery of the Kings Quarter scheme. This important redevelopment scheme is a longstanding priority for the Council and is a key part of its policy/regeneration initiatives for the City Centre. The revised scheme for Kings Quarter is expected to deliver at least 5,000 square metres of retail floor space. CJ advises that the proposal will compete “like-against-like” with the proposed Kings Quarter investment, and other existing and planned investments across the City Centre, including the Eastgate Centre. At this critical time in the recovery of the City Centre, after a long period when the majority of new investment in the area has occurred outside the City Centre, CJ advises that the proposal would have a significant adverse impact on operator demand and investor confidence in the City Centre.

6.76 CJ does not believe that the proposal will generate significant linked trips and expenditure to the City Centre that will outweigh any of the significant adverse impacts identified. Indeed, the reverse is very likely because the increase in scale and quality of retail offer at the Peel Centre will effectively help to create a standalone out-of-centre scheme that will function as a destination in its own right, particularly given its linkages with Gloucester Quays. This will further increase the critical mass of retail and commercial leisure uses to the south of the City Centre to its significant detriment. This will further erode the vitality and viability of the City Centre, impacting on investor confidence and market demand.

“No poaching” condition

6.77 The applicant has sought to further address the impact of the proposal on the Centres by offering what is commonly known in the planning industry as a “no poaching condition”. The purpose of such a condition is to regulate the occupation of new retail development by existing tenants in a town/district centre. In this case the applicant confirms the no poaching condition would relate to both Gloucester City Centre and Quedgeley Centre.

6.78 The applicant suggests the following wording for the condition.

- i) *‘Otherwise than in the circumstances set out at (ii) below, for a period of five years from the date on which the development is first occupied, no retail floor space hereby approved shall be occupied by any retailer who has within a period of 12 months immediately prior to their occupation of the development hereby approved, occupied retail floor space which exceeds 250 sq. m. [Gross External Area] within the Primary and*

Secondary Frontage of Gloucester City Centre (as shown on plan X, dated X).

- ii) *Such Occupation shall only be permitted where such retailer as identified in (i) above submits a scheme which commits to retaining their presence as a retailer within the Primary and Secondary Frontage of Gloucester City Centre (as shown on plan X, dated X) for a minimum period of 5 years following the date of their proposed occupation of any retail floor space hereby approved, and such scheme has been approved in writing by the Local Planning Authority.'*

6.79 There is much debate amongst planning practitioners as to whether no poaching conditions are workable in practice. The condition suggested by the applicant above is based on a condition that was subject to a legal ruling in the case of *Skelmersdale Ltd Partnership, R (on the application of) v West Lancashire Borough Council & Anor* [2016]. The central issue was whether the condition was lawful and capable of being enforced. The aim of the condition was to protect the viability of an existing shopping centre by preventing retailers currently operating from that centre from occupying retail space within the new development without first submitting a scheme for the local planning authority's approval committing them to retaining a retail presence in the old shopping centre for at least five years.

6.80 The condition subject to the challenge required the retailers who wished to take up floor space in the new development to submit to the local planning authority a scheme to "commit" to remaining in the existing shopping centre and for that scheme to be approved by the local planning authority. However, the condition did not contain a specific implementation clause requiring the commitment to be complied with following its approval. The judge held, notwithstanding the absence of such a clause, the condition to be sound and did not give leave for the condition to be challenged by Judicial Review.

6.81 The City Council's legal advisors have reservations about the wording of the condition referred to in the ruling and suggested by the applicant. Although the judge rejected the claim, he did not provide specific guidance on how the condition would be implemented in the specific circumstances of the proposals. It remains unclear how the parties would deal with the implementation process in part ii of the condition (e.g. what would a "scheme" comprise?) or whether the Council would have any recourse if the relevant town centre operation were to cease within the 5 year period and what effect this would have on the continuing presence of the same operator in the Peel Centre.

6.82 Moreover, the wording of the first part of the condition suggested by the applicant differs from the condition subject to the ruling. The applicant's condition requires that for a period of five years from first occupation of the proposed development, no retailer that has occupied a City Centre site within 12 months prior to their occupation of the development may occupy the development. The applicant's wording is somewhat muddled. It refers to '*...any retailer who has within a period of 12 months immediately prior to their*

occupation of development... The point is that the retailer would not be able to occupy the proposed development and so the requirement '*...prior to their occupation of the development...*' could never be met. Furthermore, the condition subject to the ruling also related to any City Centre retailer at the date of the planning permission. If planning permission were to be granted then there would be a build time which would very probably be over 12 months. According to the applicant's condition, on the granting of planning permission, any existing City Centre retailer that wanted to move to the Peel Centre could give notice and wind their business down during the requisite 12 months set by the condition, and then move straight into the proposed development when it is opened, free from restriction. The City Centre would lose a retailer which would result in potential harm to its vitality and viability.

- 6.83 One of the practical criticisms of part ii) of the applicant's condition – which provides for an alternative whereby an existing City Centre retailer who wants to move to the Peel Centre may do so if they submit a scheme that requires their continued presence in the City Centre for five years – is open to potential abuse. Were it to approve such a scheme, the Council would have little or no control over the efforts that the retailer would make in continuing a meaningful and viable presence in the City Centre. There is concern that the retailer could wind down their City Centre store, fail to invest in it properly and make it a "clear second" to their new store at either Unit 3A or 1B.
- 6.84 There is also concern that a no poaching condition would be unable to guard against a change of format by a particular retailer. For example, Topshop, Topman, Miss Selfridge, Dorothy Perkins, Burton and Wallis – which all fall under the Arcadia Group – may all operate as individual outlets and could be protected as such. However, if the retailing offer changes to an Arcadia Outfit model, which includes representation from any combination of these outlets under one store, they may not be protected by a no poaching condition, and could move from the City Centre to the Peel Centre.
- 6.85 The reality is that even if a no poaching condition is imposed, confidence in the City Centre is still likely to be significantly undermined by the proposal for open Class A1 out-of-centre comparison retail development at the Peel Centre as proposed through the relaxation of the conditions. The granting of planning permission for the proposed development would send the wrong message that existing Centres do not come first. The no poaching condition would also fail to control existing non-City Centre retailers who are looking to locate to Gloucester for the first time. Moreover, the effects of the no poaching condition would only be for five years, after which time existing retailers in the City Centre or Quedgeley Centre would be free to move to the Peel Centre.
- 6.86 For these reasons, members are advised that whilst a no poaching clause could have some effect, it would likely not prevent significant adverse impacts on the vitality and viability of the City Centre and Quedgeley Centre identified by CJ.

Conclusion on retail impact

- 6.87 National and local planning policies promote a “town centre first” approach to help maintain and enhance the vitality and viability of town centres. The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, ‘*it should be refused*’ (par. 27).
- 6.88 The sensitivity testing undertaken by CJ forecasts that the proposals will have a potential solus impact on the City Centre and Quedgeley Centre of up to -2.0% and -0.5% respectively, and combined with other retail commitments, a cumulative impact of -7.3% and -0.7%. Although these figures might be considered low in percentage terms, they mask the fact that the proposed widening of the sale of goods from Units 3A and 1B will divert significant turnover of up to £28.9 million from the City Centre. Moreover, when combined with the proposed cinema redevelopment (16/00005/OUT), the cumulative impacts on the City Centre and Quedgeley Centre would be -11% (-£43.2 million) and -5.4% (-£8 million) respectively.
- 6.89 Based on its review of the health of the City Centre and Quedgeley Centre, and the potential impact on existing, planned and committed investment and consumer choice, CJ advises that the proposal to widen the sale of goods from Units 3A and 1B will have a significant adverse impact.
- 6.90 At this critical time in the recovery of the City Centre and following a long period when the majority of new investment in Gloucester has occurred outside the City, it is advised that the proposals will have a significant adverse impact on operator demand and investor confidence in the City Centre. Furthermore, based on the review of the evidence submitted, CJ advises that the proposal will not generate significant linked trips and expenditure to the City Centre to outweigh any of the significant adverse impacts identified.
- 6.91 CJ have assessed the proposed five-year ‘no poaching’ clause/condition suggested by the applicants. It is advised that the condition would not mitigate the harm caused to the City Centre and Quedgeley Centre.
- 6.92 Members are advised that these objections should be given very significant weight in the decision making process.

Investment and economic benefits

- 6.93 The applicant says that the proposed relaxation of conditions forms part of a comprehensive regeneration/redevelopment package for the Peel Centre. The applicant believes that the proposals represent sustainable development, achieving economic, social and environmental gains simultaneously.

Economic considerations

- 6.94 The applicant contends that the wider proposals would have significant regeneration benefits through the enhancement of the appearance of the tired and dated former cinema, Angel Chef and Pizza Hut buildings, as well as

improvements to the canal-side public realm, car park and landscaping. Combined with the visual improvements secured under permission 15/00157/FUL (and 16/00320/NMA), the applicant suggests that the proposals will significantly regenerate and modernise the Peel Centre. Furthermore, the proposed development will likely give rise to further linked trips and spin off benefits with additional footfall for the wider Peel Centre.

- 6.95 Gloucester Quays Retail Outlet is located opposite the Peel Centre on the other side of St. Ann Way and the applicant notes that the retail park is a key gateway site to the City, therefore, emphasising the importance of visual regeneration of the application site and wider Peel Centre.
- 6.96 The applicant argues that the proposals would help strengthen the City Centre. The applicant states their belief that the proposals would not result in significant adverse impact on any other potential investment in the City, and considers that they would complement rather than conflict with the Kings Quarter redevelopment. The applicant is further of the view that the proposal would encourage further linked trips between the Peel Centre and City Centre providing further spin-off benefits to the City Centre and the docks area.
- 6.97 However, these views are contrary to the advice provided by the Council's retail specialist, CJ. As explained in depth in the previous section of this report, Members are advised that the proposals to relax the conditions would have a significant cumulative adverse impact on the vitality and viability of both the City Centre and Quedgeley Centre. There is deep concern that the proposals will compete with the City Centre on a "like-against-like" basis and create a robust standalone retail destination its own right, particularly in conjunction with Gloucester Quays. The proposals would compete for the same retailers who are either already in or interested in moving to these Centres. Investor confidence in the Centres would be harmed.
- 6.98 It is further considered that the applicant's argument of linked trips between the Peel Centre and City Centre is significantly overplayed. The applicant bases their assumptions on linked trips in the light of a customer survey that was carried out at the Peel Centre in 2012. This reported that 26% of customers visiting the Peel Centre also linked their trip with a visit to the City Centre. There are a number of weaknesses with the survey. Firstly, it was undertaken in 2012 and is not up to date. The survey pre-dates the relocation of the cinema from the application site to Gloucester Quays and this alone represents a considerable change in how customers use the Peel Centre. Furthermore, the survey question around linked trips with the City Centre is non-specific as it does not provide a definition of the City Centre. For example, some customers might consider the "city centre" to include Gloucester Docks, the nearby Sainsbury's supermarket and possibly even the Peel Centre itself. For planning purposes, it is clear that City Centre means the Primary Shopping Area. Finally, the figure of 26% linked trips is not in itself considered substantial.
- 6.99 The applicant also argues the case for job creation at the Peel Centre. They cite the *Centre for Cities Outlook Report (2015)*, which identifies Gloucester

as the ninth fastest growing city in Great Britain, yet it is also identified as the city with the lowest job growth between 2004 and 2013. The applicant says that the proposals would generate a significant number of full and part time jobs, although they do not confirm how many jobs there might be. The applicant says that the proposals would also support construction jobs when the development is built.

- 6.100 Members are advised that whilst the proposals might create new jobs and support existing jobs, this could well be at the expense of jobs in the City Centre and Quedgeley Centre. The diversion of trade from the City Centre would likely result in business and job casualties. It is considered that there is not a strong and compelling case on the job creation/consolidation argument that outweighs the serious concerns about the impact of the proposals on the health and wellbeing of the City Centre and Quedgeley Centre.

Social considerations

- 6.101 The applicant makes various points with respect to social sustainability. These include the accessibility of the site by non-car modes; and that the proposed development would be DDA compliant. None of these points are unusual or persuasive, and do not off-set the considerable concerns about the adverse impact on the vitality and viability of the City Centre and Quedgeley Centre.

Environmental considerations

- 6.102 The applicant goes onto to raise a number of environmental sustainability criteria. The accessibility of the site is emphasised including accessibility by public transport. Another point is that at 870 metres from the Primary Shopping Area, the site is within walking distance of the City Centre. The applicant states that the proposals would not result in a material increase in traffic; that the strategic location of the site will encourage further linked trips (thereby reducing vehicle trips and emissions); and that the increase in retail warehouse offer will reduce the need to travel farther afield. These environmental considerations do not overcome the significant concerns about the impact of the proposals on the vitality and viability of the City Centre and Quedgeley Centre.

Other factors

- 6.103 The applicant cites Policy MU.2 of the 2002 Local Plan, which seeks the regeneration of the "Western Waterfront". The 2002 Local Plan is not specific as to what this regeneration might entail for the Peel Centre. The Western Waterfront allocation refers to mixed use to include residential, employment, retail, education, leisure, hotels, culture, community facilities and services. It also refers to the provision of a canal-side footpath and cycleway and site-specific obligations. It is not therefore specific that the regeneration must be for retail uses; other uses may be equally acceptable in achieving this end – housing for example, or leisure, and agents have advised the Council that the leisure market has been improving recently. Moreover, the regeneration

emphasis for the City has now changed, as supported by the Council's *Regeneration and Economic Development Strategy*.

