



# Gloucester City Council

## Planning Committee

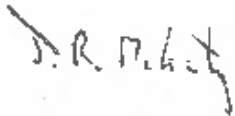
**Meeting: Tuesday, 1st October 2019 at 6.00 pm in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Taylor (Chair), Lewis (Vice-Chair), D. Brown, J. Brown, Dee, Derbyshire, Finnegan, Hanman, Hansdot, Hyman, Lugg, Toleman and Walford
<b>Contact:</b>	Democratic and Electoral Services 01452 396126 <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a>

### AGENDA

<b>1.</b>	<b>APOLOGIES</b>  To receive any apologies for absence.
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>  To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
<b>3.</b>	<b>MINUTES</b> (Pages 7 - 10)  To approve as a correct record the minutes of the meeting held on 3 <sup>rd</sup> of September 2019.
<b>4.</b>	<b>LATE MATERIAL</b>  Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day of the meeting.
<b>5.</b>	<b>PLOT J KINGSWAY GATE NEWHAVEN ROAD, QUEDEGELEY GLOUCESTER - 19/00058/FUL</b> (Pages 11 - 66)  <b>Application for determination:-</b>  Proposed development of a Class A1 (retail) food store along with associated, access, parking, landscaping, engineering and ancillary works.
<b>6.</b>	<b>GLOUCESTER QUAYS CHRISTMAS MARKET - 19/00755/FUL</b> (Pages 67 - 86)  <b>Application for determination:-</b>  Temporary use of land at Orchard Square Llanthony Road, High Orchard Street, Merchants

	Road, Victoria Dock and Mariners Square for the siting of an Ice Rink, Christmas Market, for the Christmas and New Year periods 2019/2020 to 2023/24 from 28 October until 18 January.
<b>7.</b>	<p><b>ST ALBANS ROAD GLOUCESTER - 19/00778/FUL</b> (Pages 87 - 94)</p> <p><b>Application for determination:</b></p> <p>Removal of the existing 20m lattice tower and replacement with a 25m lattice tower with 12 apertures, 1 x 0.3m dish antenna, associated equipment, 4 cabinets all within the existing compound, surrounded by a 1.8m high palisade fence.</p>
<b>8.</b>	<p><b>DELEGATED DECISIONS</b> (Pages 95 - 112)</p> <p><b>Person to Contact:</b> Group Manager, Development Services Tel: (01452) 396783</p>
<b>9.</b>	<p><b>DATE OF NEXT MEETING</b></p> <p>Tuesday 5<sup>th</sup> of November 2019.</p>



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

**Date of Publication: Monday, 23 September 2019**

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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### **HUMAN RIGHTS**

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

### **EQUALITY ACT 2010**

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

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## PLANNING COMMITTEE

**MEETING** : Tuesday, 3rd September 2019

**PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), D. Brown, Dee, Derbyshire, Finnegan, Hanman, Lugg, Walford and Hyman

**Others in Attendance**

Mella McMahon, Business Transformation Manager (Planning)  
Don Anyiam, Highways Development Manager, Gloucestershire  
County Council

Nick Johnathan, Solicitor, One Legal

Miranda Bopoto, Democratic and Electoral Services Officer

**APOLOGIES** : Cllrs. J. Brown, Hansdot, Hawthorne and Toleman

**1. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

**2. MINUTES**

The minutes of the meeting held on 6<sup>th</sup> of August 2019 were confirmed and signed by the Chair as a correct record.

**3. LATE MATERIAL**

Late material had been circulated in respect of agenda item 6.

**4. FORMER NEXT SITE QUEDGELEY DISTRICT CENTRE OLYMPUS PARK - 19/00537/FUL**

The Planning Officer presented the report which detailed an application to change the use of the former Next retail unit from Class A1 (retail use) to Class D2 (gym/health and fitness centre).

**PLANNING COMMITTEE**  
**03.09.19**

**Kevin Tudor, a Quedgeley Resident and Chair of the Quedgeley Community Trust addressed the meeting in opposition to the application.**

**Danny Simmonds, an agent from the RPS Group addressed the meeting in support of the application.**

The Planning Officer responded to Members' questions as follows: -

- There was no requirement for this District Centre to have 33% retail use, although this may have been the case in the past. Policy SD2 outlines the requirements which town centres must meet.
- The site was not allocated for employment use in any adopted plan.
- The proposed plans did not indicate a café within the gym. However, gyms tend to have vending machines, and the site location within a district centre means that there would be plenty of options nearby for refreshments.

Don Anyiam, Highways Development Manager at Gloucestershire County Council then addressed the Committee on the issue of parking. He stated that should permission be granted for the gym, parking would not be an issue. This is because peak times for the gym would not coincide with the peak times for the nearby retail premises.

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

**RESOLVED that;** - planning permission be granted.

**5. PLOT J KINGSWAY GATE NEWHAVEN ROAD, QUEDGELEY GLOUCESTER - 19/00058/FUL**

The Chair drew Members' attention to the addendum which had been circulated prior to the meeting. It contained an amended recommendation to defer application 19/00058/FUL to a later date. Deferring the application would allow for full consideration of a late representation received on the 2<sup>nd</sup> of September.

**RESOLVED that:** - application 19/00058/FUL is to be deferred to a later date.

**6. DELEGATED DECISIONS**

The schedule of applications determined under delegated powers during the month of July 2019 was noted.

**RESOLVED that:** - the schedule be noted.

**7. DATE OF NEXT MEETING**

Tuesday, 1<sup>st</sup> of October 2019 at 6.00 pm.

**PLANNING COMMITTEE  
03.09.19**

**Time of commencement: 6:00pm  
Time of conclusion: 6:22pm**

**Chair**

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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	1 <sup>st</sup> October 2019
Address/Location:	Plot J Kingsway Gate, Newhaven Road, Quedgeley Gloucester
Application No:	19/00058/FUL
Ward:	Kingsway
Expiry Date:	Time Extension Agreed to 4 <sup>th</sup> October 2019
Applicant:	Robert Hitchins Ltd
Proposal:	Proposed development of a Class A1 (retail) food store along with associated, access, parking, landscaping, engineering and ancillary works.
Report by:	Caroline Townley
Appendices:	Site location and site layout plan. Retail advice letter from Avison Young dated August 2019, letter from MRPP on behalf of Tesco Stores Ltd dated 2 <sup>nd</sup> September 2019 and supplementary retail advice from Avison Young dated 10 <sup>th</sup> September 2019.

### 1.0 **SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site comprises a vacant site of 1.4 hectares located off Newhaven Road. The site is a corner plot bounded by Newhaven Road to the east, the A38 along the western boundary, with Avionics House situated adjacent to the site's northern boundary. To the south the site is bounded by Naas Lane beyond which is the Park and Ride facility at Waterwells Business Park.
- 1.2 Historically there were several buildings and tennis courts on the site associated with the former use as an RAF base. The buildings have been demolished and the site has been cleared.
- 1.3 The surrounding area is characterised by a mix of retail and commercial units including Asda, Avionics House, a Public House, Doctors Surgery together with residential development and public open space.
- 1.4 The application site forms part of the wider former RAF Quedgeley site. The former RAF site comprises two areas of land located on the west and east side of the A38 to the south of City.
- 1.5 Outline planning permission for the redevelopment of the site was granted by the Secretary of State on the 26th June 2003 following a public inquiry in September and October 2001. The permission was for a mixed-use development including residential (2650 dwellings), employment uses (B1 and B8) on 20 hectares of land, two primary schools, a local centre, roads, footpaths, cycleways and public open space.
- 1.6 A further outline planning permission was granted by the Secretary of State for additional residential development including a primary school, roads, footpaths and cycleways, and public open space (providing an additional 650 dwellings to the total approved under the earlier outline planning permission to make an overall total of 3,300 dwellings) in 2007. A further permission was then granted under reference 13/00585/OUT to renew the outline permission in relation to the employment land.

- 1.7 The land currently permitted for employment uses is located to the south western end of the wider RAF Quedgeley development site adjacent to the A38, to the rear of existing residential properties in Naas Lane, and includes the current application site. The current application site forms part of Parcel J of Framework 5 and benefits from an extant planning permission for Class B1 and B8 Use.
- 1.8 The current application seeks full planning permission for a Class A1 (retail) food store, access, parking, landscaping, engineering and ancillary works.
- 1.9 The proposed development would comprise a Class A1 foodstore, car parking (140 spaces, 7 disabled and 9 parent and child spaces), servicing and landscaping. Lidl is named as the proposed operator. The proposed foodstore would have a gross internal floorspace of 2,125 sq. m (1,325 sq. m net) of which 80% (1,060 sq. m) would be for convenience goods and the residual 265 sq. m for comparison goods. Cycle parking would also be provided close to the store entrance beneath the store canopy. Access and egress to the store would be provided from Newhaven Road.
- 1.10 The application was deferred from the Committee on 3<sup>rd</sup> September to allow sufficient time for the consideration of the issues raised in a late objection received from MRPP on behalf of Tesco Stores Ltd.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00749/OUT	Application for Outline Planning Permission: Proposed residential development (2650 dwellings), employment development (20 hectares) and associated infrastructure, open space and community facilities.	GOP	26.06.2003
13/00585/OUT	Renewal of outline planning permission for the re-development of the former RAF Quedgeley site (00/00749/OUT) granted 26th June 2003 in relation to the employment area (20 hectares) on Framework Plan 5.	G3Y	03.11.2014

## 3.0 RELEVANT PLANNING HISTORY

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

### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 The NPPF includes relevant policy on;

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
- Requiring good design and 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



### 3.4 **Development Plan Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS (Main Modifications) include:

SP1 - The need for new development  
SP2 – Distribution of new development  
SD1 – Employment – Except Retail Development  
SD2 – Retail and City/Town Centres  
SD3 – Sustainable design and construction  
SD4 – Design requirements  
SD6 – Landscape  
SD8 – Historic Environment  
SD9 – Biodiversity and geodiversity  
SD14 – Health and Environmental Quality  
INF1 –Transport network  
INF2 – Flood risk management  
INF3 – Green Infrastructure  
INF5 – Renewable Energy/Low Carbon Energy Development  
INF6–Infrastructure delivery  
INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

### 3.6 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

### 3.7 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following "day-to-day" development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

S.4a –New Retail Developments outside of Designated Centres  
E.4 – Protecting Employment Land  
S.9 – New District and Local Centres  
S.10 –District Centres

### 3.8 **Supplementary Planning Guidance/Documents**

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

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

Gloucester City policies:

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

#### 4.0 **CONSULTATIONS**

- 4.1 **Highway Authority** – The site will not have a significant impact subject to a highway works agreement for the access and footway works and the inclusion of a number of conditions.
- 4.2 **Highways England** – No objection.
- 4.3 **Landscape Adviser** -The proposed landscape layout is acceptable. A landscape condition should be attached to any permission and should include a requirement to supply details of tree pits within hard areas including the use of a cellular system to increase the available root zone.
- 4.4 **Arboriculturist** – No objection. Happy with the proposed amendments and inclusion of extra trees.
- 4.5 **Ecology Adviser** – No objection subject to the inclusion of conditions.
- 4.6 **Contaminated Land Adviser** - Records indicate that the proposed development is located within part of the former RAF Quedgeley military site where contamination may be a significant issue. The submitted Geo-Environmental Report is considered to represent an appropriate contamination assessment with suitable conceptual site model. It is recommended that a condition is attached to any planning permission.
- 4.7 **Lead Local Flood Authority (LLFA)** – No objection is raised. The submitted Flood Risk Assessment and Drainage Strategy describes a suitable strategy for the control and management of surface water discharge in terms of both volume and water quality and demonstrates that the development will be safe from flood risk and will not increase flood risk elsewhere.
- 4.8 **Severn Trent Water** - No objection subject to the inclusion of a condition.
- 4.9 **Drainage Adviser** – Concurs with the comments submitted by the LLFA and is satisfied with the proposals in terms of attenuation and water quality. Pond 5, the basins where flows from this development site will be attenuated, was built some time ago, and there is nothing to review in terms of detail design. No objection subject to the inclusion of a condition requiring the submission, approval and implementation of a detailed drainage design.
- 4.10 **City Centre Improvement Officer (Environmental Protection)** – No objection subject to the inclusion of conditions restricting the hours of construction and the submission, approval and implementation of a Dust management Plan.
- 4.11 **Policy/Avison Young** – On the basis of the advice received from the City Council’s specialist retail consultant no policy objection is raised.
- 4.12 **City Archaeologist** – The site has been the subject to archaeological evaluation. That investigation has demonstrated that archaeological remains survive within the site. These remains may be associated with Iron Age and Roman settlement activity which has previously been identified to the south-east. The City Archaeologist is therefore concerned that the proposed development could damage or destroy archaeological remains within the site. It is therefore advised that a condition should be attached to any permission to make provision for a programme of archaeological mitigation.

- 4.13 **Strategic Infrastructure (Minerals and Waste Policy)** – The submitted Waste Minimisation Strategy (WMS) represents a reasonable initial response to Policy WCS2 (Waste Reduction) and affords a degree of confidence that the matter will be adhered to and the Waste Planning Authority does not consider it necessary for further information to be submitted at this time. To ensure that the waste minimisation is successfully implemented it is recommended that conditions are included on any planning permission.
- 4.14 **Urban Design Adviser** – False windows are not a considered design response and it is a shame that the design of the building is so rigid that it cannot be altered to respond to the context of the site. On balance, it is not considered that there is a design reason for refusal.
- 4.15 **Quedgeley Town Council** – Original comments:
- Include a condition which will require the provision of a pedestrian crossing in Newhaven Road to the store car park pedestrian crossing access and an additional pedestrian access from Naas Lane to improve access and safety of the community.
  - Request S106 contribution for the provision of improved Council facilities to enhance the services offered to the community in accordance with policies within the JCS INF6 and the NPPF.

Comments in relation to the amended plans:

- Request the provision of a pedestrian access from Naas Lane.
  - Request a Toucan crossing directly in line with the pedestrian walkways within the car parking area.
  - The NPPF states, safe and suitable access to the site to be achieved for all users and JCS Policy INF1, Transport Networks, requires all developments to provide connections, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to encourage maximum potential use and all opportunities are identified and taken, where appropriate, to extend and/or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.
  - Quedgeley Town Council do not believe that the above have been addressed by this new application and subsequently a decision should be delayed until an agreement has been reached about how they will be addressed.
- 4.16 **Gloucester Civic Trust** -Acceptable subject to negotiations on materials being satisfactory.

## 5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and press, and site notices were published.

5.2 Two letters of objection raising the following issues:

- The proposed site is close to a junction with no traffic calming which will put the local community at risk when trying to access the store.
- Question the need for another supermarket. The area is already served by Tesco (Express and Superstore), ASDA, Aldi and Farm Foods, which are all within the Quedgeley and Kingsway area. Lidl already have a presence locally on Eastern Avenue. Response to an online survey created to gain feedback demonstrates that there are clear concerns locally and suggestions for alternative uses that would be welcomed on the site including leisure facilities, school, Sainsburys, houses, B&M / Ikea, small business such as greengrocer, butcher and bakery.
- Request that a more detailed social and economic assessment is made of the proposed site by Robert Hitchins to assess what uses for this and the remaining sites will bring the biggest benefits to the local area. Need more detailed level of community engagement to understand local desire and opportunities to support and enhance the local community.

**Ecological impact.**

- Most trees are native species but have concerns regarding 3 of the species proposed.
- Concerned that tree maintenance / replacement is only guaranteed on the site for up to 5 years. Application also includes plans for the space on the additional plot of land opposite the roundabout and will take a significant amount of time to become established. Request that the timber fence is replaced with a hedgerow of whipping species that will require minimum maintenance.
- Disappointed that works have already begun to strip back trees / foliage on site. Witnessed some tree work taking place using a mechanical excavator in conflict with advice in the Arboricultural Impact Assessment.
- See no evidence of mitigation for the loss of habitat for birds and bats.

#### **Waste Minimisation**

- Waste Minimisation and Management Plan does not include some key points. No commitment or targets to minimise and reuse waste through the construction, operation or to encourage customers to make choices which minimise waste through choices in store and at home.

#### **Sustainable Transport**

- Travel Plan. Location is one of the furthest points in the area from residential dwellings and on a key route in and out of the area. It does not lend itself to encouraging sustainable travel choices by customers. No commitments to support employees in reducing car use. No commitment to reviewing the plan
- Traffic Assessment was undertaken in November 2017 and doesn't take into account the increased traffic flow due to additional or proposed development. Car parking is above parking standards which does not encourage sustainable travel choices, will lead to increased traffic in an already busy area and will undermine the travel plan.

5.3 An objection has been received from MRPP on behalf of Tesco Stores Ltd in relation to their 'Extra' superstore at Bristol Road, Quedgeley. The letter raises objections in relation to:

#### Sequential Test:

- The City Council's assessment and conclusions in relation to the Sequential Test.

#### Impact Assessment:

- The requirement for a Retail Impact Assessment and interpretation of retail policy and guidance as set out in the NPPF.
- The existing floorspace figures used for both the Tesco and Aldi stores and the impact this has on the benchmark turnover figures.
- The impact of the proposed Lidl store on the health of the District Centre as a whole (in terms of convenience goods and all goods turnovers). Failure to identify a total centre impact of 19% (convenience goods) which, in the context of: (a) the risk of a loss of linked trips to other services and facilities within the centre; (b) the extent of vacant floorspace; and (c) the implication for confidence and the re-letting of vacant premises, equating to a significant adverse impact.

A copy of the letter dated 2<sup>nd</sup> September 2019 together with the response from Avison Young dated 10<sup>th</sup> September 2019 are appended in full.

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

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

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

material considerations indicate otherwise.

- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
  - b) any local finance considerations, so far as material to the application; and
  - c) any other material considerations.

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

### ***Principle of Development***

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

### ***Retail Policies***

- 6.5 The proposed A1 retail use is defined as a main town centre use by the National Planning Policy Framework. Policy SD2 of the Joint Core Strategy sets out the requirements for new retail floorspace in Gloucester. The Policy identifies the Primary Shopping Area, primary and secondary frontages and the City Centre boundary, and which uses will be supported in the different locations. The application site is located outside of the City Centre boundary and primary shopping area boundaries.

- 6.6 Policy SD2 provides that proposals for A1 retail development located outside of the Primary Shopping Area will be assessed in accordance with the sequential test and impact test as set out in the National Planning Policy Framework and Planning Practice Guidance. This provides that proposals for retail and other main town centre uses that are not located in a designated centre, will be robustly assessed against the requirements of the sequential test and impact test. The Council has commissioned a retail consultant, Avison Young, to advise on the retail considerations and the consultant's advice is included in relevant sections of the report and appended in full to the report.

- 6.7 The current application is supported by the following retail information:
- Planning Statement
  - DPP Retail Assessment dated January 2019
  - DPP Supplemental Comments to Initial Retail Assessment dated June 2019
  - DPP letter dated 10<sup>th</sup> September 2019
  - DPP Impact Response Letter dated 16<sup>th</sup> September 2019.

### **6.8 Sequential Test**

The sequential test requires 'town centre uses' to be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. It follows that when considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre, (NPPF Section 7 – Ensuring the vitality of town centres, paragraphs 85-90). Assessments should be undertaken on a 'fascia blind' basis, i.e. based on the broad type of retailing proposed, rather than a particular occupier.

- 6.9 The application site lies outside of both the primary shopping area and city centre boundary as shown on the policies map of the JCS and any local/district centre as identified in the 2002 Local Plan. Consequently, there is a need to consider whether there are any suitable and available premises in sequentially preferable locations that can accommodate the proposal, taking into account the national policy requirement for flexibility in scale and format.

- 6.10 The applicant's approach to the assessment of alternative uses which focuses upon the

application proposal but also considers alternative scales and formats within reasonable boundaries has been accepted by the Council's retail consultants (Avison Young). The area of search for alternative sites suggests that the catchment of the proposed store is a 2 km radius from the application site which has been accepted on the basis of an analysis of the market share data provided by the household survey commissioned to inform the JCS Retail Study Update.

#### *Quedgeley District Centre*

- 6.11 There are currently two vacant units in Quedgeley District Centre comprising the former Next store and Brantano. The Next unit has ground floor area of 748sq m with a 703 sq. m mezzanine. Brantano has a ground floor area of 929sq m. This provides a total existing floorspace area of 2,400sq m with the potential for an additional mezzanine floor area in the former Brantano store. Whilst acknowledging the available floor area, the submitted Retail Statement prepared by DPP indicates that neither Lidl nor other foodstore operators trade from Mezzanine floors in stores of broadly the size proposed or smaller stores. This is acknowledged and agreed by the Council's retail advisor. It is noted by DPP that a small amount of the existing mezzanine floor in the former Next store could be utilised by some limited 'back of house' activity although the sales area and the majority of storage areas will need to be on the ground floor. This would result in a store which is 14% smaller than that proposed and which DPP acknowledge could be regarded as meeting the national planning policy requirement for flexibility.
- 6.12 DPP do, however, dismiss the vacant units as being unsuitable on the basis that it would provide a non-standard store which would result in operational difficulties together with limited car parking.
- 6.13 Planning permission was granted at Committee on 3<sup>rd</sup> September for the change of use of the former Next store to a gym (ref. 19/00537/FUL). The proposal would take both floors of the unit and it is understood that Energie Fitness are committed to occupy the unit. The result of this will be that the only vacant and 'available' unit in the District Centre would be the former Brantano store which is too small to accommodate the proposal, even allowing for flexibility.
- 6.14 The applicant has stated that the amount of car parking at the District Centre would be insufficient to serve the proposed new store. There are currently a total of 238 car parking spaces at Quedgeley District Centre with 176 provided in the main car park in front of the units, together with a further 47 spaces in the rear car parking area and 15 staff spaces. The total existing retail floorspace at the District Centre is 6,368 sq. m. On this basis the existing car parking ration is 1 space per 27 sq. m. The local car parking standards recommend that an A1 retail use should provide 1 space per 18 sq m gross floor area for a food store over 1000 sq m in size.
- 6.15 DPP state that the proposed Lidl store would have a parking requirement of 282 spaces (based on an operational capacity of 85% to allow for vehicular circulation). The provision of the proposed store would necessitate the loss of a number of the existing spaces in the rear service area and the requirement for an on-site trolley storage area and result in a total of 217 spaces being available which would equate to a shortfall of 65 paces (22%). The dimensions of the existing spaces are also below the standard applied by Lidl. It is clear from these figures that the availability of car parking spaces would be compromised and below the local recommended standards.
- 6.16 Avison Young agree with DPP that the overall scale of compromise which would be needed at for Lidl to operate from the District Centre is to an extent that would make it unsuitable.

