

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **5<sup>TH</sup> AUGUST 2014**

**ADDRESS/LOCATION** : **FORMER NATIONAL GRID SITE, BRISTOL ROAD**

**APPLICATION NO. & WARD** : **14/00631/FUL  
PODSMEAD**

**EXPIRY DATE** : **25<sup>TH</sup> AUGUST 2014**

**APPLICANT** : **NATIONAL GRID PROPERTY LIMITED**

**PROPOSAL** : **VARIATION OF CONDITION 5 OF PERMISSION REF. 11/01298/FUL (WHICH AMENDED PERMISSION REF. 10/01067/OUT FOR THE REDEVELOPMENT OF THE SITE) TO OMIT PART OF THE ACOUSTIC FENCE PROPOSAL ADJACENT TO THE GAS PRESSURE REDUCTION STATION**

**REPORT BY** : **ADAM SMITH**

**NO. OF APPENDICES/  
OBJECTIONS** : **SITE PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This is the National Grid site accessed from Bristol Road to the west and also with access from St Albans Road to the north. The majority of the site is open ground, now remediated and levelled off pursuant to the earlier planning permission for the site in 2011. There is a range of existing buildings across the site. The single storey Glevum House office complex is situated just behind the former gas holder location at the Bristol Road frontage and is still in use. Just south of the gasholder across the access road is a red brick two storey building. To the east side of the site close to the boundary with the Tuffley Rovers football pitch, is an operational gas pressure reduction station (GPRS) operated by Wales and West utilities. There are additional existing buildings around Glevum House.
- 1.2 Bristol Road runs along the west side of the site. Between the road and the canal beyond are a series of commercial uses, including a gym and petrol filling station opposite. To the north of the site are a further range of commercial uses, general and light industrial, around Byard Road and Empire Way/St Albans Road. To the east side the site borders residential properties on Betjeman Close to the north east. Further south along the eastern

boundary the applicant owns the Tuffley Rovers football pitch and open space. Beyond the football pitch are the Shakespeare Avenue residential properties. To the south the site is adjacent to Pearce Way and the garage and industrial units accessed from there.

- 1.3 The site was operated as a gasworks from the early 1860s until its decommissioning in the early 1970s. During this period a range of activities took place on the site, particularly noteworthy in terms of contaminated land considerations – such as the production of coal gas between 1860 and the 1940s and as an experimental station from the 1950s until closure when gas was produced predominantly from coal and gas oil, and the testing of innovative gas production techniques. In connection with these uses the site had a range of plant; gasholders, kilns, etc, and two lagoons, present at various times. Remediation of the site was undertaken pursuant to the earlier planning permission to a standard sufficient for the land to be used for open storage.
- 1.4 The precise boundary of the application sites excludes the gas holder site, Glevum House office building and car park at the Bristol Road frontage, and also excludes the operational gas pressure reduction station within the site. It includes the Tuffley Rovers pitch and open space.
- 1.5 The original planning permission includes a condition requiring the implementation of a noise fence down the eastern edge of the site for the purposes of protecting local residents from noise associated with the re-use of this site. The noise fence has partially been implemented at the northern half of the east boundary, down as far as the gas pressure reduction station.
- 1.6 The proposal is to omit part of this noise fence next to the pressure reduction station, and then continue it again to the south of it down to the southern boundary.
- 1.7 The application is presented to the Committee at the request of Councillor Dallimore, who is concerned that the absence of the noise fence could severely impact on local residents.

## **2.0 RELEVANT PLANNING HISTORY**

### 94/05203/OUT

- 2.1 Outline planning permission granted for 'Employment uses – B1(c), B2 and B8 and motor related and roadside uses and alterations to site access and new estate road and demolition of gasworks villas' 1<sup>st</sup> March 1996.

### 10/01067/OUT

- 2.2 This was a hybrid (part full, part outline) application comprising a full application for environmental improvement works (including the demolition of existing buildings and re-grading of land) and an outline application (means of access not reserved) for development for open storage and/or the sale/display and storage of new/used motor vehicles (including vehicle hire), and associated works including the provision of an acoustic fence along the

eastern boundary of the site. It was granted subject to conditions on 3<sup>rd</sup> February 2011. The environmental improvement works have been implemented, but no new use has been commenced.