Design enhancements

- 6.104 The applicant confirms that as part of the package of proposals, they would implement the planning permission for design improvements to the existing warehouse buildings at the Peel Centre. This would see the implementation of non-material amendment 16/00320/NMA that amends the design approved under planning permission 15/00157/FUL. The applicant has indicated that they wish to implement the design changes in full although it is unclear how they would be secured as part of the current proposal. Indeed, the applicant confirms that they would be unable to accept a planning condition to require implementation of 16/00320/NMA because this would hold them to ransom to individual tenants. For Members' information, application 16/00320/NMA can be viewed at the following link:
<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00320/NMA>
- 6.105 The existing retail warehouse buildings at the Peel Centre are tired and dated, and are not particularly attractive. The design changes proposed under application 16/00320/NMA would upgrade the "artificial façade" of Units 1 to 5. These changes include increased glazing at ground level; micro rib metal cladding at the top; and new entrance canopies with timber effect framing and timber louvres. The alterations would enhance the visual appearance of the existing warehouses, although the design and quality of the materials is not particularly high. Indeed, the Local Planning Authority reported at the time of granting planning permission for these alterations that there is '*...some sympathy with the view that there are some missed opportunities and the scheme could be more aspirational, however, there is little doubt that with the use of appropriate materials the result would be an enhancement in the appearance of these buildings.*'
- 6.106 Whilst the design of the existing warehouse buildings at the Peel Centre is considered poor by modern standards, the approved alterations are simply satisfactory and what one might expect from a "standard retail park". The design changes represent a stepped improvement over the existing appearance of the buildings but are not exceptional. It is arguable that the physical alterations are neither below nor above the mediocre. With this in mind, the weight that can be attached to these improvements is limited, particularly bearing in mind that there is no clear mechanism to secure the design improvements if permission is granted for the proposal. Certainly, the design benefits do not outweigh the concerns about significant adverse impact on the vitality and viability of the City Centre and Quedgeley Centre if the proposal were to go ahead.
- 6.107 Members are advised that even if the design improvements were of substantial and innovative design quality, this would still not be sufficient to outweigh the fundamental objections to the scheme.

Investment in the Peel Centre

6.108 The Peel Centre has a number of vacant uses and current occupation of the retail park is broken down as follows:

- Unit 1A – Toys R Us
- Unit 1B – vacant
- Unit 2 – Hobbycraft
- Unit 3A – vacant
- Unit 3B – vacant (prospective occupation by Home Bargains)
- Unit 4A – Gala Bingo
- Unit 4B – vacant
- Unit 5A – Bensons for Beds
- Unit 5B – Dreams
- Unit 6 (former cinema) – vacant
- Unit 7 (former Angel Chef) – vacant
- Unit 8 (former Pizza Hut) – vacant

6.109 The applicant acknowledges that the Peel Centre has a poor physical environment. They say that without further investment those tenants that remain may look to relocate to alternative destinations which are either further afield and in less sustainable locations. The result being that a prominent retail park on a gateway connection would further deteriorate.

6.110 The applicant says that the existing units have been subject to an extensive marketing exercise. They confirm that there has been no interest from “bulky goods” retailers that would meet the current restrictive conditions that limit occupation of many of the units to bulky goods only. The Council appointed Rapleys to provide specialist marketing advice on the similar previous planning applications at the Peel Centre. Rapleys were satisfied with the marketing campaign carried out by the applicant (letter from Rapley’s, 16 July 2015). It would seem that there is little demand from bulky retailers to occupy the Peel Centre.

6.111 The applicant says that without new tenants, the refurbishment of the Peel Centre would not be viable. This will in turn affect whether existing tenants decide to remain at the retail park. This is of serious concern to the applicant and has motivated the promotion of the current suite of planning applications. The applicant has agreed terms with Next to occupy Unit 6D as a Home & Fashion store. They say that they have had to offer Next a significant incentive package to secure their relocation from Quedgeley Retail Park. Next would not open a new state of the art store in a predominantly vacant and tired retail park. The applicant confirms that developing just the Next element of the proposals is not financially viable without all the other elements delivered, including the proposal to widen the sale of goods from Units 3B and 1A.

6.112 The applicant has provided some high level information on the costs of the wider scheme. The cost of the cinema redevelopment (16/00005/OUT), including reverse premium payable to Next as part of the package of

incentives to attach them to the Peel Centre, is £11.5 million. The cost of the refurbishment of Units 2 to 5; works to create a new unit for Home Bargains (Unit 3B); and potential subdivision of Toys R Us (Unit 1A) is in the region of a further £5 million. This equates to a total investment of over £16 million over the next three to five years.

- 6.113 Rent levels are on average £11 per square foot, which the applicant claims is lower than at St. Oswalds Retail Park which achieves rents of around £20 per square foot. If the proposed development proceeds, rental levels are expected to rise to around £15 per square foot initially and are likely to remain below £20 per square foot at the first rental review. The applicant says that if the proposals do not go ahead, it is likely that existing rental levels at the Peel Centre will do nothing but stagnate.

Conclusion

- 6.114 It is apparent that the Peel Centre is in a difficult state in terms of its inability to attract new bulky goods retailers to the retail park and the number of current vacancies. The package of measures proposed by the various planning applications both current and past, would seemingly help in the attempt to reverse the decline in competitiveness of the Peel Centre and would result in stepped visual improvements to the appearance of the retail park.
- 6.115 However, the Peel Centre is an out-of-centre retail park for planning policy purposes and is afforded no policy protection, unlike the City Centre and Quedgeley Centre. National planning policy in the NPPF is reiterated: local planning authorities should treat '*... town centres as the heart of their communities and pursue policies to support their vitality and viability*' (par. 23). The deterioration and present state of the Peel Centre is unfortunate but is the result of market forces and possibly a lack of investment over the years. Interestingly, Rapleys advised the Council that the deterioration of the Peel Centre could have been limited by earlier action to invest.
- 6.116 The health, vitality and viability of the City Centre and Quedgeley Centre, and wellbeing of Gloucester as a whole, must take precedence in accordance with national and local policy. Therefore, the weight that can be afforded to the material considerations advanced by the applicant in favour of the proposals, as outlined above, is substantially outweighed by the significant adverse impact that the proposal would have on the City Centre and Quedgeley Centre if the proposals were to go ahead.

Impact on neighbouring property

- 6.117 The proposed relaxation of the conditions would not give rise to harmful environmental impacts on neighbouring property. In this regard, the proposal accords with Policy BE.21 of the 2002 Local Plan.

Access and parking

- 6.118 The applications are supported by a Transport Assessment which assesses the impacts of the proposal on the highway. The Highway Authority has assessed the proposal and offers no objection to the applications.
- 6.119 There are no objections on highway safety grounds. No severe impacts on the highway network are identified. The proposal is considered to accord with Policy TR.31 of the 2002 Local Plan.

Flood risk

- 6.120 The Gloucester and Sharpness Canal is located to the immediate west of the site. The site is located within Flood Zones 2 and 3, which means that it is at both medium and high risk of flooding.
- 6.121 However, the proposed widening of the range of goods that can be sold from Units 3A and 1B will not materially impact on flood risk. The Environment Agency has no comments on the applications. The proposals are considered acceptable having regard to Policy FRP.1a of the 2002 Local Plan.

Local finance considerations

- 6.122 The proposal may have some limited benefit in terms of business rates. No particular local finance considerations have been identified.

Procedural matters

- 6.123 Under the Town and Country Planning (Consultation) (England) Direction 2009, the Local Planning Authority is required to refer the applications to the Department of Communities and Local Government (“DCLG”) if the planning committee resolves to grant planning permission. This is because of the cumulative level of retail floor space that is proposed. The Local Planning Authority would be unable to issue the decision without confirmation from DCLG.
- 6.124 Members are advised that the requirement to refer the applications to DCLG should not be considered a “safety net”. Members will note that the application for the much larger Ashchurch development in Tewkesbury Borough was not “called in”.

7.0 CONCLUSION

- 7.1 The proposal is to widen the range of non-food comparison goods sales from Units 3A and 1B. Up to 2,278 sq. m. could be used for the sale of any non-food products across these two units. National planning policy requires a ‘*city centre first*’ approach to proposals for retail development. Applications must satisfy both the “sequential” and “retail impact” tests.

- 7.2 Members are advised that the BHS unit on Eastgate Street in the Primary Shopping Area in Gloucester City Centre is capable of accommodating the proposals. The BHS unit is sequentially preferable to the application site. As such, both applications fail the sequential test.
- 7.3 There is no “universal threshold” which can be applied to indicate whether an impact on trade/turnover is likely to be “significantly adverse”, as it will depend on the individual circumstances of the locality and type of centres based on a more detailed assessment of their overall vitality and viability. In this case, it is considered that the proposal would have a significant adverse impact. The ‘solus’ impact of the proposal on the City Centre would be -2.0% and on Quedgeley Centre, -0.5%. Taking into consideration existing retail commitments, the impacts would be **-7.3% (-£28.9 million)** and **-0.7% (-£1.1 million)**. The level of impact on the City Centre is considered to be significantly adverse. Moreover, when combined with the proposed cinema redevelopment (application 16/00005/OUT), the combined impacts would be -11% (-£43.2 million) and -5.4% (-£8 million).
- 7.4 At this critical time in the recovery of the City Centre, and following a long period when the majority of new investment in Gloucester has occurred outside the City, the proposal will have a significant adverse impact on operator demand and investor confidence in the City Centre. The proposal, if granted, could place some risk on planned investment in the City Centre including at Kings Quarter, Kings Walk and the Eastgate Shopping Centre. The proposal would not generate significant linked trips and expenditure to the City Centre to outweigh any of the significant adverse impacts identified.
- 7.5 The Peel Centre is out-of-centre and is not protected by retail planning policy. The material considerations advanced by the applicant in favour of the proposals, including the economic and environmental enhancement of the Peel Centre, are not compelling and do not outweigh the significant adverse impacts that the proposal would have on the vitality and viability of both the City Centre and Quedgeley Centre.
- 7.6 Relevant retail policies in the 1983 Local Plan are out-of-date and the applications should be determined in accordance with national planning policy contained in the NPPF. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless ‘...*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies [in the NPPF] taken as a whole*’.
- 7.7 Members are advised that the adverse impacts of the proposed development, namely the adverse impacts on vitality and viability of the City Centre and Quedgeley Centre, significantly and demonstrably outweigh the benefits of the proposal. Accordingly, the planning applications should be refused.
- 7.8 The proposal has been considered with regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, which require special attention to be paid to the desirability of preserving

nearby Listed Buildings and their setting, and to preserve or enhancing the character or appearance of the Conservation Area.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is refused for the following reasons:

- i) The BHS unit on Eastgate Street in Gloucester City Centre’s Primary Shopping Area could accommodate the level of open Class A1 comparison goods sales proposed by applications 16/00007/FUL and 16/00008/FUL. The BHS unit is sequentially preferable to the application site and the proposal therefore fails the sequential test. The proposal fails to accord with paragraphs 24 and 27 of the National Planning Policy Framework (published March 2012) and is unacceptable.

- ii) The proposal would give rise to significant and demonstrable adverse impacts on the vitality and viability of Gloucester City Centre and Quedgeley District Centre. The proposal would have a harmful impact on operator demand and investor confidence in the City Centre by providing an appreciable amount of open retail floor space in an out-of-centre location. The proposal fails to accord with paragraphs 26 and 27 of the National Planning Policy Framework (published March 2012) and is unacceptable.

Decision:

Notes:

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Person to contact: Ed Baker
(Tel: 01452 396835)

7 SUMMARY & CONCLUSIONS

- 7.1 Carter Jonas ('CJ') was instructed by Gloucester City Council (the 'Council') to provide independent advice on the retail planning merits of the planning applications by Peel Holdings (Land and Property) Limited ('Peel') and Next plc (the 'applicants') submitted in January 2016. The current applicants are seeking to expand the (Class A1) retail offer and widen the range of comparison and convenience goods that can be sold from the Peel Centre located outside of Gloucester City Centre
- 7.2 Our appraisal has been based on a thorough review of all the relevant evidence and supplementary information prepared by the applicants and third parties set out in Section 1 to this report. It sets out our independent advice on the retail planning (sequential and impact) merits of the application proposals carried out in compliance with local and national planning policy guidance, and specifically the National Planning Policy Framework ('NPPF').
- 7.3 In summary, national and local plan policies promote a '*town centres first*' approach to help maintain and enhance the vitality and viability of town centres. Although policy does not prohibit out-of-centre development per se - dependent on the satisfaction of the sequential and impact tests - it equally does not seek to protect existing out-of-centre schemes, unless they are identified and allocated in up-to-date development plan policies. In this case the Peel Centre is in an out-of-centre location¹ and is afforded no policy protection. The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, "*it should be refused*" (paragraph 26).
- 7.4 Notwithstanding our findings and advice on the retail planning merits of the application proposals, it is ultimately for the decision-taker, in this case the local planning authority, to weigh the merits of each application in the balance against other key material considerations. It should be noted at the outset that we have not been instructed by the Council to consider any potential wider economic, regeneration, planning and policy considerations that may be material to the overall assessment and determination of the application proposal; this includes the applicant's case for enabling development.
- 7.5 In summary the Peel Centre occupies a prominent location on the main route south from the City Centre, and is located to the south of St Ann Way, to the east of the Gloucester and Sharpness Canal and to the west of Bristol Road. The Peel Centre's current tenant mix and planning history is summarised in Section 2 of this report.

¹ It is accepted by the applicant (for example, see paragraph 2.2.4 of WYG's RPS) that the centre lies some 870 metres from Gloucester City's (draft) Primary Shopping Area (PSA), as defined by the Draft City Plan (Part 2, 2013) and the emerging Gloucester City Plan. It is therefore defined by the NPPF as being 'out-of-centre' in retail planning policy terms and subject to the sequential and impact tests.

7.6 The application proposals which the Council is required to assess and determine are as follows (also see Section 2):

- **16/00005/OUT: Hybrid retail conversion and extension to vacant cinema** seeking the demolition of the former Angel Chef and Pizza Hut units, the conversion of the vacant cinema building and extension to provide four new retail units comprising:
 - 4,194 sq m gross (GIA) / 2,555 sqm net of comparison goods retail for the proposed Next Home and Fashion store with ancillary cafe;
 - 4,328 sq m gross (GIA) / 3,679 sqm net of comparison goods retail within two retail warehouse units; and
 - 929 sq m gross (GIA) / 743 sq m net of convenience goods retail within one retail warehouse unit.
- **16/00007/FUL & 16/00008/FUL: seeking variation of condition 1 of permission 09/01308/FUL & 13/00559/FUL respectively** to alter the range of goods that can be sold to allow a “full range of non-bulky comparison goods” to be sold from 1,263 sqm net within new sub-divided unit 1B and 1,015 sqm net from unit 3A²;

7.7 The applicant is seeking to broaden the range of comparison goods permitted to be sold from part of Unit 3A (1,476sq m) and Unit 1B (2,474sq m – the downsized Toys R Us store) to allow a full range of non-bulky comparison goods to be sold. In their letter of 6th May 2016, WYG set out their preferred wording for the planning condition relating to retail goods restriction for the retail conversion and extensions to the vacant cinema building (see paragraphs 3.24-3.25 of CJ’s appraisal).