#### *Kingsway Local Centre*

- 6.17 Kingsway Local Centre comprises a number of shops and services and there remain a number of undeveloped vacant plots, but it is agreed that these do not provide a suitable alternative to the application site.

### *Hunts Grove*

- 6.18 This centre is proposed as part of the urban extension to the south and is referred to in the outline planning permission and Policy SA4 of the adopted Stroud Plan. The policy notes that the centre should meet the day-to-day needs of the local Hunts Grove community as a whole. Avison Young advise that it is not 100% clear that Stroud District Council intend the new local centre to be a formal part of the 'town centre' hierarchy in the District but, like DPP, have assumed this to be the case for the purposes of our assessment. Avison Young agree with DPP that the local centre cannot be considered to provide a suitable alternative for the proposed store as the centre can only accommodate a foodstore of 1,115sq m gross. This is around half the size of the proposed store and therefore is not a broadly similar development proposal.
- 6.19 In advising the City Council Avison Young conclude that the proposed foodstore cannot be accommodated on any sequentially preferable sites in the catchment area and that the provisions of the development plan and national planning policy insofar as the Sequential Test is concerned has been met.

### **Original Retail Impact Assessment**

- 6.20 The NPPF states that impact assessments should be required for retail developments over 2,500 square metres or any local threshold for out-of-centre retail developments that are not allocated in a local plan. The Practice Guidance (PG) clarifies that this refers to "*the gross retail floorspace defined as the total built floor area measured externally which is occupied exclusively by a retailer or retailers, excluding open areas used for the storage, display or sale of goods*". The proposed floorspace is 2,125sq m gross. On this basis that there is not a locally set threshold for Gloucester there is no formal policy requirement for the applicant to provide an impact assessment. However, a proportional assessment has been undertaken to allow an assessment of the likely impact of the proposed new foodstore focussing on Quedgeley District Centre.
- 6.21 The three existing stores that will contribute the majority of turnover to the proposed store are the Aldi, Tesco Extra store at Quedgeley District Centre and the ASDA supermarket in Kingsway. It is predicted that these stores will both individually and cumulatively lose a large amount of trade as a consequence of the proposed new foodstore. The largest individual impact is predicted to be on Aldi with a loss of 31% of its turnover as a consequence of the proposed store at Kingsway. When considered cumulatively, the impact rises to -37% which is clearly a substantial loss of trade. Based upon the latest survey evidence, the cumulative effects of proposed and committed retail developments would turn a store which is trading well above its company average to a store which trades very close to its company average. Based upon this data, whilst this is a large loss of trade, there is no evidence to suggest that the future viability of the Aldi store would be threatened.
- 6.22 There is also predicted to be large loss of trade from the ASDA store at Kingsway (-28%) although this store is in an out-of-centre location and therefore is not protected by planning policy.
- 6.23 It is predicted that Tesco store would lose around 12% of its convenience goods turnover as a consequence of the proposal, which would increase to 13% when the impact of commitments is taken into account. Evidence suggests, however, that the turnover of the store would remain above the company average. Based on this data, Avison Young do not consider that there are obvious grounds for concern for the future viability of the Tesco store.
- 6.24 The other sources of trade diversion to the proposed foodstore, based upon the analysis by both DPP and Avison Young, are from out of centre stores and therefore the only remaining focus for the assessment is on Quedgeley District Centre.
- 6.25 The loss of Brantano and Next will have had a material effect on the overall health and attractiveness of Quedgeley District Centre recently. The Tesco and Aldi stores would appear,

based upon the latest survey data, to still be performing well (the Tesco store in particular) but the retail offer of the centre has, for the present time, been reduced with the loss of two significant retailers. Overall, Avison Young advise that if conditioned appropriately, the proposed new foodstore would have only a modest amount of comparison goods floorspace and is unlikely to have a material effect upon this sector in the District Centre notwithstanding the recent negative changes.

- 6.26 The other impact test relates to the impact of a proposal on existing, planned and committed town centre investment projects. It is agreed that there are no planned or committed investment projects in Quedgeley District Centre or other 'town centres' in the southern part of Gloucester which would be significantly impacted upon by the proposed foodstore,
- 6.27 Avison Young conclude that they do not consider that the proposed foodstore is likely to have a significant adverse effect upon the convenience goods sector in the District Centre (Aldi and Tesco). It is acknowledged that the impact assessment should relate to the centre as a whole and that the comparison goods sector in Quedgeley has experienced the loss of two retailers and experienced a significant drop in turnover. Whilst this will have affected the overall health of the centre, the proposed foodstore is unlikely to materially affect this element of the centre. On this basis Avison Young advise that it is not considered that there are grounds to refuse the application on the basis of the impact on Quedgeley District Centre.

**Response to the letter of objection from MRPP on behalf of Tesco in respect of Impact**

- 6.28 MRPP make two points in relation to the advice provided by Avison Young (AY) on the issue of retail impact. The first relates to errors in the amount of floorspace attributed to the Tesco and ALDI stores in Quedgeley district centre.
- 6.29 MRPP have misunderstood AY's reference to the ALDI store. AY has quoted the convenience goods sales area of that store and not the total sales area. As a consequence, AY agree with MRPP with the estimate of 950sq m for the total sales area of that store.
- 6.30 In relation to the Tesco Extra store, it is accepted that if there is a higher convenience goods sales area in that extended store it may lead to a higher benchmark turnover and that benchmark may be higher than the survey area derived turnover taken from the emerging JCS Retail Study. The applicant's agent, (DPP), acknowledge that the convenience goods sales floorspace figure of 3750m<sup>2</sup> referred to by MRPP is consistent with the corresponding figure provided as part of the then Tesco extension proposal in 2008. They note that MRPP have, taking into account the afore-mentioned floorspace figure and AY's latest survey-derived turnover for Tesco, identified that post-impact (allowing for relevant commitments), the Tesco store would trade at about £30 million – some 30% below the store's benchmark turnover of some £43 million.
- 6.31 Based upon their own analysis, MRPP indicate that an impact of -19% on the convenience goods stores combined in the district centre will equate to a significant adverse impact in the content of a centre which MRPP consider to be vulnerable.
- 6.32 When reaching an overall conclusion on the scale of impact on a centre reliance should not be placed just on the scale of financial loss. Wider factors need to be considered including its health over time and the retail sectors and land uses which are important to its health. The advice from AY acknowledges the loss of two comparison goods retailers in recent time and a drop-in comparison goods turnover. It is also acknowledged that this will have affected the centre although there is a proposal to introduce an alternative use to fill one of the vacant units. In addition, the proposed foodstore will be focused upon food sales and therefore any issues affecting the comparison goods sector are separate from the trading effects of the proposed store. MRPP have also confirmed that the Tesco Extra store will not close as a consequence of the Kingsway proposal. Therefore, whilst there will no doubt be an adverse impact upon the centre there is no evidence to suggest that it is vulnerable overall and will experience any



significant adverse effects. Indeed, the Tesco Extra store is a very popular store, selling a wide range of convenience and comparison goods, which the proposed Lidl store cannot. AY therefore do not consider there is any evidence to suggest that the diversion from the Tesco will have any particular knock-on impacts on the centre as a whole.

6.33 MRPP also argue that the impact test does apply to this proposal and indicate that:

“If a proposal is ‘likely to have’ significance adverse impacts, then it must be refused, irrespective of a particular threshold for assessment. In short, planning applications cannot hide behind this veil”.

However, the Planning Practice Guidance, updated earlier this year notes that

“The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority”

There is no locally-set threshold in the development plan for Gloucester and therefore the PPG indicates that the impact test does not apply.

### **Retail Policy Conclusion**

6.34 Avison Young has fully considered and assessed the objection submitted by MRPP on behalf of Tesco Store Ltd. As outlined above, the information submitted in support of the application demonstrates that there are no suitable sequentially preferable sites available and that the sequential test is passed. It is also accepted that the proposal would not have a significant adverse impact on any identified centre.

6.35 On this basis there are no outstanding retail planning policy objections to the application, and it is considered that the proposed development would accord with retail policies in the NPPF and Policy SD2 of the JCS.

### **Loss of Employment Land**

6.36 As set out in the planning history, the application has outline planning permission for employment use within Classes B1 and B8. The site is not, however allocated for employment use in any adopted plan.

## **Local and National Planning Policy**

### **Joint Core Strategy**

6.37 Policy SP1, ‘The Need for new development’ states:

*Criteria 1 ‘During the plan period, provision will be made to meet the needs for approximately 35,175 new homes and a minimum of 192 hectares of B-class employment land to support approximately 39,500 new jobs.’*

*Criterion 2 ‘This will be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch. This strategy aims to locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing carbon emissions from unsustainable car use.’*

6.38 Policy SP2, ‘Distribution of new development’ Criterion 9 states: *‘To support economic growth in the JCS area, the JCS will make provision for at least 192 hectares of B-class employment land. At least 84 hectares of B-Class employment land will be delivered on Strategic Allocation sites as detailed at Policy SA1. Any further capacity will be identified in District plans.’*

- 6.39 Policy SD1 'Employment – except retail development' sets out where employment development will be supported.

Paragraph 4.1.8 in the explanation of this policy sets out that allocations are made at the strategic allocations '*...in addition to the existing capacity of available employment land and any remaining land for previous development plan allocations within each authority area, extant planning permissions, as well as any employment land allocations that may be made through the City and Borough District Plans.*'

- 6.40 Paragraph 4.1.3 and 4.1.4 further state: 'In the NPPF, employment is considered in a wider sense than the traditional industrial, office and warehousing (B1, B2 and B8) uses. For example, uses such as retail, hotels, tourism, leisure facilities education, health services and residential care (referred to as non-B use classes) can also be large employment providers. This policy covers job generating uses such as business, industry and tourism. Retail and other uses, including those within use class 'A' are not covered by this policy and are dealt with in SD2. More detailed policies will be included in District Plans.'

- 6.41 In order to prevent the incremental loss of existing employment land to non-employment uses, and to ensure an adequate supply and choice of employment land and premises for the employment market, district level plans will contain policies to safeguard existing employment sites. These policies in District Plans will only permit changes of use in certain appropriate circumstances to be defined by those plans. This policy is intended to be read alongside these district plan policies when considering development proposals for any area.'

#### Gloucester City Plan 2017

- 6.42 The Gloucester City (GCP) plan is still emerging; it is intended the Pre-Submission version of the Plan will be consulted upon over the summer of 2019. The last published version of the Plan (Draft) included policies to protect employment land, including the application site. At present, given the stage of preparation, the GCP is given very little weight.

#### Second Deposit City of Gloucester Local Plan (2002)

- 6.43 This Plan reached an advanced stage of preparation and has been adopted by the Council for development control purposes. The majority of the policies have now been replaced by the Joint Core Strategy, but several remain of relevant, including Policy E.4 'Protecting employment land'. This policy states 'Planning permission will not be granted for new development that involves the loss of employment land unless the following criteria are met (1) The land has limited potential for employment and (2) The developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community.'

#### National Planning Policy Framework 2018

- 6.44 Paragraph 80 sets out '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.*'

- 6.45 Paragraph 121 further sets out that '*...authorities should also take a positive approach to proposals for alternative uses of land that are currently developed but not allocated for a specific purpose in plans, where it would help to meet identified development needs. In particular, support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.*'

### Local Evidence

- 6.46 The JCS policies were informed by a significant amount of evidence, prepared both before and during the public examination. The most pertinent of these documents are (1) Employment land assessment update (NLP, October 2015, EXAM138) and (2) JCS Economic Update Note (February 2016, EXAM 180). The latter was informed by a significant amount of debate at the examination and roundtable discussions with, amongst other participants, the Gloucestershire Local Enterprise Partnership. It interrogated, amongst other things, the amount of employment land available within each of the district areas in order to meet the 192-hectare requirement for B use employment land that is now in Policy SD1 (itself aligned with the needs set out in the LEP Strategic Employment Plan (SEP). For Gloucester City, it established that at the time, there were circa 20 hectares of employment land subject to a previous allocation or with extant planning consents, and a further seven hectares from other sites that would be considered for allocation through the GCP. Appendix 2 provides details of the sites that make up this figure and Section C of this (extant consents) includes 'Kingsway Framework 5' (00/00749/OUT) – the site subject to this proposal.
- 6.47 The JCS identifies this extant consent as a part of the supply of sites that supports the delivery of the 192 hectares of B use employment land. Equally, criterion 2 of Policy SP1 states 'This will be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch'. This was part of the rationale that allowed the tests of soundness to be passed and the JCS to be found sound.
- 6.48 The JCS therefore sets out a strong position in terms of the overall need for employment land and meeting the needs of the SEP. The NPPF is equally clear that in setting out its aspirations for building a strong and competitive economy. However, it is also important to understand what the demand for employment land is now and to ensure that the site is required and attractive for B class employment development. The applicant has submitted details of the length of time the site has been marketed, details of the marketing undertaken, and expressions of interest received. Their view is that the land has been marketed for a significant period of time and that there has not been any genuine interest in the land. However, it is also important to note that the 192 hectares of land is for B class employment and there are very few opportunities for this left in the city.
- 6.49 The information submitted indicates that an extensive period of marketing activity has been delivered for the site, stretching back to 2005 (prior to the completion of infrastructure works at Kingsway). This marketing information has been considered and reviewed by the City Growth and Delivery Officer.
- 6.50 Marketing literature in the form of development brochures have been produced for the site, the first of which was produced in 2007. In 2014 this was subsequently updated, with two 2016 revisions and another for 2017 (the one currently being used). The City Growth and Delivery Officer is satisfied that that the marketing of the site has been carefully considered and adjusted accordingly, to broaden its appeal to potential tenants. It should be noted that the past five years specifically has seen four separate revisions, and the design settled on in 2017 is considered to be of sufficient quality that no additional information could be added that would necessarily improve it. Indicative layouts for feasible development schemes have also been generated, again providing clear evidence that the marketing of the site has been appropriately structured to attract attention.
- 6.51 Website listings have also been completed and as such, the site has high visibility across property search websites.
- 6.52 The evidence submitted in relation to the interest received for the site since it has been marketed (in the case of four individual case examples) indicates that the marketing activity undertaken has

been of a sufficiently high standard to generate leads.

- 6.53 Overall, the City Growth and Delivery Officer is satisfied that the marketing activities undertaken for the site are enough to suggest that over a 12-year period clients should have been secured as long as there were no extenuating issues surrounding the site and its overall quality. The application site has enjoyed the benefit of outline planning permission for some years. The evidence submitted by the applicant in respect of the marketing of the site does indicate that, despite the existence of planning permission, it has not proven attractive to investors/companies. Whilst the development would not provide employment opportunities within use classes B1 or B8 it would provide a number of on-going employment opportunities in the retail market together with temporary employment generated during the construction phase. The applicant has indicated that it is envisaged that the store would provide approximately 40 jobs.
- 6.54 Overall, whilst the concerns of the local community are noted, it is considered that, given the lack of interest in the site despite long-term marketing, that the principle of the loss of employment land is acceptable in this instance.

### ***Design, Layout and Landscaping***

- 6.55 The NPPF emphasises the importance of high quality and inclusive design for all development. JCS Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design while Policy SD6 requires development to protect or enhance landscape character.
- 6.56 The proposed building would be sited towards the rear of the site set back from Newhaven Road behind the car park, with the delivery / loading area located to the southern elevation. Vehicular access to the site would be gained from Newhaven Road.
- 6.57 The originally submitted plans proposed a full height glazed shopfront to the northern elevation with the use of through coloured white render, contrasting grey plinth and horizontal insulated grey metal cladding at high level. The roof would be mono pitched falling away to the western boundary (alongside the A38 and would be formed with a metal composite panel system at a low pitch (approximately 4 degrees). The main roof would extend over the delivery area of the building to the south. The highest section of roof would be approximately 7 metres in height to the shop frontage.
- 6.58 Amended plans have since been submitted which have introduced red brick panels together with brick piers and aluminium framed glazed 'look-a-like' panels to the east elevation fronting the customer car park. The entrance and shopfront comprise full height glazing. The render has been retained to the side and rear elevations.
- 6.59 Existing trees would be retained along both the north and south of the site. The existing row of trees alongside the A38, outside the application site, will also be retained. Amended landscaping plans have also been received to introducing additional tree planting both within the car parking area and along the site boundaries. The Council's Tree Officer had detailed discussions with the applicant at the pre-application stage and the submitted landscaping plan proposes a good amount of retained trees together with additional mitigation tree cover. The landscaping scheme also proposes the introduction of a new native hedge around the perimeter of the car park which would add seasonal interest and benefit to wildlife. Overall there would be a net gain in tree cover across the site.
- 6.60 The site is well screened from most boundaries and the building would be set well back into the site. The scale and massing of the proposed units is what you would expect to see in this type of location. There is a good amount of landscaping proposed within the car park and along the roadside.

6.61 Overall the design, layout and landscaping of the proposed development would be of a design standard in keeping with the surrounding area and is considered acceptable.

### ***Traffic and transport***

6.62 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

#### Access

##### **Vehicular Access**

6.63 The proposed access illustrates that there is sufficient space for a delivery HGV swept path tracking in all directions and appropriate visibility splays into and out from the highway.

##### **Pedestrian / Cycle Access**

6.64 Cycle access to the proposed development would be available via the vehicle access. A footway is proposed along the northern side of the access road, which would connect to the existing footway on the western side of Newhaven Road. A second marked footway route is proposed through the car park from the store entrance to the existing footway on the western side of Newhaven Road with a tactile pedestrian crossing just south of the site access. The site vehicle access includes a pedestrian refuse island crossing for pedestrians north and south on the existing footway. These footway connections and crossings provide suitable pedestrian connections to the store.

##### **Bus Stops**

6.65 Plans originally included proposals to relocate and upgrade the existing bus stops along Newhaven Road. However, following recent notification that the public bus service (66) along Newhaven Road has been withdrawn these proposals are no longer required. The nearest alternative bus service runs alongside Rudloe Drive and Nass Lane to the south of the site. The route has been reviewed by the Local Highway Authority and it is considered that the existing stop facilities at the Waterwells Park and Ride facility off Telford Way have suitable facilities for staff and customers and no further works are required.

#### Layout

6.66 The access road to the proposed foodstore car park is 9m in width, which is sufficiently wide to allow two-way working between an articulated HGV and car along its length. The car park layout includes aisle widths between seven and ten meters, which would facilitate efficient movement of vehicles to/from parking spaces and reduce the likelihood of queuing back onto the local highway.

6.67 The loading bay for foodstore deliveries is located to the far side of the car park. The TA concludes that articulated HGV deliveries would be required to traverse the car park and store frontage, passing both disabled and parent/child spaces, to then use the car park space to reverse into the loading bay. This would result in potential conflict between HGVs, cars and pedestrians/cyclists within the site.

6.68 Overall, the Highway Authority has raised no objections to the layout on the basis that:

- the number of HGV trips at the site will be low, stated to be one or two per day;
- the Applicant has confirmed that a Delivery Management Strategy will be implemented to reduce the likelihood of conflicts between HGVs and other users, to include the store receiving advanced warning of the delivery being on approach and utilising a banksman to guide the delivery in. The applicant has advised that this is a Lidl policy for all deliveries at all UK sites;
- the layout is similar to that at the existing Lidl store at Eastern Avenue, also within

Gloucester;

- any alternative layout, especially options for the loading bay to be located to the north of the store building, could potentially create other conflict issues with the site access road. Whilst some conflict could be removed from the existing layout, it is possible that this is precluded by other non-transport design issues.

6.69 The Delivery Management Strategy would need to be included within the Delivery and Servicing Plan which can be secured by Planning Condition to mitigate against any likely conflicts between HGVs and other site users (vehicles, pedestrians and cyclists).

6.70 A footway is proposed along the access road to facilitate safe pedestrian access to/from Newhaven Road. The masterplan also shows a connection from Newhaven Road to the south of the vehicle access, running through the car park layout with zebra crossings provided to allow safe pedestrian movements through the car park.

### **Parking**

#### 6.71 Vehicle Parking

Although local car parking standards have been superseded by the NPPF, and therefore carry very little weight; the Highway Authority has used the local standards as a guide. The local car parking standards recommend that an A1 retail use should provide 1 space per 18 sq. m gross floor area for a food store over 1000 sq. m in size. Using these standards, the size of the proposed new store would require 123 spaces of which at least 5% of the parking being allocated as disabled parking. On this basis the Highway Authority is satisfied that the application provides suitable car parking provision. The site is also conveniently located to high quality public transport facilities which can provide an alternative mode of transport.

6.72 The proposed development includes provision for 140 car parking spaces of which 124 would be standard spaces, 9 (6.4%) would be parent and child spaces and 7 (5%) would be disabled access spaces. The TA states that this level of parking is proposed based on known operational requirements of similar stores nationwide and to prevent overspill parking onto the local highway network. The TA also points out that in all likelihood, future customers will complete trips using vehicles due to the nature of the proposed development and that an over-provision of spaces is not considered to be deterrent to sustainable travel to/from the development.

6.73 The level of parking proposed is considered acceptable for this development, however, there is still no electric vehicle charging included within the parking layout which is required in order to comply with NPPF paragraph 110 to enable electric and ultra-low emission vehicle charging encourages and maximising opportunities for sustainable vehicles especially given the government plans to ban petrol and diesel vehicles. Therefore, it is suggested that a minimum of 2% of the parking provision spaces with electric vehicle charging with charging infrastructure is required by condition. Based on the proposed parking provision this would equate to 3 electric charging spaces.