10/01131/FUL

- 2.3 This was a full application for just the environmental improvement works, including the demolition of existing buildings and part re-grading of land, that were part of the above hybrid application. It was also granted subject to conditions on 3<sup>rd</sup> February 2011 and has been implemented.

11/01298/FUL

- 2.4 This was an application to vary conditions 2, 17, 18, 21, 25, 27 and 35 of planning permission ref. 10/01067/OUT, to enable the retention of the Wales and West Utilities building (to the east of / behind Glevum House). It was granted subject to conditions on 16<sup>th</sup> February 2012.

13/01262/REM

- 2.5 This was an application for reserved matters approval for plots 3 and 4 (the south east plots) for storage of motor vehicles. It was granted on 5<sup>th</sup> March 2014.

14/00069/REM

- 2.6 This was an application for reserved matters approval for plot 5 (the middle plot behind Glevum House) for open storage use. It was granted on 16<sup>th</sup> April 2014.

### **3.0 PLANNING POLICIES**

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

Central Government Guidance - National Planning Policy Framework

- 3.2 The NPPF is a material consideration in determining this application.

*Decision-making*

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

The NPPF is underpinned by a presumption in favour of sustainable development. It advises that authorities should approve development proposals that accord with statutory plans without delay, and also grant permission where the plan is absent, silent, indeterminate or out of date. This should be the case unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole, or specific policies in the NPPF indicate development should be restricted.

Authorities should seek to approve applications where possible, looking for solutions rather than problems.

The NPPF includes advice on noise matters in the natural environment section:

*Conserving and enhancing the natural environment*

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, and remediate and mitigate land where appropriate.

Central Government - National Planning Practice Guidance

This practice guidance has recently been published and cancels a wide range of previous Circulars and guidance documents. It also includes advice on noise:

*Noise*

This notes that noise needs to be considered when new development may create additional noise and where new developments would be sensitive to the prevailing acoustic environment. It provides guidance on how to assess it and identify an impact and various potential mitigation measures.

The Development Plan

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

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

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

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

Local Plan

3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted).

Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration.

Appeal reference APP/U1620/A/07/2046996 dated 18<sup>th</sup> March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following; “Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent....”

Appeal decision APP/U1620/A/13/2197991 dated 17<sup>th</sup> October 2013 states: “Because LP Policies H.13 and BE.21 have been adopted by the Council for development control purposes and are broadly consistent with the Framework, I attach considerable weight to them”.

The aims of the following additional policies from the City of Gloucester Second Deposit Local Plan (2002) are relevant in considering this application:

FRP.10 – Noise  
FRP.11 - Pollution  
BE.21 – Safeguarding of amenity

In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in the autumn of 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status.

*Joint Core Strategy Pre-Submission Document June 2014*

- 3.5 Part 2 of Policy SD15 ‘Health and environmental quality’ includes the requirement that new development must:
- Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants;
  - Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values;
  - Result in no exposure to unacceptable risk from existing or potential sources of pollution. For example, by avoiding placing sensitive uses in locations where national or EU limit values are exceeded, or by incorporating acceptable mitigation measures into development.
- 3.6 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

- 4.1 The Environmental Protection Officer raises no objection subject to additional conditions to control the hours of use and require noise management plans for certain plots on the site.
- 4.2 The Environment Agency raises no objection.
- 4.3 No comments have been received from the Neighbourhood or Community Partnerships.