7.8 WYG’s **sequential assessment** in support of the application proposals is set out in Section 3 of their RPS and draws on their previous assessments carried out in support of the 2015 applications. Our appraisal of the applicant’s sequential approach is set out in Section 4 of this report, and is informed by the NPPF and other material considerations; including the *Planning Practice Guidance* (PPG), the ‘*Dundee Judgement*’ and other case law, including the recent ‘*Mansfield*’ judgement. The NPPF states that applications should be refused where they fail the sequential test (NPPF, para 27)³. Based on our interpretation of the sequential test, and the need to demonstrate flexibility on issues such as format and scale, we conclude that there are no sequential sites that are currently available and/or suitable that could reasonably accommodate the proposed cinema redevelopment application (16/00005/OUT). However, we do consider that the BHS unit in the City’s Primary Shopping Area (PSA) is available and does represent a sequentially preferable alternative for application proposals 16/00007/FUL and 16/00008/FUL.

² WYG state that the reason for the second and third applications - which are both seeking to vary the goods conditions attached to parallel planning permissions for units 1B and 3A (i.e. 09/01308/FUL and 13/00559/FUL) - is to address the Council’s views expressed at the Home Bargains appeal (see WYG’s RPS, para 2.3.6).

³ PPG (para 010; Reference ID: 2b-010-20140306) also states that failure to undertake a sequential assessment could in itself constitute a reason for refusing permission

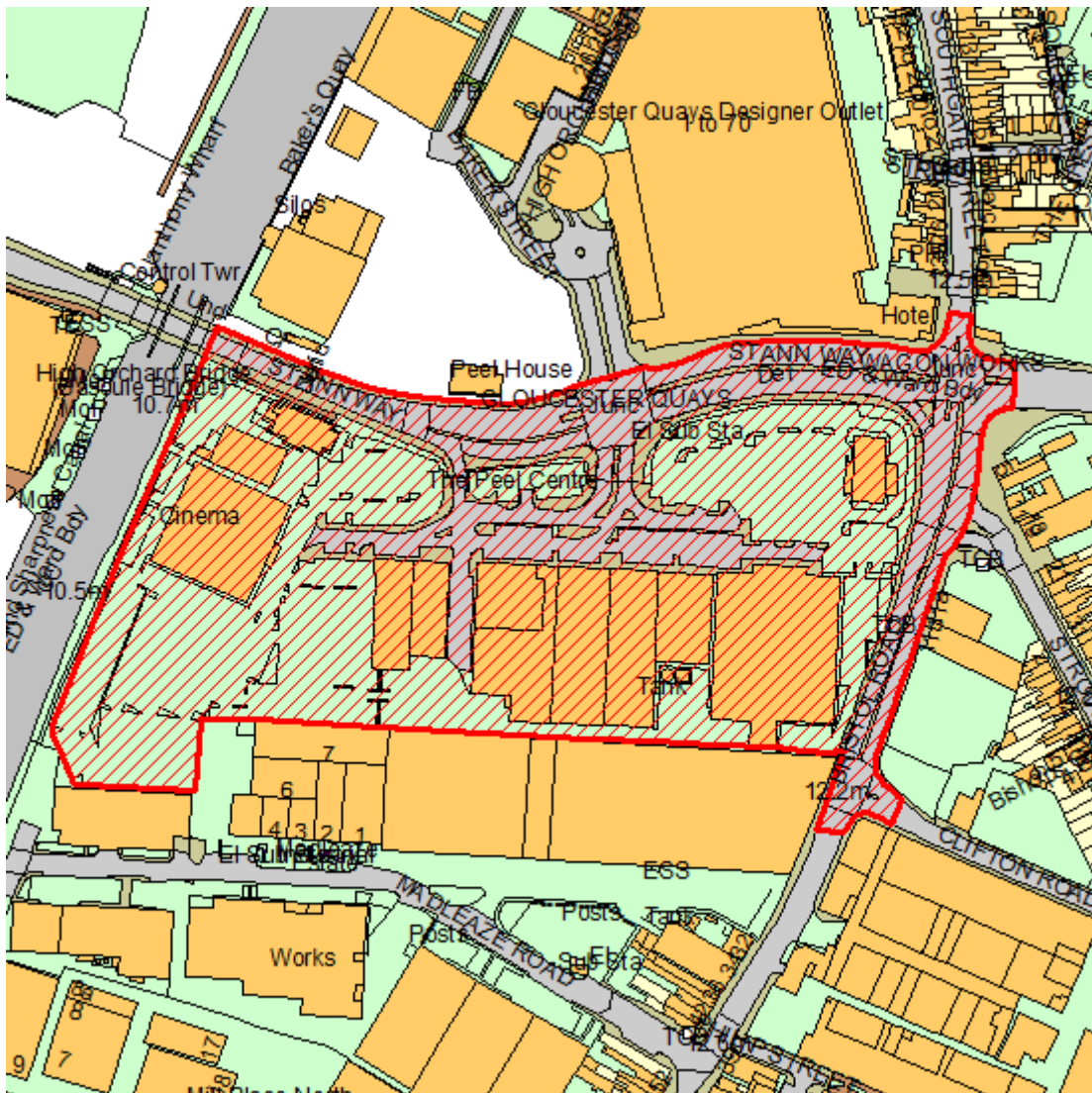
- 7.9 Turning to the applicant's economic **impact assessment**, our preferred impact scenario forecasts that the 'solus' impacts of the variation of condition application and the cinema redevelopment will be -2% and -3.6% respectively on the City Centre. The 'solus' impacts of the two application proposals on Quedgeley District Centre will be -0.5% and -4.8% respectively. In our judgement and experience these forecast 'solus' impacts of -2% to -3.6% would not normally give cause for concern. However, the cumulative impact of the two application proposals on the City Centre when considered with the planned retail commitments, including the Ashchurch DOC, are "*significantly adverse*" in our view and represent reasonable grounds for refusing both applications.
- 7.10 However, as we conclude in Section 5, it is necessary to assess the likely impact of proposals in terms of the overall vitality and viability of centres. Based on our review of the health of the City Centre and Quedgeley District Centre, and the potential impact on existing, planned and committed investment and consumer choice, carried out accordance with the NPPF and PPG, we conclude that the application proposals will have a "*significant adverse impact*" on both centres (see Section 6). At this critical time in the recovery of the City Centre, and following a long period when the majority of new investment in Gloucester has occurred outside the City, we consider that the application proposals will have a significant adverse impact on operator demand and investor confidence in the City Centre. Furthermore, based on our review of the evidence submitted, it is our judgement that the application proposals will not generate significant linked trips and expenditure to the City Centre to outweigh any of the significant adverse impacts identified.
- 7.11 With regard to Quedgeley District Centre, we conclude that the proposed relocation of Next to the Peel Centre represents a significantly adverse impact, and this will be further exacerbated by the loss of linked trips, footfall and expenditure to other shops, businesses and services in the District Centre.
- 7.12 In conclusion, based on our detailed appraisal of the application proposals we advise the Council that both applications fail the impact test, and applications 16/00007/FUL & 16/00008/FUL also fail the sequential approach. They should therefore be refused in accordance with local and national planning policies.
- 7.13 We have also been asked by the Council to consider whether the five-year '*no poaching*' clause/condition forwarded by the applicants (most recently in their letter to the Council dated 16th June 2016) has a material effect on our overall assessment of the impact of the application proposals and, it follows, our advice to the Council.

- 7.14 We have given this issue careful thought throughout our assessment. It is clear in this case that the application proposals are seeking a significant quantum of Open A1 retail floorspace in an out-of-centre location that will compete “*like-against-like*” with the City Centre for shoppers, retail expenditure and retailers. In our judgement the grant of planning permission in this case, even with a ‘*no poaching*’ clause in place, would have a significant adverse impact on the already fragile business and investor confidence in the City Centre. This concern has been underlined by the responses by Ellandi, owners of the Eastgate Centre, and other key stakeholders in the City and District Centres to the application proposals. It is apparent that the City Centre has suffered from a lack of investment in the scale and quality of its retail offer for a number of years and, as a result, it is losing market share to competing centres and out-of-centre shopping facilities, as well as online shopping. The ‘*no poaching*’ clause will not, for example, prevent retailers who may in normal circumstances take space in the City Centre from choosing to locate in the Peel Centre ahead of the City. This would further impact on the City Centre’s market share, turnover and viability as a shopping location.
- 7.15 This needs to be considered against the background of the City Council’s key objective for the City Centre, namely to deliver the King’s Quarter redevelopment opportunity. Although the emerging masterplan design concepts indicate that its retail floorspace will be significantly reduced compared with previous proposals, the plans are still for approximately 5,000 sqm of new Class A1 retail floorspace. It is vital that the Council’s plans for King’s Quarter and other potential investments in the City are not derailed by proposals for new Class A1 retailing outside the City Centre, and we cannot see how the ‘*no poaching*’ clause would effectively reduce the impact of the application proposals on this important City Centre investment.
- 7.16 In summary we consider there are a number of significant “*unknowns*” and “*risks*” with regard to the ‘*no poaching*’ clause, and we are not persuaded that it would mitigate against the significant adverse impacts we have identified in this case.
- 7.17 Notwithstanding our conclusions, and as stated throughout this appraisal, it is ultimately for the Council as decision-taker in this case to weigh all the positive and negative economic, social and environmental impacts of the application proposal in the balance.
- 7.18 We trust that this appraisal is helpful to the Council in its consideration of the merits of the application proposal.

16/00007/FUL & 16/00008/FUL

Peel Centre
St Ann Way
Gloucester

Planning Committee



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	6th SEPTEMBER 2016
ADDRESS/LOCATION	:	88 WESTGATE STREET
APPLICATION NO. & WARD	:	16/00539/FUL WESTGATE
EXPIRY DATE	:	6TH JULY 2016
APPLICANT	:	MISS QUEENIE VIEN
PROPOSAL	:	CHANGE OF USE OF GROUND FLOOR PREMISES FROM CLASS A3 RESTAURANT TO CLASS A5 HOT FOOD TAKEAWAY
REPORT BY	:	ED BAKER
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to No. 88 Westgate Street. The site comprises a flat roofed single storey corner unit on the corner of Westgate Street and Three Cooks Lane.
- 1.2 The premises is attached to buildings on both its east and north sides. To the east is No. 86 Westgate Street which is the end building of the historic frontage to this part of Westgate Street. No. 86 is a two storey building and comprises a hairdresser's at ground floor and a flat above.
- 1.3 At the rear is No. 2 Three Cooks Lane, which is a two storey building with a commercial unit at ground floor and what might be a flat at first floor. To the west side of No. 88, to the other side of Three Cooks Lane, is a circa 1960/1970s office building. No. 88 itself is a more modern structure and not part of the historic core of the Westgate Street.
- 1.4 The site is within the City Centre Conservation Area. Nos. 84 and 86 to the immediate east are Grade II Listed Buildings. Nos. 81 and 83 Westgate Street, located to the opposite side of Westgate Street but to the south west, are also Grade II Listed.
- 1.5 The application seeks planning permission for change of the premises from Class A3 restaurant to Class A5 hot food takeaway.

1.6 The applicant is proposing to open the premises during the following hours:

Monday to Friday – 12:00 to 23:30

Saturday – 12:00 to 23:30

Sundays and Bank Holidays – 12:00 to 23:00

1.7 The application is referred to the planning committee because the application seeks planning permission for a change of use to a hot food takeaway and an objection has been received.

2.0 PLANNING HISTORY

2.1 The site has no recent relevant planning history.

3.0 PLANNING POLICIES

3.1 This part of the report identifies relevant local and national planning policies and considers the weight that can be afforded to them.

Statutory Development Plan

3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").

3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'

3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who dealt with an appeal relating to the Peel Centre, St. Ann Way (13/00559/FUL), '*...its sheer ages suggests it must be out of date...*' (par. 11 of the Inspector's report). Members are advised that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF.

National Planning Policy Framework

3.5 The NPPF published in March 2012 is a material consideration of considerable importance. It sets out the Government's planning policies for England and how these are expected to be applied.

3.6 Guidance on how to interpret the NPPF is provided by online National Planning Policy Guidance ("NPPG").

3.7 Annex 1 of the NPPF provides advice on the weight that should be afforded to adopted Local Plans that pre-date the NPPF, and emerging Local Plans.

3.8 Paragraph 14 of the NPPF says that: ‘*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...*

...For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.’*

Draft Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

3.9 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (“JCS”) and Gloucester City Plan (“City Plan”) once they are adopted.

3.10 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.

3.11 Paragraph 216 of the NPPF states that weight can be given to relevant policies in 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 NPPF.

3.12 The JCS is part way through the Examination process and the Inspector published their Interim Report in May 2016. However, a number of proposed modifications are expected to be made to the policies in the plan. The Council has received legal advice to the effect that the JCS can only be given limited weight at this time.

Gloucester City Plan

3.13 The Gloucester City Plan (“City Plan”) is at a much less advanced stage than the JCS. The City Plan will be presented in three parts: Part 1 will set out the

context for the City Plan, including the main challenges facing the city, a strategy for development and key development principles. Part 2 will identify development management policies. Part 3 will identify development opportunities.

- 3.14 Part 1 was subject to consultation in 2012 and is to be reviewed. Part 2 was subject to consultation in 2013 on potential future development sites in the City as well as a draft vision and strategy for the city centre. Parts 2 and 3 have also yet to be completed.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.15 Regard is also had to the policies contained within the Gloucester Local Plan, Second Stage Deposit 2002 ("2002 Local Plan). The 2002 Local Plan was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes.
- 3.16 However, the 2002 Local Plan was never subject to Examination and was never formally adopted. In this regard, the 2002 Local Plan should therefore only be given limited weight.
- 3.17 Members are advised that the following development management policies that broadly accord with the policies contained in the NPPF should be given some weight:

FRP.10	Noise
BE.7	Architectural Design
BE.21	Safeguarding Amenity
BE.23	Development Affecting the Setting of a Listed Building
BE.29	Development within Conservation Areas

- 3.18 The 1983 Local Plan, JCS, 2002 Local Plan and draft City Plan can be viewed at the following website address:-
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy>. The NPPF and NPPG can be viewed at the Department of Community and Local Government website:-
<http://planningguidance.communities.gov.uk/>.