### **Cycle Parking**

6.74 Ten cycle parking spaces are proposed to be provided at the site, which the Applicant considers to be appropriate given the likely number of cycle trips associated with the proposed development. Cycle parking is to be located closer to the entrance lobby, which would benefit from natural surveillance. It is still not clear whether there is a distinction between short stay customer cycle parking and long stay staff cycle parking. A separate area for staff cycle parking away from publicly accessible areas is also considered to be necessary and can be secured by planning condition.

### **Travel Plan**

6.75 The NPPF Paragraph 111 states that all significant generators of traffic movements should be

required to provide a Travel Plan (TP). JCS Policy INF1 provides that applications may be required to be accompanied by a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.

- 6.76 The Department for Transport (DfT) defines a travel plan as “a long-term management strategy that seeks to deliver sustainable transport objectives through positive action”. Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.
- 6.77 A Workplace Travel Plan (WTP) has been prepared to accompany the planning application. Although not specifically stated, it is assumed that that Travel Plan is in Outline, as the site is not yet occupied. A Full TP is however considered to be necessary following the baseline travel surveys and this can be secured by an appropriately worded Planning condition.
- 6.78 Overall, the County Highways Officer considers that the content of the TP is reasonable, with specific comments made in this review where appropriate. Whilst it is right that the TP focuses on employees as this is where the greatest opportunity to influence travel patterns lies, the TP should refer to visitor travel to/from the development, mainly relating to customers. This should include the provision of information on sustainable travel options.

#### **Response to concerns raised by Quedgeley Town Council regarding pedestrian access arrangements**

- 6.79 The applicant’s Transport Consultant has provided additional information and calculations to assess and demonstrate the degree of conflict between pedestrians and vehicles. The submitted calculations have been checked for pedestrian and vehicle movements and the Highway Authority accept that the pedestrian crossing movements do not indicate the need for a controlled pedestrian crossing in Newhaven Road. There has been no recorded collision in the vicinity of the site frontage within the past 5 years and it is considered crossings north and south over Newhaven Road would be utilised additionally by pedestrian movements. On this basis it is concluded that the pedestrian crossing arrangements are acceptable in principle subject to a S278 highway works agreement and technical approval.
- 6.80 The request to provide pedestrian access via Naas Lane south of the site frontage has also been considered with the points raised by the applicant’s agent including land level differences, vegetation loss and potential conflict with service / delivery vehicle access for the store. The existing proposed access arrangements are considered sufficient to allow suitable access to the store for pedestrians given the location of the store entrance for a safe and suitable arrangement.

#### **Conclusion on Highway Matters**

- 6.81 In light of the above, the Local Highway Authority has recommended that no highway objection be raised, subject to the inclusion of a number of conditions being attached to any permission. On that basis it is considered that there are no highway objections to the proposals.

#### ***Residential amenity***

- 6.82 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.83 There are a number of residential properties located to the west of the A38 on Bristol Road. These properties are set back from the road, with traffic noise the main influence on the noise environment. The closest properties would be approximately 60 metres from the rear boundary of the proposed service yard. Noise from the external plant and deliveries are considered to be the main source of potential noise.

6.84 An assessment of the likely noise levels has been undertaken, which indicated that the daytime operations during the periods when the store would be operational would not result in any adverse noise impacts. Overnight, the assessment of noise from the operation of the external plant and potential deliveries indicated low levels of noise, which would be unlikely to result in any adverse noise impacts, when considered against relevant standards and guidance, including the NPPF.

6.85 The Environmental Protection officer has reviewed the submitted Noise Assessment and has raised no objection to the application subject to the inclusion of conditions to restrict the hours of work during the construction phase and the submission, approval and implementation of a dust management plan.

#### ***Drainage and flood risk***

6.86 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.87 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) and a Foul Water Assessment. The FRA concludes that the site is entirely in Flood Zone 1, (area at the lowest risk of flooding), and the proposed development would not be at risk of flooding from all sources. The site would be served by the approved Drainage Strategy for the wider RAF Quedgeley (Kingsway) site which deals with surface water and foul drainage. Pond 5, the basin where flows from this development site will be attenuated, was built some time ago. No objections have been received from the Lead Local Flood Authority or the Council's Drainage Engineer subject to the inclusion of a condition requiring the submission, approval, implementation and retention of a detailed drainage plan on the site.

#### **Land contamination**

6.88 Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination.

6.89 The site is part of the former RAF base and records indicate that contamination maybe present. The site investigation carried out across the site did not identify significant contamination and no exceedances of the commercial site assessment criteria were recorded. A single sample tested positive for asbestos fibres in an area to be located beneath the hardstanding of the main building and therefore does not require any further investigation.

6.90 A number of former landfills or areas of unknown filled ground were identified within 250 metres of the site, licensed to accept waste, including household waste. There are therefore potential risks from migration of landfill gas. Gas monitoring has been undertaken at the site as part of the ground investigation and as a result of this monitoring the Council's Contaminated Land Adviser concludes that gas protection measures will be required.

6.91 On this basis the Council's contaminated land advisor has recommended the inclusion of a condition.

#### **Ecology**

6.92 Policy SD9 of the JCS provides that the biodiversity and geological resource of the JCS will be protected and enhanced.

6.93 An Ecological Assessment report was submitted in support with the application and has been assessed by the City Council's Ecological Advisor. The trees on site have been assessed for



their suitability to support roosting bats and was found to be negligible. Nesting birds are likely to use the site and a condition is recommended to secure their interest.

6.94 The site is likely to be used as a foraging resource for common bat and bird species and it is recommended that retained habitat is improved with new planting to offset the loss of any habitat proposal for removal and that lighting is sensitively planned to prevent negative impacts on retained habitat.

6.95 The proposed landscaping includes a mixed species native hedgerow which together with the retention of the existing buffer around the site is welcomed.

#### ***Economic considerations***

6.96 The construction phase would support employment opportunities and therefore 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 weight to the case for granting permission.

6.97 It is estimated that the proposed new store would create up to 40 new jobs together with the short-term jobs associated with the construction period. Furthermore, the applicant considers that the proposals would deliver a sustainable development opportunity on a brownfield site which has lain vacant for a considerable number of years.

#### ***Other Issues Raised***

6.98 Quedgeley Town Council requested a contribution from the development for the provision of improved council facilities to enhance services offered to the community. This request does not meet the legal tests for a s106 obligations set out in the CIL Regulations as it is not directly related to the development or necessary to make the development acceptable in planning terms. The type of development proposed does not attract a CIL charge having regard to the Council's CIL charging schedule.

#### ***Conclusion***

6.99 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

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

7.1 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 application form, and drawing numbers 8737 PL01, 8737 PL03 Rev D, 8737 PL04, 8737 PL05 Rev D, C21723-01 T3 and 1706-22-SK02 Rev E except where these may be modified by any other conditions attached to this permission.

**Reason**

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

**Condition 3**

No building works hereby permitted shall be commenced until detailed plans for surface water drainage works 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 (SuDS). The approved surface water drainage details shall be implemented prior to the foodstore hereby permitted being brought into use and thereafter maintained thereafter for the lifetime of the development.

**Reason**

To ensure satisfactory drainage of the site and avoid 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 4**

Prior to the commencement of development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the foodstore hereby permitted being brought into use and thereafter maintained thereafter for the lifetime of the development.

**Reason**

In order to ensure that satisfactory drainage arrangements are provided and to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. 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 5**

No development or groundworks shall commence within the site until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. No development or demolition shall take place within the site other than in accordance with the agreed WSI, which shall include a statement of significance, research objectives, and;

- An archaeological impact assessment;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

**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 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 6**

No development, other than that required to be carried out as part of an approved scheme of remediation, shall commence until parts A to C 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 C has been complied with in relation to that contamination.

#### **A. 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.

#### **B. Implementation of Approved Remediation Scheme**

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 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.

#### **C. 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, and where remediation is necessary a remediation scheme must be prepared, 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 C.

#### **Reason**

In the interests of public health.

#### **Condition 7**

No development works above DPC level shall take place until details or samples of materials to be used externally on walls, roofs, windows and external doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### **Reason**

To ensure a satisfactory appearance of the development.

#### **Condition 8**

Notwithstanding the details submitted no development works above DPC level shall take place 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, planting numbers and a specification of the details for the tree planting pits. Drawings must include accurate details of all existing trees and hedgerows 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 that appropriate measures are in place to ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

### **Condition 9**

The landscaping scheme approved under condition 8 above 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 period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded 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.

### **Condition 10**

Notwithstanding the submitted details no development, shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees have been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) Fencing. Protective fencing must be installed around trees to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 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, siting 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. The TPZ shall be maintained during the course of development

### **Reason**

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

### **Condition 11**

Notwithstanding the submitted drawings, no development works above DPC level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatments. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained in a suitable condition.

### **Reason**

In the interests of visual amenity.

### **Condition 12**

Notwithstanding the submitted details, no development works above DPC level shall take place until details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

### **Reason**

To safeguard the existing value of biodiversity on and adjacent to the site to protect foraging bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework.

### **Condition 13**

Prior to the beneficial use of the development hereby permitted a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the lifetime of the development for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

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

### **Reason**

To secure biodiversity mitigation and enhancement.

### **Condition 14**

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the nesting bird scheme so approved.

### **Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and in accordance with Policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

### **Condition 15**

Notwithstanding the submitted Travel Plan, prior to occupation of the development hereby

permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out;

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process for a minimum of 10 years including employee questionnaire surveys,
- iv. means of funding of the travel plan including measures, travel plan co-ordinator, and monitoring with reports;
- v. an implementation timetable including the responsible body for each action.

**Reason**

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

**Condition 16**

Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities

**Reason**

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

**Condition 17**

Prior to occupation of the proposed development hereby permitted the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level in accordance with drawing 1706-22-SK02 Rev D.

**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 scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 18**

The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with drawing number 8737 PL03 Rev D and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 19**

A minimum of 3 parking spaces enabling electric or ultralow emission vehicle charging shall be provided within the site near to the store entrance, in accordance with approved plan ref.

**Reason**

In the interests of sustainable development.

**Condition 20**

Notwithstanding the submitted plans the development hereby permitted shall not be occupied until cycle storage facilities have been provided for both customers and staff in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle facilities so provided shall be maintained and be available for use for the lifetime of the development.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

**Condition 21**

The foodstore hereby permitted shall not be brought into use until a Delivery and Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The foodstore shall only operate in accordance with the Delivery and Service Management Plan so approved.

**Reason**

To minimise conflicts between vehicle and non-vehicular movements in accordance with paragraph 108 and 110 of the NPPF and Local Plan.

**Condition 22**

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

**Reason**

To protect the amenity of local residents.

**Condition 23**

Detailed measures relating to the minimisation and control of dust emissions from the preparatory groundworks, demolition and construction phases, in accordance with Guidance on the assessment of dust from demolition and construction - Institute of Air Quality Management (2014), shall be included in a Dust Management Plan (DMP). The DMP shall be submitted to and approved in writing by the Local Planning Authority prior to any groundworks/construction commencing and shall specify mitigation measures in respect of minimisation and control of dust emissions from the proposed development site.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenity of local residents

**Condition 24**

No above-ground development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise

overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

- i) Information on the type and amount of waste likely to be generated prior to and / or during the construction phase;
- ii) Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
- iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved.

### **Reason**

To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

### **Condition 25**

The foodstore hereby permitted shall not be occupied until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials that will not prejudice the delivery of a sustainable waste management system in line with waste hierarchy. The development shall be carried out in strict accordance with the details so approved.

### **Reason**

To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

### **Condition 26**

The gross internal floorspace of the approved building shall not exceed 2125 sq. m and the net sales floorspace shall not exceed 1325 sq. m. The proportion of the net sales area to be used for the sale of comparison goods shall not exceed 20% of the net sales floorspace without the prior written agreement of the Local Planning Authority.

For the purposes of this condition, the net sales floorspace means the area within the walls of the shop or store to which the public has access or from which sales are made, including display areas, fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including cafes and customer toilets.

### **Reason**

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a deep discount retail food-store.

### **Condition 27**

The development hereby permitted shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,500 individual product lines. No increase in the number of product lines shall be permitted without the prior express permission of the Local Planning Authority.



**Reason**

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a deep discount retail food-store.

**Note 1**

The upgrade works to the access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required with maintenance commuted sum to be confirmed unless secured under separate agreement. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

**Note 2**

The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

**Note 3**

GCC will seek to secure any necessary highways improvements by S278 and/or agreement for commuted sum and we would encourage early consultation on proposed mitigations and understanding that legal agreements will need to be supported by a bond. GCC will not support planning conditions for essential mitigation required as a result of development.

**Note 4**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

**Note 5**

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.

**Person to Contact:** Caroline Townley (396780)

Planning Application: | 19/00058/FUL

Address: | Plot J Kingsway Gate  
Newhaven Road Quedgeley  
Gloucester

Committee Date: |

## **Assessment of Retail Planning Policy**

Proposed Class A1 Foodstore, Plot J, Kingsway,  
Gloucester

August 2019

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# 1. Introduction

- 1.1 This report has been prepared by Avison Young ('AY') for Gloucester City Council ('GCC') in relation to a planning application for the development of a Class A1 foodstore and associated development on land at Kingsway in the southern part of the Gloucester urban area. The application is submitted by Robert Hitchins Ltd and proposes the development of a 2,125sq m gross foodstore along with the provision of 140 car parking spaces, landscaping, servicing and vehicular access arrangements. The foodstore is proposed to be occupied by Lidl.
- 1.2 The store will have a net sales area of 1,325sq m, with 80% (1,060sq m) being devoted to the sale of convenience goods and the remaining 265sq m used for the sale of comparison goods.
- 1.3 This advice report considers the relationship of the proposed foodstore against salient retail and town centre policies in the development plan for Gloucester and other material considerations such as the National Planning Policy Framework ('NPPF'). As will be set out in Section 2 of this advice report, the application site lies outside of any defined 'town centre' in Gloucester and therefore is required to be assessed against the sequential test. The scale of the proposed foodstore falls below the national threshold for requiring impact assessments although the applicant has provided such an assessment and our instructions from GCC are to undertake a review of this assessment to consider the likely effects on nearby 'town centres'.
- 1.4 The focus for our review of the applicant's case has been two documents. First, a Retail Assessment ('RA') prepared by DPP and dated January 2019. Second, a Supplementary Statement ('SS') also prepared by DPP and dated June 2019 which followed discussions between DPP and AY regarding the content of DPP's initial financial impact assessment.
- 1.5 In addition, our advice will refer to the contents of the Joint Core Strategy Retail Study 2011-2031 Update published in February 2016 ('the 2016 JCS Retail Study') and also the JCS Retail and City / Town Centre Review which is currently being prepared by AY for the three JCS Councils (Gloucester, Cheltenham and Tewkesbury).
- 1.6 The remainder of this report is structured as follows:
- Section 2 outlines the salient planning policy context for the proposal insofar as retail land uses are concerned;
  - Section 3 provides our assessment of the proposal's relationship with the sequential test;
  - In Section 4 we assess the proposed foodstore's likely effect on the health of, and investment within, defined 'town centres' across Gloucester; and
  - Finally, in Section 5 we provide a summary of our advice and our conclusions in relation to the relationship of the proposal to salient retail and town centre policies in the development plan and the NPPF.
- 1.7 All plans, statistical information and other documents referred to in the main text of this report are contained

## 2. Planning Policy Context

- 2.1 The development plan for the application site comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) ('JCS') and the 1983 Gloucester Local Plan. The latter plan has only two policies of relevance and these are not related to retail land use proposals. Therefore, the 1983 plan is not considered in detail in this section of our advice. In addition to the development plan, the February 2019 version of the National Planning Policy Framework ('NPPF') will be an important material consideration for this application, providing national planning policy on retail, leisure and main town centre uses. In addition, the draft Gloucester City Plan, which is currently in preparation and consulted upon in 2017, will also be a material consideration albeit one with limited weight at the present time.
- 2.2 Policy SD2 of the JCS is the most relevant policy insofar as retail and main town centre use proposals are concerned. The policy sets out the hierarchy of centres with Gloucester city centre at the top of the hierarchy along with Cheltenham town centre. The JCS requires an immediate review of the evidence base for retailing and town centres although pending that review the various boundaries and frontages for Gloucester city centre are set out on the policies map.
- 2.3 Policy SD2 notes that proposals for A1 retail development located outside of the primary shopping area, and for other main town centre uses where they are proposed in locations outside of the City Centre boundary, will be assessed in accordance with the sequential test and impact test as set out in the National Planning Policy Framework and Planning Practice Guidance. It goes on to note that proposals for retail and other main town centre uses that are not located in a designated centre, and are not in accordance with a policy in either the JCS or District plans, will be robustly assessed against the requirements of the sequential test and impact test, as set out in the NPPF and national Planning Practice Guidance, or locally defined impact assessment thresholds as appropriate.
- 2.4 The new version of the NPPF, published in February 2019, includes national planning policy on retail and main town centre uses in Section 7. It closely follows the approach of Section 2 of the 2012 version of the NPPF, remaining with two retail policy tests for retail land use proposals located outside of 'town centres' and not in accordance with an up to date development plan: the sequential test and the impact test.
- 2.5 Paragraphs 86 and 87 deal with the sequential test and note:

*"86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

*87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored".*

- 2.6 Paragraph 89 deals with the assessment of impact for retail and leisure proposals and notes:

*"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if*

*the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

*a) 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*

*b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)".*

- 2.7 Paragraph 90 provides clear guidance for local authorities where they conclude that either the sequential or impact tests have been failed:

*"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused".*

### 3. The Sequential Test

- 3.1 Given the location of the application site and the lack of a development plan allocation for the proposed use, there is a requirement for GCC to consider whether the proposal complies with the sequential test. In particular, there is a need to consider whether there are any sites or premises in sequentially preferable locations which can provide suitable and available alternatives to the application site. When considering alternatives there is a national planning policy requirement to demonstrate flexibility in relation to scale and format of proposals.
- 3.2 The applicant's assessment of the sequential test is contained in the introductory parts of Section 8 of the RA. The introductory part of the Section 8 outlines the applicant's approach to the sequential test and notes that:
- the Honiton Road Exeter Secretary of State decision and also the Tesco Dundee and Mansfield Court judgements are relevant to the application of the sequential test in this instance.
  - the catchment of the proposed store is 2km from the application site and therefore this should represent the area of search for alternative sites and premises.
  - The flexibility employed by the applicant is focused upon the same broad type of development whilst also being able to perform a similar role and function as the application proposal.
- 3.3 In relation the assessment of alternatives, we accept the approach adopted by DPP which focuses upon the application proposal but also considers alternative scales and formats within reasonable boundaries. It is not referenced by the RA or SS but the recent decision by the Secretary of State in relation to The Mall extension proposals at Cribbs Causeway are also relevant here. Both the Inspector and the Secretary of State noted that in order to be suitable, alternatives should be able to accommodate "a broadly similar development proposal".
- 3.4 In relation to the area of search for alternatives, paragraph 8.4 of the RA notes that the catchment of the proposed store is a 2km radius of the application site. No justification has been provided for this catchment and we consider that, in order to verify this assumption, reference should be made to data on the catchment of similar stores in the local area. We have therefore considered the market share data provided by the household survey commissioned to inform the JCS Retail Study Update and have focused in particular on the catchment of the ALDI store in Quedgeley which is considered to be a reasonable proxy for the application proposal. The market share data for this store shows that its primary catchment area for both main and top-up food shopping is focused upon Zone 5b of the study area (a plan of which is contained in Appendix 1 to the RA). As a consequence we consider that the selection of Quedgeley district centre, Kingsway local centre and Hunts Grove local centre to be reasonable for the purposes of this assessment.
- 3.5 In Quedgeley district centre there are, at the present time, two vacant units in the eastern part of Quedgeley district centre. These were formally occupied by Brantano and Next. The Next unit has ground and mezzanine floor areas whilst the former Brantano unit has just ground floor space. The ground floor of the Next store is 748sq m with a 703sq m mezzanine. The ground floor area of the former Brantano unit is 929sq m. This provides a total existing floor area of circa 2,400sq m with the potential for an additional



- mezzanine floor area in the former Brantano unit. The RA acknowledges these floor areas and contemplates what could be achieved if these units were to be amalgamated. DPP indicate that Lidl or other foodstore operators trade from mezzanine floors in stores of broadly the size proposed, a statement which we would agree with. On this basis, DPP note that a small amount of the existing mezzanine floor in the former Next unit could be utilised for some limited 'back of house' activities although the sales area and the majority of storage areas will need to be on the ground floor. This would lead to a store with a sales area which is 14% smaller than the proposed store which DPP acknowledge could be regarded as meeting the national planning policy requirement for flexibility.
- 3.6 DPP do, however, go on to dismiss the vacant units as being unsuitable on the basis that it would provide a non-standard store which would lead to operational difficulties along with the lack of car parking provision in the retail park for a foodstore alongside existing operators. The SS goes on to highlight the existing planning application proposing the change of use of the former Next unit into a gym which, if approved, would lead to the unit becoming unavailable.
- 3.7 We will leave the issue of the car parking accumulation to GCC and the County Council's highways department although we would agree with DPP that the scale of compromise which would be needed at the ground floor level is to an extent that would make it an unsuitable alternative. Moreover, approval of the gym application would make the site unavailable.
- 3.8 Kingsway local centre accommodates a small selection of shops and services and is surrounded by a number of vacant plots of land awaiting development. These have been considered as part of our assessment of the sequential test in relation to the nearby B&M/gym proposals at Kingsway and we consider that the same conclusion should apply – i.e. that they do not provide a suitable alternative to the application site.
- 3.9 The final centre is the new local centre at Hunts Grove. The centre will be provided as part of a large urban extension on the southern edge of the Gloucester urban area and is referred to in both the outline planning permission for this development and Policy SA4 of the adopted Stroud Local Plan. The policy notes that the centre should meet the day-to-day needs of the local Hunts Grove community as a whole. It is not 100% clear that Stroud District Council intend the new local centre to be a formal part of the 'town centre' hierarchy in the District but we, like DPP, have assumed this to be the case for the purposes of our assessment. We would agree with DPP that the local centre cannot be considered to provide a suitable alternative for the proposed store as the centre can only accommodate a foodstore of 1,115sq m gross. This is around half the size of the proposed store and therefore is not a broadly similar development proposal.
- 3.10 On the basis of the above analysis, we have reached the conclusion that the proposed foodstore cannot be accommodated on any sequentially preferable sites in the catchment of the proposal and therefore the provisions of the development plan and national planning policy insofar as the sequential test are concerned have been met.

