

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 02 FEBRUARY 2016

ITEM 5: 15/01271/FUL, LLANTHONY PRIORY

Archaeology and drainage attenuation issues

The applicant has provided an indication of the preferred drainage attenuation solution. This involves the extension of the existing pond and a swale. This solution does not at present have the support of the City Archaeologist, Historic England or the Conservation Officer because the heritage impacts have not been assessed.

An alternative option is available at the site of the proposed car park, which is not as archaeologically sensitive and it appears, taking into account the advice of the Archaeologist and Drainage Engineer, that a below-ground attenuation system could be accommodated here.

The Drainage Engineer is satisfied with the drainage calculations provided so far, and is happy that the applicant could accommodate the attenuation under the car park area based on the calculations. Therefore there is a fall-back option if the 'pond' solution is not considered to be acceptable.

The Environment Agency has not yet responded in respect of its objection on flood plain compensation grounds.

I recommend that the SuDS condition is amended to include the need to assess the heritage impact of the proposed solution.

Amended recommendation of the Development Control Manager:

That subject to the Environment Agency withdrawing its objection, planning permission is granted subject to the conditions listed in the report with the following amendment:

Condition

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 proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be accompanied by an assessment of the impact of the proposed solution on buried archaeological remains and the setting of listed buildings. The approved details shall be implemented prior to the first occupation of the development for the use hereby permitted and maintained thereafter for the life of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and preserve heritage assets and their setting in accordance with Policies SD9, SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100, 103 and 131 of the NPPF and Policies FRP.1a, FRP.6, FRP.11, BE.23, BE.31, BE.34, BE.35 and BE.36 of the City of Gloucester Second Deposit Local Plan 2002.

AGENDA ITEM 6 : 15/01428/FUL SHIELD HOUSE, 2 CREST WAY

Environmental Protection Team

The Environmental Health Officer is satisfied with the noise report submitted by the applicant and has no objections to the application.

They recommend planning conditions to secure the following:

- Demonstration that maximum noise levels can be achieved for building services equipment and emergency plant
- Limit on construction hours

In view of the Environmental Health Officer's advice, it is considered that there would be no adverse noise impacts on neighbouring property, subject to the imposition of the conditions.

It is considered unnecessary to require further details of plant and equipment and that maximum noise levels would be sufficient to ensure that there are no unacceptable noise impacts on nearby property.

The conditions suggested in the original committee report are recommended with the addition of conditions 13 and 14, which have regard to the new advice from the Environmental Health Officer.

Recommendation

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 drawings 1322_300, 1322_304, 1322_305, 1322_306, 1322_308 and 1322_309 received on 29 October 2015; and drawing number 1322_313 received on 01 December 2015.

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

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the premises shall not be used other than as an electronic data centre and shall not be used for any other purpose falling within Use Classes B1 or B8; without express planning permission.

Reason: Alternative use would require further consideration by the Local Planning Authority because of traffic/parking implications, having regard to the provisions of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 4

The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to the provisions of the National Planning Policy Framework.

Condition 5

The development shall not be occupied until visibility splays have been provided extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between the visibility splays and the carriageway shall be maintained at all times so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: In the interests of highway safety, having regard to Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 6

The development hereby approved shall not be occupied unless covered bicycle storage has been provided in the location shown on the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TR.33 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 7

The building shall not be clad, rendered or faced in brick unless in accordance with sample panels, which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.

The approved sample panels shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 8

The external windows shall be recessed at least 225mm from the outer wall/exterior elevation.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 9

The boundary mesh fence shall be finished in black.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 10

The development hereby approved shall not be occupied or operated until a lighting scheme to light the public alley on the south side of the site has been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be retained at all times.

Reason: To ensure that the adjacent alley is satisfactorily lit in the interests of crime prevention and safety, having regard to Policy BE.5 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 11

No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Condition 12

No development shall commence on site unless details of a surface water attenuation/storage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Condition 13

Noise levels attributable to services equipment and emergency plant shall not exceed the limits as set in the tables below.

Proposed Building Services Equipment:

	Maximum Acceptable 'Rating Noise Level' at the facade of the building	
Period	Kingstone Avenue (Residential)	Ley Court (Commercial)
Day 0700 - 1900	37 dB(A) $L_{Aeq, 1\text{ hr}}$	47 dB(A) $L_{Aeq, 1\text{ hr}}$
Evening 1900 - 2300	35 dB(A) $L_{Aeq, 1\text{ hr}}$	N/A
Night 2300 - 0700	31 dB(A) $L_{Aeq, 15\text{ mins}}$	N/A

Noise from the emergency plant, which may be used during power outages:

Period	Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest residential buildings (Kingstone Avenue)
Day 0700 - 1900	50 dB(A) $L_{Aeq, 15\text{ mins}}$
Evening 1900 - 2300	46 dB(A) $L_{Aeq, 15\text{ mins}}$
Night 2300 - 0700	43 dB(A) $L_{Aeq, 15\text{ mins}}$
Period	Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest commercial building (Ley Court)
Day 0700 - 1900	57 dB(A) $L_{Aeq, 15\text{ mins}}$

Reason: To safeguard the amenities of the area, having regard to Policy BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 14

No construction related activities, including deliveries to or dispatched from the development, shall be undertaken outside the following hours:

Monday to Friday 0800 to 1800
 Saturdays 0830 to 1300

No such construction related activities or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).