GLOUCESTER CITY COUNCIL

COMMITTEE : PLANNING

DATE : 31ST MAY 2016

ADDRESS/LOCATION : LIDL SUPERMARKET, EASTERN AVENUE

APPLICATION NO. & WARD : 16/00013/FUL

BARNWOOD

EXPIRY DATE : 6TH JUNE 2016 (TIME EXTENSION AGREED)

APPLICANT : LIDL UK GmbH

PROPOSAL : DEMOLITION OF EXISTING DISCOUNT

FOODSTORE AND CONSTRUCTION OF REPLACEMENT DISCOUNT FOODSTORE WITH ASSOCIATED CAR PARKING.

SERVICING AND LANDSCAPING.

REPORT BY : CAROLINE TOWNLEY

NO. OF APPENDICES/

OBJECTIONS

1. SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the east of Eastern Avenue and comprises the site of the existing Lidl store and the former Gloucester Fire Station. The site is bounded to the north east by an existing retail park, with residential properties in Coney Hill Road and Highfield Place to the south and east and Eastern Avenue along the north western site boundary. Beechwood Funeral Services on the junction of Coney Hill Road and Highfield Place and the Crematorium also back onto the application site. The site is approximately 1.08 hectares in area.
- 1.2 The northern section of the site is currently occupied by the existing Lidl store with associated car park and servicing area. The existing store is located in the north east corner of the site and has a gross internal floor area of 1397 square metres. A total of 69 car parking spaces are currently provided with vehicular access from Eastern Avenue. The southern section of the site is currently vacant and was previously occupied by Gloucestershire Fire and Rescue Service.
- 1.3 The former fire station comprised a range of one, two and three storey buildings and a drill tower of about five or six storeys. The buildings have now been demolished and the site is largely clear and fenced off with hoardings.

- 1.4 The proposed development comprises the demolition of the existing store and construction of a new Lidl store and associated car parking and servicing area. The proposed replacement store would be sited on the south eastern part of the site and will be 'turned' so that it is positioned along the eastern boundary of the site. The store will be served by 158 car parking spaces, of which 9 will be for disabled customers and 4 will be marked as 'Parent and Child' spaces. Access will continue to be taken directly from Eastern Avenue, while the service road which links the site to the retail park to the north will continue to be retained. All other access points, which served the former fire station, will be stopped up as part of the development.
- 1.5 The proposed building is largely single storey, with a partial mezzanine and a mono pitch roof with a ridge height of 7.6 metres. The shallow pitch roof falls to a height of 5.28 metres at the rear adjacent to properties in Highfield Place. The gross internal floor area of the retail unit is 2,752 square metres, which is subdivided into four main parts, a sales area of 1,689 square metres, an internal bakery of 80 square metres, a warehouse storage area of 311 square metres, and a mezzanine welfare area of 201 square metres.
- 1.6 The customer entrance is located in the north western corner of the building, with the entrance lobby being angled across the corner so that it relates to both the main car park and the pedestrian access from Eastern Avenue. A glazed shopfront extends from the customer entrance across the full width of the North-eastern façade of the store.

2.0 RELEVANT PLANNING HISTORY

Existing Store

- 2.1 Planning permission was granted for the demolition of the existing buildings and the redevelopment of the site with a Neighbourhood Food Store and associated parking (04/01293/FUL) on 22nd August 2004.
- 2.2 An application for the demolition of the existing buildings and the redevelopment of the site with a Neighbourhood Food Store, together with associated car parking. (Revised siting and design of building and revised parking layout) (Amended plans) 05/00725/FUL was granted planning permission on 21st September 2005.
- 2.3 An application was granted on 16th April 2010 for the variation of condition 05/00725/FUL to allow for an extension of opening hours to 08.00 to 21.00 Monday to Saturdays and 10.00 to 16.00 on Sundays (ref. 10/00180/FUL).
- 2.4 There have also been various applications for advertisement consent.

Former Fire Station site

- 2.5 The original planning permission for the fire station was granted in 1954 with subsequent applications for the drill tower, workshop and training rooms.
- 2.6 No objections were raised to an application for prior notification of proposed demolition of the fire station in 2013 (ref 13/00414/DEM).