4.0 CONSULTATIONS

4.1 Environmental Health Officer (Gloucester City Council)

22 June 2016

No objection – recommends approval:

- The restaurant was previously an Indian restaurant which produces very aromatic food due to the ingredients. No odour complaints were ever received. The new use is for a burger business which is still odourful but in my opinion the odours likely to be produced are not

quite so potent whilst the existing extraction on the building will remove odour from the premises;

- A bin store is located on the side of the building;
- The proposed open hours of the premises would be 11am to 11pm.

The following conditions are recommended:

- Restriction on opening hours – 11am to 11pm
- Maintenance of extraction equipment

01 August 2016

No objection to the opening hours proposed in the application form.

4.2 Conservation Officer (Gloucester City Council)

Comments as follows:

- The site is within the City Centre Conservation Area and is a neutral building within the street scene. The site is highly prominent with a key view towards the Cathedral from the corner of Westgate Street and Upper Quay Street;
- There is no objection to the change of use. Further information is needed in relation to any proposed changes to extraction which may be required; and
- Changes to the signage would require separate Advertisement Consent. Permission would also be needed for any alterations to the shopfront/façade.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised by way of press notice and the display of a site notice. In addition, seven neighbouring properties were directly notified of the applications in writing.

5.2 At the time of writing this report, the Local Planning Authority has received the following summarised consultation responses.

5.3 Civic Trust

No objection – ‘acceptable’.

5.4 No. 86 Westgate Street

Comments as follows:

- Requests that the planning officer visits their property

- Concerned about the impact of the proposal on their buildings, business and home
- The smoked glass windows were fitted without planning permission
- The extraction fan system caught fire around 1999
- The air conditioning unit was incorrectly and insecurely fitted
- The gas utilities company issued the previous tenant with a Compliance Order
- We therefore have concerns about a new landlord and new tenants
- Any new business in the premises should be safe
- What provision will be made for food waste?
- What provision is there for extra street rubbish?
- Will the pavement be washed down if there are grease and food spillages?
- Concerned about odour impacts and the extraction system not been maintained
- The noise from the extractor fans keep them awake at night

5.5 Maydene, Broom Hill, Huntley

Objection – comments as follows:

- Increase in noise
- Increase in on street parking
- Increase in traffic
- Smell
- The premises would not lend themselves to a takeaway
- Devaluation of local property

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00539/FUL>

6.0 **OFFICER OPINION**

Legislative background

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

6.2 Members are advised that the main issues relevant to consideration of this planning application are as follows:

- Impact on the vitality and viability of the City Centre
- Economic benefit
- Impact on neighbouring property
- Impact on the historic environment
- Access and transport
- Other matters

Impact on the vitality and viability of the City Centre

6.3 The site is located at the edge of but within the Primary Shopping Area as identified by the 2002 Local Plan. This is therefore a suitable location for a town centre use such as a takeaway. The proposal would support the vitality and viability of the City Centre and the proposed change of use is considered acceptable in principle.

Economic benefit

6.4 The NPPF states that '*...significant weight should be placed on the need to support economic growth through the planning system.*' [par. 19]

6.5 The proposal would support the applicant's business and would help to bring the premises back into a viable use. The proposal would therefore have some economic benefit.

Impact on neighbouring property

6.6 It is considered that this is the most important issue for the consideration of this application. The Environmental Health Officer confirms that they have no objection to the application. They note the previous use of the premises as an Indian restaurant (which produces very aromatic food due to the ingredients). No odour complaints were ever received. The applicant intends to use the premises as a gourmet burger takeaway. The Environmental Health Officer advises that such use is likely to be less odourful than the previous use as an Indian restaurant.

6.7 It is important for officers to point out, however, that the proposal is not specifically for the sale of gourmet burgers but a general Class A5 takeaway use, which means that other types of takeaway (including Indian and Chinese food, and fish and chips) could also be prepared on the premises if planning permission were to be granted.

6.8 There is an existing extraction system in place and the Environmental Health Officer advises that this will remove odour from the premises.

6.9 The proposed use of the premises as a takeaway would result in the comings and goings of people, including late and night, and potential noise impacts from customers. However, the proposed hours of operation of the premises

are deemed acceptable. Regard is had to the location of the site within the Primary Shopping Area where there will be similar activities; and the proposal would not be out of character with the site's central City Centre location. Moreover, the site has previously been used as a restaurant which would have generated people traffic and not dissimilar issues.

- 6.10 Having regard to the fall-back position of the existing use of the premises as a restaurant and the advice from the Environmental Health Officer, it is considered unreasonable to refuse planning permission on grounds of environmental impacts on surrounding property.
- 6.11 The opening hours (as specified on the application form) should be controlled by condition. The Environmental Health Officer seeks a condition to require that the extraction equipment is regularly maintained, however, this is considered unenforceable. However, a condition is recommended to require that the extraction equipment is operational and kept in working order.
- 6.12 The proposal is considered acceptable having regard to Policies FRP.10 and BE.21 of the 2002 Local Plan.

Impact on the historic environment

- 6.13 The proposal is for a change of use of the premises only. No alterations are proposed to the exterior of the building and the existing extraction equipment would be retained.
- 6.14 The character and appearance of the Conservation Area would be preserved. The setting of nearby Listed Buildings would be preserved.
- 6.15 The proposal is considered acceptable having regard to Policies BE.23 and BE.29 of the 2002 Local Plan.

Access and transport

- 6.16 Paragraph 32 of the NPPF says that: *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 6.17 The proposed change of use from Class A3 restaurant to Class A5 takeaway is unlikely to generate an appreciable increase in traffic movements. The site is a central and sustainable location close to the City Centre. There is ample opportunity to reach the site by more sustainable modes of transport. There are several nearby public car parks to provide parking for customers and staff. No severe impacts on the highway network are identified. The proposal would not significant or demonstrably affect highway safety.

Other matters

- 6.18 The neighbour at No. 86 raises a number of further issues, many of which are not planning matters.

- 6.19 The planning officer visited their ground floor commercial premises at the time of the site visit. It was considered unnecessary to view their residential accommodation above.
- 6.20 That previous works may have been carried out without planning permission is not relevant to the consideration of the current application proposal.
- 6.21 Health and safety issues are dealt with by other non-planning legislation.
- 6.22 The Local Planning Authority cannot take into account the competency of the applicant or landlord – the issue for the application is whether the proposed use of the land is acceptable.
- 6.23 There is dedicated space with the building for the disposal of food waste.
- 6.24 The applicant will provide a bin within the premises. They confirm that the premises will not be used for dining (the proposed use is for a takeaway only).
- 6.25 Any grease or food spillages onto the highway are a matter for the applicant, Highway Authority and city centre management authorities
- 6.26 Any noise from the extractor fan is an existing issue and not one which would necessarily be compounded by the current proposal.

7.0 CONCLUSION

- 7.1 The City Council does not have an up-to-date Development Plan. This activates paragraph 14 of the NPPF, which requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF taken as a whole.
- 7.2 The site is within the Primary Shopping Area where Class A5 takeaway uses are acceptable in principle.
- 7.3 No external alterations are proposed and the proposal would have no significant or demonstrable impacts on the visual amenity of the area. The character and appearance of the Conservation Area and setting of nearby Listed Buildings would be preserved.
- 7.4 The existing lawful use of the premises is as a Class A3 restaurant. Given this fall-back and the advice from the Environmental Health Officer, it is considered that the proposal would not have a significant nor demonstrable impact on the amenities of neighbouring property.
- 7.5 The site is a sustainable location which is accessible by modes other than the private car. There are several public car parks within walking distance of the site providing parking for customers and staff. No severe impacts on the highway are identified. There would be no significant or demonstrable impact on highway safety.

- 7.6 There is no technical evidence to suggest that any adverse impacts resulting from the development will significantly and demonstrably outweigh its benefits. In accordance with paragraph 14 of the National Planning Policy Framework, and having regard to policies in the 2002 Local Plan and emerging JCS insofar as they are relevant, the proposal is acceptable and planning permission should be granted.
- 7.7 The proposal has also been considered with regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, which require special attention to be paid to the desirability of preserving nearby Listed Buildings and their setting, as well as preserving or enhancing the character or appearance of the Conservation Area.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That planning permission is granted subject to the following conditions:

Condition 1

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Condition 2

The development hereby permitted shall be carried out in accordance with the approved site location plan, block plan and floor plan received on 10 May 2016.

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

No customers shall be served or remain in the building outside the following hours:

Monday to Friday – 12:00 to 23:30

Saturday – 12:00 to 23:30

Sundays and Bank Holidays – 12:00 to 23:00

Reason: To safeguard the amenities of and the area, having regard to Policies FRP.10 and BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 4

The premises shall not be operated as a Class A3 or A5 takeaway unless the existing extraction equipment is in operation in full working order.

Reason: To safeguard the amenities of and the area, having regard to Policies FRP.10 and BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

NOTES

Note 1

The applicant is advised that separate Advertisement Consent may be required for any new signage at the premises. Further advice can be obtained from the *Outdoor Advertisement and Signs: A Guide for Advertisers*, published by DCLG (2007) at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf

Note 2

Your attention is drawn to the requirements of the Building Regulations, which may be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has clarified the proposed opening hours; the provision of existing extraction equipment; whether customers will be eating-in at the premises; and proposals for dealing with commercial and customer waste.

Decision:

Notes:

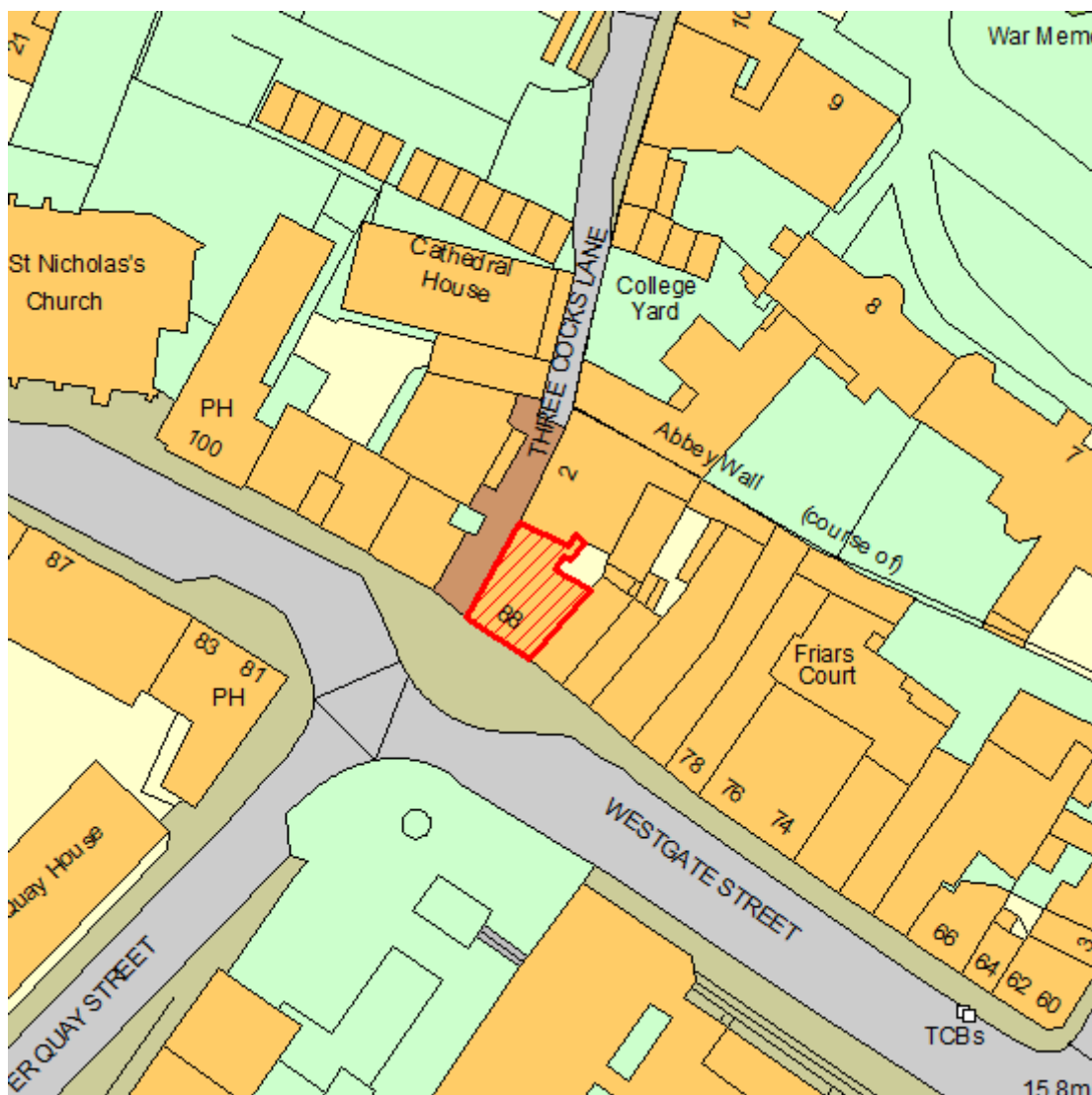
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Person to contact: Ed Baker
(Tel: 396835.)