## 4. Impact

4.1 Proposals for retail development outside of defined 'town centres' and not in accordance with a development plan are required to provide an impact assessment where they are over 2,500sq m gross or a locally set threshold. In this instance, the proposed foodstore extends to 2,125sq m gross and there is not a locally set threshold in the development plan for Gloucester. As a consequence, we agree with DPP's comment at paragraph 1.3 of the RA that there is no formal policy requirement for the applicant to provide an impact assessment. However, their assessment in Section 8 is to be welcomed as it allows an examination of the likely effects of the new foodstore on surrounding defined 'town centres'.

4.2 Our assessment of the two national impact assessment tests is outlined below.

### **Impact on town centre vitality and viability**

4.3 The focus of DPP's impact assessment for town centre vitality and viability is an assessment of the financial effects of providing the new store. In order to fully understand the DPP assessment reference needs to be made to both the RA and SS documents. The structure and content of the assessment is as follows:

- The assessment follows a standard step-by-step approach with the assessment of available retail expenditure within a defined study area and then applying market shares of existing stores and centres across the different zones of the study area to this available expenditure in order to estimate current store turnover levels. The assessment then turns to the trading effects of the proposed store by, firstly, calculating its likely turnover of the proposed store and then assessing from where this turnover will be diverted.
- The study area used for the impact assessment is the same as the study area used in the 2016 JCS Retail Study.
- Population and per capita retail expenditure in the DPP assessment has been taken from the JCS Retail Study with the SS updating the retail expenditure forecasts using the latest version of Experian's Retail Planner Briefing Note (No.15, published in December 2018).
- Market share data for existing stores and centres has been taken from the household survey commissioned to inform the JCS Retail Study.
- Given that there have been a number of new store openings and recent planning permissions granted since the completion of the JCS Retail Study household survey, DPP have provided a cumulative impact assessment which has been updated in the SS to take into account the recent approval of planning permission for a B&M store a short distance to the north of the application site at Kingsway.
- The impact assessment has been based on two scenarios, taking into account two different sales densities for the proposed foodstore.

4.4 In relation to the market share data from the 2016 JCS Retail Study, Section 6 of the RA provides a commentary on certain aspects of the household survey data. Specifically, DPP question whether the survey is under-estimating the market share of the ASDA supermarket at Kingsway given that it predicts a turnover of circa £5m. They also highlight a concern that the singular reference to the ALDI store on Bristol Road leads

to a study area derived turnover estimate of £35m and the possibility that the data is in fact referring to two ALDI stores: the one on Bristol Road in Quedgeley and the one close to Bristol Road near the Peel Centre and Gloucester Quays (and actually access via Clifton Road).

4.5 DPP also question whether it is correct for the survey to provide separate market share data for Quedgeley district centre in addition to the ALDI and Tesco Extra stores given that they are the only two stores in the centre. Finally, DPP note the absence of reference to the Tesco Express store in Kingsway local centre despite it being open prior to the household survey being conducted.

4.6 Based upon the above observations, DPP make some amendments to the turnover levels of some stores in Table 8 of their RA financial impact assessment (with the same process being undertaken in Table 9 of the SS); these being:

- Splitting the single ALDI Bristol Road turnover into two parts (Clifton Road and Quedgeley);
- Increasing the ASDA Kingsway store turnover to company benchmark turnover levels;
- Increasing the turnover of the Lidl stores on Bristol Road and Eastern Avenue due to their enlargement in recent years; and
- Inclusion of the Tesco Express store in Kingsway local centre.

4.7 Clearly these are judgements made by DPP and therefore we have referred to the content of the quantitative need assessment in the emerging JCS Retail Study Review which provides the following estimates for these stores:

- ALDI, Clifton Road - £12.1m
- ALDI, Bristol Road - £12.5m
- ASDA, Kingsway - £7.7m
- Lidl, Bristol Road - £11.1m
- Lidl, Eastern Avenue - £9.6m
- Tesco Express, Kingsway - £1.0m

4.8 These turnover levels are not the same as those used by DPP in the RA and SS financial impact assessments although they generally correct the errors perceived by DPP in the previous household survey. The one store which does appear to be trading at the low level is the ASDA at Kingsway, at £7.7m, which is higher than the previous survey/assessment although still well below the company benchmark used by DPP in the assessments.

4.9 The SS updates the RA by re-calculating the turnover of comparison goods shopping destinations using updated economic forecasts provided by Experian and also includes the recently permitted B&M store at Kingsway into the cumulative impact assessment. Finally, a second impact scenario is introduced which bases the likely trading effects of the proposed foodstore on the sales density which AY have been using

when assessing other proposed Lidl stores across the south of England. All of these updates appear to us to be reasonable and provide the following forecast levels of trade diversion to the proposed store:

*Table 4.1: DPP's forecast pattern of trade diversion to the proposed foodstore*

Store	Scenario A (lower Lidl sales density of £8,571/sq m)	Scenario B (higher Lidl sales density)
ALDI, Bristol Road	£1.84m	£2.18m
Lidl, Bristol Road	£1.15m	£1.36m
Lidl, Eastern Avenue	£0.69m	£0.82m
Morrisons, Abbeydale	£0.28m	£0.33m
Tesco Extra, Quedgeley	£2.63m	£3.10m
ASDA, Quedgeley	£2.31m	£2.72m
Farmfoods, Quedgeley	£0.05m	£0.05m
Tesco Express, Quedgeley	£0.05m	£0.05m
Other stores, Gloucester and elsewhere	£0.23m	£0.27m

4.10 In our opinion, DPP's scenario B is the more appropriate of the two scenarios insofar as the turnover of the proposed store is concerned as it is based upon the latest available national average sales density for Lidl.

4.11 However, we would perhaps question the prediction by DPP that the proposed Lidl store will divert more expenditure from the ASDA in Kingsway than the ALDI in Quedgeley. Whilst the ASDA is clearly the largest nearest supermarket, it has a low market share and the ALDI store is more of a direct competitor for the new Lidl. In addition, it is not that much further away from the proposed Lidl store at Kingsway.

4.12 In light of this factor, coupled with the availability of more up-to-date survey and turnover information for the stores listed above, we have undertaken our own assessment using that data and our own views regarding the pattern of trade draw to the proposed store. Normally, this assessment would also include predictions regarding the pattern of trade draw to the proposal (which is specifically mentioned in the PPG). However, given that there is no formal requirement for an impact assessment in this instance, we have followed DPP's lead and provided a proportionate assessment.

4.13 Our re-assessment of the pattern of convenience goods expenditure trade diversion to the proposed foodstore is contained at Appendix II to this report. The table is structured to contain the following information:

- The convenience goods study area derived turnovers of those foodstores which DPP consider will suffer some sort of trade loss.
- The forecast pattern of trade diversion to commitments, taken from the DPP SS document.
- Our own forecast pattern of trade diversion to the proposed new foodstore at the application site. This pattern of diversion provides a reaction to the DPP analysis by taking into account the market share and retail offer of competing facilities along with their location.

- Having considered the pattern of diversion to commitments and the proposed foodstore, Table A at Appendix II then provides an estimate of the solus and cumulative impacts associated with the proposed foodstore.
- 4.14 In relation to our forecast pattern of trade diversion to the proposed foodstore, we agree with DPP that the three existing stores which will contribute the majority of turnover of the proposed store are the ALDI and Tesco Extra stores in Quedgeley district centre and the ASDA supermarket at Kingsway. However, what differs in our analysis is the balance of diversion from each of these three stores. Based upon their location and retail offer, we agree with DPP that the Tesco Extra store in the district centre will contribute the highest amount of expenditure diversion and this is higher at 37% of the convenience goods turnover of the proposed store. However, in contrast to the DPP analysis, we consider that a much higher proportion of expenditure will be diverted from the ALDI store in Quedgeley. We consider that 32% (or £3.48m) of the proposed store's convenience goods turnover will be diverted from ALDI, a forecast which is based upon the direct competition between the stores and their proximity. As a consequence, the amount of diversion in our assessment from the ASDA store is lower at 19% of Lidl store turnover. This remains a substantial amount of diversion primarily based upon the proximity of the two stores although the low market share of the ASDA (along with the factors above) have led us to conclude that the amount of diversion from ASDA will be lower than predicted by DPP.
- 4.15 As a consequence of the above levels of diversion, Table A indicates that some stores, both individually and cumulatively, will lose a large amount of trade as a consequence of the proposed foodstore at the application site. The largest individual impact of the proposal will be on the ALDI foodstore in Quedgeley district centre. We predict that the ALDI will lose around one third (-31%) of its turnover as a consequence of the proposed store at Kingsway. When considered cumulatively, the impact rises to -37% which is clearly a substantial loss of trade. According to the 2016 JCS Retail Study, the ALDI store has a convenience goods sales area of 746sq m and when combined with the latest national average sales density for ALDI this provides a company average turnover for this store of £8.1m. Based upon the latest survey evidence, the cumulative effects of proposed and committed retail developments will turn a store which is trading well above its company average to a store which trades very close to its company average. Based upon this data, whilst this is a large loss of trade, there is no evidence to suggest that the future viability of the ALDI store will be threatened.
- 4.16 There is also predicted to be large loss of trade from the ASDA store at Kingsway (-28%) although this store is in an out-of-centre location and therefore is not protected by planning policy.
- 4.17 The other large impact from the proposed store is on the Tesco Extra supermarket in Quedgeley district centre. We predict that the Tesco store will lose around 12% of its convenience goods turnover as a consequence of the proposal, which will increase to 13% when the impact of commitments is taken into account. The company average turnover of this store is forecast to be £25.3m based upon the latest data provided by GlobalData and therefore the residual turnover of this store (as indicated by Table A at Appendix II) will remain above this benchmark level. On the basis of this data, we do not consider that there are obvious grounds for concern for the future viability of the Tesco store.

- 4.18 The other sources of trade diversion to the proposed foodstore, based upon the DPP analysis and our own analysis, are from out of centre stores and therefore the only remaining focus for our assessment is on Quedgeley district centre.
- 4.19 The SS provided by DPP introduces an updated assessment of the comparison goods turnover of Quedgeley district centre, which assesses the turnover to be £63.66m at 2018 and rising to £73.35m at 2022. These estimates are based upon the market share data informing the 2016 JCS Retail Study and updated comparison goods per capita retail expenditure forecasts provided by DPP. However, the work currently being undertaken by AY for the JCS Retail Study Update indicates that the comparison goods turnover of the district centre is £26.6m (at 2019). This is a significant difference and, in our opinion, it is difficult to see how the centre when fully occupied could achieve a turnover of circa £73m when the retailers at that time were Tesco, Next, Brantano, Matalan and Boots from a modest amount of floorspace (7,000sq m) which would suggest a sales density of circa £10,000/sq m. This would appear a very high performance level for a district centre of this size and the small number of retailers present. Moreover, whilst DPP acknowledge in their sequential test analysis that the Brantano retail has closed and the Next store has closed more recently in 2019, this has not been translated into DPP's impact assessment. As a consequence, DPP impact analysis does not appear credible in light of the available evidence and recent changes in occupation in the district centre. That said, the proposed foodstore will, if conditioned appropriately, have only a modest amount of comparison goods floorspace and is unlikely to have a material effect upon this sector in the district centre notwithstanding the recent negative changes.
- 4.20 Moreover, the loss of Brantano and Next will have had a material effect on the health and attractiveness of Quedgeley district centre over the past year. The Tesco and ALDI stores would appear, based upon the latest survey data, to still be performing well (the Tesco store in particular) but the retail offer of the centre has, for the present time, been reduced with the loss of two significant retailers. We acknowledge that the landlord of the retail park has applied to accommodate a gym in one of the vacant retail units but the contribution of such a use will depend upon GCC's analysis of the application.
- 4.21 As a consequence of the above, the applicant's analysis does not take account of the latest information regarding shopping patterns across Gloucester and does not take into account the recent changes in the land use occupation of Quedgeley district centre. As a consequence, we do not consider that the applicant has demonstrated that the proposed foodstore is unlikely to have a significant adverse impact upon nearby 'town centres' particularly Quedgeley district centre. This conclusion has to be balanced however with the planning policy situation where GCC cannot formally ask the applicant for an impact assessment for this proposal along with the PPG advice that: *"The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority"*. In addition, the main effect of the proposal on the centre is on the convenience goods sector which is unlikely to experience a significant adverse effect.

### **Impact on town centre investment**

- 4.22 The other 'impact' test is in relation to the impact of a proposal on existing, planned and committed town centre investment projects. The DPP assessment makes three particular points:
- There are no planned investment projects in Quedgeley which could be materially impacted upon by the proposal;

- In relation to existing investment, the DPP assessment focuses upon Quedgeley district centre ; and
- There is no adverse impact in relation to the delivery of the new local/neighbourhood centre at Hunts Grove<sup>1</sup>.

4.23 In relation to planned investment, we agree with DPP that there are no planned or committed investment projects in Quedgeley district centre or other 'town centres' in the southern part of Gloucester which could be significantly impacted upon by the proposed development. There is a current planning application for a gym in the vacant floorspace in Quedgeley shopping park but we do not consider the proposed foodstore will have any material effect on whether the landlord of the shopping park will be able to secure a tenant for this use.

4.24 In relation to existing investment in Quedgeley district centre, DPP's assessment focuses upon the potential closure of existing businesses and concludes that such an outcome is unlikely. The closure of major businesses in the centre such as Tesco and ALDI are unlikely and as a consequence their continued presence will not, in our opinion, have a material effect on existing investment by other businesses in the centre. Equally, due to their differentiated retail or service offer, there are unlikely to be any direct impacts on business sentiment from the proposed foodstore.

4.25 Finally, the DPP assessment discusses the potential impact of the proposed foodstore on the delivery of a new local centre in the Hunts Grove urban extension which is located on the southern edge of the Gloucester urban area. DPP note that the centre has not been delivered and, if/when delivered will provide a small foodstore which will concentrate upon a top-up food shopping role for a localised catchment. We consider that there are a number of factors to consider here. First, the delivery of the centre will be linked to the delivery of homes at Hunts Grove given that it's primary purpose is to serve these homes. Until such a time as there are enough homes at Hunts Grove to make a small foodstore / local centre viable then it is unlikely to be delivered. The proposed foodstore at Kingsway will not have a direct influence on this factor. However, secondly, the amount, attractiveness and proximity of competing stores may influence the ability to provide a foodstore at Hunts Grove. At the present time the stores which are likely to be attractive to Hunts Grove residents are the ASDA at Kingsway and the Tesco and ALDI stores at Quedgeley. The proposed Lidl store will add to this competition and be the closest store for Hunts Grove residents. We hold the view that the proposed Lidl store will have an influence on the timing of delivery of a foodstore at Hunts Grove however it should not be reason to resist planning permission for two reasons. First, we consider that the investment will still take place, just perhaps over the longer time period, and, secondly, the scale of the proposed Lidl store is under the national default impact assessment threshold.

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<sup>1</sup> A proposal which lies in the administrative area of Stroud District but which generally has an effect on stores and centres in the urban area of Gloucester

## 5. Summary and Conclusions

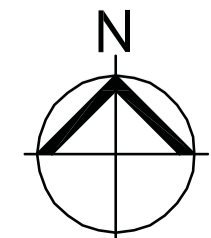
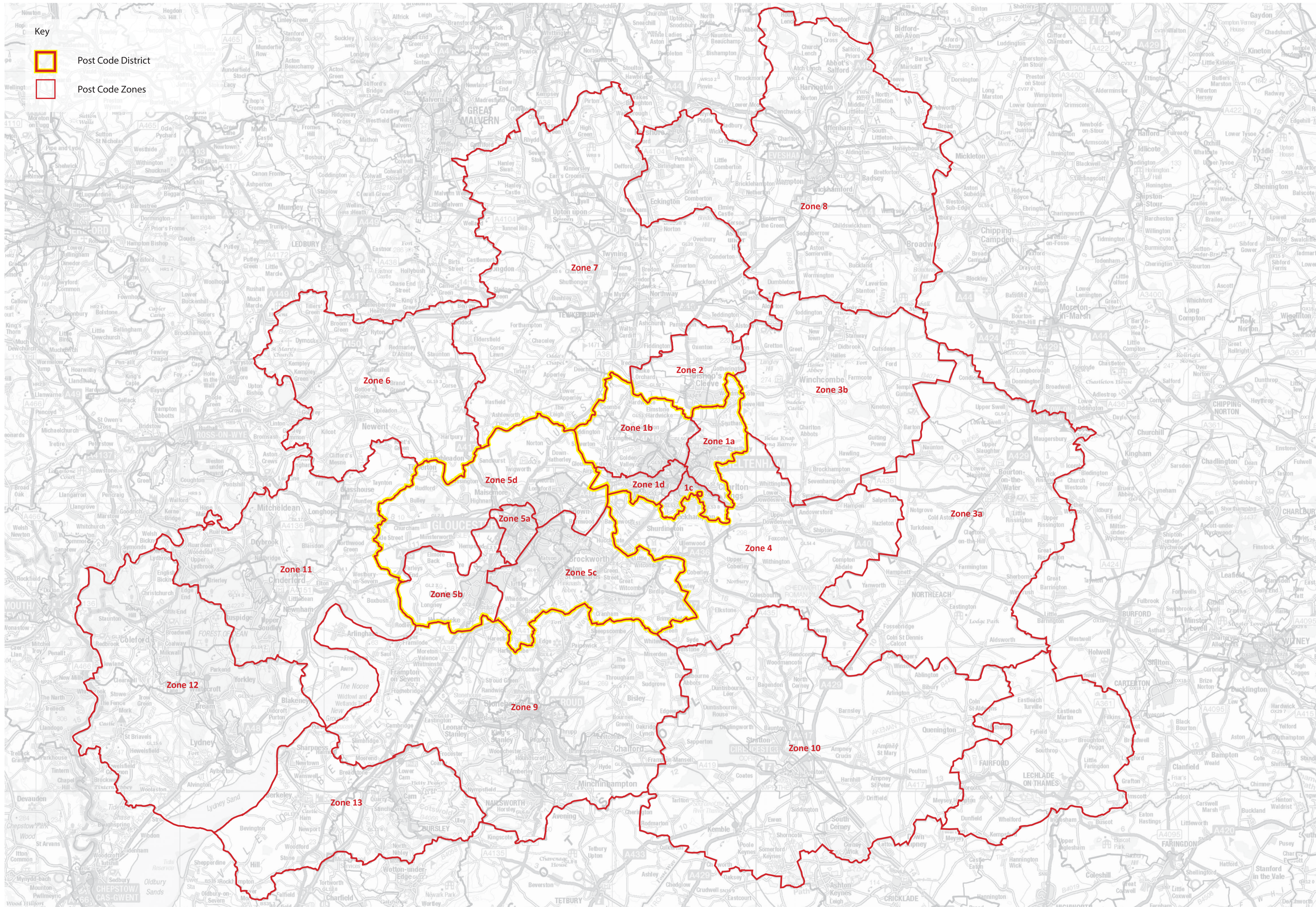
- 5.1 This report has been prepared by Avison Young for Gloucester City Council in relation to a planning application for the development of a Class A1 foodstore and associated development on land at Kingsway in the southern part of the Gloucester urban area. The application is submitted by Robert Hitchins Ltd and proposes the development of a 2,125sq m gross foodstore along with the provision of 140 car parking spaces, landscaping, servicing and vehicular access arrangements. The foodstore is proposed to be occupied by Lidl. The store will have a net sales area of 1,325sq m, with 80% (1,060sq m) being devoted to the sale of convenience goods and the remaining 265sq m used for the sale of comparison goods.
- 5.2 This advice report considers the relationship of the proposed foodstore against salient retail and town centre policies in the development plan for Gloucester and other material considerations such as the National Planning Policy Framework ('NPPF'). Given the location of the application site there is a need for the proposal to be assessed against the sequential test. The assessment of alternatives has focused upon the primary catchment area of the proposed store and considered whether there are any suitable and available alternative sites or premises in sequentially preferable locations. These locations are Quedgeley district centre, Kingsway local centre and the new local centre at Hunts Grove. Whilst there is available land and premises in each of these centres none can provide an alternative location to accommodate a broadly similar proposal to the application proposal. As a consequence, we consider that the proposed development meets the provisions of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF.
- 5.3 Retail development proposals such as this which lie in out of centre locations may also be subject to an assessment of their impact on the health of, and investment within, defined 'town centres' depending upon their scale. In this instance the scale of the proposed foodstore is below the national default impact assessment threshold and therefore there is no formal requirement for the applicant to provide an impact assessment. The applicant has nevertheless provided a proportionate assessment which we have reviewed, with the focus being on Quedgeley district centre. We have found that it has a number of shortcomings but when the data which has been gathered for the JCS Retail Study Update is used, we do not consider that the proposed foodstore is likely to have a significant adverse effect upon the convenience goods sector in Quedgeley district centre (i.e. the ALDI and Tesco stores). It is to be acknowledged that the impact test should relate to town centres as a whole and the comparison goods sector in Quedgeley has experienced the loss of two retailers in recent times and experienced a significant drop in turnover. This will have affected the overall health of the centre although the proposed foodstore is unlikely to materially affect this element of the centre. As a consequence, we do not consider there are grounds to resist this application on the basis of its impact on Quedgeley district centre.