#### **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 75 neighbouring properties were notified. Press and site notices were also published. The consultation periods have all now expired. No representations have been received.
- 5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

#### **6.0 OFFICER OPINION**

- 6.1 It is considered that the main issue with regards to this application is noise and disturbance and the potential impact on the amenities of nearby residents.
- 6.2 The applicant has informed the Local Planning Authority that in recent discussions with Wales and West Utilities it has become apparent that it would be impractical to erect the noise fence along the boundary of the gas pressure reduction station, as it would interfere with the need to maintain and unobstructed emergency maintenance access to the live below ground pipeline network and represent a safety hazard.
- 6.3 While clearly one would not wish to cause a safety hazard nor impede maintenance of an important piece of equipment, the omission of part of the noise fence at the east edge of the site clearly raises the question of whether it will still serve its purpose of protecting local residents from disturbance from activities on the site associated with its re-use.
- 6.4 The current permission allows for open storage and/or the sale/display and storage of new and used vehicles. While not likely to be highly noisy, there is nevertheless the potential for some noise from vehicle movements, moving and stacking materials, etc, coupled with which there is no clarity about operating hours where detailed consents have not yet been given.
- 6.5 The need for the noise fence resulted from the original noise assessment that examined the likely impact arising from a worst-case future use of Plot 7 (the plot closest to residential properties) as a 24 hour commercial vehicle storage depot.

- 6.6 A further noise report has been produced to support this proposed amendment. Plot 6 is immediately adjacent to the gas pressure reduction station and parallel with the gap in the noise fence that is proposed. There is no end-user specified for plot 6, so the assessment has again considered a worst-case scenario and assumed the same 24 hour commercial vehicle storage depot. The conclusion is that it could only be used for such a purpose if it were restricted to daytime use only. This is accepted by the applicant, who offers a limit of 0700 to 1900hrs for this plot.
- 6.7 Having discussed the application with the Environmental Protection Officer, the 0700 to 1900 operating hours are considered acceptable, subject to a Noise Mitigation Plan also being provided for the use on this plot. However plots 3, 4 and 5 are adjacent to plot 6 and also have direct line of sight through the gap in the noise fence to residential properties. Given this arrangement, it is advised that these additional plots should also be subject to the hours of work and Noise Mitigation Plan conditions.
- 6.8 Plots 3 and 4 already benefit from a reserved matters approval for car storage, pursuant to the existing outline planning permission. That of course was associated with the requirement of the original permission to install the entire noise fence. If this amendment were granted and implemented with a gap in the noise fence, any subsequent uses of the neighbouring plots would have to accord with the amended terms of the new outline permission. The agent has confirmed that the tenant would operate within the proposed restricted hours.
- 6.9 On the basis of imposing those conditions, the Environmental Protection Officer is satisfied that the amendment would not lead to a significant harmful impact on the amenity of local residents.
- 6.10 I have also reflected on the potential re-issuing of this permission with amendments and the planning considerations given to the wider proposal for the re-use of the site, in light of current policy and environmental conditions. It is not considered that a different decision ought to be made. In issuing a revised permission for the site it is not considered that any of the other conditions need to change other than to update the policy references and cross references to the now out of date layout plan, where necessary.
- 6.11 Therefore the proposed changes are the amendment to Condition 21 to refer to the new plans, the amendment to Condition 28 to insert the specific hours of use requirement for plots 3, 4, 5 and 6, and additional Condition 38 below.

#### Human Rights

- 6.12 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance

with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

## **7.0 CONCLUSION**

7.1 The main issue is considered to be the effect on the amenity of local residents, and subject to additional conditions to further control the uses on the plots closest to the resultant gap in the noise fence, it is not considered that any significant harm would be caused. The remainder of the scheme would not be altered.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

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

### **Conditions in respect of the full element:**

#### **Condition 1**

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

#### **Reason**

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

#### **Condition 2**

The environmental improvement works hereby permitted shall be carried out in accordance with the following approved plans, except where otherwise required by conditions of this permission:

B3358 PL 1101 Rev. F (received by the Local Planning Authority (LPA) on 17th November 2011),

B3358 PL 1102 Rev. E and B3358 PL 1105 Rev. E (received by the LPA on 25th January 2011), and

part section ref. D1338/Cross sections (received by the LPA on 12th January 2011).

#### **Reason**

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

#### **Condition 3**

The environmental improvement works hereby permitted shall not be commenced until details of the precise location of the proposed 3 metre high fence and 1 metre high dust netting for the protection of residents during the remediation works have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their



entirety prior to the commencement of works and shall be maintained for the duration of the remediation works.

