

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **4TH AUGUST 2015**

ADDRESS/LOCATION : **LAND AT BARNWOOD LINK ROAD**

APPLICATION NO. & WARD : **14/01035/OUT
BARNWOOD**

EXPIRY DATE : **14TH AUGUST 2015 (TIME EXTENSION
AGREED)**

APPLICANT : **PEVERIL SECURITIES**

PROPOSAL : **MIXED USE EMPLOYMENT DEVELOPMENT
(USE CLASSES B1, B2, B8) AND CAR
SHOWROOM. OUTLINE APPLICATION
MEANS OF ACCESS AND SCALE NOT
RESERVED.**

REPORT BY : **CAROLINE TOWNLEY**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site occupies an area of approximately 5.70 hectares and is located adjacent to existing commercial leisure sites. The site is bounded to the east by the Barnwood Bypass, to the south by Corinium Avenue, to the west by the Unilever site and to the north by the railway line with residential properties beyond.
- 1.2 The application site is currently disused scrub land and part of Unilever's factory car park (now disused) and is crossed by a public footpath, water main and sewer. The wider site is currently occupied by a number of leisure uses including ten pin bowling alley, gym, public house and hotel. The leisure uses have a shared car parking area with 317 car parking spaces including 9 spaces for disabled, 16 parent and child spaces and 73 spaces for the hotel (including 4 for disabled persons).
- 1.3 The application proposes the development for employment purposes to include a mix of Use Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The application also includes a car showroom. The indicative masterplan indicates a maximum floorspace of 27,917 square metres. The revised illustrative masterplan shows this floorspace being accommodated in two units together with a separate building for the car showroom. To allow flexibility of occupation the applicant has requested that a

condition be imposed that allows the maximum amount of development in each use to be:

- Up to 11,973 sq m B1 (assumes parts of units 1 and 2 and all of unit 3)
- Up to 20,538 sq m B2 (assuming all of units 1 and 2 could be in this use)
- Up to 20,538 sq m B8 (assuming all of units 1 and 2 could be in this use)

so long as the total floorspace figure for the B1/B2 and B8 uses does not exceed 26,217 square metres. It is also proposed to have a car showroom of up to 1,700 square metres.

- 1.4 The revised illustrative masterplan has relocated the proposed office building so that all of the built development now lies within Flood Zone 1. It also illustrates that over 600 car parking spaces and over 100 cycle/motor cycle spaces can be provided across the site as a whole to cater for all the proposed uses.
- 1.5 Access in to the site is proposed from the existing access to the site from the Barnwood Bypass by way of a new traffic all movement light controlled access. The existing arrangement includes a left in and left out priority controlled junction.
- 1.6 Within the site it is proposed to increase the size of the existing roundabout. The proposed footpath / cycleway would be re-routed within the site following its existing route along the boundary of the pub/hotel before crossing the new access road and proceeding through the land next to the proposed office and car showroom. A separate diversion order will be submitted to deal with this aspect.
- 1.7 The application site is currently owned by Unilever and has been surplus to the company's requirements for several years. It is stated that the returns from the development will be invested into Unilever's commercial operations within Gloucester.
- 1.8 The application is supported by the following reports:
 - Planning Statement
 - Design and Access Statement
 - Transport Assessment
 - Ecological Assessment
 - Archaeological Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Environmental Report