16/00539/FUL

88 Westgate Street
Gloucester
GL1 2NZ
Planning Committee



GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	6TH SEPTEMBER 2016
ADDRESS/LOCATION	:	GLOUCESTER CITY FOOTBALL CLUB
APPLICATION NO. & WARD	:	16/00728/TCM WESTGATE
EXPIRY DATE	:	8TH AUGUST 2016
APPLICANT	:	THE HARLEQUIN GROUP
PROPOSAL	:	APPLICATION TO INSTALL REPLACEMENT 1 NO. 20M HIGH MONOPOLE MAST CONTAINING SIX ANTENNAS AND FOUR TRANSMISSION DISHES, ALSO SIX EQUIPMENT CABINETS ALL TO BE LOCATED WITHIN A 10.70M X 2.8M COMPOUND BORDERED BY A 1.8M HIGH EXPAMET FENCE.
REPORT BY	:	CAROLINE TOWNLEY
NO. OF APPENDICES/ OBJECTIONS	:	1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is within the grounds of the Gloucester City Football Stadium towards the south west corner boundary. The application seeks planning permission for the relocation and installation of an existing 20 metre high monopole telecoms mast incorporating six no. antennas and four no. 600 mm transmission dishes. The proposal also includes the installation of six equipment cabinets to be located within a 10.7 metre by 2.8 metre compound to be bordered by a 1.8 metre high expamet fence. The existing 20 metre high mast and associated equipment to be replaced is located within the football ground approximately 120 metres from the currently proposed site. The equipment needs to be relocated to allow for the proposed redevelopment of the stadium.
- 1.2 The supporting information states that the application is submitted to maintain mobile phone network coverage in this part of the City and the main transport routes in the locality. EE Ltd also has responsibility for providing a service for the Emergency Services.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted in 1998 for the erection of a 20 metre high telecommunications mast and equipment cabin at the base (ref. 98/00056/FUL).
- 2.2 Prior Approval was granted for the installation of 6 No. antennas and 1 No. 600mm dish for Vodafone mounted on existing 20 metre high dual polar mast. Installation within extended site compound for Vodafone of 2 No. ground based equipment cabinets and ancillary works on 22nd December 2004 (ref. 04/01500/TCM).

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 From the Second Stage Deposit Plan the following policy is the most relevant:

FRP.16 - Telecommunications
BE.21 – Safeguarding of amenity
- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

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

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

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

4.0 CONSULTATIONS

4.1 **Fisher German (Agents for CLH Pipeline System)** – Confirm that apparatus belonging to CLH Pipeline System may be affected by the proposals. No work should be undertaken or activity without first contacting the CLH Pipeline Operator for advice, and if required, Works Consent.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the display of a site notice. In addition 2 neighbouring properties have been notified of the application in writing.

5.2 No letters of representation have been received.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00728/TCM>

6.0 OFFICER OPINION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 Paragraphs 42 to 46 of the National Planning Policy Framework (NPPF) set out criteria that Local Planning Authorities should consider with regard to telecommunications. This approach is broadly reflected in Policy FRP.16 Second Deposit City of Gloucester Local Plan (2002).

- 6.3 The proposal is to effectively “lift and shift” the existing equipment already located within the grounds of the football stadium. The new site is located further away from residential properties in Sudmeadow Road than the equipment’s current location.
- 6.4 The monopole type structure is to be located towards the rear of the football stadium site and will be viewed within the context of the adjacent Spinnaker Park industrial estate and redeveloped football stadium. Overall it is considered that the proposed siting is acceptable and as least visually obtrusive as possible.
- 6.5 The site is a replacement for an existing telecommunications installation and as such there is no option to share the existing site. The applicant undertook an alternative site search but no existing alternative sites were found within the same search area. Consideration was also given to the use of existing buildings and structures but due to the nature of the search area being predominantly industrial there are no suitable tall buildings or structures on which to site the equipment. However, the applicant has indicated that should another Operator wish to share the proposed structure it is capable of being utilised to house additional telecommunications equipment.
- 6.6 Paragraph 46 of the NPPF sets out that Local Planning Authorities must determine applications on planning grounds and should not seek to prevent completion between operators, question the need for the telecommunications system or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The application is accompanied by a valid ICNIRP certificate. The certificate provides assurance that the equipment complies with both national and international emissions standards and that the proposed design and location allows the equipment to be well within the parameters set by the ICNIRP standard.

7.0 CONCLUSION

- 7.1 Overall taking into account all of the above, it is concluded that the proposed replacement mast and associated equipment is acceptable and is located away from main roads and residential areas and would not be intrusive or detrimental to the character of the area. It is therefore recommended that planning permission is granted subject to conditions. The development is considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That planning permission is granted subject to the following conditions:

Condition 1

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

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawing nos. HD101-21155 92433 01 Rev B, 02 Rev B, 03 Rev B and 04 Rev B received by the Local Planning Authority on 10th June 2016 and any other conditions attached to this planning permission.

Reason

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

Condition 3

There shall be no additional storage or infilling of the area within the enclosed compound. This area must remain free and unobstructed at all times.

Reason

To ensure that there is no loss of flood storage capacity as a result of the development to prevent loss of flood storage capacity to alleviate the increased risk of flooding in accordance with Policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Note

The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16 Consent. The GPPS Operator can be contacted at Central Services, Ashdon Road, Saffron Walden, Essex, CB10 2NF (e-mail anne.swallow@oilandpipelines.com) 01799 564101. For additional information please visit www.linesearch.org.

Statement of Positive and Proactive Engagement

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

Decision:

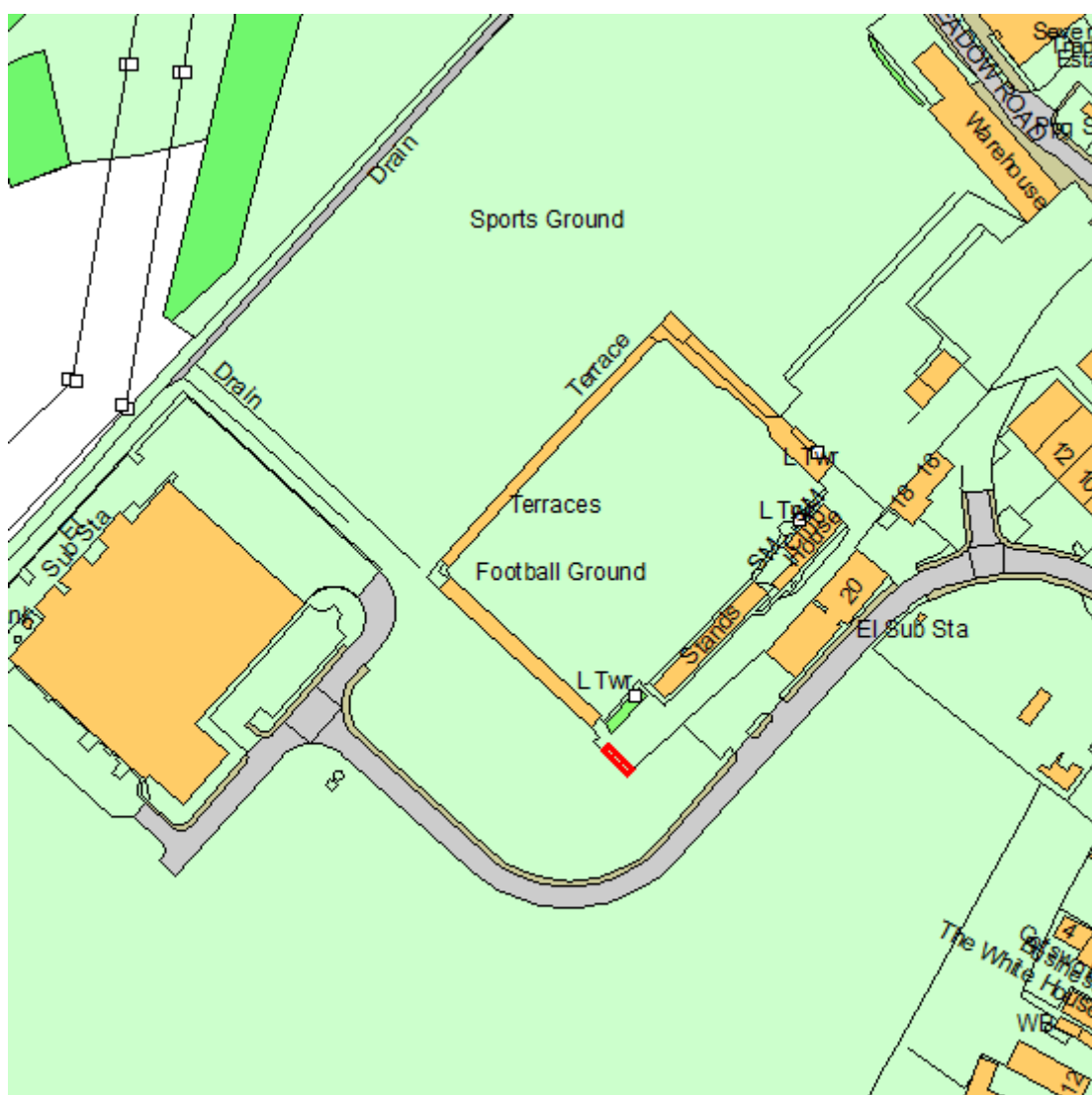
Notes:
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Person to contact: Caroline Townley (Tel: 396780.)

16/00728/TCM

Gloucester City Football Club
Sudmeadow Road
Gloucester
GL2 5FD

Planning Committee



GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	6th SEPTEMBER 2016
ADDRESS/LOCATION	:	MASJID-E-NOOR 44-46 RYECROFT STREET
APPLICATION NO. & WARD	:	16/00747/FUL BARTON AND TREDWORTH
EXPIRY DATE	:	6th SEPTEMBER 2016
APPLICANT	:	MASJID-E-NOOR
PROPOSAL	:	CONSTRUCTION OF MINARET AND ALTERATIONS TO EASTERN ELEVATION TO PROVIDE ALTERATION TO MEHRAB
REPORT BY	:	FIONA RISTIC
NO. OF APPENDICES	:	SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the south-west of Ryecroft Street. This application is for a proposed minaret and minor alterations to the eastern elevation to provide alterations to the mehrab. The alterations are single storey sections either side of the existing projection. The existing projection measures 2.5m in width externally. With the new extension it would measure 4.5m wide at the widest point externally. The extension would be built from materials to match the existing building.
- 1.2 Although tiered in design, the proposed minaret would be for visual purposes not for people to climb up. It would be made from green coloured reinforced plastic and fibreglass to match the shade of the existing domes. The proposed minaret would measure 11.6m in height. The resulting structure would be 19.2m in height from ground level. It would be 2.4m wide at the base narrowing to 0.3m at the top.

2.0 RELEVANT PLANNING HISTORY

- 2.1 06/00767/FUL-Demolition of nos. 40 and 42 Ryecroft Street to allow for extensions and alterations of existing Mosque – withdrawn – 06/09/06
- 06/01195/FUL-Demolition of nos 40 & 42 Ryecroft Street to allow for extensions and alterations of existing Mosque granted - 01/12/06

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.5 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

Relevant policies from the City of Gloucester Second Deposit Local Plan (2002) are:

- 3.6 BE.1 Scale, massing and height
BE.21 Safeguarding of amenity
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of

4.0 CONSULTATIONS

4.1 Environmental Health

Providing the minaret is only for visual purposes I would be happy to recommend approval subject to the following conditions:

1. Restriction of hours of delivery during the demolition/construction phase
2. Restriction of hours during demolition/construction
3. No burning of materials/substances during demolition/construction phase

4.2 Conservation

The site is located within a mixed character area Barton and Tredworth is predominantly a residential area with a variety of supporting uses. These uses include shops, businesses, schools, places of worship and community buildings. Historically the railway has played an important part in shaping Barton and Tredworth. The main character areas consists of the Victorian residential streets, Barton Street, Tredworth High Street and some twentieth century infill development. The overarching character of the area is heavily influenced by the Victorian street patterns and architecture. The area is developed at a high density leaving relatively few open green spaces. The road widths are traditionally narrow and the properties arranged in dense terraces or pairs of semis.

Although the site is not located within a designated conservation area it is recommended that further information is provided on the proposal, the city has an adopted Heights of Buildings SPD and in order to assess the visual impact the applicant should provide a number of key views across the city with this proposal in-situ. This will assess whether the scheme will have a negative impact on the area and any views across the city's skyline. The following document presents a method for understanding and assessing heritage significance within views and what impact this development may have on the City.

<https://content.historicengland.org.uk/images-books/publications/seeing-history-view/seeing-history-in-view.pdf/>

Further information is also required on the building materials for the minaret.

These comments are based on both national and local policy guidance. The National Planning Policy Framework was published on 27 March 2012, replacing all the previous Planning Policy Statements. One of the key dimensions of sustainability is protecting and enhancing our historic environment and should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraphs 126 to 141 are the core historic environment policies in chapter 12 of the NPPF Local authorities.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

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.

The recently published draft Joint Core Strategy (draft July 2014), has been produced in partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, and sets out a planning framework for all three areas. Policy SD9 in the Joint Core Strategy concerns the historic environment as below -

The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy.

Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

Designated and undesignated heritage assets, and their settings, will be conserved and enhanced as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.

Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.

4.3 Highways

I have no comment on the above application.

4.4 Barton Residents Association

no response

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 A site notice was erected and press notice published and sixty-three neighbouring properties were consulted. 1 letter. was received from Ryecroft Street with the following points –

-“The minaret is opposite our homes. We’re not sure how important is their faith. So is it necessary? For such an expensive project. Our suggestion would be

1. Solar panels
2. Recycle rain water

Finally we’re fed up with huge spot lights shining towards our homes and disturbing our sleep from 9pm right through to 6am on all night. Please do take immediate action now.”

Details of the application can be viewed online at:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00747/FUL>

6.0 OFFICER OPINION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 It is considered that the main planning issues with regard to this application are:

- Impact on the character of the area and on the existing building
- Impact on neighbours

6.3 Impact on the character of the area and neighbours

The area is characterised by Victorian terraces and semi-detached dwellings. The mosque is the largest building in the area. There is already a base on the roof of the mosque for the proposed minaret. The proposed minaret would be clearly visible from a long distance view along the street. Given that the mosque is already a unique building in the area it is not considered that the proposed minaret would be harmful in its prominence. In response to the comments by the Conservation Officer, the building is not in a Conservation Area. It has been agreed with the applicant and Conservation Officer that a sample of the material for the minaret will be submitted for approval before construction commences. In response to the Conservation Officers comments about the skyline, it is considered that the minaret will be visible in the wider area but would not be unduly prominent along with other masts, church towers and other tall buildings in the city.

6.4 The single storey mehrab extension is a minor extension to the east elevation enclosed within the site and would not appear overly prominent or harm the character of the area.

6.5 Impact on neighbours

The only impact that the minaret would have on neighbours is a visual issue. There are no highway issues and as it will not be used for a call to prayer there would be no Environmental Health issues. The minaret would be visible to the wider area but does not cause material harm to the character of the area or neighbouring properties.

6.6 Given the small size and location of the mehrab extension within the site, it is not considered that it would significantly affect the amenity of any neighbouring properties.

7.0 CONCLUSION/REASON FOR APPROVAL

7.1 The proposed mehrab extension to the eastern elevation is relatively minor and given the location within the site would not significantly affect the amenity of neighbouring properties, harm the character of the area or have an unacceptable visual impact.