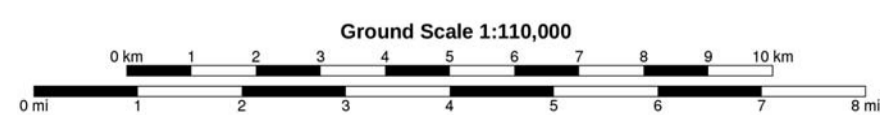
# Appendix I

## Study Area





Not to Scale



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Drawing name: Study Area and Survey Zones Plan  
 Revision: Rev A

Drawing number: C10165.15.900  
 Project: Cheltenham Cloucester and Tewkesbury JCS Retail Study 2015  
 Date: 29.07.15





# Appendix II

## Financial Impact Assessment

**TABLE A: CONVENIENCE GOODS IMPACT OF THE PROPOSED FOODSTORE**

Store	Pre-Impact Turnover	Diversion to Commitments	Residual	Diversion to Proposed Store (£m)	Residual	Solus Impact	Cumulative Impact
	(£m)	(£m)				(%)	(%)
ALDI, Bristol Road	£12.50	£1.10	£11.40	£3.48	£7.92	-30.5%	-36.7%
Lidl, Bristol Road	£11.10	£0.90	£10.20	£0.76	£9.44	-7.5%	-15.0%
Lidl, Eastern Avenue	£9.60	£1.54	£8.06	£0.22	£7.84	-2.7%	-18.3%
Morrisons, Abbeydale	£31.90	£1.32	£30.58	£0.11	£30.47	-0.4%	-4.5%
Tesco Extra, Quedgeley	£34.70	£0.44	£34.26	£4.03	£30.23	-11.8%	-12.9%
ASDA, Quedgeley	£7.70	£0.25	£7.45	£2.07	£5.38	-27.7%	-30.1%
Farmfoods, Quedgeley	£0.80	£0.00	£0.80	£0.05	£0.75	-6.8%	-6.8%
Tesco Express, Quedgeley	£1.00	£0.00	£1.00	£0.05	£0.95	-5.4%	-5.4%
Other stores, Gloucester and elsewhere				£0.11			
				£10.88			

**Notes:**

Pre-impact turnover levels taken from draft JCS Retail Study Update

Diversion to commitments taken from DPP assessment.

Diversion to proposed store based on Avison Young forecasts taking into account the retail offer and location of competing stores.

Our Ref:  
Your Ref:

10<sup>th</sup> September 2019

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Dear Adam

**Proposed Class A1 foodstore and associated development, Lidl, Kingsway, Gloucester**

I write, as requested, to provide supplementary advice on retail planning policy issues associated with a planning application for the above. This letter responds to a number of points raised in a letter dated 2<sup>nd</sup> September 2019 from MRPP on behalf of Tesco Stores Ltd which takes issue with part of the content of our advice to the City Council on this application and the content of the case officer's report to planning committee two weeks ago.

The MRPP letter raises points in relation to the sequential and impact policy tests and we deal with each in turn below.

*The sequential test*

The main complaint raised by MRPP is not in relation to AY's advice report but is instead directed towards the content of the committee report. It is suggested that advice provided by AY is *"not taken further in the Committee Report, raising the risk that permission may be granted where there is, potentially, a sequentially preferable site"*. The site being referred to here is two adjacent vacant units (formerly occupied by Next and Brantano) in Quedgeley district centre.

Three issues are raised by MRPP:

- That the Council must be satisfied that vacant floorspace in Quedgeley is unsuitable via unacceptable compromises to the format of the unit.
- The absence of advice from the applicant and/or County Council on the acceptability of the level of car parking in this part of the district centre.
- Finally, that the committee report fails to advise members of the planning committee *"on the materiality of the decision to be made by the planning committee on application 19/00537 (change of use of the 'Next unit to a gym)"*.

Avison Young is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB

Regulated by RICS

Paragraph 6.12 of the committee report clearly makes reference to the gym application in the district centre and the implications that the approval of that particular application will have<sup>1</sup>. It may be useful, however, for any committee update report to make it clear, for the avoidance of doubt, that approval of that application is likely to lead to a considerable amount of the vacant space to become unavailable for retail use and thus leaving only the Brantano unit which is clearly too small to accommodate the proposal<sup>2</sup>. In this scenario, which has been confirmed by the recent resolution to grant permission for the gym application, the Next/Brantano unit combination has now become unsuitable and unavailable.

Notwithstanding the above clear conclusion, in relation to the issue of parking, I will leave it to GCC officers to decide whether they need the input of the County Council, however MRPP are incorrect to suggest that the applicant has not provided any 'advice' to the City Council. The Retail Assessment submitted by the applicant does provide a lengthy section on this issue and whilst we have suggested that the input of the County may be useful, there is no reason why City Council officer cannot reach their own conclusions on this issue.

### Impact

MRPP make two points in relation to the advice provided by AY on the issue of retail impact. The first relates to errors in the amount of floorspace attributed to the Tesco and ALDI stores in Quedgeley district centre.

For the avoidance of doubt, MRPP have mis-understood our reference to the ALDI store. We have quoted the convenience goods sales area of that store and not the total sales area. As a consequence, we would agree with MRPP with the estimate of 950sq m for the total sales area of that store.

In relation to the Tesco Extra store, we accept that if there is a higher convenience goods sales area in that extended store it may lead to a higher benchmark turnover and that benchmark may be higher than the survey area derived turnover taken from the emerging JCS Retail Study. However, this should be subject to further assessment from the applicant and we recommend that further information is provided.

Based upon their own analysis, MRPP indicate that an impact of -19% on the convenience goods stores combined in the district centre will equate to a significant adverse impact in the content of a centre which MRPP consider to be vulnerable.

When reaching an overall conclusion on the scale of impact on a centre reliance should not be placed just on the scale of financial loss. Wider factors need to be considered including its health over time and the retail sectors and land uses which are important to its health. Our advice report acknowledges the loss of two comparison goods retailers in recent time and a drop in comparison goods turnover. We acknowledge that this will have affected the centre although there is a proposal to introduce an alternative use to fill one of the vacant units. In addition, the proposed foodstore will be focused upon food sales and therefore any issues affecting the comparison goods sector are separate from the trading effects of the proposed store. MRPP have also confirmed that the Tesco Extra store will not close as a consequence of the Kingsway proposal. Therefore, whilst there will no doubt be an adverse impact upon the centre there is no evidence to suggest that it is vulnerable overall and will experience any significant adverse effects. Indeed, the Tesco Extra store is a very popular store, selling a wide range of convenience and comparison goods, which the proposed Lidl store cannot. We therefore do not consider there is any evidence to suggest that the diversion from the Tesco will have any particular knock-on impacts on the centre as a whole.

---

<sup>1</sup> We note that the gym change of use application has been placed earlier on the agenda which we consider is the best way to proceed as approval will have material implications for the suitability of the former Next unit in the district centre

<sup>2</sup> Ground floor area of 948sq m gross. There is the potential to construct a mezzanine floor in this unit but for reasons explained by DPP and accepted by AY is to not generally possible to viability trade from mezzanine floors for the size of the foodstore proposed in this application (particularly in relation to food sales).

MRPP also argue that the impact test does apply to this proposal and indicate that:

*"If a proposal is 'likely to have' significance adverse impacts, then it must be refused, irrespective of a particular threshold for assessment. In short, planning applications cannot hide behind this veil".*

However, the Planning Practice Guidance, updated earlier this year notes that

*"The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority"*

There is no locally-set threshold in the development plan for Gloucester and therefore the PPG indicates that the impact test does not apply.

I trust that the contents of this letter provide you with the information you require. However, if you have any queries, or require additional advice, then please do not hesitate to contact me.

Yours sincerely



**Matthew S Morris**  
**Director**  
**0117 9885334**  
**matthew.morris@avisonyoung.com**  
**For and on behalf of**  
**GVA Grimley Limited t/a Avison Young**

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Our Ref: 2995/MY/20190830

2<sup>nd</sup> September 2019

Mr David Evans  
City Growth and Development Manager  
Gloucester City Council  
PO Box 3252  
Gloucester, GL1 9FW

**MRPP**

**MARTIN ROBESON  
PLANNING PRACTICE**

*Town Planning Consultants  
Development Advocacy*

21 BUCKINGHAM STREET  
LONDON WC2N 6EF  
TELEPHONE: 020 7930 0007  
FACSIMILE: 020 7930 4049

Dear Mr Evans,

**PROPOSED LIDL SUPERMARKET (CLASS A1)  
LAND AT PLOT J, KINGSWAY GATE, NEWHAVEN ROAD, QUEDGELEY  
PLANNING APPLICATION REF: 19/00058/FUL**

We act on behalf of Tesco Stores Ltd in relation to their 'Extra' superstore at Bristol Road, Quedgeley, and have been monitoring the above application. We wish to object to several aspects of the application, and also to aspects of the Council's assessment thereof, as set out in its Report to the Planning Committee for the meeting of 3<sup>rd</sup> September 2019.

Tesco in Quedgeley

Our client's superstore at Severn Vale Shopping Centre first opened for trade in September 1984. This is a 'full offer' store, providing a wide range of fresh and other food counters, along with other retail services, including ATMs, Timpson, Vision Express, Rug Doctor, travel money bureau and phone shop, etc. The store also provides a Pharmacy, Café and Petrol Filling Station, alongside 'Click & Collect' facilities. Planning permission for a substantial extension was granted in January 2010, taking the total sales area of the store to 5,779m<sup>2</sup>. The permission also provided for the creation of six small retail units. Occupiers presently include TSB, Bernardos, Coral and The Post Office.

Our clients' store plays an important role in the community, both in terms of providing a wide range of retail facilities but also generating substantial local employment. The store is acknowledged as anchoring the commercial centre of Quedgeley and falls wholly within the designated District Centre here, affording it the full protection of relevant retail policies.

Planning Policy Environment

By contrast, the proposed Lidl supermarket comprises a main town centre use in an out-of-centre location, not in accordance with an up-to-date development plan. As such, local and national policy provisions require the proposal to undergo and pass the sequential test. Furthermore, although the proposed development falls below the national threshold for retail impact (2,500m<sup>2</sup>), Paragraph 90 of the NPPF is clear that where development is 'likely' to have significant adverse impacts, it should be refused; this applies, even where the proposal is below the threshold.

It is unusual, in the circumstances, that the Council's consultant, Avison Young (AS), who has separately been instructed by the Council to advise on locally set thresholds for retail assessment, and who has advised that Lidl's application raises a number of issues and concerns, should not have advised the Council to press the applicant to provide a fuller and more detailed quantitative assessment. Indeed, AS appear to not '*go the extra mile*' merely because the application is below the national impact threshold. But that is to misconstrue retail policy and guidance. If a proposal is 'likely to have' significance adverse impacts, then it must be refused, irrespective of a particular threshold for assessment. In short, planning applications cannot hide behind this veil.

Irrespective of AS' conclusions (which we say generate, in any event, sustainable reasons for refusal), we now demonstrate a number of flaws in their review of the application and also the failure of officers to properly present their conclusions to Members.

### The Sequential Approach

The advice given by AS in respect of the sequential test has not translated into appropriate advice to the Planning Committee. AS advise that the vacant units at Quedgeley Retail Park (formerly Next and Brantano) amount an appropriate scale to accommodate Lidl's requirement but that the degree of comprise at ground floor level would make it unsuitable. AS also advise that approval of an application for the change of use of one of these units (to a gym) would appear to render the site unavailable. Further, they recommend that the County Council provide further advice in respect of available parking.

Yet these three issues are not taken further in the Committee Report, raising the risk that permission may be granted where there is, potentially, a sequentially preferable site. Thus, the following matters become relevant:

- On suitability, the Council must be satisfied that there are, indeed, unacceptable compromises. This requires an appraisal of the retailer's operating model and of the appeal and case law precedent which defines the application of policy in this regard;
- Also on suitability, the Council requires advice in terms of the level of parking which can be made available to serve the vacant retail units. We have been unable to identify such advice, whether from the applicant or County Council; and
- On availability, the Committee Report fails to advise Members on the materiality of the decision to be made by the Planning Committee on application 19/00537/FUL (change of use of the 'Next' unit to a gym).

Clarification is required on each of these matters before the Committee can properly reach a decision on the sequential approach.

### Retail Impact Assessment

Whilst we endorse AS having prepared its own assessment (rather than merely reviewing the work of the applicant's agent) we are concerned that, having found a number of issues and concerns, AS do not then investigate these further, on the basis that policy does not support the local authority seeking a more detailed assessment. This is a wholly incorrect interpretation of policy and one heightened by a number of deficiencies within the work undertaken by AS, as follows:

1. Both DPP and AS fundamentally underestimate the scale of our client's store and thus are in error when stating that its convenience floorspace trades in excess of benchmark. This is particularly concerning when AS is presently instructed by the Council to prepare wider retail evidence to support the Local Plan review, and indeed, that Lidl's agent, DPP, secured permission for Tesco's extension. That permission increased Tesco's net sales area to 5,780m<sup>2</sup>, of which around 65% (3,750m<sup>2</sup>) trades as convenience goods floorspace. This results in a benchmark turnover of around £43m, compared to the benchmark stated by AS of £25m; the practical effect being, that AS' pre-impact (£35m) and post impact (£30m) turnovers are both substantially lower than Tesco's benchmark (ie, the store may be said to be under-performing, with potential issues for the wider District Centre);
2. A similar issue arises in respect of Aldi. AS estimate that this store trades at £12.5m, a figure said to be in excess of its benchmark of £8.5m. However, again, AS underestimates the size of the store, claiming it has a sales area of 746m<sup>2</sup>; whereas, pursuant to permission granted in 2006, Aldi in fact extended its store to a total sales area of 950m<sup>2</sup>, the majority of which trades as convenience goods floorspace. The effect is that Aldi presently trades far closer to its benchmark than AS claim. Thus, the two foodstores stores located in Quedgeley District Centre are trading either at or below benchmark levels, despite the claims of AS that these are healthy, over-trading stores; and
3. Although AS give some consideration to the health of the District Centre, they fail to proceed to the next logical step by considering the impact of Lidl on the centre as a whole (in terms of convenience goods and all goods turnovers). On the basis that Tesco and Aldi comprise the majority of the centre's convenience turnover, a loss of £9m<sup>1</sup> from those stores (against existing turnover of £47m), equates to **an impact of 19%** which, in our view, equates to significant adverse impact, particularly in the context of the vulnerability of the centre (see below). Whilst this figure reduces when comparison goods are included, AY rightly identify that a large proportion of that floorspace is not presently trading. A permanent reduction in comparison goods floorspace would, of course, increase the relative impact of Lidl, increasing the overall level of impact on the centre.

Although AS identify the significant reduction in Tesco and Aldi's trade as concerns, they do not then establish the practical harms arising. Whereas, it is established above that Tesco undertrades relative to its benchmark and that Aldi will be impacted substantially relative to its scale and function. Whilst there is certainly no suggestion that our client's store would close as a result of Lidl's proposal, the substantial reduction in convenience trade, coupled with the fragility of the District Centre (noting the loss of two major retailers), means the effects of Lidl's proposals could be very significant.

### Conclusions

The Council's retail consultant has advised that despite a number of shortcomings in the applicant's retail work, it does not consider that there is a basis to resist the application on retail grounds. However, it reaches this position having carried out only a partial assessment of the retail aspects of the development (on which we have found important flaws), on the basis that policy does not support the Council seeking more information. To follow this advice however, would be to rely upon a flawed interpretation of policy.

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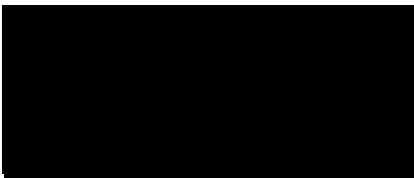
<sup>1</sup> ie, to the proposed Lidl store and other retail 'commitments'

Thresholds for assessment are but a starting point. AS identify a series of concerns but stop short of exploring these in more detail or giving appropriate context to its more limited appraisal, despite Para 90 of the NPPF stating that development should be refused where significant adverse impacts are "likely". That, to us, signals one of two things; either (i) the need for more effective analysis (ie, remove the application from the agenda or seek a deferral); or (ii) refuse the application on the basis the applicant has failed to demonstrate that significant adverse impacts are not likely. The Committee Report fails to properly explain these issues, how AS reaches its position and importantly, the operation of national policy in this regard.

We would go much further. The anchor role of our client's store, and that of Aldi, is crucial in terms of maintaining the health of other facilities in Quedgeley. The Council's retail consultant has identified that these stores will be impacted significantly, with **reductions in convenience goods turnovers of 13% and 37% respectively**. These are very significant alterations to the trading performance of stores located within a protected District Centre. AS also fail to identify a total centre impact of 19% (convenience goods) which, in the context of: (a) the risk of a loss of linked trips to other services and facilities within the centre; (b) the extent of vacant floorspace; and (c) the implication for confidence and the re-letting of vacant premises, can only equate to a significant adverse impact.

With the above in mind, we urge you to remove the application from the agenda for the Planning Committee meeting of 3<sup>rd</sup> September in order to allow your consultant, in the context of their own concerns, and those additional issues identified herein, to undertake the work that is evidently now required in respect of the sequential and impact tests. It is for this reason that we have written direct to you, and copied this letter to the Committee Chairman and Vice Chairman.

Yours sincerely,



**Director**



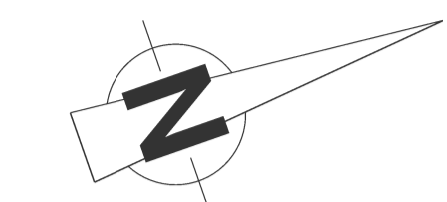
Cc: Cllr Gordon Taylor – Chair of the Planning Committee, GCC  
Cllr Andrew Lewis – Vice Chair of the Planning Committee, GCC  
Ms Caroline Towney – Planning Case Officer, GCC  
Ms Louise Ford – Town Planning Manager, TSL



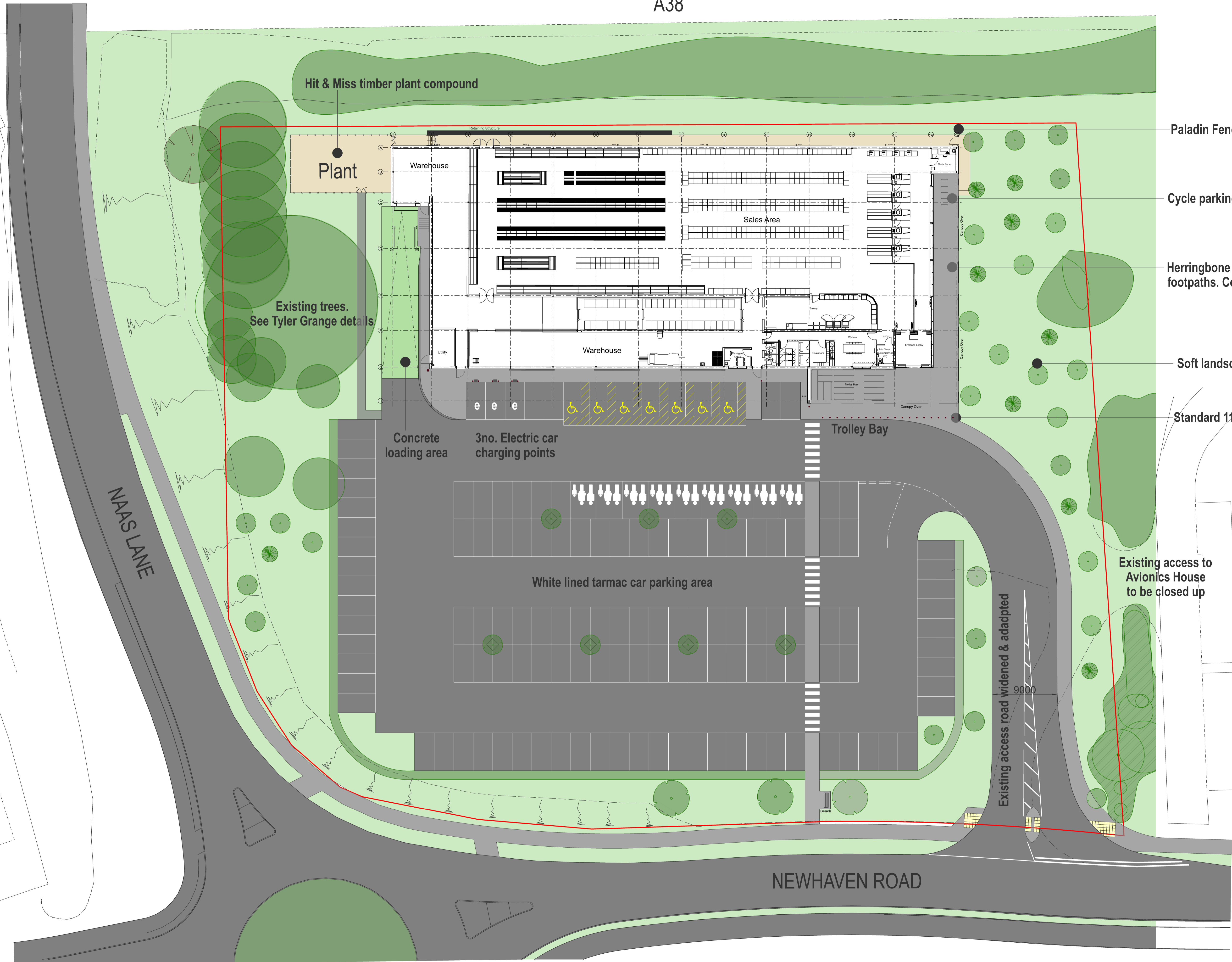
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rev.	date	description



Page 65



- Paladin Fence and Gate
- Cycle parking (Sheffield Hoops) Under canopy
- Herringbone block paving to store frontage and footpaths. Colour: Charcoal
- Soft landscaping. See Tyler Grange details
- Standard 1100mm high stainless steel bollards

Existing access to Avionics House to be closed up

Existing access road widened & adapted

9000

TELFORD WAY

NEWHAVEN ROAD

NAAS LANE

**Roberts Limbrick**  
ARCHITECTS

project  
PROPOSED FOOD STORE  
PLOT J, NEWHAVEN ROAD  
KINGSWAY  
GLOUCESTER

client  
**Robert Hitchins**  
The Complete Development Solution

drawing  
**PROPOSED SITE LAYOUT**

status  
**PLANNING**

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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	1 <sup>st</sup> October 2019
Address/Location:	Orchard Square The Docks Gloucester
Application No:	19/00755/FUL
Ward:	Westgate
Expiry Date:	16.10.2019
Applicant:	Gloucester Quays LLP
Proposal:	Temporary use of land at Orchard Square Llanthony Road, High Orchard Street, Merchants Road, Victoria Dock and Mariners Square for the siting of an Ice Rink, Christmas Market and associated development. Proposal includes the erection of temporary buildings and plant. Permission sought for the Christmas and New Year periods 2019/2020 to 2023/24 from 28 October until 18 January.
Report by:	Adam Smith
Appendices:	Site location plan Proposed site layout plan (for 2019/20)

### 1.0 **SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site comprises a large part of the Docks, between the area north of Victoria Dock, extending south between the Dock and Southgate Moorings car park, including the open area between the Barge Arm and Albert Warehouse south of the Dock, and continuing south to include the ‘Orchard Square’ area between the Waterways Museum and the Barge Arm, Llanthony Road and the northern parts of High Orchard Street and Merchants Road in Gloucester Quays. The site is within the Docks Conservation Area and there are numerous listed buildings in the vicinity.
- 1.2 The proposal is to allow for the temporary use of this land as a Christmas Market and ice rink (comprising of a skating surface 30m by 15m, and associated skate hire, ticket office, and compound/plant areas) for the Christmas and New Year period (28<sup>th</sup> October to 18<sup>th</sup> January) for 5 further years. Broadly the same proposal has previously been allowed in preceding years. The new application encompasses all the activities across the Docks whereas permissions were previously granted for the ice rink and Orchard Square proposals, and the Victoria Dock area proposals, separately.
- 1.3 The maximum extent of the use is proposed as above, although the actual activities will vary within that timeframe;
- Ice rink – construction from 28<sup>th</sup> October and removed by 18<sup>th</sup> January; operational period from 14 November to 5<sup>th</sup> January.
- Victorian market – construction from 28<sup>th</sup> October earliest and removed by 13<sup>th</sup> December; operational period from 14<sup>th</sup> November to 7<sup>th</sup> December (at longest).
- 1.4 A layout plan has been provided, showing the ice rink in a similar position to previously on Orchard Square, and an array of stalls/marquees and cabins through the rest of the site. Also of note is a carousel proposed to the south of Victoria Dock, a helter skelter to the north of Victoria Dock, and a bus bar adjacent to Southgate Moorings car park by the Dock entrance.

