

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **14<sup>TH</sup> JUNE 2016**

**ADDRESS/LOCATION** : **PHASE 5, RAILWAY TRIANGLE**

**APPLICATION NO. & WARD** : **16/00158/FUL  
KINGSHOLM & WOTTON**

**EXPIRY DATE** : **6<sup>TH</sup> JUNE 2016**

**APPLICANT** : **ROCKHAVEN DEVELOPMENTS LTD**

**PROPOSAL** : **The construction of 22.No trade units in 5 separate blocks under use classes B1,B2 and B8 ranging in size from 116.13 sqm to 232.26 sqm including new vehicular access and associated forecourts, parking and landscaping.**

**REPORT BY** : **ADAM SMITH**

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

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is located at the north eastern corner of the land known as the Railway Triangle, bounded by the rail lines to north and south east sides, and across the road from the Morrisons supermarket to the south west.
- 1.2 The proposed site is approximately 1ha in size. The proposed layout consists of 5 blocks each comprising 22 units in total ranging from 116sq m to 232sq m. A total of 4053sq m of floorspace including mezzanine levels is proposed for business, general industrial and storage and distribution uses - use classes B1, B2 and B8. The estimation is for 25% B1, 25% B2 and 50% B8, although the applicant has clarified that this is a B2/B8 scheme and there would be no solely B1 units; that use is applied for to represent the supporting office accommodation within individual businesses' units. They wish to proceed with the description of development as applied for. Notably the proposal is to allow for 24 hour, 7 days a week operation.
- 1.3 The site would be accessed off the existing internal road that links around the north side of the Morrisons supermarket and down to the southern triangle. The access road would then run through the middle of the site with the parking and forecourts accessed off this central road. The relocated public footpath runs through the middle of the site alongside the central road. A

separate footpath diversion application reflecting the proposed layout is in progress. The existing zebra crossing would be relocated slightly further along the road to accommodate the new access. 67 car parking spaces are proposed including 3 disabled bays, 3 motorcycle bays and 16 cycle bays.

- 1.4 The blocks are 5.5m in height to the lower roof edge rising to 6.9m at the peak, and to 7.5m to the roof ridge for the larger Block D. Soft landscaping is proposed through the middle of the site and at the perimeter, in addition to that already existing alongside the public footpath as it approaches the tunnel north east of the application site.
- 1.5 The application is referred to the planning committee as it involves over 1000sq m of floorspace.

## **2.0 RELEVANT PLANNING HISTORY**

### 11/00902/OUT

- 2.1 Hybrid application comprising: application for full planning permission for retail foodstore and petrol filling station, associated car parking and servicing works, access road from Metz Way and associated junction and alterations to Metz Way and footpath/cycleway, internal site access roads, alterations and improvements to the underpass and link to Blinkhorns Bridge Lane, and associated landscaping and re-grading works; application for outline planning permission (all matters reserved) for business (Use class B1), industrial (Use class B2), storage and distribution, cash and carry and trade uses (Use class B8) (15,264 square metres); car showroom (1,024 square metres); retail (Use class A1), financial/professional services (Use class A2), restaurant/cafe (Use class A3), public house/bar (Use class A4) and hot food takeaway uses (Use class A5) (761 square metres); and associated car parking, access, servicing, landscaping and re-grading works. Proposals include demolition of existing buildings. Granted subject to conditions and legal agreement 08.08.2012.

### 11/01357/DSUF

- 2.2 Application for the existing footpath to be stopped up and alternative route created over the land. Granted 18.5.15.

### 13/01125/REM

- 2.3 Application for approval of reserved matters (means of access, layout, scale, appearance and landscaping) for Phase 2 of Railway Triangle redevelopment, pursuant to planning permission 11/00902/OUT (Amended scheme). