

LATE MATERIAL

AGENDA ITEM 10

DEMOLITION OF EXISTING DISCOUNT FOODSTORE AND CONSTRUCTION OF REPLACEMENT DISCOUNT FOODSTORE WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPING.

LIDL SUPERMARKET, EASTERN AVENUE

1 Since the report on the main agenda was written, continued discussions have been underway between the applicant and Council Environmental Health & Planning officers regarding operating hours and noise issues. These discussions have led to minor amendments to the wording of the conditions listed in the recommendation of the published report. A full revised recommendation is attached at the end of this report, to replace that in the published report.

2 In relation to operating hours on Bank Holidays, the proposed conditions in the main report would have allowed the store to trade on Bank Holidays (c21), but not to receive deliveries (c20). This was an error in wording, and Environmental Health have confirmed that allowing deliveries on Bank Holidays would not have an unacceptable impact. Condition 20 below would now enable this.

3 Suggested conditions 13 & 14 relate to noise. Condition 14 below has some additional wording inserted to make it clearer and consistent with condition 13.

4 These changes relate solely to wording of recommended conditions to be attached should permission be granted. The recommendation to grant permission remains, and a revised recommendation is set out below.

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 party land or to their 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 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, 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.

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

1. 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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