7.2 The proposed minaret would be clearly visible in the area but given that the mosque is already a unique building in the area it is not considered that the proposed minaret would be harmful in its prominence. The neighbours comments are noted but the need for the proposal or alternative uses for the money are not planning issues and the planning authority has to determine the application as proposed.

7.3 It is considered that the proposal complies with Policies BE.1.and BE..21 of the Second Deposit Gloucester City Local Plan (2002) and policy in the NPPF.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That permission be granted subject to the following conditions:

Condition 1

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

Reason

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 application form, location plan and drawings numbered 2051/1, 2, 3 and 4

received by the Local Planning Authority on 16th June 2016 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 the Second Deposit City of Gloucester Local Plan (2002).

Condition 3

During construction phase no deliveries shall be taken at or dispatched from the development before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, bank or public holidays.

Reason

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

Condition 4

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched 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

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

Condition 5

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 6

No development shall take place until details or samples of materials to be used externally for the minaret have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials harmonise with the surroundings in accordance with policy BE.1 of the Second Deposit City of Gloucester Local Plan (2002).

Notes to Applicant

1. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You

are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

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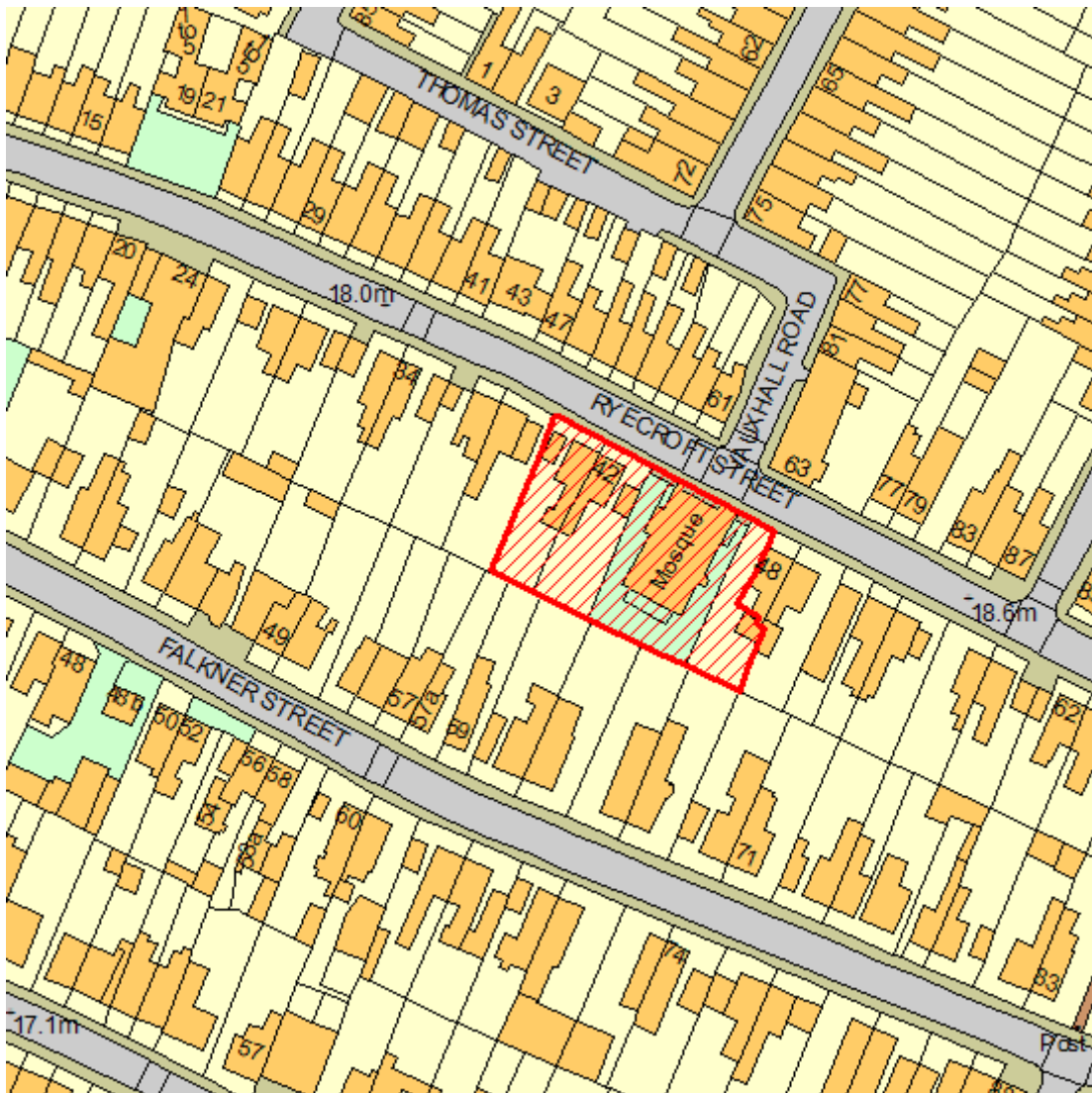
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Person to contact: Fiona Ristic
(Tel: 396716)

16/00747/FUL

Masjid-E-Noor
44 - 46 Ryecroft Street
Gloucester
GL1 4LY

Planning Committee



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Gloucester City Council

Meeting:	PLANNING COMMITTEE	Date:	6 SEPTEMBER 2016
	CONSTITUTION WORKING GROUP		5 OCTOBER 2016
	GENERAL PURPOSES		18 OCTOBER 2016
	COMMITTEE		
	COUNCIL	24	NOVEMBER
			2016
Subject:	CHANGES TO CONSTITUTION TO CATER FOR LOCAL DEVELOPMENT ORDERS, AND SCHEME OF DELEGATION RELATING TO PLANNING APPLICATIONS		
Report Of:	ANNE BRINKHOFF, CORPORATE DIRECTOR		
Wards Affected:	ALL WARDS		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	JON SUTCLIFFE, DEVELOPMENT CONTROL MANAGER		
	Email: Jon.sutcliffe@gloucester.gov.uk	Tel:	396783
Appendices:	1. n/a		

FOR GENERAL RELEASE.

1.0 Purpose of Report

1.1 Work is underway to propose alterations to the Council's Constitution relating to planning matters. The purpose of this report is to bring these suggested changes to the attention of the Committee prior to them proceeding through the process, and to give the opportunity for the Committee to consider them. The suggested changes relate to two principal areas: firstly to provide the ability for the Council to make Local Development Orders (LDOs); this report outlines the procedures by which any future LDO might be designated (paragraphs 3.11-3.14). Secondly, to make some minor alterations to the proposals that have to be determined by Committee rather than being delegated to officers for determination. The suggested changes are to improve clarity in wording; to update in relation to changes in legislation; and also to enable some additional smaller developments to be dealt with under delegated powers to improve the efficiency of the service.

2.0 Recommendations

2.1 Planning Committee is asked to **RECOMMEND** that

- (1) The suggested changes to the Constitution set out in Para 3.17 & 3.21 of this report be approved by Council.

- 2.2 Constitution Working Group is asked to **RECOMMEND** that
- (1) The suggested changes to the Constitution set out in Para 3.17 & 3.21 of this report be approved by Council.
- 2.3 General Purposes Committee is asked to **RECOMMEND** that
- (1) The suggested changes to the Constitution set out in Para 3.17 & 3.21 of this report be approved by Council.
- 2.4 Council is asked to **RESOLVE** that
- (1) The suggested changes to the Constitution set out in Para 3.17 & 3.21 of this report be approved .

3.0 Background and Key Issues

- 3.1 This section of the report will be split into two sections, the first relating to LDOs and the second relating to the types of proposals handled by Committee.

LOCAL DEVELOPMENT ORDERS

Background

- 3.2 Section 61A of the Town and Country Planning Act 1990 (as amended) allows a Local Planning Authority to make a Local Development Order ("LDO") that grants planning permission for:
- a) Any development specified in the order; and/or
- b) Development of any class so specified.
- 3.3 LDOs are already in use in a number of local authority areas, frequently where planning authorities have created orders that grant permission for a range of often routine development proposals. The inclusion of such proposals within an LDO brings the advantage that applicants have certainty in relation to proposals for such uses. From the Council's viewpoint, the 'creation' of a planning permission for specific proposals removes the need for such proposals to be considered individually by officers which can provide additional capacity to deal with other more complex planning decisions and improve overall performance. From a negative viewpoint, an LDO would remove a degree of fee income from the Council, however, the costs of dealing with such applications often exceed the fee received.
- 3.4 Part 3C of the Council's Constitution sets out the powers available to the Planning Committee. Section 1 gives the Committee authority to 'To determine planning applications, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.' (emphasis added).
- 3.5 Moreover, section 4 entrusts the Committee with the power 'To determine matters relating to planning as a District Planning Authority excluding strategic planning matters...'

- 3.6 Arguably under sections 1 and 4 described above, the Planning Committee has the ability to grant an LDO. However, it is considered that there would be benefit in making this power more explicit and precise. It is therefore recommended that the Council's Constitution is amended to make it explicit that the Planning Committee may consider and grant an LDO.

What are LDOs?

- 3.7 The power to make a LDO has been available to Local Planning Authorities for many years, however, up until more recently it is not a tool that has had widespread use. The current Government is placing great emphasis on the use of LDOs to help accelerate the delivery of new development and act as an instrument for proactive change.
- 3.8 LDOs may be brought forward by either the public sector, private sector or both in partnership. They are seen by Government as a positive planning tool. They create a more certain planning environment and therefore make investment more attractive. They embody a fundamental shift on the part of local authorities from waiting for the market to come to them with a proposal, to initiating development activity by granting planning permission for the kind of development that they want to see come forward on a site.
- 3.9 One of the chief advantages of an LDO is that the order can be shaped to local circumstances and to embody local aspirations – they can be as simple as to grant planning permission for a certain type of housing on a site in a flexible layout that protects the amenity of neighbouring properties or for development parameters to be set for a mixed use, multi stage town centre site.
- 3.10 There are three broad types of LDO:
- Regeneration-led LDO – a regeneration-led LDO is suitable for sites with marginal viability which require front-loading and de-risking in order to attract developers, and convince landowners to get engaged. Often these sites are critical for place shaping objectives to meet housing and community priorities. Regeneration-led LDOs provide certainty where previous approaches such as Area Action Plans, Supplementary Planning Documents, masterplans or development briefs may have failed. Pilot LDOs sponsored by DCLG have included Brunswick Street, Teignmouth (Teignbridge District Council) and Cleethorpes town centre site (North East Lincolnshire unitary authority).
 - Enabling LDO – an enabling LDO is distinguished from the regeneration-led LDO in that whilst the council wants to encourage development, the project is not so driven by local policy priorities that they are prepared to make a large commitment of scarce resources to up-front costs. The site is more likely to be privately owned and there is value in the land for redevelopment. The landowner will be expected to meet or make a contribution towards the cost in the preparing the LDO in exchange for council's commitment to de-risking the planning process. Examples include the former Birds Eye factory site in Grimsby and the Wellfield Road site in Hatfield.
 - Routine LDO – a routine LDO is an innovative way to simplify the planning system and focus on relatively minor and uncontentious development where the

impact of development is foreseeable and standard solutions can be identified and imposed through fairly standard planning conditions or reference to design codes. For example, this might be to widen the scope of permitted development rights.

Process for making an LDO

- 3.11 The requirements for making an LDO are relatively short, which is consistent with their aim of simplifying the planning process. The first task is to prepare a draft LDO. This needs to specify the nature of the development that will be granted planning permission by the order, including uses and/or building works. The LDO must specify the land that it will relate to. This can be a single site, several properties or parcels of land, or an area-wide LDO. LDOs are specifically not permitted to grant planning permission that relates to a Listed Building and there are restrictions in relation to European sites.
- 3.12 The LDO must include a statement of reasons. This must clearly set out the proposals including a description of the land that will be affected by the LDO. It must also describe the types of development that will be permitted by the LDO. The draft LDO must be subject to a statutory consultation over a minimum 28 day period. Since the community will be asked to comment on the draft LDO, the statement of reasons must be clear and easy to read.
- 3.13 Following consultation, the local planning authority may make any necessary modifications to the LDO. The LDO may then be adopted by the local planning authority. Once adopted, the LDO and statement of reasons must be placed on the planning register. The local planning authority must also notify the Secretary of State.
- 3.14 LDOs are also subject to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Blackfriars and Quayside LDO

- 3.15 Members will be aware from a recent presentation on LDOs that the City Council and County Council are jointly working together on bringing forward a LDO for the regeneration of the Blackfriars and Quayside sites in the city centre. The LDO is expected to be residential led and, if adopted, would grant planning permission for the redevelopment of these key sites. The intention of the LDO is to de-risk the sites and make them more attractive to potential developers. Informal public consultation is planned to take place in September of this year ahead of a statutory period of consultation towards the end of the year. The current plan is for the LDO to be considered by the City Council, as Local Planning Authority, in January 2017. To assist this process, the Planning Committee should be given explicit ability to handle and approve LDOs.

Other possible LDOs

- 3.16 Officers are currently considering the wider application of the LDO process within the City. Potential areas for the future use of LDOs include minor proposals and extensions and for minor developments relating to commercial and industrial premises. All such designations would be assessed using the process outlined above in paras 3.11-3.14.

Proposed Changes

3.17 There is currently no specific provision for the determination of LDO’s in the Council’s Constitution. Approval is therefore sought for Planning Committee to be given delegated authority to “determine all future matters regarding the making of Local Development Orders, including consideration of the results of any consultation process on an Order and the determination of the final adoption of an Order”.

COMMITTEE ITEMS/SCHEME OF DELEGATION

3.18 Planning Committee has the responsibility for taking decisions on various types of applications, which are set out in Table 2 of Part 3C of the Constitution. These categories of application cannot therefore be determined by officers under delegated powers. Other types of application not listed in that table can be handled under delegated powers (although are also subject to a Member call-in procedure and officer referral process).

3.19 It is suggested that there are a small number of anomalies and uncertainties in the wording contained in that table which would benefit from being amended. In addition, some of the thresholds or scales of development which trigger applications being reported to Committee could perhaps be considered to be a little low and could potentially be slightly increased to reduce the number of such relatively small-scale and uncontroversial applications being reported to Committee. This would enable Committee resources to be focussed on the more significant proposals.