2.0 RELEVANT PLANNING HISTORY

- 2.1 The following history relates to the current application site and the adjacent land now occupies by the hotel, public house, health and fitness club and ten pin bowling club.
- 2.2 An application for the erection of restaurant, motel, filling station, picnic area and lorry park was granted outline planning permission 5th February 1991 (ref. 51149/01/OUT) and subsequently renewed on 26th October 1993 (51149/02/OUT).
- 2.3 An application for the erection of a public house, night club, health club, restaurant and car park was refuse outline planning permission on 9th June 1994. The applicants appealed against the decision and submitted an alternative outline application (ref. 94/05164/OUT) for the erection of a bowling club, health club, restaurant and drive through restaurant and car parking. This application was granted outline planning permission on 21st March 1995 and the appeal against the previous refusal was withdrawn. The subsequent application for approval of reserved matters was granted on 16th December 1997.
- 2.4 On 30th October 1996 two applications were received for the following:
- 96/00668/OUT – Outline application for the erection of a multiplex cinema and associated car park (siting and means of access not reserved).
- 96/00669/OUT – Outline application for leisure development including bowling/entertainment centre, health club and restaurant (siting of buildings, car parking and means of access not reserved).
- The applicants appealed on the grounds of non-determination on both applications. The appeals were withdrawn in January 1998 following the approval of reserved matters for the bowling centre/health club and restaurants.
- 2.5 A duplicate application for the erection of a multiples cinema and associated car park (97/00192/OUT) was submitted on 11th March 1997 and withdrawn on 15th March 1999.
- 2.6 An application for the erection of a hotel and public house/restaurant was subsequently allowed on appeal and the development has been 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 policies are relevant:
- Policy FRP.9 (Light Pollution)
 - Policy FRP.10 (Noise)
 - Policy FRP.15 (Contaminated Land)
 - Policy B.3 (Sites of Nature Conservation Interest (C & D))
 - Policy B.8 (Non identified Sites)
 - 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 TR.32 (Protection of Cycle/Pedestrian Routes)
 - 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 and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure

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

4.0 CONSULTATIONS

- 4.1 **Gloucestershire County Council (Highway Authority)** – No highways objections are raised subject to conditions relating to access arrangements; limits on floorspace to be occupied in advance of completion of the Elmbridge Improvement Scheme; relocation of existing roadside lay-by; diversion and availability of existing footway/cycleway; provision of Construction Method Statement; Travel Plan; and provision of fire hydrants.
- 4.2 **Environment Agency** – Raise no objection following the submission of the revision of the masterplan indicating that all of the built form will be within Flood Zone 1. Advises that finished floor levels of the proposed units are set 300mm above surrounding ground levels and that the provision of a flood evacuation management plan is secured through condition to address the areas of car parking and open land within the development that will be at risk of flooding.
- 4.3 **City Archaeologist** – The proposed development site has been subject to two phases of archaeological investigations. Investigations in the east of the site in the late 1990s identified a single human cremation, quarry pits, and linear features of Roman date. Recent investigations in 2014 in the centre of the site have revealed two inhumation burials, a mix of linear features and potential settlement activity. These remains appear to survive within the site in reasonably good condition. Given what is known from previous adjacent investigations it is likely that these remains represent part of a sequence of rural settlement and burial activity from between the 2nd and 4th centuries AD.
- It is recommended that a condition be attached to any planning permission to provide for a programme of archaeological excavation of all significant archaeological deposits in advance of the proposed development, with provision for appropriate archiving and the public dissemination of the findings.
- 4.4 **Highways Agency** – Original response requested clarification on two issues in relation to the Transport Assessment which has since been provided. Following the review of the additional information The Agency has confirmed that it is content that the development will not have a severe impact on the strategic Road Network and offers no objection to the application.
- 4.5 **Environment Agency** – No objection subject to the inclusion of a number of conditions.
- 4.6 **Drainage Officer** – Confirmed that the amended proposals are acceptable from a drainage / SUDs perspective subject to the inclusion of conditions.
- 4.7 **Worcestershire Regulatory Services (Contaminated Land)** – Concur with

the conclusions of the Preliminary Risk Assessment which indicates site intrusive site investigation is required to confirm the findings of the study. It is recommended that the standard contaminated land condition is applied to any planning permission to ensure necessary further works are undertaken.

- 4.8 **Severn Trent Water** – No objection subject to the inclusion of a condition requiring a scheme for the disposal of surface water and foul sewage to be submitted to and approved by the Local Planning Authority.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 The application has been publicised by way of a press notice in The Citizen and through the display of a site notice. In addition 45 properties have been notified of the application in writing.