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 S.4a (New Retail Developments outside of Designated Centres)

Policy FRP.1a (Development and Flood Risk)

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.13 (Landscape Schemes)

Policy BE.21 (Safeguarding of Amenity)

Policy TR.9 (Parking Standards)

Policy TR.12 (Cycle Standards)

TR.31 (Road Safety)

- 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; and Department of Community and Local Government planning policies www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 <u>Gloucestershire County Council (Highways)</u> No highway objection subject to the inclusion of conditions.
- 4.2 <u>Lead Local Flood Authority</u> The risk of surface water flooding to the site appears low and there are no concerns with the area to the LLFA's current knowledge. The Flood Risk Assessment and Drainage Strategy follow local and national standards. Therefore the LLFA has no objection subject to the inclusion of conditions.
- 4.2 <u>DPDS Consulting</u> Provided retail policy advice to the Council on the application. This advice has informed the Officer's Opinion set out in Section 6 of this report.
- 4.3 <u>Severn Trent Water</u> 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) Records indicated that there are a number of current and former sites highlighted as potential sources of contamination located on or adjacent to the proposed site. These include the onsite former Mineral Water Factory and Fire and Rescue Station together with the adjacent former MoD Offices/Government Buildings and nearby New Cemetery.

WRS have reviewed the 'Geo-environmental Investigation Report, Eastern Avenue, Coney Hill, Gloucester' produced by Opus Lidl UK GmbH, dated December 2015, reference CJB/J-B0943.00 (R01) submitted in support of the application. The ground investigation and chemical analysis of soils did not identify any contaminants exceeding the relevant screening values.

Given the former uses of the site identified above WRS recommend that a condition is attached to any planning permission granted to address any unexpected contamination encountered during the development of the site.

- 4.5 <u>Environmental Health Officer</u> No objection raised subject to the inclusion of conditions.
- 4.6 <u>City Archaeologist</u> This site is located 300 metres south of a known Roman villa or farm. There's also a fairly high occurrence of Roman pottery in the surrounding area. A Bronze Age spearhead is recorded in the adjacent Coney Hill cemetery. The southern half of the site has already been subject to archaeological evaluation which identified no archaeological remains. The northern half of the site does still have potential to contain archaeological remains of Roman or prehistoric date.

In light of this it is recommended that a condition be attached to any planning permission to provide for a programme of archaeological evaluation (trial trenching) prior to any development. Further mitigation in the form of a watching brief or excavation may then be required depending on the results of the evaluation.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through a press notice and the display of a site notice. In addition 35 properties have been notified of the application in writing. Neighbours were re-notified on the receipt of amended plans and additional information.
- 5.2 As a result of this publicity nine letters of representation have been received. Six of these letters have been received from the occupiers of neighbouring residential properties, two from the Director of Beechwood Funeral Services Ltd and one from Richard Holmes Property Consultant on behalf of the Midcounties Co-operative Limited (the Co-op). The main issues raised can be summarised as:
 - Object that the delivery yard will be adjacent to my back garden and worry about the noise and pollution. Would not object if the delivery yard was facing Staples and other retail units.
 - Am very glad to hear of the proposed new Lidl store but a number of matters need to be resolved before the building goes ahead. These include measures to prevent sea gulls and nests on the roof; area to the rear of the building bordering our gardens must be secured against unauthorised persons; noise and lorries must be restricted after 19.00 to prevent disturbance to houses, this especially applies to late night and early morning deliveries; consideration must be given to the sensitive nature of the funeral parlour in Highfield Place.
 - Main concern relates to shop lighting. Proposed store will be directly opposite my house. We currently suffer from the bright lights of the current store with light shining into one of the bedrooms. The proposed new bigger store would affect all three bedrooms.
 - Concerned about noise impact from opening/closing car doors, trolleys, and people talking loudly. Noise from delivery lorries often with refrigeration units and engines left running.

- Entering/existing the site with the potential for increased accidents if the centre reservation is not filled in.
- No objections to opening from 8am-9pm but would be concerned if they were given permission to open later or all night.
- Lack of parking at existing store. The existing parking along this parade
 of shops is segregated. Shame not one large open parking space
 similar to Swindon Village or the Peel Centre so the public would be
 free to utilise all parking rather than small areas allocated with each
 shop. It would also promote shoppers into more than one area.
- Seem to have a huge amount of food stores in Gloucester.

Beechwood Funeral Services Ltd

- At present we enjoy the quietness of our location.
- Our mortuary and Chapel of Rest will be directly behind the wall to where the supermarket will be dealing in foodstuffs. Their skips, rubbish and out of date foodstuffs will no doubt attract unwanted sea gulls, vermin and noise that will be ever present on my buildings which are currently serving as a chapel of rest.
- Opposed to such development unless specific provisions are in place to guarantee the overall cleanliness i.e. litter, waste, vermin (ground and aerial) and noise that we currently maintain and enjoy.