Furthermore, while power supplies are in place in Orchard Square, generators are required for power around Victoria Dock.

- 1.5 The application is referred to the Planning Committee because the Council has an ownership interest in the land and objections have been received.

## 2.0 RELEVANT PLANNING HISTORY

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<b>Orchard Square area</b>			
14/00415/FUL	Construction of new public square, associated engineering works and hard landscaping (includes removal of existing structures, walls and railings), and works to Llanthony Road.	Granted	09.04.2015
16/00829/FUL	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).	Granted	07.09.2016
16/01212/FUL	Temporary use of Orchard Square for the siting of an Ice Rink, Christmas Market and associated development. Proposal includes the erection of temporary buildings and plant. Permission sought for the Christmas and New Year periods 2016/17, 2017/18 and 2018/19 from 31 October until 15 January	Granted	28.11.2016
17/01004/FUL	Variation of Condition 5 on Planning Permission Ref: 16/01212/FUL to allow the hours of ice rink lighting to be extended  Original development is - Temporary use of Orchard Square for the siting of an Ice Rink, Christmas Market and associated development. Proposal includes the erection of temporary buildings and plant. Permission sought for the Christmas and New Year periods 2016/17, 2017/18 and 2018/19 from 31 October until 15 January	Granted	03.11.2017
18/01069/FUL	Variation of condition 1 of permission ref. 17/01004/FUL to elongate the period of use to 29 October 2018 until 18 January 2019. Original development is - Temporary use of Orchard Square for the siting of an Ice Rink, Christmas Market and associated development. Proposal includes the erection of temporary buildings and plant. Permission sought for the Christmas and New Year periods 2016/17, 2017/18 and 2018/19 from 31 October until 15 January	Granted	02.11.2018
<b>Victoria Dock area</b>			
17/01007/FUL	Temporary use of Mariners Square and Victoria Dock for Christmas Markets and associated development. Proposal includes the erection of temporary buildings and plant. Permission sought for the Christmas and	Granted	08.11.2017



### 3.0 RELEVANT PLANNING HISTORY

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

#### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 The NPPF includes relevant policy on;

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
- Requiring good design and 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

#### 3.4 Development Plan

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

Relevant policies from the JCS include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD1 – Employment – Except Retail Development
- SD2 – Retail and City/Town Centres
- SD4 – Design requirements
- SD8 – Historic Environment
- SD14 – Health and Environmental Quality
- INF1 – Transport network
- INF2 – Flood risk management

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

#### 3.6 Emerging Development Plan Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 216 of the NPPF.

#### 3.7 Other Planning Policy Documents

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

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

### 3.8 **Supplementary Planning Guidance/Documents**

#### **Docks Conservation Area Appraisal**

The site is within the 'Gloucester Docks' character area of the Conservation Area and is within the setting of several listed buildings.

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

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

Gloucester City policies:

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

### 4.0 **CONSULTATIONS**

4.1 **The Highway Authority** raises no objection subject to conditions to secure implementation of the measures in the applicant's supplementary transport note in terms of transport management.

4.2 **The Conservation Officer** raises no objection.

4.3 **The Civic Trust** has not commented.

4.4 The **Canal & River Trust** raises several observations/requests:

- Conditions are necessary to address certain matters.
- In principle support to recreational facilities in the Docks.
- Ice rink and facilities turn back on museum and museum wharf at Barge Arm. Museum and wharf should be considered an integral part of Orchard Square and access and views to them should not be blocked, however temporarily.
- Ice rink and associated development will have significant impact on setting and appearance on Grade 2 listed warehouse, creating visual barrier and clutter.
- Proposal conflicts with Policies - SD4 of JCS (doesn't respect character of site and surroundings), BE2 of 2002 Plan (doesn't respect and protect important views), B5 of emerging City Plan (adversely affecting historic built character and management and maintenance of public realm, routes, waterspaces, mooring or waterway infrastructure and quaysides).
- Proposal could affect future businesses operating from the museum quay.
- Ice rink and associated buildings should be moved further away from barge arm and listed building.
- Previous years have seen problems with deliveries access to the museum.
- Visitor numbers reduced during construction and operation of ice rink/market.
- Potential operational and visitor safety issues with the proposed buildings possibly restricting access to the water in an emergency.
- A direct route providing for emergency access and deliveries should be clearly identified by route signs.
- Application should be amended to cover 3 years only (and subject to condition to ensure) – to allow a review in context of Heritage Statement, City Plan, and to assess more frequently as Docks evolves.
- Condition proposed to secure details of the access and delivery routes, signage to indicate routes and warn visitors to be agreed each year.

4.5 The City Centre Improvement Officer (Environmental Protection) raises no objection subject to the conditions offered by the applicant plus an operational noise management plan to address the early-morning set up activities.

## 5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and press and site notices were published.

5.2 Two representations have been received raising the following issues

Regular cycle of events affecting residents

Visual impact of structures

Noise and disturbance

Proposal should be sited elsewhere in City

Ice rink should be moved into the centre and help keep City alive

Should be no reductions in mitigation measures previously taken and would welcome further improvements

Acoustic padding made improvements last year

Ice rink has had biggest impact on amenity

5.3 The full content of all correspondence on this application can be viewed on:

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

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

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

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

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

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

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

Principle

Residential amenity and noise

Heritage / design

Traffic and transport

Flood risk

Economic considerations

### 6.5 **Principle**

The NPPF seeks to support economic growth, recognises town centres as the heart of communities and seeks to support their viability and vitality. It adopts a sequential test for main

town centre uses focusing on town centres first (which for retail proposals is the primary shopping area), then edge, then out of centre sites, and also an impact test for proposals outside of town centres. Policy SD2 of the JCS also includes the sequential and impact tests.

6.6 The site is within the city centre area and is considered to be a sustainable location in principle with public transport options available in the locality. Events at the Docks are well established with a number taking place through the year (usually of a short duration such as not to require planning permission). While the site is outside the primary shopping area and therefore out of centre for the purposes of considering retail applications, the nature and temporary duration of the proposal is such that any 'harm' to the Primary Shopping Area is likely to be minimal, if at all, and the principle of the development is considered acceptable subject to assessment against other planning considerations in the remaining sections of this report.

6.7 On this basis it is considered that the proposed limited-duration use would not conflict with the development plan and NPPF in terms of the principle.

6.8 ***Residential amenity and noise***

Paragraph 127 of the NPPF sets out that development should ensure a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. The NPPF also address pollution specifically at chapter 15 setting out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life.

6.9 The area is mixed use in character although with a large number of residential flats in the converted warehouses and new buildings, several of which face directly onto the application site. Within this central, mixed-use area it is to be expected that a degree of noise and disturbance will be apparent from the range of uses, visitors and events. However as the policies outlined above require, there is also clearly a need to protect local residents from significant impacts on the amenities they enjoy in their homes.

6.10 ***Construction, dismantling, and traders' set up and changeover***

The period for construction of the ice rink market and associated structures at the start and for dismantling at the end is two weeks. The applicant proposes limiting times of these works to 8am to 6pm Monday to Friday and 8am to 1pm Saturday and not on Sunday for the Orchard Square, Llanthony Road, Merchants Road and High Orchard Street areas, including the ice rink, but longer hours for the market on Mariners Square and around Victoria Dock. Here the hours would be 8am to 9pm Tuesdays to Saturdays, 8am to 7pm Sundays and 7am to 9pm on Mondays and the first day of the event only. This is to reflect the different operation and the need for stall holders to restock and change over. It is considered that given the proposed start is now 7am on certain days, earlier than previously and earlier than the Council's standard hours restrictions condition, an Operational Noise Management Plan should be secured. The applicant has now submitted a Plan which sets out a number of measures, including preventing access prior to 7am and requiring stall holders not to wait in the vicinity; requiring loading/unloading to take place with engines switched off where possible, no radios/music, and various courtesies such as avoiding door slamming, minimizing manouvring and loading directly into/out of vehicles; considerate driving of vehicles; and oversight of the measures by GQLLP management. The plan would be provided to all traders in advance of commencing trading. The Environmental Health Officer is broadly happy with the plan but has requested some clarifications. A condition has been drafted on the basis of securing compliance with a submitted plan, and it is expected that a final version of the plan will be agreed shortly. If additional work remains necessary at the time of determining the application, the condition will need to be reworded. An update will be provided at the Committee meeting.

#### 6.11 *Operating/trading hours*

The proposed trading hours of the market are 10am to 8pm Monday to Saturday and 10am to 5pm Sunday.

The ice rink would close at 9pm on weekdays and Saturdays, and 6pm Sundays – for skaters to leave the ice – then a 30 minute close down period so a final closure time of 9:30pm on weekdays and Saturdays and 6:30pm on Sundays. The ice rink would be illuminated by 12 floodlights at 5m directed down onto the ice. The rink would operate on one hour sessions with a maximum capacity of 150 people. Ambient music would also be played.

The proposed end time for use of the bandstand is 7pm.

The 'Big Red Bus' has previously caused problems in previous events as it included a soundsystem however the applicants have confirmed that this would not now include loud amplified sound.

Conditions are proposed to impose an end time for use of these various elements, including the ice rink lights, which would preserve the amenities of the area.

#### 6.12 *Power arrangements*

Electricity would be the primary power source to keep the ice rink cold, minimizing the need to use generators, however they are proposed as a necessary back up. There should be less use of the generators compared to the earlier years of using the ice rink, as electrical connections have been introduced within the re-modelling of Orchard Square. As mentioned earlier the ice rink infrastructure has previously been fully enclosed in an acoustically-treated compound and this is again proposed.

6.13 Noise Assessments from 2016 and 2017 have been provided. The Environmental Health Officer is content that the noise environment will not have changed significantly. The reports conclude that with the acoustic enclosure to the ice rink compound the BS8233 criteria would be achieved at the closest receptors during daytime and nighttime periods in Orchard Square and Victoria Basin with windows open and closed when all generators are in operation, and would not have a significant adverse impact on health or quality of life.

6.14 The generators around Victoria Dock would be subject to restrictions on their times of use (0800 – 2100 hours Monday to Saturday and 0800 – 1900 on Sundays). These are slightly earlier (by 2 hours) and later (by 1-2 hours) than the market operating hours to provide power for lighting and refrigeration to enable set up and close down of the stalls. This would be subject to a condition in the interests of amenity.

6.15 The applicant notes that they also have a policy of providing contact details for the Ice Rink Manager and Quays Management Suite to residents to deal with any concerns. The Environmental Health Officer noted that the number of complaints about the market and ice rink to that department decreased last year.

6.16 In addition to the residencies set out above there are also persons using barges in Victoria Dock. Planning permissions have not been granted for their use as permanent residential accommodation and the boaters in the adjacent moorings are likely to be classed as transient recreational users who move on from time to time. Permission has previously been granted for these proposals and no complaints have been received in this respect, although it is possible that this may occur. If action is needed under a nuisance complaint to Environmental Health, the applicant may need to consider making alternative arrangements for power in future years.

#### 6.17 *Impact of structures*

In terms of impacts from the physical presence of the structures, the most noteworthy is the

helter skelter at 14.5m high (the same one as on site previously). The separation from residential properties (approximately 54m) and temporary duration of its presence indicate that it would cause no significant harm to amenity. All the other structures are of such a scale and location that they would not be harmful either as a result of their physical presence.

6.18 Overall it is considered that, subject to conditions, the proposal complies with the above-cited policies in terms of residential amenity and no objection is raised in these terms.

6.19 ***Heritage / design***

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'. Section 66(1) provides that the determining authority shall have special regard to the desirability of preserving a listed building or its setting.

In terms of heritage the NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*'. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. In terms of design the NPPF states that new developments should be visually attractive, sympathetic to local character and history, and establish/maintain a strong sense of place and create attractive, welcoming and distinctive places.

In terms of heritage JCS Policy SD8 requires heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Development should aim to sustain and enhance the significance of heritage assets. In terms of design JCS Policy SD4 sets out requirements to respond positively to, and respect the character of, the site and surroundings, and enhance local distinctiveness. Part vi of the policy sets out that new development should provide access for all potential users, including people with disabilities, to buildings, spaces and the transport network, to ensure the highest standards of inclusive design.

6.20 The development would affect the character and appearance of the Docks Conservation Area (including some of the positive spaces and important views set out in the Conservation Area Appraisal) and the setting of several grade 2 listed warehouses, Mariners Church and buildings on Commercial Road, and Llanthony Road, on a temporary basis.

6.21 The Conservation Officer raises no objection. The use and structures would be in place temporarily and their effect would not be lasting on these heritage assets. Boards would be laid to span the historic rails in the Orchard Square hard surfacing to spread the weight.

6.22 The Canal and River Trust raises significant concerns about the impact on the setting and appearance of the listed warehouse (museum), though does not recommend refusal on this basis. The Trust also raises concerns about blocking views, although, while the setting of the listed warehouse is clearly relevant, the view of the building into which the proposed structures would be sited is not identified as an 'important view' in the Conservation Area Appraisal, nor is it a protected view in the heights of buildings SPD. It seems inevitable that with a use of this kind with temporary, removable structures requiring assembly by components their appearance will be fairly rudimentary and not as well designed as would be expected of a permanent building, and in this context it is considered that their temporary presence at the site as mentioned above is of relevance, and no lasting effect would accrue. It is considered that the Conservation

Officer's conclusions are sound and no objection should be raised. In respect of the Trust's request to move the ice rink, this has been discussed with the applicant and who advises that this is not practical due to the gradient of the square. The applicant also identifies that siting the ice rink further up the square gradient would lead to a panelled area on the north side of the ice rink covering the supporting structure that would be undesirable in terms of appearance and create access difficulties for customers. The application now needs to be determined on the submitted basis with the proposed layout for 2019/2020.

6.23 The significance of the heritage assets on and surrounding the site would be preserved. The requirements of the 1990 Listed Buildings and Conservation Areas Act are satisfied and the proposals comply with the above policy context.

6.24 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

6.25 The principal vehicular access into the Docks off Southgate Street next to the Tall Ships public house would be utilised. There is an established route northwards adjacent to Victoria Dock and southwards between the Barge Arm flats – egress onto Llanthony Road to the south is available here. Commercial premises also use these routes as do residents to access the car park adjacent to Albert Warehouse and the Barge Arm car park entered from between Albion Cottages and the Tall Ships public house, and for general deliveries and maintenance use. The Llanthony Road, Merchants Road and High Orchard Street parts of the site can be accessed via the existing loading area on Llanthony Road.

6.26 ***Trip generation***

The applicant envisages that visitors would visit the site in conjunction with other shopping and/or leisure activities within the City Centre/ Quays Outlet and that many of the trips associated with the development would already be on the network, linked to existing trips into and out of the City.

6.27 The applicants have set out commitments to promoting sustainable travel. Measures include a coach parking strategy identifying set down points and a coach parking area at the Peel Centre, looking at potential to increase the Park and Ride service, encouraging non car borne travel and providing details of available car parking for those that do drive through the marketing campaign, and liaising with the County Council's Think Travel team. It is recommended that this strategy is secured by condition

6.28 ***Parking***

There is no specific on-site parking within the application proposals but in this City Centre location the site is accessible via sustainable modes such as walking, cycling and public transport, and parking requirements would be adequately served by the existing parking facilities (previously shown as around 2000 car parking spaces within a 5 – 10 minute walk from the site) within the City Centre and at the Quays, some of which are immediately adjacent to the market area. The applicant notes that customers would in the first instance be directed to use public transport or other sustainable modes of transport.

6.29 ***Servicing and management***

The applicant confirms that servicing of the ice rink and market would be within the above restricted hours only. Existing service access to the businesses and residencies surrounding the site would be maintained although the applicant seeks to restrict as many movements through the market area through agreement with organisations and individuals. Refuse would be collected by stall holders at the end of each day. A Traffic Management Plan has been provided

and it is recommended that this is required by condition in the interests of public safety.

- 6.30 Vehicle tracking has been illustrated within the Transport Statement to demonstrate vehicle manoeuvres along the routes kept open from the activities. For example, a standard fire tender and refuse vehicle can travel along the Victoria Dock access road in a forward gear turn and leave in a forward gear, access to the Wetherspoons public house (a 10m rigid service vehicle and refuse vehicle are tracked in a forward gear) and Waterways Museum are retained. Operatives would be on hand to escort vehicle movements through the site.
- 6.31 The Canal and River Trust raises concerns about access routes. However, planning issues need to be separated out from private business/landowner/neighbour matters. It appears several issues would best be resolved by liaison between the various users of the Docks. The relevant planning consideration is facilitating safe vehicular access, which is demonstrated on the applicant's tracking plans. It is not apparent from the representation what is the fundamental problem with access for deliveries and in this regard there is no evidence to substantiate a refusal of planning permission. The applicant has offered to provide signage for delivery route access and for pedestrian/customer movements. It is not considered that this is a necessary condition for the Authority seek approval of and administer, but can evidently be resolved between the parties. Furthermore, as the applicant notes, the proposed condition of agreeing a layout on an annual basis gives some flexibility and scope to refine any issues that might arise.
- 6.32 Overall subject to conditions, the proposal is considered to comply with the above policy context, would not cause a significant residual effect on the highway, and no objection is raised in these terms.
- 6.33 ***Flood risk***  
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.34 A small part of the site in the vicinity of the ice rink skate hire area is within Flood zone 2. In terms of the sequential test, the proposal utilises a large open area in close proximity to the city centre that is well established as a location for events (most of which take place without needing planning permission) and provides an economic benefit to the locality. Given the nature of the proposal it is not considered that there are other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposal is temporary and would not increase flood risk elsewhere, and would maintain the safety of users, with flood zone 1 areas immediately adjacent.
- 6.35 The proposal is considered to be compliant with the above policy context in terms of flood risk.
- 6.36 ***Economic considerations***  
The proposal is likely to contribute modestly to employment opportunities, and is likely to be a visitor attraction for the City with the potential for linked trips to other businesses and therefore 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 weight to the case for granting permission. The Canal and River Trust is clearly concerned about economic impacts on the museum business and possible future ventures in the vicinity. Given the limited evidence, scope of the effect and speculative nature of future effects, this is afforded limited weight and is not considered of such harm as to warrant refusal (which the Trust does not propose anyway). The applicant has also noted that they have always worked constructively to address minor problems and would continue to do so, and again, agreeing a layout annually gives scope to address problems.



6.37 **Other issues raised by the Canal & River Trust**

It is worth noting first that in their reply to the Trust's representation, the applicant commits to working positively with the Trust and other stakeholders in the Docks to deliver events. The Trust raises potential safety issues with the structures possibly restricting access to the water in an emergency. However, no actual problems are identified either in relation to the proposed plan or from recent years' experience. The Trust asks for signs to direct access. As above, this seems to be an issue capable of being resolved between parties rather than through a planning condition. In terms of management and maintenance of waterspaces, moorings, and waterway infrastructure again no outright objection is made or specific issues identified. Again discussions between respective operators would resolve this.

The Trust asks for a limitation on the permission of 3 years instead of 5 as requested by the applicant. The applicant has responded that they would not accept a 3 year limitation and request that the application be determined on the basis of 5 years. There is clearly a balance to be struck between not unreasonably requiring applications every year where significant changes in circumstances are unlikely, giving some certainty for the applicant over a period of time to make a business decision on implementing the proposals, and granting the flexibility to reconsider the appropriateness of the proposal over time where circumstances may alter over a long enough period. It is not considered appropriate to foreshorten the desired timescale just to review in the context of emerging planning documents as indicated in the representation. Overall five years is considered an appropriate balance of the issues given the circumstances. The Trust asks for a condition to require details of access and delivery routes, and proposed routeing and warning signage, to be agreed each year. An adaptation of the condition proposed by the applicant, as set out below, is considered to satisfactorily deal with the planning issues in this regard.