- 5.2 As a result of this publicity 2 letters of representation have been received. The main issues raised can be summarised as :

- Concerned at the prospect of people who are working at the new development and parking in Liddington Road all day as there is easy access to the site via the connecting footpath. Liddington Road is narrow with narrow footpaths and more unrestricted parking would cause chaos. Already experience problems associated with people parking in the road all day. If the application is granted can there be restrictions on parking in the road for non-residents.
- A development of this scale within such close proximity is certain to increase the number of people using Liddington Road as an all day car park due to convenience. The road is already used regularly as a pick up and drop-off point for people using the footpath as part of their journey.
- Traffic congestion – strongly object to the suggestion that the incorporation of a signal controlled junction in place of the existing left-in/left-out junction would relieve congestion on the Elmbridge Court and C & G roundabouts as stated in the Design and Access Statement. It would have the complete opposite effect and heavily congested traffic at peak times of day when workers at the new development would be competing with already high traffic levels on the A417. The nature of the businesses currently sited here is such that traffic entering and leaving is spread across the day and does not peak at typical am and pm periods. In contrast the traffic associated with the proposed development would be certain to follow typical rush hour trends and therefore add considerably to peak time volumes of traffic on the A417. The close proximity of the signal controlled junction to the C&G roundabout would also likely to cause tailbacks to the roundabout and have an adverse effect on traffic flows. This also risks negating the benefits from the recent improvement project undertaken on this roundabout. To alleviate this problem request that options such as an additional access route between the site and Corinium Avenue be considered.
- Poor Public Transport links – concerned that the distance to a train station or regular bus service is currently too far and would not be conducive to encouraging employees to use public transport. Request the provision of

closer bus stops or a more regular Number 6 service on Nine Elms Road to help minimise car traffic to and from the site.

- Flood Risk – despite the Flood Risk Assessment still concerned over the possibility of the development increasing the likelihood of our properties flooding. Liddington Road has historically suffered from flooding due to the close proximity to Horsbere Brook, most notably during 2007 when a number of properties opposite the site were damaged. Despite the mitigation measures proposed these are not guaranteed to completely compensate for the increased surface run-off due to the substantial increase in the area of non-permeable surface. Have strong concerns that any increase to flood risk could ‘tip the balance’ of the natural drainage activity and have disastrous consequences for the residents. On this basis preference would be to avoid the unnecessary development on the small section of land within flood risk zones 2 and 3. Failing this would like further assessments to be carried out and additional assurance that the development would not increase the flood risk for properties in Liddington Road.

- 5.3 The full content of all correspondence on this application can be inspected at the 4th floor reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting. The link below is to the documentation:-

<http://glcstrplnng12.co.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=NB430QHMC0000>

6.0 **OFFICER OPINION**

- 6.1 The main issues for consideration

Policy

- 6.2 The National Planning Policy Framework (NPPF) seeks to provide sustainable development via a plan led system. It also states that the Government is committed to securing economic growth in order to create jobs and prosperity and that the planning system should support sustainable economic growth with Local Planning Authorities planning proactively to meet the development needs of business and support an economy for the 21st Century.
- 6.3 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy has reached an advanced stage in the development plan process and is currently at the Examination stage. Policy SP1 – The Need for New Development, states that provision is made for 30,500 homes and about 28,000 new jobs. This quantum of development is to be delivered within existing urban areas through district plans, existing commitments, urban extensions to Gloucester and Cheltenham and the provision of strategic allocations at Ashchurch. The 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.

- 6.4 The site is not allocated in the Second Stage Deposit City of Gloucester Local Plan (2002) although part of the site adjacent to the Horsbere Brook is identified as a Nature Conservation Area (Policy B.3) and the existing footpath/cycle route (Policy TR.32) is also identified.
- 6.5 The site was identified in the 2013 City Plan Sites consultation (May 2013) as a potential employment development with further work needed to establish which sites should be allocated in the Draft City Plan. The use of the site for employment purposes was supported by the 2014 Strategic Assessment of Land Availability.