**Reason**

In the interests of protecting the residential amenities of neighbouring residents, in accordance with Policies BE.21, FRP.10 and FRP.11 of the 2002 Second Deposit City of Gloucester Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 4**

The environmental improvement works hereby permitted shall not be commenced until a Traffic Management Plan for the remediation works has been submitted to and approved in writing by the Local Planning Authority that demonstrates measures to minimise disturbance to neighbours. The approved scheme shall be implemented for the commencement of the development and shall be complied with for the duration of the remediation works unless any revision is agreed in writing by the Local Planning Authority in which case that revised approved scheme shall subsequently be complied with for the duration of the remediation works.

**Reason**

To safeguard the amenity of the area in accordance with Policies BE.21, FRP.10 and FRP.11 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 5**

The environmental improvement works hereby permitted shall not be commenced until a dust management strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented for the commencement of the development and shall be retained for the duration of the remediation works unless any revision is agreed in writing by the Local Planning Authority in which case that revised approved strategy shall subsequently be complied with for the duration of the remediation works.

**Reason**

To safeguard the amenity of the area in accordance with Policies BE.21 and FRP.11 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 6**

The environmental improvement works hereby permitted shall not be commenced until details of secure boundary fencing for the entire site perimeter have been submitted to and approved in writing by the Local Planning Authority. Any new/additional boundary treatments necessary to fully

secure the site shall be erected prior to the commencement of works and the boundary treatments shall be retained in full for the duration of the works.

**Reason**

In the interests of public safety in accordance with the aims of Policies FRP.11, FRP.15 and BE.5 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 7**

Details of any external lighting proposed to illuminate the remediation works shall be submitted to and approved in writing by the Local Planning Authority before the use of any such lighting commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason**

To safeguard local amenities in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 8**

The environmental improvement works hereby permitted shall not be commenced or machinery or material brought onto the site for the purpose of those works until full details regarding adequate measures to protect any retained trees and hedgerows 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 and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,
- (b) Tree Protection Zone (TPZ). The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development

**Reason**

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 9**

Notwithstanding any restrictions agreed pursuant to the Remediation Method Statement for Highways Matters, during the environmental works no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 0730 hours to 1800 hours, Saturday 0800 hours to 1300 hours nor at any time on Sundays, Bank or Public Holidays.

**Reason**

To protect the amenity of local residents in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 10**

The environmental improvement works hereby permitted shall not be commenced until a Remediation Method Statement for Highways Matters has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the remediation and construction period. The Statement shall:

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

**Reason**

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 11**

The environmental improvement works hereby permitted shall not be commenced until full details of temporary vehicle signing on the surrounding public highway have been submitted to and agreed in writing by the Local Planning Authority, and the signing scheme shall then be provided in accordance with those agreed details before any works commence on site and shall be maintained thereafter for the duration of any site remediation and construction.

**Reason**

In the interests of highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 12**

No development or demolition shall take place within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed demolition, with the provision for appropriate archiving and public dissemination of the findings.

**Reason**

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any demolition and their record be made publicly available. This accords with policy BNE.9 of the Interim Adoption SPD of Gloucester City Council's 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008), and the National Planning Policy Framework and Planning Practice Guidance.

**Conditions in respect of the outline element:**

**Condition 13**

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

**Reason**

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

**Condition 14**

The development for open storage and/or the sale/display and storage of new/used motor vehicles uses hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

**Reason**

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

**Condition 15**

Approval of the details of the appearance, layout, scale and landscaping of the development for open storage and/or the sale/display and storage of new/used motor vehicles (hereinafter called "the reserved matters") shall be

obtained from the Local Planning Authority in writing before any development for those uses takes place.

**Reason**

To enable the Local Planning Authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

**Condition 16**

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

**Reason**

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

**Condition 17**

Unless otherwise agreed in writing by the Local Planning Authority all applications for reserved matters approval shall accord with the submitted layout plan Plan B3358 PL 1101 Rev. G received by the Local Planning Authority on 23<sup>rd</sup> May 2014 except where specific conditions listed in this permission require otherwise.

**Reason**

To ensure the development is undertaken in accordance with the approved plans.