6.38 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of the principle of the use in this part of the City, residential amenity and noise, heritage / design, traffic and transport, flood risk, and economic considerations; the proposal is acceptable and accordingly it is recommended that conditional planning permission be granted. As referred to above, the applicant seeks some flexibility in the layout to allow for variations to take account of residents, and market operator requirements, and as such seeks a condition to allow approval of the precise layout in advance each year. This was done on the previous permission and worked satisfactorily.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is GRANTED subject to the following conditions;

**Condition 1**

The use hereby permitted shall permanently cease and the land restored to its former condition on or before 18th January 2024. Within that period the development shall only be undertaken during the periods 28th October 2019 to 18th January 2020, 28th October 2020 to 18th January 2021, 28th October 2021 to 18th January 2022, 28th October 2022 to 18th January 2023 and 28th October 2023 to 18th January 2024. Outside of these times associated structures and materials shall be removed from the site.

Reason

To clarify the terms on which the application is sought and to preserve the character and appearance of the Conservation Area and setting of listed buildings, and to establish the basis of the planning assessment.

**Condition 2**

During the period from 28th October 2019 to 18th January 2020 the development shall be undertaken in accordance with the layout plan ref. GQ-1.2 0606 – WHOLE SITE – (PLANNING) received by the Local Planning Authority on 16<sup>th</sup> July 2019 unless otherwise required by conditions of this permission.

**Reason**

To maintain servicing and operational arrangements within the locality and the amenities of the area.

**Condition 3**

Within the authorised periods of development in 2020/21, 2021/22, 2022/23 and 2023/24 respectively the development shall be undertaken in accordance with a scaled site layout plan that shall be submitted to and approved in writing in advance by the Local Planning Authority except where otherwise required by conditions of this permission. The site layout plan shall be submitted to the Local Planning Authority not less than 8 weeks in advance of the anticipated date of commencement of construction works on site each year and shall include (but not limited to) the proposed arrangement of structures and stalls, associated infrastructure such as power provision, and tracking plans to demonstrate the ability to access, service, and allow for emergency vehicle access to the site and surrounding uses.

**Reason**

To maintain servicing and operational arrangements within the locality and the amenities of the area.

**Condition 4**

Generators on Orchard Square shall only be operated within a compound that is fully enclosed by a 2.4 metre solid barrier with acoustic panels unless an alternative form of noise mitigation is agreed in advance and in writing by the Local Planning Authority.

**Reason**

To preserve the amenities of the area.

**Condition 5**

Generators on and adjacent to Mariners Square and Victoria Dock shall only be operated during the hours 0800 – 2100 hours Monday to Saturday and 0800 – 1900 on Sundays. Generators shall be screened from view.

**Reason**

To preserve the amenities of the area.

**Condition 6**

Lighting to the ice rink shall only be switched on between 0845hours and 2130hours Mondays to Sundays (to reflect the operational hours of the ice rink).

**Reason**

To preserve the amenities of the area.

**Condition 7**

On Orchard Square, Llanthony Road, Merchants Road and High Orchard Street, construction and dismantling of the structures associated with the development and the delivery and collection of materials, goods shall be limited to the times of 0800hours to 1800hours Monday to Friday, 0800hours to 1300hours Saturdays and no construction/dismantling works or delivery/collection of materials shall take place on Sundays or bank holidays.

Reason

To preserve the amenities of the area.

**Condition 8**

On Mariners Square and around Victoria Dock, construction and dismantling of the structures associated with the development and the delivery and collection of materials and goods shall be limited to the times of 0800hours to 2100hours Tuesday to Saturday and 0800hours to 1900hours Sundays (unless they are the first day of the event) and 0700-2100hrs on Mondays and the first day of the event .

Reason

To preserve the amenities of the area.

**Condition 9**

The use hereby permitted shall only take place on Mariners Square and around Victoria Dock in compliance with the Operational Noise Management Plan for stall holders (received by the Local Planning Authority on xxxxxxxx 2019).

Reason

To preserve the amenities of the area.

**Condition 10**

The market stalls shall only be open to trade to customers between  
o 1000hours and 2000hours Mondays to Saturday, and  
o 1000hours and 1700hours Sundays.

Reason

To preserve the amenities of the area.

**Condition 11**

The bandstand shall only be used between  
o 1200hours and 1830hours Monday to Saturday, and  
o 1200hours and 1630hours Sundays.

Reason

To preserve the amenities of the area.

**Condition 12**

No amplified sound system shall be used anywhere on the site except a) in association with the bandstand and b) to provide background seasonal music. The amplified sound system for the bandstand shall not be used outside of the hours set out in Condition 11. The amplified sound system for the background seasonal music shall not be used outside the lighting hours of the ice rink set out in Condition 6.

Reason

To preserve the amenities of the area.

**Condition 13**

The operation of the market shall be undertaken in accord with the submitted traffic management plan (Appendix 5 to the PEP Transport Statement June 2019, received by the Local Planning Authority on 8<sup>th</sup> July 2019). The uses hereby approved shall be operated at all times in accordance with the approved traffic management plan.

Reason

To preserve the amenities of the area.

**Condition 14**

The measures outlined in the PEP Supplementary Transport Note dated August 2019 (received by the Local Planning Authority on 23<sup>rd</sup> August 2019) shall be adhered to at all times that the use is in operation, or as otherwise agreed within an alternative Supplementary Transport Note at least 8 weeks in advance of each year's event.

Reason

In the interests of promoting sustainable transport modes in accordance with the NPPF.

**Notes**

The applicant should contact Phil White, Waterway Engineer on 07710 175496 or by e-mail on [phil.white2@canalrivertrust.org.uk](mailto:phil.white2@canalrivertrust.org.uk) to ensure that the proposal complies with the Canal and River Trust's Code of Practice for works affecting the Canal and River Trust.

Some of the application site is leased from the Canal and River Trust and may be the subject of restrictive covenants. The applicant is advised to contact the Trusts Estate Management team on 0303 040 4040 or by e-mail to [David.Faull@canalrivertrust.org.uk](mailto:David.Faull@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained.

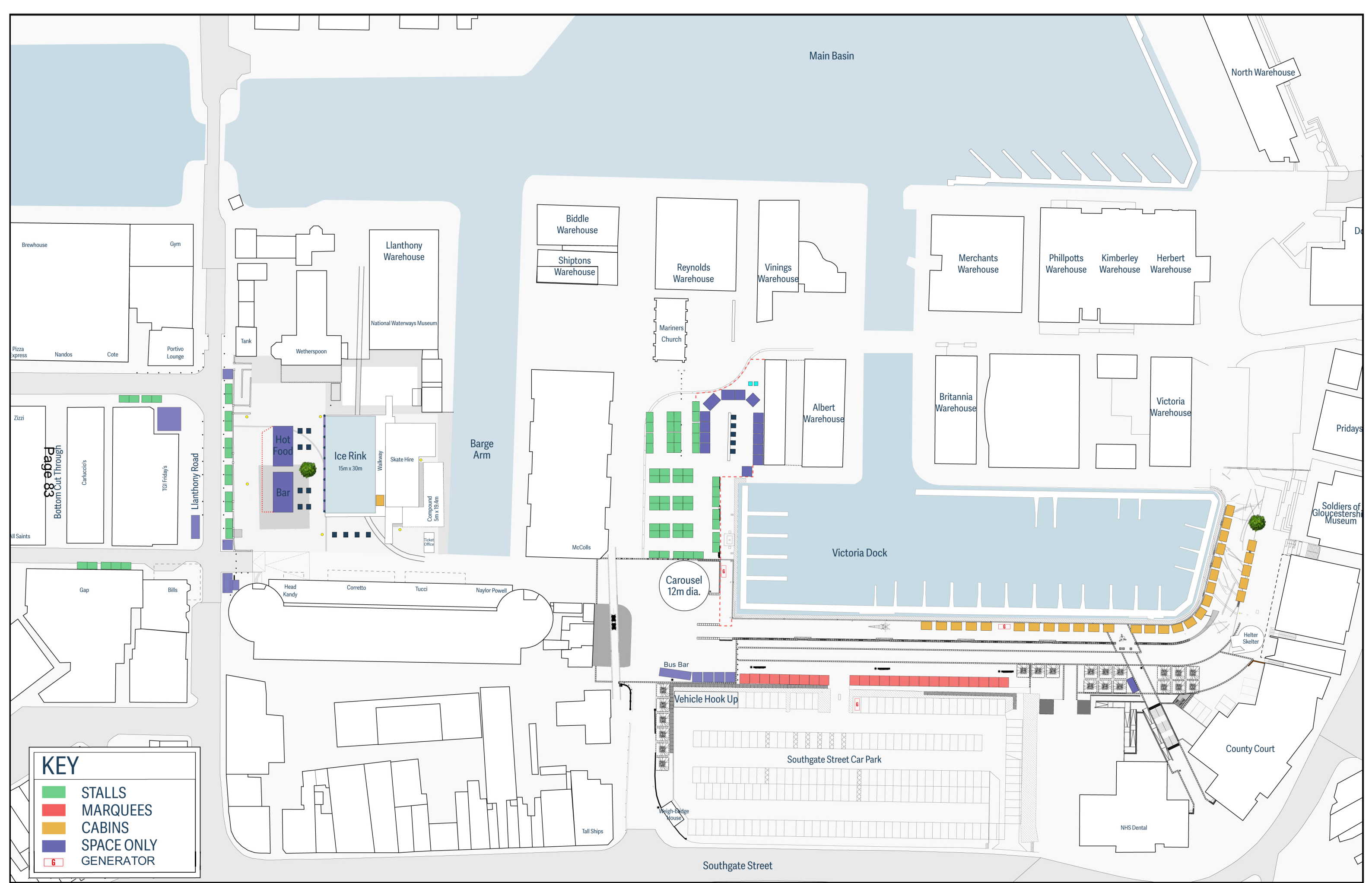
**Person to Contact:** Adam Smith (396702)

Planning Application: | 19/00755/FUL

Address: | Orchard Square The Docks  
Gloucester

Committee Date: |

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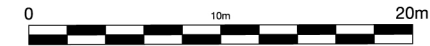
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**KEY**

- STALLS
- MARQUEES
- CABINS
- SPACE ONLY
- G GENERATOR

**GQ-1.2 0606 - WHOLE SITE - (PLANNING)**

GLOUCESTER QUAYS - VICTORIAN CHRISTMAS MARKET 2019  
 Scale 1:200 @ A0 - 04/06/2018  
 Client - Gloucester Quays LLP

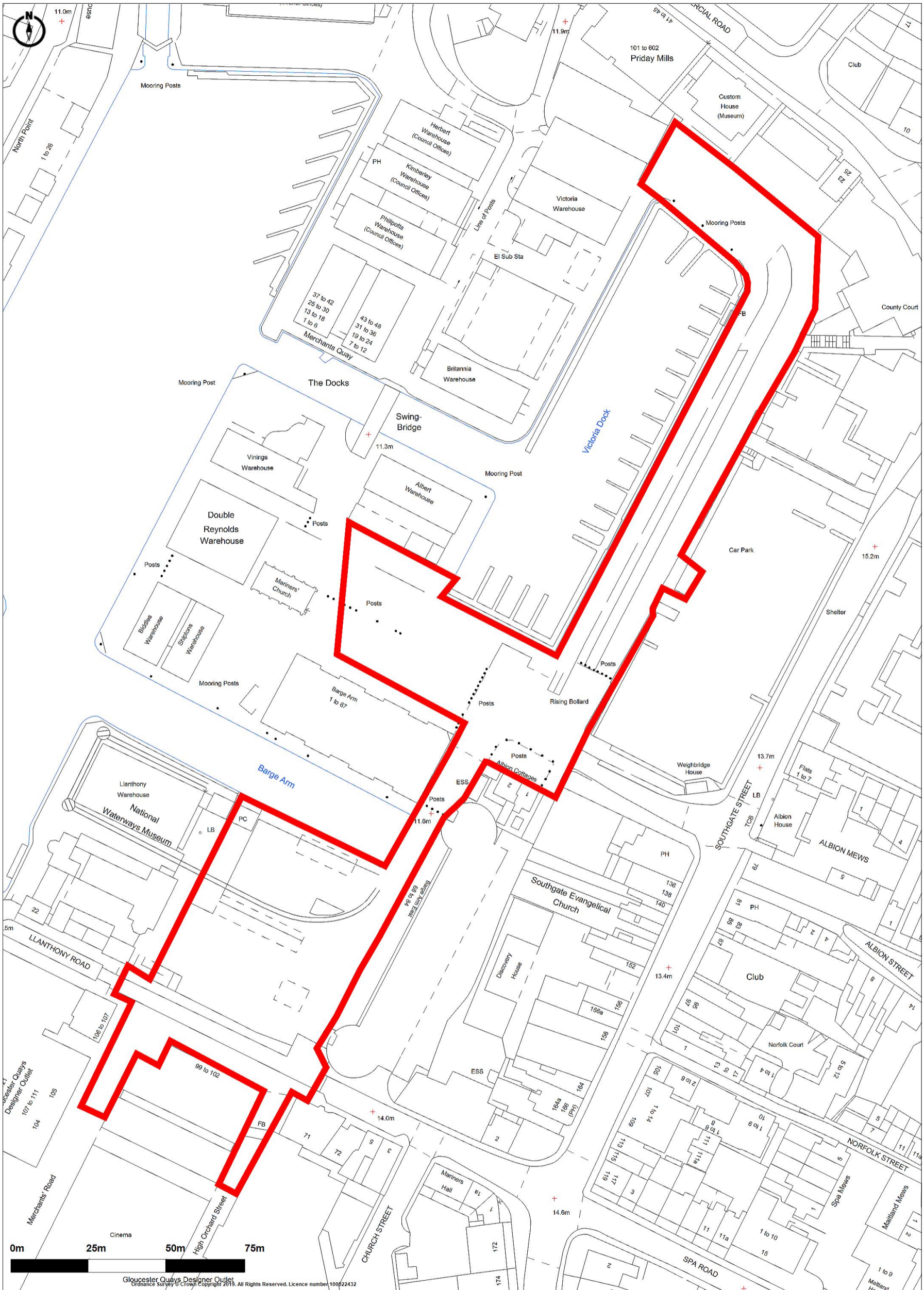


**Gloucester Quays**  
Event Organisers

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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	22 <sup>th</sup> September 2019
Address/Location:	St Albans Road, Gloucester
Application No:	19/00778/FUL
Ward:	Podsmead
Expiry Date:	02.10.2019
Applicant:	Beacon Comms Group
Proposal:	Removal of the existing 20m lattice tower and replacement with a 25m lattice tower with 12 apertures, 1 x 0.3m dish antenna, associated equipment, 4 cabinets all within the existing compound, surrounded by a 1.8m high palisade fence.
Report by:	Shane Burgess
Appendices:	Site Location Plan

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located within the grounds of Ashville Industrial Estate off St Albans Road, in the Podsmead ward of the city.
- 1.2 Planning permission was granted in 2004 for the Erection of a 20 metre Lattice Tower, carrying 3 no. 1.7 metre antennae at 18.3 metres and 3 no. 0.3 metre transmission dishes at 17.5 metres and associated equipment cabinets in a secure compound.
- 1.3 As part of the applicants continued network improvement program, the applicant proposes to upgrade the existing site to facilitate additional coverage and capacity requirements, incorporating not only 4G but also 5G technology.
- 1.4 As a result, the application proposes the removal of the existing 20m lattice tower and its replacement with a 25m lattice tower with 12 apertures, 1 x 0.3m dish antenna, associated equipment, 4 cabinets all within the existing compound, surrounded by a 1.8m palisade fence.

### 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
94/03014/FUL	Erection of maintenance depot with associated compound and parking facilities. Construction of service road.	Granted subject to conditions.	14.12.1993
94/05032/FUL	Erection of maintenance depot with ancillary offices. Provision of associated compound, parking facilities and service road. (Amended application).	Granted Subject to Conditions.	17.11.1994
04/00156/FUL	Erection of a 20 metre Lattice Tower (Eve Type Nine Mast) carrying 3 no. 1.7 metre	Withdrawn.	06.04.2004

	antennae at 18 metres and 3 no. 0.3 metre transmission dishes at 17.5 metres and associated equipment cabinets in a secure compound.		
04/00474/FUL	Erection of a 20 metre Lattice Tower (Eve Type Nine Mast) carrying 3 no. 1.7 metre antennae at 18.3 metres and 3 no. 0.3 metre transmission dishes at 17.5 metres and associated equipment cabinets in a secure compound (resubmission).	Granted subject to conditions.	08.06.2004
15/00141/TCM	Licence notification for cabinet and replacement antennae.	Permitted Development.	04.01.2016
18/01324/TCM	Upgrade existing telecommunications installation	No objection.	29.10.2018
19/00710/TCM	Removal of the existing 20m lattice tower for a 25m lattice tower with 12 apertures, 1 x 0.3m dish antenna, associated equipment, 4 cabinets all within the existing compound, surrounded by a 1.8m palisade fence.	Withdrawn.	17.07.2019

### 3.0 RELEVANT PLANNING POLICY

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

#### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

#### 3.3 Development Plan

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

Relevant policies from the JCS (2017) include:

SD4 – Design requirements

SD14 – Health and environmental quality

INF2 – Flood risk management

INF6–Infrastructure delivery

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

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

#### 3.5 Emerging Development Plan

##### **Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

#### 3.6 Other Planning Policy Documents

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

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two

comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

## 5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified, and a site notice was displayed.

5.2 No letters of representation have been received.

5.3 The full content of all correspondence on this application can be viewed on:

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

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

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

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

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

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

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

- principle
- visual impact
- amenity impact
- drainage impact

### 6.5 **Principle**

Planning permission was granted in 2004 for a 20metre high lattice tower. The current application relates to a replacement lattice tower 25metre high and ancillary apparatus. Therefore the principle of a lattice tower of some description, in this location, has already been established.

6.6 Paragraph 113 of the NPPF states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) and/or replacement mast/towers should therefore be encouraged.



- 6.7 Paragraph 116 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. The submitted declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the site.
- 6.8 **Design, Layout and Landscaping**  
The NPPF states that good design is a key aspect of sustainable development. Paragraph 127 sets out criteria for achieving well-design places while paragraph 130 provides that permission should be refused for development of poor design. This is reiterated in Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.
- 6.9 The height and design of the proposed apparatus is the minimum capable of providing the technological improvements sought and satisfying ICNIRP requirements. Whilst it is acknowledged that there is an increase in the scale of telecommunications development on the site, it should be noted that the new technologies will provide advanced high-quality communications infrastructure essential for economic growth as sought by the NPPF.
- 6.10 Furthermore, the lattice tower structure would be located towards the rear of Ashville Industrial Estate and is viewed within the context of the adjacent industrial estates light industrial, storage and distribution warehouses. Overall it is considered that the proposed siting is acceptable and given its location at the rear it would be as least visually obtrusive as possible. Summarily it is considered that the proposal conforms to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.
- 6.11 **Residential amenity**  
Paragraph 127 (f) of the NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. This is reflected Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.
- 6.12 The mast and associated equipment are located at the rear of the industrial park. The closest residential properties are located in excess of 200metres from the mast and views are broken by the existing industrial warehousing and infrastructure. The proposal would therefore not significantly adversely affect the amenity of adjacent occupants, so would conform to Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.
- 6.13 **Drainage and flood risk**  
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.14 The site is located within a level 2 flood zone (Medium risk of flooding). The proposed works will replace the existing mast and will utilize the existing pile foundations. There will therefore be no overall increase in hard standing nor any connection to water systems that would increase demand on drainage. The proposed works will have no effect on flooding and run off at the development site. In the context of flood risk, the new proposal would not be materially different to the existing infrastructure already in place. The proposal would therefore conform to Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

6.15 **Economic considerations**

The construction phase would support employment opportunities and therefore 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 and productivity*”, this adds some limited weight to the case for granting permission.

6.16 The NPPF recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning should support the expansion of electronic communications networks.