Highways

- 6.6 The County Council as Highway Authority originally raised objections to this application, and significant work has been undertaken by the applicant and the County to address the relevant issues of concern. In summary, the position of the County is now that the proposal is acceptable and that they have no objections to the scheme subject to various planning conditions.
- 6.6 As stated earlier in this report, access to and from the A417 would be reached via an amended signalised junction which would replace the existing left-in/left-out arrangements. The detail and design of this junction has been agreed and is acceptable. Amongst other matters, one benefit of such a junction is that traffic which currently leaves the site but wishes to head towards the south and then east or west has instead to travel north to the Elmbridge Court roundabout and head back on itself. Such movements would as a result of the revised junction not be needed.
- 6.7 As part of the highway alterations it will be necessary to close the current lay-by on the southbound carriageway of the A417 north of the site. It is proposed to relocate this north of the railway, and this can be secured by condition. There would therefore be no loss of HGV parking as a result of the changes.
- 6.8 Assessments of the demand for car parking spaces has been undertaken, and has looked to assess the mix of potential uses of the proposed buildings referred to in Paragraph 1.3 of this report. B1 uses are likely to generate greater vehicle movements and parking demands than the equivalent floor space in a B2 or B8 use. The County are satisfied that the necessary quantum of overall parking can be provided in the development. With adequate on-site parking provision, coupled with the revised access arrangements to and from the A417, it is thought unlikely that concerns raised about the risk of additional parking and traffic on Liddington Road would result from this development.
- 6.9 In terms of access arrangements within the site, there is currently a roundabout off the access to/from the A417. This roundabout would be enlarged and modified so as to provide access to existing and the proposed development. An existing footpath and cycleway would be realigned.
- 6.10 In terms of accessibility by means other than car, the site is relatively well located. It is considered to be within a reasonable walking distance from residential areas, and would be within a 30 minute cycling distance from the

majority of Gloucester. The site is accessible by public transport, although it does lie some distance from the nearest bus stops. The County advise that they are satisfied the site is in an accessible location and opportunities for sustainable transport modes are available. A Framework Travel Plan has also been provided.

- 6.11 Located to the north of the site on the A417 is the Elmbridge Court roundabout, which has been considered carefully in terms of potential highway impacts of this proposal. While the intended access arrangements to and from the site would in fact remove some traffic movements which currently occur at this roundabout, there would clearly be a net increase in traffic using it. There are improvement works to the roundabout which will look to both address current difficulties at the roundabout but also increase its capacity. When those works have been undertaken, the County are of the view that there would be sufficient capacity to accommodate the traffic generated by this proposal. However, the full development of the site would not be acceptable until those works at the roundabout are completed. Consequently, the County recommend a condition be placed on any permission to ensure that only certain amounts of floor space can be brought into use in the event that the scheme is developed before the roundabout works are completed. The figures quoted by County are up to 1900 sq m of B1 use, or 7000 sq m of B2 use, or 2900 sq m of car sales use. It is considered that a suitable condition could be attached to any permission to secure this.
- 6.12 To conclude in relation to highways issues, it is the case that the development is acceptable and can be safely accommodated on the highway network subject to the imposition of a number of conditions, the most significant of these being a restriction on the amount of floor space that can be used prior to the completion of planned improvement works to the Elmbridge Court roundabout.