**Condition 18**

Notwithstanding the extent of the red line application site, this permission only allows for open storage and/or the sale/display and storage of new/used motor vehicles for the parts of the site labelled Plots 1 to 7 inclusive (defined on Plan B3358 PL 1101 Rev. G received by the Local Planning Authority on 23<sup>rd</sup> May 2014), and not for the football pitch and associated open space to the south east part of the site. Only landscaping works are to be undertaken around the football pitch and associated open space.

**Reason**

In the interests of clarity and the proper planning of the area, in accordance with Policy SR.2 of the 2002 City of Gloucester Second Deposit Local Plan.

**Condition 19**

The heights indicated on plans ref. B3358 PL 1105 Rev. E and B3358 PL 1102 Rev. E received by the Local Planning Authority on 25<sup>th</sup> January 2011 are hereby deemed as maximum parameters except where specifically restricted by other conditions of this permission. These shall not be exceeded and this permission shall not be deemed to guarantee that those maximum parameters are achievable at the reserved matters stage.

**Reason**

In the interests of protecting visual amenities and the appearance of the local area in accordance with Policies BE.1, BE.2 BE.7 and BE.9 of the 2002 City of Gloucester Second Deposit Local Plan, the National Planning Policy Framework and Planning Practice Guidance.

### **Condition 20**

Notwithstanding that indicated on the submitted plans ref. B3358 PL 1105 Rev. E and B3358 PL 1102 Rev. E received by the Local Planning Authority on 25<sup>th</sup> January 2011, there shall be no structures or storage over 4.5 metres in height above ground level within a distance of 40 metres from the boundary of the application site with the Betjeman Close properties.

### **Reason**

In the interests of protecting the residential amenities of neighbouring residents both from a visual and noise perspective, in accordance with Policies BE.21, FRP.10 and FRP.11 of the 2002 Second Deposit City of Gloucester Local Plan, the National Planning Policy Framework and Planning Practice Guidance.

### **Condition 21**

No development for open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted shall be commenced on the site until the acoustic fence as defined on plans B3358 PL 1101 Rev. G and B3358 PL 1105 Rev. A received by the Local Planning Authority on 23<sup>rd</sup> May 2014 (or as defined on any amended plan subsequently approved in writing by the Local Planning Authority) has been implemented in its entirety. The acoustic fence shall be maintained as such for the duration of the approved uses taking place on site.

### **Reason**

In the interests of protecting the residential amenities of neighbouring residents, in accordance with Policies BE.21, FRP.10 and FRP.11 of the 2002 Second Deposit City of Gloucester Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

### **Condition 22**

Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 3 of this condition 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 3 has been complied with in relation to that contamination.

#### **1. Submission of Remediation Strategy**

A detailed remediation strategy 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, details of all pollution controls during the period of the remediation 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.

## 2. Implementation of Approved Remediation Scheme

The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere known as a validation report) that documents and demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 3. 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. Appropriate investigation and risk assessment must be undertaken, and where remediation is agreed to be necessary a remediation scheme must be prepared in accordance with the requirements of part 1 of the condition, 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 2 of the condition.

## 4. Long Term Monitoring and Maintenance

A monitoring and maintenance strategy to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in writing by the applicant and Local Planning Authority (likely to be the operational lifetime of the proposed development), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that strategy and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and associated and subsequent similar guidance.

## **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 23**

No structures associated with the open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted shall be intrusive (i.e. with foundations) to the ground unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in the absence of any archaeological investigations in accordance with policies FRP.15 and BE.32 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 24**

No development for open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted shall be commenced on any part of the site until details of all facing materials for buildings and structures, hard surfacing, and screen walls, fences and other means of enclosure for that part of the site have been submitted to and approved in writing by the Local Planning Authority. Development of that part of the site shall be carried out in accordance with the approved details and any means of enclosure completed prior to the commencement of the use.