6.17 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is GRANTED subject to the following conditions;

**Condition 1**

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

**Reason**

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

**Condition 2**

The development hereby permitted shall be carried out in accordance with the following approved drawings, except where these may be modified by any other conditions attached to this permission:

- 1106476\_GLO016\_22843\_GLO029\_M002 Rev B (215 MAX CONFIGURATION SITE PLAN)
- 1106476\_GLO016\_22843\_GLO029\_M002 Rev B (265 MAX CONFIGURATION ELEVATION)

**Reason**

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

**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 INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

**Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

**Note 2**

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

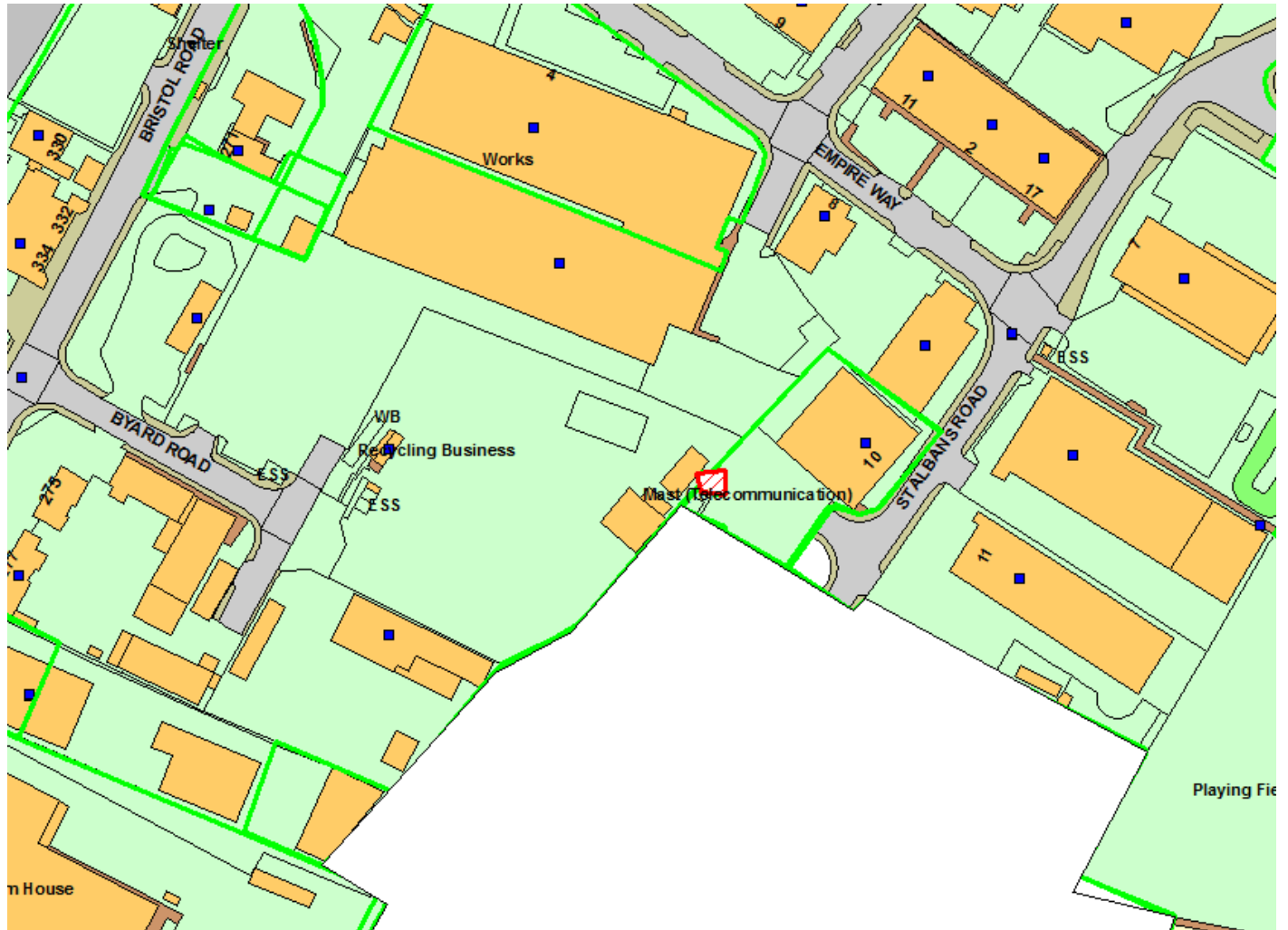
**Person to Contact:** Shane Burgess (01452 396822)



Planning Application: | 19/00778/FUL

Address: | St Albans Road Gloucester

Committee Date: | 02.10.2019



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# **CITY OF GLOUCESTER**

**PLANNING COMMITTEE**

**ON**

**1<sup>st</sup> October 2019**

**DELEGATED DECISIONS  
1<sup>st</sup> August- 31<sup>st</sup> August 2019**

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

## Abbeydale

19/00579/FUL	FISHM
143 Painswick Road Gloucester GL4 4PF	
Construct proposed sand stone porch	
G3Y	01/08/2019
19/00703/FUL	FISHM
40 Woodcock Close Gloucester GL4 4WT	
SINGLE STOREY EXTENSION TO FRONT OF PROPERTY	
G3Y	09/08/2019
19/00737/FUL	CALDJ
51 Fieldfare Gloucester GL4 4WH	
Removal of existing cladding from the front, side and rear elevations of house and replacement with a sand and cement render on all of the front and both side elevations. Rendering of rear elevation if bricks found to be damaged. The render would be pa	
G3Y	30/08/2019
19/00738/FUL	FISHM
26 Hawk Close Gloucester GL4 4WE	
Erection of two storey side extension	
G3Y	30/08/2019
19/00745/FUL	FISHM
33 The Lawns Gloucester GL4 5YZ	
Demolish existing side extension and construct single and double storey extension	
GSC	30/08/2019

## Abbeymead

19/00431/FUL	SHANE.
5 Cherrington Drive Gloucester GL4 4XW	
Construction of single storey rear extension to form a family room	
G3Y	15/08/2019

19/00536/FUL SHANE.  
4 Grayling Close Gloucester GL4 5ED  
A two storey rear and front extension  
G3Y 13/08/2019

19/00732/FUL FISHM  
1 Ellison Close Gloucester GL4 5YQ  
Two storey extension to provide larger dining room, garage and additional  
bedroom with ensuite.  
G3Y 21/08/2019

## Barnwood

19/00106/FUL FISHM  
12 Durham Road Gloucester GL4 3AS  
Demolition of outbuilding and erection of new 3 bedroom detached property  
G3Y 15/08/2019

19/00451/ADV ELENJ  
2 Church Lane Gloucester GL4 3HZ  
Two non-illuminated signs on gable ends of no.2 measuring 3m x 1.5m.  
GFY 19/08/2019

19/00598/FUL SHANE.  
Unit 8 Chancel Close Gloucester GL4 3SN  
EXTERNAL ALTERATIONS TO EXISTING BUILDING INCLUDING: Replacement of Glass  
Facade, New shutters, Increase in roof height by 25cm and new Cladding  
G3Y 05/08/2019

19/00654/LAW FISHM  
109 Bodenham Field Gloucester GL4 5TP  
SINGLE STOREY EXTENSION TO REAR OF PROPERTY  
LAW 08/08/2019

19/00671/NMA SHANE.  
15 Colin Road Gloucester GL4 3JL  
Amendment to application 17/00542/FUL (new side window)  
NOS96 06/08/2019

19/00683/FUL CALDJ  
68 Barnwood Avenue Gloucester GL4 3AH  
Single storey front extension and single storey side and rear extension  
GSC 19/08/2019

## Barton & Tredworth

19/00114/FUL RHIAM  
9 Falkner Street Gloucester GL1 4SG  
Proposed detached bungalow to rear of 9 falkner street  
DISMIS 22/08/2019

19/00508/FUL ELENJ  
2 Howard Street Gloucester GL1 4UR  
Side and Rear Extension to the Property  
GSC 13/08/2019

19/00526/CONDIT SHANE.  
Vauxhall Mart 174 Barton Street Gloucester GL1 4EU  
Discharge of Conditions 3 (Archaeology) 4(Demolition) and 5(Construction Method Statement) of application 16/00288/FUL  
ALDIS 07/08/2019

19/00617/FUL FEH  
64 - 68 High Street Gloucester GL1 4SR  
Variation of condition 2 of permission 17/00586/COU - changes tp the fenestration from previously approved  
G3Y 27/08/2019

19/00675/FUL CALDJ  
17 Sidney Street Gloucester GL1 4DB  
Conservatory to rear  
GSC 13/08/2019

## Coney Hill

19/00373/FUL FISHM  
71 Painswick Road Gloucester GL4 6PS  
Drop kerb - classified road.  
REFUSE 15/08/2019



19/00660/FUL CALDJ  
29 Richmond Avenue Gloucester GL4 4NN  
Proposed side/rear extension, rendered to match existing house  
GSC 19/08/2019

## Elmbridge

17/00076/FUL JOLM  
2 Coltman Close Gloucester GL1 3QJ  
4 bedroom detached house converted into 2 self-contained flats and rear dormer and front extension and erection of outbuilding to be used as home office in connection with the first floor flat.

NPW 05/08/2019

19/00072/ADV SHANE.  
Unit 2 Triangle Park Triangle Way Gloucester GL1 1AH  
Illuminated signage for fascia including printed vinyl to inside face of display  
GFY 22/08/2019

19/00131/ADV FISHM  
Unit 3 Triangle Park Triangle Way Gloucester GL1 1AH  
Retrospective application for internally and halo illuminated signage to front of building and internally illuminated roof mounted signage.

GC 13/08/2019

19/00177/FUL FISHM  
2 Bradford Road Gloucester GL2 0SY  
Single storey extensions to side and rear.  
G3Y 15/08/2019

19/00473/FUL RHIAM  
Morrisons Supermarket Triangle Park Triangle Way Gloucester GL1 1AH  
Proposed erection of a home shopping loading bay canopy within the existing store's service yard. Construction of shelter canopy above the existing service  
G3Y 15/08/2019

19/00582/FUL ELENJ  
18 Lavington Drive Gloucester GL2 0HS  
Single storey extension to provide annexe for use by family member  
G3Y 23/08/2019

## Hucclecote

19/00463/FUL	ELENJ
3 Havelock Road Gloucester GL3 3PG	
Demolition of garage.	
Erection of single storey extension and new garage.	
GSC	09/08/2019
19/00521/FUL	RHIAM
Royal Oak Hucclecote Road Gloucester GL3 3TW	
Proposed external works to include a new cold fridge and fenced area and new fence to cordon off storage areas.	
Partition to be formed internally to form staff route to and from cold fridge area.	
G3Y	28/08/2019
19/00595/FUL	FISHM
9 Elmgrove Road Gloucester GL3 3RQ	
Erection of single storey side garage and kitchen extension	
G3Y	08/08/2019
19/00601/FUL	FISHM
23 Green Lane Gloucester GL3 3QU	
Two storey side extension to the existing property with single storey works to the existing kitchen at the rear of the property - including garage conversion.	
Additional external works to the existing elevations to improve the appearance	
G3Y	21/08/2019
19/00648/FUL	ELENJ
25 Laynes Road Gloucester GL3 3PU	
Replace Existing Conservatory Roof with new Flat Roof and Lantern. Replace Existing Rear Windows with Like for Like.	
GSC	08/08/2019
19/00779/PDE	CALDJ
61 Dinglewell Gloucester GL3 3HP	
replace existing extension with single storey rear extension d; 5.0m from the rear wall, and 5.82m in width (height 3.0m)	
ENOBJ	29/08/2019

## Kingsholm & Wotton

19/00081/CONDIT	CJR
Watts Truck Centre Mercia Road Gloucester GL1 2SQ	
Discharge of conditions 3 (SuDs Strategy), 4 (SuDs Management and Maintenance Plan), 5 (Measures to Prevent Vehicles Washing Away), 6 (Flood Warning and Evacuation Plan), 16 (Boundary Treatment and Acoustic Fencing), 17 (Construction Method Statement), 1	
ALDIS	21/08/2019
19/00465/FUL	ELENJ
Hillfield House 5 Denmark Road Gloucester GL1 3LD	
Replacement roof lantern	
GSC	22/08/2019
19/00466/LBC	ELENJ
Hillfield House 5 Denmark Road Gloucester GL1 3LD	
Replacement roof lantern	
G3L	22/08/2019
19/00512/LAW	ELENJ
5 Tewkesbury Road Gloucester GL2 9AY	
Retrospective application for existing outbuilding including conversion into an art studio with bathroom	
LAW	21/08/2019
19/00518/FUL	RHIAM
76 Kingsholm Road Gloucester GL1 3BD	
Erection of 6 No. bay garage to provide secure parking arrangements on area of land currently used as car parking	
REF	01/08/2019
19/00538/FUL	FEH
Montpellier Unit Wotton Lawn Horton Road Gloucester GL1 3WL	
Refurbishment of the Montpellier Unit to include internal reconfiguration and the addition of an extension to house two bedrooms with en-suites.	
G3Y	15/08/2019

19/00539/FUL ELENJ  
13 Cooks Orchard Gloucester GL1 3JY  
Extension to principal elevation of dwelling  
GSC 16/08/2019

19/00546/TPO JJH  
15-17 Pillowell Drive Gloucester GL1 3NA  
T1- Horse Chestnut- Reduce by 5m and shape to suit. Install cable braces.  
TPDECS 01/08/2019

## Kingsway

19/00705/CONDIT JOLM  
Land To East West Of A38 And Naas Lane Quedgeley Gloucester  
Discharge of condition 15 (archaeology) of planning permission 13/00585/OUT  
in relation to Parcel I on Framework Plan 5 FP5  
ALDIS 07/08/2019

## Longlevens

19/00155/FUL ELENJ  
28 Innsworth Lane Gloucester GL2 0DB  
Two storey and single storey extension to rear and side.  
GSC 16/08/2019

19/00354/FUL CALDJ  
3 Redland Close Gloucester GL2 9DF  
Two storey rear extension.  
G3Y 28/08/2019

19/00390/FUL ELENJ  
22 Charlton Way Gloucester GL2 0DY  
Extensions and alterations to bungalow  
REF 30/08/2019

19/00498/FUL ELENJ  
9 Redland Close Gloucester GL2 9DF  
Single storey side extension to form a garden room  
GSC 20/08/2019

19/00633/NMA SHANE.

17 College Fields Gloucester GL2 0AG

Reduction in extension width and window and roof light positions

NOS96 15/08/2019

19/00688/FUL ELENJ

25 Richmond Gardens Gloucester GL2 0DT

Proposed demolition of existing garage, rear lean to structure and construction of two storey side extension, single storey rear extension & garden room/store in rear garden.

G3Y 27/08/2019

19/00695/FUL ELENJ

15 Saxon Close Gloucester GL2 0TZ

Demolish/Remove existing detached garage, proposed single storey side and rear extension

GSC 16/08/2019

19/00753/FUL ELENJ

84 Oxstalls Drive Gloucester GL2 9DE

Proposed rear extension. First revision - revised roof to pitched and revised fenestration. Previous application 18/01082/FUL.

G3Y 09/08/2019

## **Matson & Robinswood**

19/00130/FUL FISHM

73 Juniper Avenue Gloucester GL4 6AW

Construction of a 2-bedroom dwelling in the garden of 73 Juniper Avenue

G3Y 15/08/2019

19/00616/FUL FISHM

77 Finlay Road Gloucester GL4 6TW

Erection of a single story rear extension. Removal of downstairs interior walls. Creation of downstairs toilet.

G3Y 01/08/2019

19/00680/FUL CALDJ  
8 Country View Gloucester GL4 6RF  
Construction of single storey pitched roof rear extension.  
G3Y 29/08/2019

## Moreland

19/00619/FUL ELENJ  
95A Stroud Road Gloucester GL1 5AH  
SINGLE STOREY SIDE AND REAR EXTENSION  
G3Y 01/08/2019

19/00622/FUL ELENJ  
83 Bristol Road Gloucester GL1 5SN  
Replacement garage  
GSC 22/08/2019

19/00623/LBC ELENJ  
83 Bristol Road Gloucester GL1 5SN  
Replacement garage  
G3L 22/08/2019

19/00649/FUL ELENJ  
111 Seymour Road Gloucester GL1 5PT  
Single storey extension comprising sun lounge/utility/WC  
GSC 08/08/2019

19/00653/FUL RHIAM  
113 Rosebery Avenue Gloucester GL1 5EH  
Demolition of existing garage and proposed construction of a single storey  
REF 28/08/2019

19/00700/FUL ELENJ  
19 Kitchener Avenue Gloucester GL1 5EN  
Single storey side and rear extension  
GSC 19/08/2019



19/00711/FUL CALDJ  
19 Tweenbrook Avenue Gloucester GL1 5JY  
Proposed single storey extension  
G3Y 23/08/2019

## Podsmead

19/00331/FUL RHIAM  
Bablake Wines Corolin Road Gloucester GL2 5DQ  
Change of use of buildings from storage for transport company (B8) to vehicle repairs (B2) and associated ducting.

G3Y 01/08/2019

19/00469/FUL RHIAM  
Travis Perkins Ashville Road Gloucester GL2 5EU  
Re-roofing of existing pitched roof.  
G3Y 16/08/2019

## Quedgeley Fieldcourt

19/00421/FUL SHANE.  
Regor 6 Hunts Grove View Quedgeley Gloucester GL2 2GP  
Retention of Gazebo as built  
G3Y 13/08/2019

19/00438/FUL RHIAM  
21 School Lane Quedgeley Gloucester GL2 4PJ  
Single storey rear extension to form enlarged kitchen at the rear of a terraced dwelling  
G3Y 06/08/2019

19/00514/CONDIT SHANE.  
12 St James Close Quedgeley Gloucester GL2 4PL  
Discharge of Conditions 3(surface water drainage), 6 (materials) and 7(joinery details) of application 18/01286/FUL  
ALDIS 08/08/2019

19/00594/FUL SHANE.  
Francis And Lewis International Waterwells Drive Quedgeley Gloucester GL2  
Variation of condition 2 of 17/00184/FUL (to allow for alteration to proposed  
G3Y 16/08/2019

19/00657/FUL CJR  
Proposed Car Park Edison Close Quedgeley Gloucester  
Variation of Condition 7 of Planning Permission 16/00049/FUL for the continued  
siting for a further period of 3 years of two portacabins and for the removal of  
Condition 5 and 6 of that permission relating to landscaping and access layout.  
GP 05/08/2019

19/00715/TPO JJH  
St James Church 12 School Lane Quedgeley Gloucester GL2 4PN  
Fell Horse Chestnut. The trunk has split - if the tree falls it will cause  
considerable damage to the adjacent police station.  
TPDECS 28/08/2019

## Quedgeley Severn Vale

19/00287/CONDIT SHANE.  
Greenways 77 Bristol Road Quedgeley Gloucester GL2 4NE  
Discharge of condition No.3 (Archaeological Watching Brief) of application  
18/01031/FUL  
ALDIS 01/08/2019

19/00476/FUL CALDJ  
6 Eldersfield Close Quedgeley Gloucester GL2 4FZ  
Replacement of existing conservatory with single storey brick built extension  
with concrete tile roof to match main dwelling.  
GSC 19/08/2019

19/00509/CONDIT JOLM  
Clearwater Primary School Clearwater Drive Quedgeley Gloucester  
Discharge of planning conditions relating to the erection of new primary school  
reference 17/00729/FUL  
Condition 3 external materials  
ALDIS 06/08/2019

19/00713/NMA CALDJ

64 Welland Road Quedgeley Gloucester GL2 4SG

amendment to 19/00397/FUL - Reduction in size and window alterations

NOS96 22/08/2019

## Tuffley

19/00511/LAW

FISHM

22 Bourton Road Gloucester GL4 0LB

Single storey extension to side of property

LAW 16/08/2019

## Westgate

17/01124/CONDIT

ADAMS

Land At Bakers Quay, Llanthony Wharf, And Monkmeadow Bounded By

Discharge of Condition Nos. 3 (materials), 4 (window and door reveals), 6 (street furniture and enclosures), 7 (archaeological method statement for remediation), 8 (archaeological works), 9 (archaeological method statement for remediation backfilling), 10

PADIS 22/08/2019

18/01343/FUL

RHIAM

5 - 7 Brunswick Road Gloucester GL1 1HG

Change of use of part of nightclub beer cellar and store and associated offices to student lets comprising no. 11 en suite bedrooms and no. 4 self contained apartments. Alterations to building to include changes in fenestration, introduction of external

G3Y 28/08/2019

19/00045/LBC

FISHM

New Inn 16 Northgate Street Gloucester GL1 1SF

Fabric repair following fire damage. New sash window to replace existing to south elevation. New flat roof structure to single storey modern extension to south elevation. Removal of cement render on metal lath and new horizontal boarding to south elevatio

G3L 16/08/2019

19/00161/FUL

FISHM

47 Westgate Street Gloucester GL1 2NW

Retrospective application for the removal of lantern rooflights to rear roof.

G3Y 15/08/2019

19/00162/LBC	FISHM
47 Westgate Street Gloucester GL1 2NW	
Retrospective application for the removal of lantern rooflights to rear roof.	
GLB	15/08/2019
19/00293/JPA	SHANE.
27 Brunswick Road Gloucester GL1 1JE	
Change of use from A2 to C3.	
NRPR	02/08/2019
19/00307/FUL	FISHM
27 Honeythorn Close Gloucester GL2 5LU	
Single storey rear extension, garage conversion, enclosure of existing porch and dropped kerb extension.	
G3Y	15/08/2019
19/00340/FUL	RHIAM
Pincoed 110 Hempsted Lane Gloucester GL2 5JS	
Subdivision of existing dwelling and outbuilding into 4 residential units and the erection of 1 new dwelling	
G3Y	21/08/2019
19/00490/CONDIT	ADAMS
BHS 27 - 31 Eastgate Street Gloucester GL1 1NS	
Discharge of Conditions 3 (materials), 6 (Archaeological Written Scheme of Investigation), 7 (foundation design and ground works), 8 (recording of murals) and 10 (gull measures) of permission ref. 17/01177/FUL	
PADIS	22/08/2019
19/00513/TRECON	
4 Spa Villas Montpellier Gloucester	
T1-Yew in front- crown lift to 3m and reduce by upto 25%	
TCNOB	02/08/2019
19/00588/FUL	FISHM
Southgate Moorings Southgate Street Gloucester GL1 2DB	
Proposed enclosure of existing bin store, new secure cycle store & pedestrian	
G3Y	09/08/2019

19/00638/LBC	ELENJ
Gloucester Lock The Docks Gloucester	
Repairs to cill below lower lock gates	
G3L	07/08/2019
19/00658/TRECON	JJH
Flat 2 7 Brunswick Square Gloucester GL1 1UG	
Fell Maple in rear garden. The owner of the property (who has a tenant living there) planted the tree and it is now too big for the small garden. It is blocking light from Flats 1, 2 and 3 Brunswick square and also poses a risk to the	
TCNOB	01/08/2019
19/00676/CONDIT	SHANE.
Ground Floor Office 1 The White House Hempsted Lane Gloucester GL2 5JA	
Discharge of condition 5 (Flood Evacuation Management Plan) of application 18/00886/FUL	
ALDIS	08/08/2019
19/00689/CONDIT	SHANE.
21 Spa Road Gloucester GL1 1UY	
Discharge of conditions 3(cycle storage), 4 (windows) and 5(waste storage) of application 16/01314/COU	
ALDIS	01/08/2019
19/00708/FUL	CALDJ
166 Hempsted Lane Gloucester GL2 5LG	
Proposed single storey rear extension	
G3Y	23/08/2019
19/00740/ADV	FEH
Chambers St Aldate Street Gloucester GL1 1RP	
Display of LED screen (8000mm x 4480mm) at first floor level	
GFY	15/08/2019
19/00763/CONDIT	ADAMS
Kings Walk Shopping Centre Kings Walk Gloucester	
Discharge of conditions 3 (phasing scheme), 8 (seagull measures), and 11 (relocation of street furniture) of permission ref. 18/00515/FUL.	
ALDIS	16/08/2019

19/00845/CONDIT

FEH

Day And Company 23 Park Road Gloucester GL1 1LH

Approval of details for condition 8 (boundary treatments ) of permission  
18/00770/FUL

PADIS

28/08/2019



## 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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