

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **3RD NOVEMBER 2015**

ADDRESS/LOCATION : **UNITS L-Q, THE AQUARIUS CENTRE,
EDISON CLOSE**

APPLICATION NO. & WARD : **15/01022/FUL
QUEDGELEY FIELDCOURT**

EXPIRY DATE : **6TH NOVEMBER 2015**

APPLICANT : **MR GRAHAM HOWELL**

PROPOSAL : **ERECTION OF 1 NO. INDUSTRIAL UNIT
CONTAINING UP TO 5 INDIVIDUAL UNITS
(CLASS B1c/B8) WITH ASSOCIATED
SERVICING AREA, CAR PARKING AND
LANDSCAPED AREAS.**

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 existing and proposed commercial units to the north and west.
- 1.2 The application seeks full planning permission for the erection of a commercial building for uses within Class B1(c) / B8 with a total gross internal floorspace of 1775 square metres and 34 car parking spaces. It is intended that the unit would be subdivided into up to 5 units for sale or lease.
- 1.3 The unit has a dual pitched roof with a height of approximately 6.5 metres to eaves and 8.5 metres to the ridge. The existing site slopes which will result in a step in building levels of approximately 450mm between units M and N. It is intended to keep the ridge height at the same level increasing the eaves to the North West elevation to 6.95 metres and ridge to approximately 8.95 metres. The proposed materials comprise of a combination of microrib horizontal composite cladding panels and profiled metal built up cladding.

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 NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; 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)** – No highway objection.

- 4.2 **Quedgeley Parish Council** – Hours of operation should be restricted to 7am-6pm Monday-Saturday, 9am-noon on Sunday and closed on public holidays.
- 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** – The application is speculative with no known end users and conditions are recommended to protect the amenity of residents in Naas Lane.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the display of a site notice. In addition 6 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=15/01022/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 with cladding to match the units on the opposite side of Edison Close.

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.

Residential Amenity

- 6.4 The proposed building would be located approximately 85 metres from the front boundary of the closest residential property in Naas Lane. There are also existing commercial buildings between the application site and the residential properties in Naas Lane. The application proposes unrestricted working hours for the units.
- 6.5 The Environmental Health Officer has recommended a number of conditions including those to limit noise levels, to control the hours for the loading/unloading of service and delivery vehicles, lighting and opening of the roller shutter doors. Given the distances involved, the nature of the use and the intervening buildings, 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 conditions recommended by the Environmental Health Officer, 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 Access to the development will be taken directly from Edison Close which is a modern industrial access road approximately 7 metres wide. The access to the site will be formed by dropped kerb crossings of the existing footway. Suitable visibility will be available for the low speed of vehicles in Edison Close and sufficient space will be available for vehicles to access the proposed units.

Parking

- 6.8 The application proposes 34 car parking spaces including 5 disabled spaces. Parking standards no longer apply, however, as a guide the full occupation by a B1(c) would be expected to require 36 spaces and full B8 use would be 18 spaces. The application site is well located in terms of access by means other than the private car with the site being located very close to the Waterwells Park and Ride site which provides a regular bus link to the City centre. The application site is also within reasonable cycling distance from a large number of residential areas of the City with off carriageway cycling facilities provided on a number of routes and cycle parking to be provided. On this basis the Highway Authority considers that the proposed parking provision is acceptable.

Additional vehicle movements

- 6.9 Using a worst case scenario of all units being B1(c) use the proposed development would be expected to create an additional 10 two-way vehicle trips in both the AM and PM network peak hours. The Highway Authority has

indicated that this level of increase will have minimal impact on the surrounding highway network.

- 6.10 No objection is raised by the Highway Authority subject to the inclusion of conditions.

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.8106 PL01, PL02, PL03 and PL04 received by the Local Planning Authority on 7th August 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

No part of the development shall be occupied until covered and secure cycle storage facilities for a minimum of 5 bicycles have been laid out within the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority; and those facilities shall be maintained for the duration of the development.

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 32 of the National Planning Policy Framework.

Condition 5

The buildings hereby permitted shall not be occupied until the vehicular parking and loading/unloading facilities have been provided in accordance with the submitted plan, 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, cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 6

Within one month of the commencement of development a scheme for the provision of a refuse and recycling storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason

In the interests of amenity in accordance with Policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

The proposed external materials to be used in the development hereby permitted shall be in accordance with the details indicated in the application forms and on the approved drawings, unless alternatives are submitted to and agreed in writing by the Local Planning Authority.

Reason

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

Condition 8

Noise generated from items of plant and equipment associated with this application, including vehicles that is an intrinsic part of the overall sound emanating from the premises, shall be controlled such that the rating level, in accordance with BS 4142:2014, measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing typical LA90 background level, with no tonal element to the plant.

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 9

The up and over doors as indicated on drawing no. 8106/PL04 received by the Local Planning Authority on 7th August 2015 shall remain closed at all times unless ingress or egress is required to the units.

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 10

The building 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. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of crime prevention in accordance with Policy BE.5 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 11

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

Reason

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

Condition 12

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

Reason

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

Condition 13

No burning of materials/substances during construction phase - 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 14

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 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 15

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 B 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.

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 16

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 17

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).

Statement of Positive and Proactive Engagement

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

Decision:

Notes:

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

15/01022/FUL

Units L - Q
The Aquarius Centre
Edison Close
Quedgeley
Gloucester

Planning Committee 03.11.2015

