

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **9TH JUNE 2015**

ADDRESS/LOCATION : **THE AQUARIUS CENTRE, EDISON CLOSE**

APPLICATION NO. & WARD : **15/00417/FUL
QUEDGELEY FIELDCOURT**

EXPIRY DATE : **1ST JULY 2015**

APPLICANT : **MR GRAHAM HOWELL**

PROPOSAL : **ERECTION OF 1 NO. BUILDING WITH USE
CLASS B1/B8 AND ANCILLARY A1 USE,
ASSOCIATED LOADING YARD, CAR
PARKING AND LANDSCAPING/**

REPORT BY : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/
OBJECTIONS** : **1. SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a vacant plot located to the east of Edison Close within the Waterwells Business Park. The site is bounded by Gloucestershire Constabulary Headquarters car park to the southern corner with the Custody Suite to the west and existing commercial development to the north and east.
- 1.2 The application seeks full planning permission for the erection of a commercial building with a total gross internal floorspace of 1116 square metres and 20 car parking spaces. The floorspace would comprise of 836 square metres for storage and distribution (Use Class B8), 150 square metres for light industrial (Use Class B1(c)) and 130 square metres of ancillary retail space.
- 1.3 It is intended that the unit would be occupied by a company supplying materials for use by fine artists, specialist decorators, gilders and signwriters. The predominant part of the business involves the storing, picking, packing and distribution of materials to customers and businesses by parcel carrier. The operation also includes a limited degree of assembly such as the stretching of canvas over frames to be used by artists.
- 1.4 The application also proposes an area of approximately 130 square metres of floorspace to the front of the unit for ancillary sales to the public.

Approximately 95% of the sales are mail order with the remainder being walk in customers.

- 1.5 The unit has a dual pitched roof with a height of approximately 8.5 metres to eaves and 10 metres to the ridge. The proposed materials comprise of a combination of glazing and grey vertical cladding.
- 1.6 The application forms indicate that the building would be in operation 24 hours a day 7 days a week. It is intended that the retail area would be open to customers between the hours of 08.30 to 17.30 Monday to Saturday. The application forms state that 32 full time and 10 part time staff would be employed on the site equating to a full time equivalent of 36 employees.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Waterwells Business Park was allocated for business use in the Interim Adoption Copy of the Additional Area Post 1991 Boundary Extension Local Plan (Policy E.1 (a)). This allocation was made following a recommendation by the Local Plan Inspector. The site is shown as an employment commitment in the First and Second Stage Deposit Local Plans (June 2001 and August 2002).
- 2.2 An outline planning application (95/00126/OUT) for the comprehensive development of land for Class B1, B2 and B8 employment with ancillary A1, A2 and A3 uses, open space, park and ride car park, landscaping, associated drainage and highway works was submitted on 22nd February 1995. All matters were reserved for future consideration. Part of the outline application area fell within the area administered by Stroud District Council.
- 2.3 The application was subsequently amended to delete reference to Class B2 (general industrial) because of the range of uses allowed within the class and the desire that the development should be of a high visual quality. It was agreed at that time if a specific B2 use was proposed it would need to be justified and would be judged on its individual merits.
- 2.4 An outline planning application (01/00776/OUT) for the development of the former RMC site immediately south of Naas Lane for Class B1 business use (light industry and offices) and storage and distribution (B8) and a new distributor road was granted on 17th February 2004. It is on this part of the site that the current application relates to.
- 2.5 There have subsequently been various detailed applications and permissions for individual sites within the original business park and former RMC site, with many of the buildings now completed.