Richard Holmes Property Consultants on behalf of the Co-op

- Object to the proposed development. The Co-op has an extensive network of shops in Gloucester and relative to this application, has stores in Tredworth, Hucclecote and Finlay Road.
- Refers in particular to and questions assumptions the Retail Impact Assessment prepared by Balfinger GVA.
- Perverse to assume that a store 90% larger than the existing unit with 150% more car parking spaces is not going to have a significant increase in turnover and customers.
- Proposal would be of a size which would be suitable for the main stream operators and the application should be assessed on this basis, having regard to the impact that a conventional supermarket might have on the vitality and viability of protected centres.
- Applicants have provided insufficient information to enable a rational decision to be made on any adverse impact that the proposal might have.
- Suggest that the Retail and Transport Assessments should be treated with caution and urge that further information is sought to substantiate applicant's claims. In particular a comprehensive Impact Assessment should be provided so that a proper assessment can be made on the proposal by the interested parties.
- The proper assessment should then be advertised for further comment. Depending on the findings of the Impact Assessment the application should either be refused or it might be necessary to apply conditions regarding the operator and number of product lines.

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=16/00013/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.

Retail Assessment

- 6.2 The existing store has a gross internal floorspace of 1,347 sq m and a net sales floorspace of 1,063 sq m. The proposed replacement store would have a gross floorspace of 2,703 sq m with a net sales floorspace of 1,689 sq m representing an increase in the gross floorspace of 1,306 sq m and net sales area of 626 sq m (46%).
- 6.3 Given the proposal involves retail which is defined as a main town centre use by the National Planning Policy Framework (NPPF) and in an out-of-centre location, it will need to satisfy the requirements of both the sequential test and the impact test (NPPF paragraphs 24 to 27). Given the nature of such retail considerations and the detailed analysis that becomes necessary, the Council has commissioned a retail consultant, DPDS Consulting, to advise on the application.
- 6.4 The current application is supported by a Retail Statement together with a Supplementary Note on Planning Policy Matters, prepared by Bilfinger GVA (BGVA), submitted to respond to Officer's requests for additional information.

Sequential Test

- 6.5 The sequential test requires 'town centre uses' to be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. It follows that when considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 6.6 From a sequential test perspective, it is relevant that there is already an existing Lidl store trading onsite and it is accepted that it would not be reasonable to expect Lidl to split its offer between sites. Officers did, however, advise that given the store occupies an out-of-centre location it was necessary for Lidl to consider the availability of sites to accommodate the larger store on a more sequentially preferable site. The Supplementary Note of Planning Policy Matters provided by the applicant provides additional information in relation to the sequential test and specifically addressed whether there were any suitable and/or available sites within, or on the edge of, the local centres at

- Barton Street and High Street. The Note concludes that there are no suitable or available sites either within of adjacent to these local centres.
- 6.7 Overall, the principle of the Lidl format in this out-of-centre location has already been established and Officers are satisfied that the issue regarding the Sequential Test has been adequately addressed. The main issue is therefore not the principle of the use of the site, but the impact of the additional floorspace proposed (626 m2 net) on the existing centres in the vicinity of the proposal.

The need for retail impact assessment

- 6.8 The NPPF states that impact assessments should be required for retail developments over 2,500 sq m or any local threshold for out-of-centre retail developments that are not allocated in a local plan. The Practice Guidance (PG) clarifies that this refers to "the gross retail floorspace defined as the total built floor area measured externally which is occupied exclusively by a retailer or retailers, excluding open areas used for the storage, display or sale of goods". There is no indication that the 2,500 sq m threshold is a net increase in floorspace and DPDS conclude that a retail assessment would normally be required under the NPPF. However, it is reasonable that this should be proportional to the likely increase in turnover.
- 6.9 The Practice Guide sets out that an impact assessment should include the analysis of a no development scenario, an assessment of turnover and trade draw and the potential impacts. The applicant's reports do not fully comply with this guidance as it is argued that the larger store would not materially increase the turnover. While the submitted impact assessment is not fully compliant with Practice Guidance and falls short of providing the information required to fully assess the application, particularly with regard to increased turnover, this has been assessed and considered by the Council's Retail Consultant.