Flooding

- 6.13 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA). The Environment Agency Flood Maps indicate that the majority of the application site is located within Flood Zone 1 (low risk), designated as having less than a 1 in 1000 annual probability of river or sea flooding in any year (less than 0.1%). However the north east corner of the site is located within Flood Zones 2 and 3 with a 1 in 1000 year (0.1%) and 1 in 100 year (1%) chance of flooding from the Horsbere Brook in any year respectively.
- 6.14 The FRA states that due to the presence of the Witcombe Reservoirs there is a risk of flooding due to dam breach although the likelihood of this is considered low and can be dealt with via the development of a Flood Evacuation Plan for the site. The risk of flooding from other sources such as tidal, surface water and ground water is found to be low.
- 6.15 The originally submitted masterplan showed the office building located partly on land located in Flood Zones 2 and 3. It was proposed that an area of

surrounding land and car parking is lowered to provide the necessary floodplain compensatory storage. The proposed uses are classified as being 'less vulnerable and suitable in all areas other than Flood Zone 3b (functional floodplain).

- 6.16 To address the concerns raised by both Officers and the Environment Agency the illustrative masterplan has been revised and now shows all of the employment buildings located within Flood Zone 1. Flood risk to the car parking areas in the north east of the site will be limited by looking at the levels to ensure that flood depths will not exceed 300mm.
- 6.17 The increase in surface water runoff post-development will be mitigated by the use of Sustainable Urban Drainage (SUDs) techniques with discharge rates to the Horsbere Brook carefully managed and limited to greenfield rates and volumes to ensure there is no increase in flood risk elsewhere.
- 6.18 As part of the site falls within Flood Zones 2 and 3 paragraph 104 of the NPPF states that a Sequential Test is required to ensure that there is not an alternative suitable site available for the development at a lower risk of flooding.
- 6.19 A sequential test has been undertaken and has considered the availability of alternative sites using the City Council's Strategic Assessment of Land Availability (January 2015). This has concluded that there are no alternative sites that are immediately available for employment purposes in the search area that are sequentially preferable to the application site. In addition the a sequential test has been applied within the site itself to ensure that the buildings are located in the areas of lowest flood risk, Flood Zone 1, leaving only the landscaping and car parking within the higher flood risk areas where management of the risk can be managed and mitigated. The development therefore is located in a low risk site, which is in keeping with the type of development proposed. The sequential test has been applied across the site by identifying areas of low flood risk suitable for development. It is considered that the requirements for a Sequential Test under NPPF have been satisfied.
- 6.20 The Flood Risk Assessment and Drainage Strategy concludes that the proposed development can be undertaken in a sustainable way, without increasing the flood risk to either the proposed new development or to properties in the surrounding area. The City Council's Drainage Engineer and Environment Agency have assessed this report and confirmed that they have no objections to the application subject to the inclusion of conditions.

Residential Amenity

- 6.21 At its closest point the distance between the site boundary and rear garden boundary of the closest residential properties on Liddington Road is approximately 42 metres. The railway line bounding the development site is approximately 4 metres in height and the Environmental Health Officer has advised that this will act as a natural acoustic barrier between the sensitive receptors on Liddington Road and the proposed development site.

Additionally there is an existing significant level of noise in the locality due to the road traffic noise from the A417.

- 6.22 However, as this is currently a speculative application and given the range of uses that could occupy the site the Environmental Health Officer has recommended that a condition be included on any planning permission to require the submission of a noise management plan with any subsequent reserved matters applications. The noise management plan would be required to include any noise mitigation measures that may be necessary to protect the amenity of the occupiers of the residential properties to the north of the site and the adjacent hotel.

Design and Layout

- 6.23 The application has been made in outline with all matters reserved with the exception of the means of access and scale of development. While a masterplan has been submitted in support of the application this is only illustrative to establish the parameters for the scale of development and confirm that the amount of development applied for can be accommodated within the site.

- 6.24 A section through the key buildings on the originally submitted masterplan indicate the B1/B2/B8 building with a maximum height to ridge of 11 metres and the separate office building being some 3 storeys high and approximately 13 metres to the ridge. However, the Design and Access Statement sets out that the purpose of the application is to establish the principle of employment development to allow the site to be marketed. It is recognised that the layout and mix of uses within the buildings may not be delivered in the form shown on the illustrative masterplan. While the constraints and opportunities identified on the masterplan will remain valid, its purpose is to establish the principles and scale of development that will allow reserved matters applications to be submitted and these may take a different layout and different forms of buildings to those shown.