**Reason**

In the interests of the visual amenities of the area and to protect the amenity of neighbouring occupiers in accordance with Policies BE.2, BE.5, BE.7, BE.9 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 25**

No development for open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted shall be commenced on the site until a landscape scheme for the site including replacement tree planting and a landscaped buffer area between the acoustic fence and boundary with Betjeman Close properties at the north east of the site (as defined on plan ref. B3358 PL 1101 Rev. G received by the Local Planning Authority on 23<sup>rd</sup> May 2014)) has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. 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 and suitable tree protection measures for those retained trees for during the implementation phase.

**Reason**

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and in particular the amenities of neighbouring residents to the east of the site, in accordance with policies BE.12 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 26**

The landscaping scheme approved under condition 25 above shall be carried out concurrently with the development for open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted and shall be completed no later than the first planting season following the completion of the first plot 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 damaged shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

**Reason**

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and in particular the amenities of neighbouring residents to the east of the site in accordance with policies BE.4, BE.12 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 27**

Any reserved matters proposals for Plot 7 (as defined on plan ref. B3358 PL 1101 Rev. G received by the Local Planning Authority on 23<sup>rd</sup> May 2014), or in the event of a revised plot or layout plan being approved any reserved matters proposals for land within 100 metres of the eastern boundary of the site (that to Betjeman Close and Shakespeare Avenue properties) shall include details of any external lighting proposed.

**Reason**

In the interests of the proper planning of the area and in the interests of protecting the residential amenities of neighbouring residents in accordance with Policies BE.21 and FRP.11 of the 2002 Second Deposit City of Gloucester Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 28**

All reserved matters proposals shall include details of hours of operation of the proposed use/s, and Plots 3, 4, 5 and 6 (as defined on plan ref. B3358 PL

1101 Rev. G received by the Local Planning Authority on 23<sup>rd</sup> May 2014 or any amended site layout that utilises the same land) shall only be used between 0700 and 1900 hours on any day

**Reason**

To enable consideration of the impact on the amenities of neighbouring residents. Specifically, the subsequent proposal to omit part of the noise fence downgrades the original mitigation measures such that the use of the specified parts of the site would only preserve the amenities of neighbouring residents if operated only during daytime hours. This accords with Policies FRP.10, FRP.11 and BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 29**

No development for open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted shall be commenced on the site until drainage plans for the disposal of surface water and any foul sewage for that part of the site have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before that part of the development is first brought into use.

**Reason**

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 and FRP.15 of the City of Gloucester Second Deposit Local Plan 2002, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 30**

During the construction or implementation phase for the development for open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 0800 hours to 1800 hours, Saturday 0800 hours to 1300 hours nor at any time on Sundays, Bank or Public Holidays.

**Reason**

To protect the amenity of local residents in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 31**

No plot served from St Albans Road shall be occupied until full engineering details of site accessing arrangements from St Albans Road have been submitted to and agreed in writing by the Local Planning Authority with all such accessing works completed in accordance with those details before any

plot served from St Albans Road becomes first occupied and maintained similarly thereafter.

**Reason**

In the interests of highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 32**

The open storage and/or the sale/display and storage of new/used motor vehicles uses hereby permitted shall be served by an estate road (or roads) laid out and constructed in accordance with details, including means of surface water disposal, to be submitted to and approved by the Local Planning Authority.

**Reason**

To ensure that road works are completed to a satisfactory and safe standard suitable for adoption as a public highway in the interests of highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 33**

No plot shall be occupied for the open storage and/or the sale/display and storage of new/used motor vehicles uses hereby permitted until the access road between that plot and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the submitted plans and constructed to at least basecourse level.

**Reason**

To ensure that the access road is completed to a suitable standard, in the interests of highway and public safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 34**

No works to implement the open storage and/or the sale/display and storage of new/used motor vehicles uses hereby permitted shall be commenced on the site until facilities for vehicle wheel cleaning have been provided in accordance details to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facilities shall be maintained as such thereafter for the duration of the implementation/construction phase.

**Reason**

To ensure that mud and earth deposits are not brought onto the public highway in the interests of highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), the National Planning Policy Framework and Planning Practice Guidance.