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two

comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 From the Second Stage Deposit Plan the following policy is the most relevant:
 - Policy FRP.9 (Light Pollution)
 - Policy FRP.10 (Noise)
 - Policy FRP.15 (Contaminated Land)
 - Policy BE.1 (Scale Massing and Height)
 - Policy BE.6 (Access for All)
 - Policy BE.21 (Safeguarding of Amenity)
 - Policy TR.9 (Parking Standards)
 - Policy TR.12 (Cycle Standards)
 - Policy E.4 (Protecting Employment Land)
- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
 - The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure

Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 **Gloucestershire County Council (Highways)** – Recommend that no highway objection be raised subject to the inclusion of conditions.
- 4.2 **Quedgeley Parish Council** – No comments received.
- 4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of plans for the disposal of surface water and foul sewage.
- 4.4 **Worcestershire Regulatory Services (Contaminated Land advisors)** - The proposed site is located on a former landfill site known to be producing landfill gas. It is therefore recommended that a condition is applied to any planning permission in order that the risks posed from contamination are appropriately investigated and addressed.
- 4.5 **Environmental Health Officer** – No objection subject to conditions.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the display of a site notice. In addition 21 properties have been notified of the application in writing.
- 5.2 No letters of representation have been received.
- 5.4 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00417/FUL>

6.0 OFFICER OPINION

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

Siting and Design of the Building

- 6.2 The proposed scale and design of the building is comparable to the surrounding commercial units on adjacent sites. The front elevation will incorporate an area of glazing and on the basis there will be future

development to the north and south east of the proposed building the design and use of materials is considered acceptable.

Use

- 6.3 Outline planning permission was granted for use of the wider land for Class B1 business use (light industry and offices) and B8 (storage and distribution) and these uses are therefore considered acceptable. The current application also proposes 130 square metres for ancillary retail use. (Use Class A1), which will be used as a showroom where customers can view goods, seek advice, see demonstrations (on occasions), collect online orders (click and collect) as well as displaying a small stock of materials for direct sale to the public. Information provided by the proposed occupier indicates that sales made directly from the building amount to 2.5% of annual turnover and the floorspace attributed to the sales is small. On this basis it is clear that this element of the business is genuinely ancillary to the main use of the building for the distribution of art materials and on this basis there is no policy objection.

Residential Amenity

- 6.4 The proposed building would be located some 123 metres from the frontage of the closest residential property in Naas Lane and 116 metres from the front garden boundary. There are also existing commercial buildings and as yet undeveloped land between the application site and the residential properties in Naas Lane. The application proposes unrestricted working hours for the unit.
- 6.5 Given the distances involved, the nature of the use and the intervening buildings and future development, it is not considered that the proposal will result on any significant adverse impact on the amenity of the occupiers of residential properties in Naas Lane. On this basis and subject to the condition recommended by the Environmental Health Officer requiring the submission and approval of a Noise Management Plan, it is not considered necessary to restrict the proposed hours of operation for this site.

Parking and Highway Issues

- 6.6 The application site adjoins a currently un-adopted section of highway. Edison Close is accessed via the Class 4 Telford Way and Waterwells Drive and provides convenient accessibility to the principal Class 1 A38 Southern Connector. The site is located close to public transport which offers a sustainable mode of transport which has the potential to reduce the reliance of the private car.

Access

- 6.7 The development proposes two access points, the southernmost access is existing and is proposed to serve the parking area. This access is designed in accordance with Manual for Gloucestershire Streets design guidance and is suitable for two way working.
- 6.8 The second northernmost access would serve the proposed service yard and has been constructed in accordance with the design guidance for an access

onto a Minor Industrial Road. The access is a bell mouth style vehicle crossover approximately 11 metres in width narrowing to an access drive of approximately 7 metres.

Visibility

- 6.9 In the absence of a speed survey the Highway Authority has determined the suitability of the emergent visibility using guidance contained in Manual for Streets and concluded that appropriate visibility can be achieved, the access complies with the design guidance for new accesses onto Minor Industrial Roads and can therefore be regarded as safe and suitable.