- 6.25 Details of the final layout and design of units will be submitted and considered as part of future reserved matters applications. In general terms Officers would expect all facing materials to be used in the construction of the buildings to be of a high quality.

Landscaping and Ecology

- 6.26 An Ecological Assessment was submitted in support of the application and comprised of an initial desk top study followed by a habitat and faunal survey undertaken in 2013. The site survey was based on an extended Phase 1 survey methodology (Joint Nature Conservation Committee, 2010), as recommended by Natural England.

Ecological Designations

- 6.27 The report concludes that the site itself is not subject to or adjacent to any statutory or non-statutory nature conservation designations.

Habitats

6.28 The Horsbere Brook is considered to be of low to moderate ecological value at the local level and is to be retained and enhanced. The remaining habitats within the site include semi-improved grassland, amenity grassland and planting, scrub, tall ruderal, hedgerows, hard surfacing and a balancing pond. These are composed of common and widespread species such that these habitats are of low to negligible ecological value. The report considers that any anticipated losses to the proposed development are of minor to negligible significance.

Protected Species

6.29 The habitats within the site provide opportunities for bats, reptiles and birds and the following mitigation/precautions are recommended:

- **Bats** – Care should be taken in the placement of lighting to ensure that no lights are placed near the entrance/exit points of new potential roost sites and that low spill lighting is employed wherever possible. It is also recommended that bat boxes be erected on retained trees.
- **Reptiles** – A low population of slow-worm is currently present at the site. Prior to construction activities starting, a translocation exercise should remove the reptiles from the development area to a newly improved habitat in the north-east of the site to ensure the long-term viability of the on-site reptile population.
- **Birds** – It is recommended that any clearance of habitat is undertaken outside of the bird nesting season (outside March to August). It is also recommended that bird boxes are placed on a proportion of retained trees.

6.30 Whilst it is accepted that the site does not support any particularly rare or protected species (other than slow worms), it does contribute to the general background biodiversity of the City and given the overall size of the site its loss it is considered that its loss would be significant. Policies in both the Second Deposit Local Plan (2002) and NPPF have the same aim to ensure that overall there is no biodiversity loss. This does not mean that post development the species and numbers should be the same but overall biodiversity should be approximate on value to what was there before. This can be achieved by replacing areas of the proposed car parking with a semi-natural habitat, the use of green roofs or off site compensation. Whilst offering some benefit the provision of bird and bat boxes as recommended in the Ecological Report provide limited benefits in terms of the overall biodiversity. The slow worms will need receptor sites which can be provided a short distance from the application site.

6.31 The Landscape Officer has suggested that a robust native tree and hedgerow strip should be provided around the perimeter of the site, particularly on the northern and western boundaries to retain green corridors for birds and small mammals. It is also suggested that the linking of all the green pockets indicated on the masterplan with tree or hedgerow planting together with planting within the car parking areas would be beneficial.

- 6.32 The revised masterplan now includes green corridors along the eastern and western boundaries. The applicants Ecologist comments that these eastern and western corridors are linked at the northern boundary by the existing railway corridor which includes a significant belt of semi-natural vegetation and as such wildlife movement along the northern boundary should not require any additional on-site green space. The revised masterplan also retains a minimum 8 metre strip from the Brook to allow easements for maintenance and an improved ecological corridor.
- 6.33 Although bounded by a dual carriageway, railway and commercial development the site is on the periphery of the City and it is important to minimise light spillage associated with the development.
- 6.34 The large expanses of roof with open aspect to the south lend themselves to providing renewable energy. However, the application does not make any reference to this matter and there are currently no policies which would allow the Local Planning Authority to insist on this at this stage.
- 6.35 The City Council's Tree Officer has confirmed that there are no trees of significant amenity within the site. There are, however, several 'B' Grade trees which it would appear will be lost on the illustrative masterplan. This figure should be determined at the reserved matters stage and suitable compensatory planting will be required to be undertaken on the site, including within the car parks. It is important that new suitable tree planting is planned and designed into the scheme at the earliest possible opportunity at the reserved matters application stage.
- 6.36 No objections have been raised on ecological grounds subject to conditions requiring the submission and approval of a strategy to identify how the biodiversity value of the site will be maintained together with a strategy detailing the proposed mitigation and translocation for the slow worm population.

Human Rights

- 6.37 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 This development is part of a wider development plan for the area and is the last undeveloped part of an otherwise commercial / leisure area with the hotel

and pub to the east and recreational facilities to the south. The site was identified as a potential employment site in the 2013 City Plan Sites Consultation and supported by the 2014 Strategic Assessment of Land Availability. The proposed scheme would make the best use of the available land with all the built development capable of being located within Flood Zone 1. The applicant has estimated that up to 850 jobs could be created on this site together with significant short term employment in the construction sector. Subject to conditions and approval of the detailed design and layout it is considered that the use would not have an unacceptable adverse impact on the character of the area or the amenities currently enjoyed by the occupiers of neighbouring properties and would not create any highway safety implications.

7.2 Overall it is therefore considered to be a suitable and sustainable location for this type of development and that the relevant tests in the NPPF have been satisfied and it complies with policies in the Second Deposit City of Gloucester Local Plan (2002).

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That outline planning permission is granted subject to the following conditions:

Condition 1

Approval of details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

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

Reason

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

Condition 2

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be approved.

Reason

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

Condition 3

Approval of the reserved matters shall be obtained from the Local Planning Authority in writing before any development 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 4

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 5

The development hereby approved shall be carried out strictly in accordance with the following approved drawing nos and documents (drawing numbers to be added) and any other conditions attached to this permission.

Reason

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

Condition 6

Details to be submitted for approval for reserved matters shall include a Noise Management Plan to include any mitigation measures that may be necessary to control noise emanating from the site and ensure there is no adverse impact on the occupiers of neighbouring properties. The approved scheme shall be implemented before the occupation of the unit to which it relates and maintained for the lifetime of the development.

Reason

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 7

Details to be submitted for approval for reserved matters shall include a strategy identifying how the biodiversity of the site will be maintained over the long term and include the association with the Horsbere Brook and its importance with regards to green infrastructure. The approved scheme shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the nature conservation interest and biodiversity of the site is protected in accordance with policies B.3 and B.8 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

No development shall take place until full details of the proposed method, mitigation and translocation strategy for the Slow Worm population has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be carried out as approved.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works to safeguard and maintain a protected species in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan.

Condition 9

No development or demolition (including all groundworks) shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost in accordance with paragraph 141 of the National Planning policy Framework and Policy BE.37 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No development shall take place until samples of materials to be used externally have been submitted to and approved in writing by the local planning authority.

Reason

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

Condition 11

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 12

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the results of further investigations into exactly which brownfield areas drain to the existing balancing pond and proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage (SUDS). The approved scheme shall be implemented prior to the first use of the development and maintained thereafter for the life of the development. 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.

Reason

There is currently a lack of clarity over exactly which pre-development brownfield areas drain to the existing balancing pond. To ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and Policy

FRP.6 of the Second Deposit City of Gloucester Local Plan (2002), Paragraph 103 of the National Planning Policy Framework and to ensure that the existing brownfield rates are reduced in accordance with Gloucester City Council's SFRA (Strategic Flood Risk Assessment). 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 13

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 14

The landscaping scheme approved under condition 13 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 15

All trees and hedgerows to be retained shall be protected in the course of construction works by secure fencing of a type and location to be agreed in writing by the Local Planning Authority prior to the commencement of development on any phase. The protective measures, which shall accord with BS5837 - Trees in Relation to Construction, shall be maintained throughout the construction period and no soil or materials shall be placed within the protected areas.