The Likely Increase in Turnover

- 6.10 The submitted retail statements suggests that "As a consequence of (i) the small increase of net floorspace; (ii) the low sales density achieved by discount foodstore; and (iii) the assumption that the additional convenience floorspace will not achieve benchmark sales density, the increase in convenience turnover is likely to be very low". The Statements conclude that the turnover of the proposed new store will not materially increase as a result of the proposal based on the premise that the existing store is overtrading.
- 6.11 The applicant does have the actual trading figures for the store but has chosen not to submit them even after a request to do so. DPDS has advised that actual turnover information is often regarded as highly confidential and it is common for retail impact assessments to be based on company average sales densities and this is the approach DPDS have taken when assessing the likely impact.
- 6.12 DPDS consider that the existing store is likely to be trading above the Lidl average and the proposed extension could be expected to spread its turnover to some extent across the increased floorspace leading to a lower overall sales

density than it currently achieves. However, this does not mean that there would not be any material increase in the turnover. The proposal includes land acquisition, the demolition of an existing store and the erection of a new store. It is an expensive operation and the investment would, in any commercial operation, and particularly one based on price competition, be expected to show an appropriate return. A larger building would also give rise to additional operational costs, including heating, lighting, building maintenance and rates. Any investment in a commercial organisation is expected to show a return, and the larger store would be expected to cover its costs. DPDS has suggested that it is not really credible that no material increase in the turnover would be expected as a result of the proposed store investment.

- 6.13 The footprint of the proposed store is about twice the size of the existing one, but the sales floorspace is; according to BGVA likely to increase by 626 sq m. DPDS agree that this greater increase in back of store floorspace is understandable. The non-sales floorspace in the existing store is about 24% of the total. This compares with about 45-50% in most large supermarket applications, and has generally been ascribed to part of the efficiency claimed by the discounters. The net sales area in the proposed store would be about 62% of the gross floorspace. There is however, considerable scope to increase the sales area without the need for planning permission (unless controlled by condition).
- 6.14 Based on average sales densities DPDS has estimated that there would be an increase of some £3.8 million over the estimated 2017/18 turnover of the existing store. It is acknowledged that this may be a conservative estimate as Lidl sales were reported to be up by 19% for the year ending November 2015. However, it is accepted that the store may well be overtrading as the applicant has claimed and the increase in turnover may be less than that indicated by the company average. This has been taken into consideration by DPDS when considering the likely impact of the proposal.
- 6.15 If the proposed store were operated by one of the four main supermarket chains, the increase in turnover would be likely to be considerably greater (DPDS have estimated this to be about £6-7 million), and it is recommended that a condition controlling the future use is necessary.

The Likely Impact on Barton Street and Tredworth Centres

- 6.16 DPDS agree that it is apparent from the consideration of the business model that the Limited Assortment Discounters (LAD) business model is aimed at competing with the main supermarkets and that the current development of the model is aimed at competing on a wider range of goods. It is also true that, as BGVA states, the Lidl business model is aimed at bulk shopping trips and increasing the range of goods that can be bought on these trips without having to visit the main supermarkets. It follows that much of the additional turnover would be likely to be drawn from the main supermarkets.
- 6.17 The conventional split between main shopping trip expenditure and top-up spending is about 70% main and 30% top-up. With an estimated additional turnover of about £3.8m, this would suggest that about £2.7m would be

diverted from main shopping trips, and about £1.1m from top-up trips. Supermarkets are also used for top-up shopping and to be on the conservative side, about one-third of the top-up shopping might be carried out in the main supermarkets, leaving about £0.8m to be diverted from other outlets. Most of the main supermarkets in Gloucester are out of centre (with the exceptions of Morrison's in Abbeydale and Tesco in Quedgeley) and DPDS have worked on the basis that about £0.8m in total would be diverted from the other local centres.

- 6.18 Given its location on Eastern Ave, it would be a convenient location for passby trips for top-up shopping for a significant proportion of Gloucester residents and therefore the trade diversion would be quite widely dispersed across the local centres. Tredworth and Barton Street are two of the larger local centres in Gloucester, and closer to the application site, so it would be reasonable to assume that about 50% of the trade diversion from local centres would be from these two centres, a total of about £0.4m.
- 6.19 There is no estimate of the turnover of these centres and it would not be easy to develop a reliable estimate from survey data because of the small numbers of shoppers which would be identified in a survey. Barton Street is a large centre with a wide range of shops and other services and does support a Sainsbury Local (albeit on the edge of the defined centre) which could be expected to suffer most direct trade diversion. Tredworth is a much more local centre with 5 convenience shops in 2010, 14 comparison goods shops and a number of A3/A5 uses. Neither could be described as vital and viable in conventional terms. Notwithstanding this, DPDS do not consider that the trade diversion at the levels identified above could be considered to have a significant adverse impact on these centres and it would be difficult to justify a reason for refusal based on this estimate of the retail impact on these or other centres.
- 6.20 This assessment is clearly not a full retail impact assessment but it is proportionate to the additional floorspace proposed, and is sufficient to provide DPDS a clear idea of the likely impact on the nearest local centres. The impact on other centres is likely to be less. Thus while the applicant itself has supplied less than sufficient information to consider retail impact, DPDS conclude that the proposal is not likely to have a significantly adverse impact on any existing retail centre.
- 6.21 This conclusion is drawn on the basis of the proposal operating as an extended Lidl foodstore as proposed. Its impact operating as a mainstream foodstore with an expanded range of goods, or as a comparison goods only outlet, could be significantly different and this has not been assessed. DPDS therefore conclude that it would be necessary to limit comparison goods floorspace and the number of lines the proposed store could sell. This is certainly common practice in permitting new LAD stores.
- 6.22 DPDS have also noted the increase in the amount of non-retail floorspace proposed in the store, which could be converted to sales floorspace without the need for planning permission. This could also increase the turnover of the