Parking

- 6.10 The application proposes 20 car parking spaces, 16 of which are new and would be included within the curtilage of the site with an addition 4 spaces provided for in the existing perpendicular spaces opposite the site in Edison Close. The Highway Authority has confirmed that the amount, location and dimensions of the spaces are acceptable.
- 6.11 Edison Close is within reasonable cycling distance from residential development and as such should provide appropriate cycle parking to encourage alternative modes of transport to reduce the use of high emission vehicles as per paragraph 39 of the NPPF. Safe, secure and covered cycle storage facilities should be provided, conveniently located to pedestrian entrances and positioned to allow for passive surveillance should be provided and can be secured by condition.
- 6.12 The service yard will require HGV vehicles to reverse from the highway, any delay caused will be minimal with suitable vehicular to pedestrian inter-visibility to ensure any conflicts are minimised. This manoeuvre is indicative of the surrounding commercial units.

Vehicular Trip Generation

- 6.13 Vehicular trips generation has been determined by a TRICS analysis based upon the Use Class and its associated gross floor area. The development as a whole would generate approximately 41 trips per day with 4 trips occurring per peak hour. The residual cumulative impact for the proposed development would not be regarded as severe and the Highway Authority has raised no objection to the application.

7.0 CONCLUSION

- 7.1 Overall and subject to conditions, the proposed use, design, scale and siting of the building is considered acceptable and it is not considered that the development would have any significant adverse impact on the occupiers of residential properties or on highway safety. The development is considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That planning permission is granted subject to the following conditions:

Condition 1

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

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 7474/ PL01, PL02, PL04 received by the Local Planning Authority on 1st April 2015 and 7474/PL03A received on 23rd April 2015 and any other conditions attached to this planning permission.

Reason

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

Condition 3

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

- i. 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;
- vii. measures to control the emission of dust and dirt during construction.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition 4

Before the development hereby permitted commences a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority which specifies how noise from deliveries taken at and dispatched from the site will be controlled so as not to cause a noise nuisance. The use of the development shall be carried out in accordance with the approved details unless an alternative Management Plan is agreed in writing by the Local Planning Authority.

Reason

To ensure that appropriate measures are in place prior to the commencement of development in order to protect the amenity of occupiers of nearby properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS). The scheme shall be implemented in accordance with the approved details before 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 sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002). The details need to be submitted prior to the commencement of any works to ensure that the ability to implement a satisfactory drainage system is not compromised.

Condition 6

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D 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 D has been complied with in relation to that contamination.

A. Site Characterisation

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

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

- (ii) an assessment of the potential risks to:
- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

B. 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 Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. 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 elsewhere 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.

D. Reporting of Unexpected Contamination

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

E. Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason

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

Condition 7

Notwithstanding the details submitted no development 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 boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure that appropriate measures are in place prior to the commencement of development in the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. 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 prior to the commencement of development to ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policy BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

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 in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No construction shall take on the premises before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 11

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

Reason

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

Condition 12

The development hereby permitted shall not be brought into use until the vehicular access has been laid out and constructed in accordance with submitted drawing no. 7474/PL02 and maintained thereafter.

Reason

To reduce potential highway impact by ensuring the access is suitably laid out and constructed in accordance with Paragraph 35 of the NPPF.

Condition 13

The development hereby permitted shall not be brought into use until the vehicular parking facilities have been provided in accordance with the submitted plan drawing no. 7474/PL02 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 conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 35 of the National Planning Policy Framework.

Condition 14

The development hereby permitted shall not be brought into use until details of secure and covered cycle storage facilities for a minimum of 4 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the National Planning Policy Framework.

Condition 15

The showroom area shall be restricted to the area defined on the proposed floorplan, (drawing no. 7474 PL03a), received by the Local Planning Authority on 23rd April 2015 and used only for the display, demonstration and sale of art materials as indicated in the Applicants letter dated 14th April 2015 and shall at all times remain ancillary to the main use of the building.

Reason

The Council wishes to retain control the specific use of the premises, as a general retail use in this location would conflict with the provisions of the National Planning Policy Framework and policy S.4a of the Second Deposit City of Gloucester Local Plan (2002).

Statement of Positive and Proactive Engagement

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

Decision:

Notes:

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Person to contact: Caroline Townley
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15/00417/FUL

The Aquarius Centre
Edison Close
Quedgeley
Gloucester

Planning Committee 09.06.2015