**Condition 35**

Plots 1 and 2 as shown on approved plan no. B3358 PL 1101 Rev. G (received by the Local Planning Authority on 23<sup>rd</sup> May 2014) (or in the event of a revised layout/plot plan being approved, plots occupying that same extent of land) shall be used for the sale/display and storage of new/used motor vehicles only and Plots 3, 4, 5, 6 and 7 as shown on approved plan no. B3358 PL 1101 Rev. G (or in the event of a revised layout/plot plan being approved, plots occupying that same extent of land) shall be used for open storage only unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

Impact on the surrounding highway network was undertaken assuming trip rates for the above uses only and greater generators of traffic may have an unacceptable impact on the highway network, to the detriment of highway safety. This accords with the aims of Policy TR.31 of the 2002 City of Gloucester Second Deposit Local Plan, the National Planning Policy Framework and Planning Practice Guidance.

**Condition 36**

No structures associated with the open storage and/or the sale/display and storage of new/used motor vehicles hereby permitted shall be sited within 5 metres of any culvert running across the site.

**Reason**

To maintain access to the watercourse for maintenance or improvements, in accordance with Policy FRP.5 of the Second Deposit City of Gloucester Local Plan 2002, the National Planning Policy Framework and Planning Practice Guidance.

**Condition 37**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the retained building as coloured grey and sited within Plot 5 on plan ref. B3358 PL 1101 Rev. G (received by the Local Planning Authority on 23<sup>rd</sup> May 2014) shall not be extended.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy FRP.15 of the Second Deposit City of Gloucester Local Plan 2002, Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

**Condition 38**

No use shall commence within plots 3, 4, 5 or 6 (as defined on plan ref. B3358 PL 1101 Rev. G received by the Local Planning Authority on 23<sup>rd</sup> May 2014 or any amended site layout that utilises the same land) until a Noise Mitigation Plan for that plot has been submitted to and approved in writing by the Local

Planning Authority. The use shall accord at all times to the approved Noise Mitigation Plan.

### **Reason**

The proposal to omit part of the noise fence downgrades the mitigation measures such that the use of these parts of the site would only preserve the amenities of neighbouring residents if they operated only during daytime hours. This accords with Policies FRP.10, FRP.11 and BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD15 of the Joint Core Strategy Pre-Submission Document June 2014, and the National Planning Policy Framework and Planning Practice Guidance.

### **Reasons for Approval**

The application has been carefully considered in terms of the proposal to alter the arrangement of the noise fence uses and the amenity implications of this, and the wider proposals in light of current policy and environmental conditions. It is considered that, subject to amended and additional conditions, the application is acceptable and accords with Policies of the 2002 City of Gloucester Second Deposit Local Plan particularly FRP.10, FRP.11 and BE.21, the Joint Core Strategy Pre-Submission Document June 2014 particularly Policy SD15, and the National Planning Policy Framework and Planning Practice Guidance.

In accordance with the requirements of the National Planning Policy Framework 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.

### **Note 1**

Part sectional drawing ref. D1338/Cross Sections seeks to provide confirmation that no ground levels changes are proposed at the boundary of the site with the Betjeman Close properties to the east of the site. Sample sections to nos. 16 and 23 Betjeman Close are indicated. For the avoidance of doubt, this permission does not allow any change of levels at the boundary of any of the Betjeman Close properties bordering the application site.

### **Note 2**

The Local Planning Authority will seek to provide enhancements to the Bristol Road frontage, and reserved matters submissions should seek to address this important and well used route into the City with a sensitive and attractive design approach, through landscaping, boundary treatments or structures.

### **Note 3**

Attention is drawn to the presence of utilities apparatus around the site, notably a high pressure gas pipeline along the southern part of the site.

**Note 4**

Applicants are advised to consider measures to discourage seagulls from nesting and roosting on buildings or structures in the site, which might comprise part of the reserved matters submissions. The Council has produced an advice booklet Gulls – How to stop them nesting on your roof for assistance.

**Note 5**

The replacement of the existing culvert or reinstatement of the watercourse will require the formal agreement of the Environment Agency.

Decision: .....

Notes: .....

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Person to contact: Adam Smith  
(Tel: 396702)

14/00631/FUL

Land At Former Gas Works  
Bristol Road  
Gloucester

Planning Committee



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