- floorspace significantly. DPDS therefore advise that a condition limiting the net sales floorspace would be necessary.
- 6.23 Therefore, to ensure that the proposal operates as it has been assessed and that it does not have an adverse impact on any acknowledged town centre (as defined by the NPPF Annex 2) DPDS recommend conditions should be applied to restrict the floorspace of the approved building, net sales area, the amount of non-food floorspace and type of store.
- 6.24 Taking into account the advice from DPDS the Planning Policy Manager is satisfied that the proposal would not have a detrimental impact on nearby centres, subject to the recommended planning conditions.

Impact on the City Centre

6.25 The Planning Policy Manager has also advised that with reference to the DPDS advice, a proposal of this additional size would not result in a significant adverse impact on the City Centre.

Retail Policy Conclusion

- 6.26 A retail impact assessment is necessary for this application and such an assessment should be proportional to the additional floorspace. The statements submitted by the applicant are not fully compliant with the Practice Guidance but the impact has been fully assessed by the City Council's retail consultants.
- 6.27 The Lidl business model is aimed at competing on price with the major supermarkets on a limited number of lines. Lidl has been increasing its market share in recent years and the model has changed over the last few years with the aim of competing with supermarkets on a wider number of lines.
- 6.28 The application proposals would result in an increase in turnover of about £3.8m in 2017/18 when the new store's trading pattern would have become established. This estimate is based on the assumption that Lidl would be the operator.
- 6.29 Most of this additional turnover would be diverted from the existing large supermarkets in Gloucester. As a rough estimate, it would be reasonable to assess the combined impact on local centres in Gloucester at about £0.8m. About half of this, £400,000 might be diverted from Barton Street and Tredworth Centres. It would be difficult to demonstrate on this basis that there would be a significant adverse impact on any centre.
- 6.30 The proposal would improve the facilities for shoppers in the local area and this is a matter which should be acknowledged in the overall planning balance.
- 6.31 These conclusions are dependent on the development being for a deep discounter selling a limited number of lines. Conditions would be necessary to limit the operation of the store to this type of retailing if permission were to be granted.

6.32 The Planning Policy Manager is satisfied that this level of additional retail floorspace provision at the location of the existing Lidl store would be acceptable from a planning policy perspective and therefore has no objections to the planning application, subject to the use of the planning conditions recommended by DPDS.

Siting and Design of the Building

- 6.33 The replacement store would be sited on the south eastern part of the site with car parking to the north and west of the building. The proposed service area is located on the southern side of the store and would be set 1.3 metres below the finished floor level with deliveries taken via a dedicated loading bay. The customer entrance would be located in the north western corner of the building with the entrance lobby angled across the corner to relate to both of the main car parking areas and the pedestrian access from Eastern Avenue. A glazed shopfront extends from the customer entrance along the entire north eastern elevation.
- 6.34 The originally submitted plans proposed the use of through coloured rendering with contrasting piers together with the use of lightweight cladding materials to help break up the mass of the building. Amended plans have since been submitted which have introduced red multi stock brick along with piers which contrast with the glazing and cladding to both the elevations fronting the customer car parks. The render has been retained to the rear and delivery side elevations but have incorporated brick columns and a brick plinth to help 'break up' the elevation and create interest. The Urban Design Officer has confirmed that the proposed changes to the elevations are considered to be an improvement and acceptable in design terms subject to a condition requiring the submission and approval of the external materials.
- 6.35 Amended landscaping plans have also been received introducing additional tree planting both within the car parking area and on the street frontage to provide a landscape structure to Eastern Avenue and help soften views to the development. Both the Tree and Landscape Officers have confirmed that the revised plans are acceptable.