3.20 The table below contains on its left side the current wording in the constitution, and on its right side the suggested amended wording. In italics is an explanation of the reason why the change is being suggested. These are the types of application that have to be decided by Planning Committee.

3.21

EXISTING WORDING	PROPOSED WORDING
Applications submitted by or on behalf of the City Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received.	(No change)
Applications submitted by a serving Member or Officer of the Council.	<p>Applications submitted by a serving Member or Officer of the Council (other than officers below Team Leader level who have no involvement in the planning process); or submitted by a person related to either of the above.</p> <p><i>Revised wording to enable applications submitted by junior staff whose work area has no involvement in the planning process to be delegated. Wording also widened to include relatives – this is consistent with a question contained on</i></p>

	<i>the national planning application forms, and increases transparency.</i>
Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved and adopted by the Council for Development Control purposes.	Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Control purposes. <i>'or' replaces 'and' to ensure clarity.</i>
Applications for 50 or more new houses/flats.	Planning applications for 50 or more new houses/flats. <i>To clarify that 'prior approval' applications are excluded</i>
Applications which entail more than 1000 square metres of gross floor space.	Applications which entail more than 2000 square metres of new non-residential gross floor space. <i>1000 sq m is a low figure and a number of applications for employment uses around 1100 sq. m. have had to be reported to Committee. The addition of new is to clarify that this section does not relate to change-of-use proposals; and 'non-residential' is added for clarity (residential apps are dealt with above)</i>
Buildings or structures which exceed 15 metres in height.	New buildings or structures which exceed 20 metres in height. <i>'new' added to ensure applications for small additions to existing buildings which take the height just over the threshold can be delegated; and height increased to 20m to be consistent with some 'permitted development' rights for telecoms masts</i>
Applications where Officers are recommending an agreement under S.106 of the Town and Country Planning Act 1990 with the exception of Agreements which relate to the collection and administration of contributions for open space which accord with Local Plan policy and associated Supplementary Planning Guidance.	Applications where Officers are recommending an agreement under S.106 of the Town and Country Planning Act 1990 with the exception of Agreements which relate to the collection and administration of contributions for open space which accord with Local Plan policy and associated Supplementary Planning Guidance; Unilateral Undertakings; and Deeds of Variation. <i>Unilateral Undertakings are often associated with minor development which would otherwise be delegated,</i>

	<i>and do not impose any obligations upon the Council. Deeds of variation are needed where for example applications are made for minor changes to conditions on existing permissions with a current s106.</i>
Applications which are accompanied by an Environmental Statement.	(No change)
Applications for change of use to hot food takeaway, except where no objections are received.	(No change)
Applications for a change of use to Class A2(c) within the Town and Country Planning (Use Classes) Order 1987, where the Officer recommendation is for approval.	<p>Option A Applications for a change of use to a pay-day loan shop or betting office, where the Officer recommendation is for approval.</p> <p>Option B Applications for a change of use to Class A2(c) within the Town and Country Planning (Use Classes) Order 1987, or to a pay-day loan shop or betting office, where the Officer recommendation is for approval.</p> <p><i>It is understood that this section was intended to ensure that applications for 'pay-day loan' shops and betting offices would come to Committee when recommended for approval. Those uses were originally within Use Class A2(c). The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 specifically provided that from 15 April 2015, those uses were no longer within Class A2(c). As such, the current wording would not now require such applications to come to Committee, and so needs revising.</i></p> <p><i>If Members just require the specific uses of pay-day loan shops and betting offices to come to Committee then Option A above would secure that. If Members require those uses and other uses which remain within Class A2(c) to come to Committee then Option B above would secure that.</i></p>
Applications for the demolition of a listed	Applications for the demolition of a listed

building.	<p>building (other than minor associated buildings within the curtilage).</p> <p><i>This would enable applications which look to remove small ancillary buildings associated with the principal Listed Building to improve its setting to be dealt with under delegated powers.</i></p>
Applications for the development that significantly affects the setting of a grade 1 or 2* Listed Building or a Scheduled Ancient Monument.	<p>Applications for development that significantly affects the setting of a grade 1 or 2* Listed Building or a Scheduled Monument.</p> <p><i>'the' removed as superfluous. Updated terminology as what were Scheduled Ancient Monuments are now termed as Scheduled Monuments..</i></p>
Applications for the removal of trees protected by a Tree Preservation Order (except where exempted by the Act) where there are objections received.	<p>Applications for the removal of trees protected by a Tree Preservation Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received.</p> <p><i>This clarifies that applications for planning permission will be considered by Committee if they fall elsewhere within this table, but otherwise not solely because they involve the removal of a TPO tree.</i></p>
	<p>NB The provisions in all the categories above do not apply to applications under s73 of the T&CP Act 1990 which seek minor alterations to conditions.</p> <p><i>Suggested to enable small amendments to conditions to be dealt with under delegated powers</i></p>

3.22 It is recognised that there is a balance to be struck between enabling the minor and non-controversial applications to be dealt with under delegated powers, and also ensuring that Planning Committee is able to deal with the types of application which it is best placed to do. The suggested changes are brought forward with the intention that they will remove a small number of items from Committee agendas, which is likely to assist the Council in reaching decisions in a timely manner and raising its performance levels which are measured by Government. Equally the changes recognise that there are still a range of types of application that are best placed to be determined by Planning Committee, and this would be enhanced by Committee being able to focus more on such significant proposals. It should be

noted that no changes are being suggested to the existing arrangements that enable Members to call-in applications to Committee, and also enable officers to refer applications to Committee if they think it is necessary.

4.0 Asset Based Community Development (ABCD) Considerations

4.1 Not applicable

5.0 Alternative Options Considered

5.1 Not changing the Constitution is an option. However, this would not resolve the issue of whether Planning Committee specifically has the ability to deal with LDO's; and also would mean the current list of applications to be determined by Planning Committee would remain in place without achieving the benefits to be gained through the proposed modifications.

6.0 Reasons for Recommendations

6.1 The Council's Constitution does not currently make specific provision for the Council to make and adopt Local Development Orders (LDO's). LDO's are a planning tool that can be beneficial in both bringing challenging sites forward for re-development, and also for enabling some types of minor and small-scale development to be undertaken without needing a planning application. Both of these may be beneficial to the Council and the City. The suggested changes to the Constitution set up a process for LDO's to be considered, and this is considered to be both necessary and beneficial.

6.2 The other changes relate to matters which have to be determined by Planning Committee rather than under delegated powers. It is suggested that the proposed changes are minor in nature and would enable a more efficient use of Committee time and planning resources if they are put in place.

6.3 Planning Committee is invited to recommend the suggested changes to Constitution Working Group, General Purposes Committee and Council.

7.0 Future Work and Conclusions

7.1 In terms of process, these suggested changes will go through a number of steps, before being considered by Council. The suggested timeline is set out below:

6 September	Planning Committee
5 October	Constitution Working Group
18 October	General Purposes Committee
24 November	Full Council

8.0 Financial Implications

- 8.1 If developments are brought forward through the LDO process rather than by means of a planning application, then the usual planning fee income required for such planning applications would not be received. However, the Council has the ability to set charges for approval of details relating to LDO developments. It would be within the Council's remit to set such charges at a level which would match the loss of planning application fee income. If such charges were introduced there would be no net financial impact.

9.0 Legal Implications

- 9.1 The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9.2 The proposal will require an amendment to the constitution which needs to be approved by full council upon consideration of a proposal prepared by the Head of Paid Service after consultation with the Constitutional and Electoral Working Group (14.02 (a) of the constitution).
- 9.3 It is considered advisable to amend the Constitution to bring decisions regarding LDO's clearly within the remit of Planning Committee.

10.0 Risk & Opportunity Management Implications

- 10.1 It is essential for the Council to be sure that it has made proper procedural arrangements for dealing with powers and responsibilities contained in national legislation. The provision of clear arrangements to deal with LOO's therefore fulfils that requirement, and therefore mitigates against risks that may otherwise arise.
- 10.2 Similarly, updating the types of applications to be handled by Planning Committee reduces the risks that may arise from uncertainty of whether some applications can be handled under delegated powers or not.

11.0 People Impact Assessment (PIA):

- 11.1 The PIA Screening Stage principally focussed on the fact that these are procedural changes to clarify who determines planning matters. As the ultimate decisions on such matters are made in terms of national and local planning policy, and also that principally it is the impacts of the development that are fundamental rather than who the applicant is.
- 11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

12.1 Not applicable.

Sustainability

12.2 The principle of sustainable development is at the heart of the planning system, although these procedural changes should have no significant additional effects on sustainability.

Staffing & Trade Union

12.3 Not applicable.

Background Documents: None

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CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

6th September 2016

DELEGATED DECISIONS

1ST – 31ST July 2016

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

Abbeydale

16/00551/FUL BOBR

60 Wheatway Gloucester GL4 5ER

Demolition of garage and construction of a single storey rear extension to form elderly relative annexe.

G3Y 07/07/2016

16/00637/FUL AEROR

43 Thrush Close Gloucester GL4 4WZ

Two storey side and single storey rear extension.

G3Y 15/07/2016

16/00644/FUL AEROR

20 Meerstone Way Gloucester GL4 5EP

Two storey rear extension

G3Y 15/07/2016

16/00680/FUL AEROR

16 Berry Lawn Gloucester GL4 5YE

Single storey front and rear extension

G3Y 25/07/2016

Abbymead

16/00517/FUL AEROR

8 Tarlton Close Gloucester GL4 5UJ

Garage conversion and first floor side extension

G3Y 01/07/2016

16/00545/TPO JJH

7A Lavender View Gloucester GL4 5UU

WDN 14/07/2016

16/00563/LAW	AEROR
19 Kingsmead Gloucester GL4 5DY	
Removal of existing conservatory and erection of new extension	
RAD	01/07/2016
16/00583/FUL	ADAMS
9 Abbots Road Gloucester GL4 5GF	
Single storey front extension and new roof and loft conversion including roof dormer	
G3Y	11/07/2016
16/00694/FUL	AEROR
2 Bay Tree Road Gloucester GL4 5WD	
First floor side extension.	
G3Y	25/07/2016
16/00722/FUL	AEROR
40 Kingsmead Gloucester GL4 5DY	
Single and Two Storey Rear Extension	
G3Y	29/07/2016

Barnwood

16/00400/CONDIT	JOLM
Premier Inn Barnwood Link Road Gloucester GL4 3HR	
Discharge of conditions 7 (archaeology), 8 (drainage strategy) and 9 (flood evacuation plan) of planning permission 15/00920/FUL.	
PADIS	21/07/2016
16/00586/FUL	FEH
22 Hayward Close Gloucester GL4 4RJ	
Converting part of existing garage into new proposed living accommodation.	
G3Y	27/07/2016

16/00663/COU BOBR
Vets 4 Pets 101 Barnwood Road Gloucester GL4 3HA
Change of use of land to provide extension to car park area.
G3Y 29/07/2016

16/00738/LAW JONSU
32 Lilliesfield Avenue Gloucester GL3 3AQ
Single storey extension to the rear of the property.
REFREA 25/07/2016

16/00752/PDE FEH
9 Great Grove Gloucester GL4 4QT
Removal of existing conservatory and erection of single storey extension (5m deep, 3.4m height to ridgeline, 2.45m to eaves and 3.8m wide)
ENOBJ 12/07/2016

16/00832/LAW JONSU
79 Lilliesfield Avenue Gloucester GL3 3AH
Lay permeable block paving over existing Tarmac drive and approx 3m wide grass lawn. Extend drop kerb to full width of drive.
LAW 26/07/2016

Barton & Tredworth

14/01395/FUL EDBAK
Norville Optical Co Ltd Paul Street Gloucester GL1 4NY
Demolition of existing buildings and erection of 45 affordable dwellings and 5 market dwellings comprising a mixture of 2,3 and 4 bedroom houses and 1 and 2 bedroom flats and associated off street parking and 5 allotments
WDN 08/07/2016

16/00350/FUL FEH
202 Barton Street Gloucester GL1 4HE
First Floor Extension and Change from 3-bed Maisonette to three 1-bed flats.
WDN 25/07/2016

16/00401/FUL ADAMS
2E All Saints Road Gloucester
Proposed Change of Use from class D2 Martial Arts Studio to class B2 Motor Vehicle Repair Workshop (retrospective)

G3Y 25/07/2016

16/00558/FUL AEROR
17 Hatfield Road Gloucester GL1 4LN
Single storey rear extension.

G3Y 05/07/2016

16/00565/FUL FEH
Wisla Supermarket 209 Barton Street Gloucester GL1 4HY
Retrospective consent for the erection of metal/timber structure (4.55m in height) to carry CCTV cameras and security lights

GP 25/07/2016

16/00763/NMA FEH
18 Vicarage Road Gloucester GL1 4LD
Front and rear gable eaves level raised, front elevation lintels amended and rear elevation rooflight position amended (non material amendment for permission 15/00746/REM)

NOS96 25/07/2016

16/00804/TPO JJH
5 The Conifers Gloucester GL1 4LP
Pollarding 3x Lime Trees

TPDECS 22/07/2016

Coney Hill

16/00540/FUL AEROR
2 Highfield Place Gloucester GL4 4PB
Single storey rear extension.