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).

Condition 16

Prior to the commencement of development a Flood Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Management plan shall include procedures for the evacuation of the site in the event of flooding and the design and location of appropriate signage and flood warning notices to make employees and visitors to the site aware of the potential flood risk at the site and evacuation procedures during times of flood. The approved Management Plan shall be implemented prior to the first occupation of the development with the approved notices kept legible and clear of obstruction and maintained as such for the life of the development.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to ensure that owners, occupiers and visitors to the site are aware that the site is at risk of flooding and have suitable evacuation procedures in place in accordance with the National Planning policy Framework and in accordance with Policy FRP.1a of the Second Deposit Gloucester City Local Plan (2002).

Condition 17

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;
- vi. measures to control the emission of dust and dirt during the demolition and construction phases from ground works, haul roads, stockpiles and material handling/removal.
- vii. specify details of the light from security compounds
- viii specify details for the storage of waste.

Reason

To reduce the potential impact on the public highway and to safeguard residential amenity and prevent pollution in accordance with policies TR.31 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 35 of the National Planning Policy Framework.

Condition 18

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

Reason

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

Condition 19

During the construction phase no power tools or machinery shall be used on the site, other than portable hand tools between 08:00 and 08:30hrs Monday – Friday or between 08:30 and 09:00hrs Saturdays.

Reason

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

Condition20

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 21

During the full term of the construction (including preparatory groundworks) no construction traffic connected with any aspect of the development (including delivery vehicles) shall park on Liddington Road.

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 22

The development shall not be occupied until details of a lighting scheme to illuminate the external areas of the application site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the lighting fixtures, their location on the site/on the buildings, and the extent of illumination. The scheme is also to include details on how the impact of how floodlights and external lighting will be minimised. The approved lighting scheme shall be implemented prior to the commencement of the use of the development and maintained for the duration of the use of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason

To reduce unnecessary light pollution and its impact upon crepuscular fauna, to safeguard local amenities and in the interests of crime prevention in accordance with Policies FRP.9, BE.21 and BE.5 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 23

No built development shall take place within Flood Zones 2 and 3 as identified on the Environment Agency Flood Maps.

Reason

To protect the development from flooding in accordance with Policy FRP.1 of the Second Deposit City of Gloucester Local Plan (2002)

Condition 24

There must be no buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the to bank of the Horsbere Brook unless agreed otherwise in writing by the Local Planning Authority.

Reason

To maintain access to the watercourse for maintenance or improvement and provide overland flood flows in accordance with policy FRP.5 of the Second Deposit City of Gloucester Local Plan (2002).

Additional conditions

- 25 Details of the maximum amount of development permitted for each use (i.e. within use classes B1/B2/B8)
- 26 Finished Floor levels to be set a minimum of 300mm above surrounding ground levels.
- 27 Access road arrangements to be constructed prior to occupation of buildings
- 28 Limits on maximum floorspace of each use to be brought into use prior to implementation of Elmbridge Improvement Scheme
- 29 Relocation of lay-by on southbound carriageway of A417 prior to commencement of work on the new signalised junction
- 30 No occupation of buildings prior to provision of roadway and footpath access to minimum standards
- 31 Details of diversion of existing cycle/footway to be submitted and implemented
- 32 Implementation of Travel Plan
- 33 Provision of fire hydrants

Notes

1. Work under this Approval, directly affecting a public right of way, should not be commenced until a Diversion Order is confirmed and operational.
2. For the avoidance of doubt the indicative layout plan has been provided for illustrative purposes only to demonstrate that the scale of development proposed can be satisfactorily accommodated on the site.

Decision:

Notes:

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Person to contact: Caroline Townley
(Tel: 396780)

14/01035/OUT

Land At
Barnwood Link Road
Gloucester

Planning Committee 04.08.2015