Residential Amenity

- 6.36 The proposed store would back onto the rear gardens of existing residential properties in Highfield Place along the eastern boundary of the site. The distance between the rear of the houses to the rear wall of the proposed new store ranges from between approximately 20 27 metres. The height of the rear of the store is 5.28 metres. There are no windows proposed in the rear elevation.
- 6.37 The side elation and proposed servicing area is located to the north of the rear gardens to dwelling in Coney Hill Road. The minimum distance between the houses and site boundary is approximately 24 metres.

- 6.38 The Beechwood Funeral Services is located at the junction of Coney Hill Road and Highfield Place and also immediately adjoins the application site with its boundary adjacent to the rear delivery area.
- 6.39 The main impacts on the neighbouring properties need to be considered in terms of the physical impact of the building and any disturbance associated with its use.
- 6.40 Given the distances between the rear of the dwellings, orientation, design and overall height of the proposed building it is not considered that it will result in any undue impact in terms of overlooking, overbearing or overshadowing that would warrant a refusal of planning permission.
- 6.41 It is recommended that the existing condition on the planning permission restricting the hours of servicing/delivery vehicles arriving and leaving the site is repeated for the current proposal. The planning permission for the existing store also has a condition stating that the store shall only open to the public between the hours of 8am and 9pm Monday to Saturday and 10am to 4pm on Sunday. The current application states that the proposed store opening hours would be 8am to 10pm Monday to Saturday and 10am to 4pm on Sunday. The Environmental Health Officer has confirmed that he has no objection to the proposed extended opening hours.
- 6.42 All waste is stored and handled internally and there will be no external compactor or cardboard container. On this basis there should be no increase in vermin associated with the storage of external waste. A condition is recommended requiring details to be submitted and approved to prevent the nesting of seagulls on the roof of the building.
- 6.43 The planning application was accompanied by a Noise Impact Assessment to assess the potential noise impact arising from the replacement store, car parking and servicing. This has been reviewed by the Environmental Health Officer who is satisfied that, subject to the inclusion of conditions, there will be no significant noise impact from the use of the car park, service yard or mechanical services equipment and overall there would be no demonstrable harm to the amenities currently enjoyed by the occupiers of the neighbouring houses or funeral business.

Parking and Highway Issues

6.44 The application site is adjacent to the A38 Eastern Avenue which features a dual carriageway arrangement with pedestrian facilities on the site frontage and to the south. The nearest pedestrian crossing facility is approximately 126 metres to the south at the junction with the A38 and Coney Hill Road. The A38 is subject to a 40mph speed limit.

Access

6.45 Vehicular access to the site would utilise the existing means of access which is formed by way of priority junction with a left turn in and left turn out with a splitter island. A second access is located towards the north of the site and provides vehicle access to the adjoining retail park without the need to enter

the A38; this access is existing and will be subject to a minor realignment due to the proposed car parking arrangement for the new store. The Highway Authority has confirmed that the vehicular accesses are suitable for the type and nature of traffic expected to enter the site.

6.46 Pedestrian access is provided to the north of the discount food store and links with an existing footway which provides a connection to the adjoining retail park. Pedestrian refuges are provided in the car park and provide suitable 2.0m x 2.0m visibility to ensure safe pedestrian movements.

Visibility

6.47 The adjacent A38 is subject to a 40mph speed limit and in the absence of a speed survey the required emerging visibility would be 2.4m x 120m to the nearside carriageway edge in accordance with the DMRB (Design Manual for Roads and Bridges) standards. The A38 is a dual carriageway in this location with physical segregation preventing traffic from entering the northbound carriageway, therefore visibility is only required to the right. The Highway Authority has confirmed that 2.4m x 120m is achievable within the extent of the publically maintainable highway.

Parking

- 6.48 The proposed development will increase the car parking provision from 64 spaces to 159 including 9 disabled and 4 family spaces.
- 6.49 Although local car parking standards have been superseded by the NPPF, and therefore carry very little weight; the Highway Authority has used the local standards as a guide. The local car parking standards recommend that an A1 retail use should provide 1 space per 18 sq m gross floor area for a food store over 1000 sq m in size. Using these standards the size of the proposed new store would require 150 spaces. On this basis the Highway Authority is satisfied that the application provides suitable car parking provision. The site is also conveniently located to high quality public transport facilities which can provide an alternative mode of transport. The Highway Authority is satisfied that there is no risk of indiscriminate parking over-spilling from the development due to Eastern Avenue being subject to a clear way traffic order preventing the stopping of vehicles for parking or loading means.
- 6.50 The disabled parking provision and family parking spaces are conveniently located close to pedestrian entrances. The disabled parking spaces have a suitable hatched transfer zone.
- 6.51 The submitted tracking drawing has adequately demonstrated that an articulated HGV measuring 16.5 metres long entering, turning and egressing the site without coming into conflict with any upright kerb-line structures, trees or formal parking spaces. The proposed layout minimises conflicts between motorists, cyclists and pedestrians.