G3Y 05/07/2016

16/00656/ADV EDBAK
Currys Unit 1 Eastern Avenue Retail Park Eastern Avenue Gloucester
Erection of signage
GC 20/07/2016

Elmbridge

16/00585/FUL AEROR
154 Lavington Drive Gloucester GL2 0HT
Proposed garage conversion
G3Y 13/07/2016

16/00600/FUL EDBAK
47 Riversley Road Gloucester GL2 0QU
Single storey rear extension
G3Y 20/07/2016

16/00647/FUL AEROR
2 Coltman Close Gloucester GL1 3QJ
4 bedroom detached house converted into 2 self-contained flats and rear
dormer and front element
G3Y 25/07/2016

16/00665/ADV ADAMS
Unit 1 Triangle Park Triangle Way Gloucester GL1 1AH
Erection of internally illuminated advertisements
GFY 21/07/2016

16/00668/FUL AEROR
66 Liddington Road Gloucester GL2 0HL
Proposed single storey side and rear extension and detached garage.
G3Y 21/07/2016

16/00691/FUL AEROR
21 Armscroft Court Gloucester GL2 0TE
Single storey side and front extension
G3Y 25/07/2016

16/00713/NMA AEROR
19 Grafton Road Gloucester GL2 0QP
Minor amendment to development approved under permission 15/01564/FUL
to replace racing brick with grey concrete blocks.
RET 04/07/2016

Grange

16/00500/OUT CJR
21 Ivory Close Gloucester GL4 0QY
Proposed 2 bedroom attached dwelling house to lifetime homes standards.
WDN 14/07/2016

Hucclecote

16/00376/FUL AEROR
23 Lynmouth Road Gloucester GL3 3JD
Conversion into two flats, two storey side and rear extension and detached garage
REF 21/07/2016

16/00548/FUL AEROR
11 Erminster Drive Gloucester GL3 3ER
Two storey rear extension, two single storey front extensions and a garage
conversion and dormer to the front.
G3Y 11/07/2016

16/00595/FUL AEROR
83 Dinglewell Gloucester GL3 3HT
Erection of conservatory to rear
G3Y 21/07/2016

16/00746/CONDIT CJR
Hucclecote Centre Churchdown Lane Gloucester GL3 3QN
Discharge of condition 26 (noise testing) for planning permission ref. 11/00742/OUT.
ALDIS 04/07/2016

Kingsholm & Wotton

16/00090/FUL FEH
High School For Girls Denmark Road Gloucester GL1 3JN
Remove parts of hedges around the perimeter and replace with railings including 1no. vehicular and 2no. pedestrian gates; augment hard landscaping, provide shared surfaces, modify site entrance points and access routes; improve lighting levels, surveillance and secure access control, repair 2no. Flat roofs.
G3Y 21/07/2016

16/00091/LBC FEH
High School For Girls Denmark Road Gloucester GL1 3JN
Remove parts of hedges around the perimeter and replace with railings including 1no. vehicular and 2no. pedestrian gates; augment hard landscaping, provide shared surfaces, modify site entrance points and access routes; improve lighting levels, surveillance and secure access control, repair 2no. Flat roofs.
GLB 21/07/2016

16/00375/JPA BOBR
Northgate Court 21 - 23 London Road Gloucester GL1 3HB
Prior approval for change of use from offices (Class B1a) to 18 no. flats (Class 1a) to 18 no. flats (Class C3)
AAPRZ 21/07/2016

Kingsway

16/00578/FUL

AEROR

23 Valley Gardens Kingsway Quedgeley Gloucester GL2 2BS

Single storey rear extension

G3Y

11/07/2016

16/00657/CONDIT

JOLM

Land To East West Of A38 And Naas Lane Quedgeley Gloucester

Discharge of condition 18 (Demolition Strategy) of Outline Planning

Permission 13/00585/OUT in relation to the employment land on Framework Plan 5

ALDIS

21/07/2016

Longlevens

15/01190/OUT

ADAMS

University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW

Outline planning application (with all matters reserved except for access) for the erection of a new 10,000sqm business school, the provision of new student accommodation (up to 200 beds) & the creation of additional car parking at the University of Gloucestershire Oxstalls Campus, Oxstalls Lane & the Debenhams Playing Field, Estcourt Road. Provision of new and improved sports facilities at Oxstalls Sports Park, Debenhams Playing Field, Oxstalls Campus & Plock Court Playing Fields, including on land currently occupied by the Former Bishops College, to include - the provision of new multi-use sports hall, 2 x 3G all weather sports pitches with associated 500 seat spectator stand, floodlighting, replacement cricket pavilion & additional parking; improved vehicular access at Oxstalls Lane, Plock Court & Estcourt Road, new vehicular access at Estcourt Close, improved pedestrian & cycling connections & associated highways, landscaping & ancillary works.

S106

28/07/2016

16/00202/CONDIT

BOBR

Land Adj 38 Beaumont Road Gloucester

Discharge of conditions 4 (materials), 6 (Landscaping), 7 (Boundary treatments), 13 (Cycle storage) of outline permission no.13/00695/OUT and Condition 2 (Drainage) of reserved matters approval No.14/00896/REM.

NPW

13/07/2016

16/00367/FUL		FEH
89 Park Avenue Gloucester GL2 0EQ		
Demolition of existing garage and carport and erection of two storey side extension and single storey rear extension and construction of new front door (amended description)		
G3Y	04/07/2016	
16/00640/FUL		AEROR
12 Redland Close Gloucester GL2 9DF		
Single storey front extension, two storey rear extension and single storey rear and side extension.		
G3Y	21/07/2016	
16/00748/NMA		AEROR
6 Rydal Road Gloucester GL2 0NT		
Change of design of extension end from hipped to gable roof of permission		
16/00017/FUL		
NOS96	13/07/2016	

Matson & Robinswood

16/00579/FUL		AEROR
25 Reservoir Road Gloucester GL4 6RW		
Single storey side and rear extension.		
G3Y	11/07/2016	
16/00581/FUL		AEROR
68 Marlborough Road Gloucester GL4 6GD		
First floor rear extension and rear dormer.		
REF	11/07/2016	
16/00643/FUL		AEROR
58 Marlborough Road Gloucester GL4 6GF		
Two storey side and rear extension.		
REF	15/07/2016	
16/00754/LAW		JONSU
18 Barleycroft Close Gloucester GL4 6JU		
Proposed single storey front extension		
REFREA	25/07/2016	

16/00758/NMA FEH
The Bungalow Sneedhams Green Gloucester GL4 6EQ
The addition of two velux sun tunnels and a velux in the north east elevation of the dwelling (rear of property) to serve the upstairs hall space. The addition of a velux window in the north east elevation of the dwelling, to serve the family bathroom. (Non material amendment to permission 15/01621/FUL)
NOS96 19/07/2016

16/00822/LAW JONSU
12 Barleycroft Close Gloucester GL4 6JU
Single storey orangery extension to rear
LAW 26/07/2016

Moreland

16/00529/FUL AEROR
45 Hartington Road Gloucester GL1 5TJ
Single story rear and side extension.
G3Y 01/07/2016

16/00577/OUT BOBR
18 Clevedon Road Gloucester GL1 4RN
Outline planning application for a 3 bed detached dwelling house (Appearance, Landscape & Scale reserved for future consideration)
GOP 20/07/2016

16/00584/FUL AEROR
73 Wilton Road Gloucester GL1 5NL
Single and two storey rear extension
G3Y 13/07/2016

16/00630/FUL AEROR
25 Frampton Road Gloucester GL1 5QB
Erection of two storey extension and demolition of existing garage
G3Y 29/07/2016

16/00721/FUL AEROR
212A Stroud Road Gloucester GL1 5LD
Two Storey Side Extension and Single Storey Side and Rear Extension
G3Y 29/07/2016

16/00781/DEM BOBR
4 Gladstone Road Gloucester GL1 5HW
Demolition of rear extension
RET 25/07/2016

Podsmead

16/00501/ADV ADAMS
Land At Former Gas Works Bristol Road Gloucester
Erection of 1 no. non-illuminated freestanding sign (removal of existing sign)
GA 20/07/2016

16/00518/FUL BOBR
7 Podsmead Road Gloucester GL1 5PB
Demolition of 7 Podsmead Road and the construction of seven dwellings,
associated access, parking & landscaping. (Alternative design to development
approved under planning permission no.14/01417/FUL)
G3Y 06/07/2016

16/00678/FUL AEROR
4 Podsmead Place Gloucester GL1 5PD
Single storey front, side and rear extension.
G3Y 25/07/2016

Quedgeley Fieldcourt

15/01455/FUL CJR
Land Adjacent To Highliffe Farmhouse Bristol Road Quedgeley Gloucester
Erection of one detached dwelling
G3Y 18/07/2016

15/01456/FUL CJR
Highliffe Farm 179 Bristol Road Quedgeley Gloucester GL2 4QL
Erection of detached garage with games room above.
G3Y 18/07/2016

15/01591/FUL JOLM
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Revised scheme for 130 dwellings including access roads and landscaping
(amended scheme and variation to conditions 1 and 2 of planning approval
10/00469/REM) for Area 4B3 on Framework Plan 4.

G2Y 19/07/2016

16/00496/CONDIT JOLM
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Discharge of condition 15 (archaeological work) of Planning Permission
13/00585/OUT for Framework Plan 5 employment area
ALDIS 21/07/2016

16/00537/FUL AEROR
39 Church Drive Quedgeley Gloucester GL2 4UW
First floor side extension
G3Y 05/07/2016

16/00568/CONDIT JOLM
Land To East West Of A38 And Naas Lane Quedgeley Gloucester
Discharge of condition 17(d) (remediation) of Planning Permission
06/01242/OUT relating to Area 4B2 on Framework Plan 4.
ALDIS 21/07/2016

Quedgeley Severnvale

15/01409/FUL CARLH

Caxton House 2 Kingfisher Rise Quedgeley Gloucester GL2 4XZ

Erection of single storey side extension (amended description)

G3Y 27/07/2016

16/00389/FUL AEROR

5 Longfield Quedgeley Gloucester GL2 3NQ

Dormer loft conversion.

G3Y 01/07/2016

16/00609/ADV BOBR

Former Orchard Olympus Park Quedgeley Gloucester GL2 4NF

2 No. Internally illuminated, flex-face signs the first to be sited over the front entrance to the unit and the second over the window on the side elevation.

GFY 15/07/2016

16/00667/FUL AEROR

74 The Causeway Quedgeley Gloucester GL2 4LD

Garage Conversion

G3Y 15/07/2016

Tuffley

16/00498/FUL BOBR

28 Tuffley Lane Gloucester GL4 0DU

Proposed conservatory to rear to allow for increase nursery numbers from 39 to 49 in total. (Resubmission of scheme previously approved under Planning permission no.09/00633/FUL).

G3Y 04/07/2016

16/00560/FUL AEROR
168 Reservoir Road Gloucester GL4 6SB
Single storey side extension
G3Y 06/07/2016

16/00571/FUL AEROR
10 Evenlode Road Gloucester GL4 0JT
Single storey rear extension
G3Y 11/07/2016

Westgate

16/00222/LBC CARLH
Coach House Pitt Street Gloucester GL1 2BG
Internal alterations to building to create IT suite; new windows over doors
and; installation of mechanical extract grill through door
G3L 06/07/2016

16/00462/LBC ADAMS
Unit B Biddle And Shipton Warehouse The Docks Gloucester GL1 2BY
Works to Grade 2 listed building - Internal partitions / finishes and installation of WC
G3L 05/07/2016

16/00541/LBC FEH
61 Southgate Street Gloucester GL1 1TX
Structural repairs and weather protection to avoid further deterioration of the
building fabric and improvements to the external elevations of 61 to 63
Southgate Street.
GLB 06/07/2016

16/00549/LBC	EDBAK
Flat 2 3 Spa Villas Montpellier Gloucester GL1 1LB	
Internal alterations including removal of stud partition between kitchen and lounge, creation of new kitchen partition, removal of stud partition in bathroom, repositioning of bedroom door opening, new boiler and new internal doors	
G3L	29/07/2016
16/00553/LBC	BOBR
Nat West 21 Eastgate Street Gloucester GL1 1NH	
Replacement of existing external ATM and removal of 1no. existing safe. (Alternative proposal to works approved under application 15/01561/LBC)	
G3L	07/07/2016
16/00554/FUL	BOBR
Nat West 21 Eastgate Street Gloucester GL1 1NH	
Variation of Condition 2 of planning permission no.15/00676/FUL to substitute approved drawing for revised drawing no.5615 L(1)1013_Revised and associated works.	
G3Y	07/07/2016
16/00625/FUL	BOBR
College Green Gloucester	
Variation of conditions nos. 3, 4, 5, 6, 7, 10, 11, & 12 of application nos.15/01094/FUL to allow for the development to be undertaken on a phased basis.	
G3Y	15/07/2016
16/00626/JPA	BOBR
Beatrice Webb House 75 - 81 Eastgate Street Gloucester GL1 1PN	
Prior approval for change of use from offices (B1) to residential (C3) to provide 27 apartments.	
AAPRZ	21/07/2016

16/00638/FUL AEROR

29 Brunswick Road Gloucester GL1 1JE

Finish off wall, adding 4 layers of bricks to the pillars, with pillar caps and iron fence in keeping with area

G3Y 26/07/2016

16/00642/FUL AEROR

7 Cromwell Street Gloucester GL1 1RE

Single storey rear extension.

G3Y 15/07/2016

16/00649/ADV ADAMS

Unit A Former Merchants Quay The Docks Gloucester

Erection of 1 no. fascia sign with halo illuminated lettering and logo and 2 no. externally illuminated projecting signs

GFY 11/07/2016

16/00654/DCC FEH

Gloucestershire County Council Shire Hall Westgate Street Gloucester GL1

Compliance with conditions 1 (Commencement), 2 (Prior Notification), 4 (Ecology), 5 (Demolition), 8 (Dust), 9 (Noise), 10 (Construction Management Plan) and 11 (Site Waste Management Plan) relating to planning consent 15/0122/GLREG3 dated 24/04/2016.

ALDIS 04/07/2016

16/00659/FUL ADAMS

The Fountain Inn 53 Westgate Street Gloucester GL1 2NW

Internal and external refurbishment of Grade II Listed Public House including enclosing existing timber porch and erection of an L shaped freestanding metal canopy.

WDN 25/07/2016

16/00660/LBC ADAMS

The Fountain Inn 53 Westgate Street Gloucester GL1 2NW

Internal and external refurbishment of Grade II Listed Public House including enclosing existing timber porch and erection of an L shaped freestanding metal canopy.

WDN 25/07/2016

16/00701/COU AEROR

Tesco Supermarket St Oswalds Road Gloucester GL1 2SR

The use of part of the store car park for vehicle hire and car servicing, along with erection of two associated portable buildings, and associated advertisement.

REF 26/07/2016

16/00702/ADV AEROR

Tesco Supermarket St Oswalds Road Gloucester GL1 2SR

Fascia And Other Signs

GFY 26/07/2016

16/00743/LBC BOBR

College Green Gloucester

Variation of conditions nos. 3, 4, 5, 6, 7, 10, 11, & 12 of application nos.15/01095/LBC to allow for the development to be undertaken on a phased basis

G3L 15/07/2016

DECISION DESCRIPTIONS ABBREVIATIONS

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

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