Travel Plan

6.52 The NPPF Paragraph 36 states that all significant generators of traffic movements should be required to provide a Travel Plan. The Travel Plan

- should be formulated in accordance with the GCC Travel Plan Guidance for developers.
- 6.53 The Department for Transport (DfT) defines a travel plan as "a long term management strategy that seeks to deliver sustainable transport objectives through positive action". Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.
- 6.54 The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to;
 - A decrease in the percentage of staff travelling by single occupancy private car to and from the store.
 - An increase in the percentage of staff utilising active modes (walking/cycling), public transport and car sharing access to the store.
- 6.55 In order for the Travel Plan to achieve these aims a number of actions and measures will be implemented. The applicant will appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan, the Coordinator will be appointed prior to the store trading. Staff changing and storage facilities, cycle parking facilities, welcome packs and investigation of staff discounts for public transport and notice boards will be installed with appropriate sustainable travel information prior to trading commencing.
- 6.56 The Travel Plan will obtain the base survey data shortly after trading begins, once obtained the Travel Plan Coordinator will review the Travel Plan at the 3rd and 5th years and the associated targets and measured adjusted accordingly. The Travel Plan aims to reduce single occupancy private car use by 4% in the first year, 7% by the third year and 10% by the 5th year. A 5 year period is acceptable for this type and size of development and the target percentage reductions are suitable in accordance with GCC Travel Plan guidance. The Travel Plan can be secured by way of planning condition.

Vehicular Trip Generation

- 6.57 Some increase in vehicular trip generation will be expected as a result of the increased retail floor area. The increase in store size would be likely to result in an additional 23 trips during the week day peak between 16:45-17:45 and an additional 41 trips during the weekend peak hour between 11:30-12:30.
- 6.58 The recorded peak hour flows on the Eastern Avenue were recorded as 3085 vehicles, the additional 23 peak hour trips is an increase of approximately 1% on the traffic that enters the highway from the existing store. The Saturday peak hour flows were recorded as 2897 on Eastern Avenue, the additional 41 trips would result in an increase of approximately 1.4% on the traffic that enters the highway from the existing store.

- 6.59 The majority of the trips to the food store would have already been on the network in the form of pass-by or diverted trips where motorists whilst already utilising the local highway network divert their journey to visit the store. Or linked trips whereby motorists have accessed nearby destinations and would include the visit to the store as a part of their current trip. This results in a lower number of trips than what standard applications such as TRICS may suggest, which regards all observed trips as "new trips". Therefore the impact of the increase in store size would not be regarded as significant and would not result in any detrimental impacts to the local highway network or effect capacity.
- 6.60 The Highway Authority is satisfied that there would not be a significant increase in traffic movements, nor would the increase in store size create any capacity issues on the adjacent Highway Network and no highway objection is raised.

Flood Risk at the Site

- 6.61 A Flood Risk Assessment has been submitted in support of the application. In accordance with the Environment Agency's Flood Map the site is predominantly located within Flood Zone 1 with a small area of land to the south west of the site (proposed as car parking) is located in Flood Zone 2.
- 6.62 It is accepted that the sequential test has been passed on the basis that the proposed development comprises the re-building of a new store and there is only a very minimal area of the site located in Flood Zone 2. The proposed development is classified at "Less Vulnerable Development" in the NPPF. The exception test is not required.
- 6.63 Finished floor levels are proposed to be set at a minimum of 600mm above the 1 in 100 year plus climate change level at 26.75m AOD.
- 6.64 The Drainage Officer has raised no objection subject to the inclusion of conditions.

7.0 CONCLUSION

- 7.1 The site is located within an established out of town retail area on previously developed land.
- 7.5 The proposed development will bring back into use a prominent brown-field site upon a principal route into the city. It is considered that subject to compliance with conditions, the proposed use, design, scale and siting of the development would not have any significant impact on established retail centres, the residential amenities currently enjoyed by the occupiers of neighbouring properties, highway safety, the visual amenity of the area or flooding. The development is therefore 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 five 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. 1234 006 and 007 received by the Local Planning Authority on 7th January 2016, 2015/96. Rev D received on 22nd March 2016, 1234 008 Rev C received on 27th April 2016 and 1234 005 Rev G received by the Local Planning Authority on 29th April 2016 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 a suitable construction vehicle access;
- 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. provide measures to control the emission of dust and dirt during demolition/construction from ground works, haul roads, stockpiles and material handling removal.
- viii. provide details of any lighting from security compounds
- ix. provide for the storage of waste.

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 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.

Condition 4

No development or demolition below slab level 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

Condition 5

No development approved by the permission shall be commenced until a Detail Drainage Strategy for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence demonstrating the drainage scheme is technically feasible; and where applicable adheres to the NPPF, Non-statutory technical Standards for Sustainable Drainage, Building Regulation H and local policy. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd land their party network/system/watercourse. Sections will be required demonstrating that the sloping car park can accommodate the attenuation volume required. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002). The details need to be submitted prior to the commencement of any works to ensure that the ability to implement a satisfactory drainage system is not compromised.

Condition 6

No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason

To ensure the continued operation and maintenance of drainage features

serving the site and avoid flooding 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 7

No development works above DPC level shall take place until details or samples of materials to be used externally on walls, roofs, windows and external doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development hereby approved and in accordance with policies BE.7 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Notwithstanding the submitted drawings, no development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of all boundary treatments including precise details of the acoustic fencing to be erected. The boundary treatment and acoustic fencing shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

It is important that these details are provided prior to the commencement of development to ensure that adequate protection is provided to neighbouring properties in the interests of residential amenity and to ensure dwellings have satisfactory protection and privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

The building hereby permitted shall not be occupied until the vehicular parking and turning and unloading/unloading facilities have been provided in accordance with the submitted plan drawing no.1234 005 Rev G, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 10

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 11

No building shall be occupied until measures to discourage seagulls from nesting and roosting on the buildings hereby approved have been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17 and 58 of the National Planning Policy Framework and Policy BE.10 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 12

The development hereby permitted 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

In the interests of crime prevention and to protect the amenities of the occupiers of neighbouring properties in accordance with Policies BE.5 and BE.21 of the City of Gloucester Second Deposit Local Plan 2002

Condition 13

The building shall not be occupied until a noise assessment has carried out (by a competent person i.e. member of the IOA) and has been submitted to and approved in writing by the Local Planning Authority to ensure that the rating level of any noise generated by mechanical plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142: 2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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 14

Mechanical plant installed in pursuance of this application shall be regularly maintained to ensure its continued satisfactory operation and the use of the equipment shall cease if at any time it does not operate to the satisfaction of the Local Planning Authority. As soon as possible thereafter, a noise assessment shall be carried out (by a competent person i.e. member of the IOA) to ensure that the rating level of any noise generated by mechanical plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142: 2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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 15

The landscaping scheme, as shown on the approved plan 2015/96. Rev D, 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 16

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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

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 prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason

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

Condition 17

The gross external floorspace of the approved building shall not exceed 3041 sq. m and the net sales floorspace as defined by the National Retail Planning Forum* shall not exceed 1689 sq. m. The proportion of the net sales area to be used for the sale of comparison goods shall not exceed 20% of the net sales floorspace without the prior written agreement of the Local Planning Authority.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a deep discount retail food-store and in accordance with Policy S.4a of the Second Stage Deposit City of Gloucester Local Plan (2002).

*The area within the walls of the shop or store to which the public has access or from which sales are made, including display areas, fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including cafes and customer toilets

Condition 18

The development hereby approved shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discount retailing', and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines. No increase in the number of product lines shall be permitted without the prior written approval of the Local Planning Authority.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a deep discount retail food-store and in accordance with Policy S.4a of the Second Stage Deposit City of Gloucester Local Plan (2002).

Condition 19

All waste management activities shall be handled internally and there shall be no external waste storage facilities, cardboard containers or compactor.

Public facilities for the recycling of glass shall at no time be provided at the site.

Reason

To safeguard the residential amenities of the occupiers of neighbouring residential properties in accordance with policies FRP.10 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 20

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the following times: Monday-Saturday 07.00hrs-21.00hrs, Sunday 08.00hrs – 13.00hrs with no deliveries on Bank 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 21

The store shall only open to the public between the hours of 08.00 hrs and 22.00 hrs Monday to Saturday and 10.00 hrs to 16.00 hrs on Sunday.

Reason

In the interest of the amenities of the occupiers of neighbouring residential properties and in accordance with policy BE.21 contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 22

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 23

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).

Notes

 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

- 2. Severn Trent Water Ltd advises that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
- 3. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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.

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

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Lidl Supermarket Eastern Avenue Gloucester GL4 4LP

Planning Committee 31.05.2016

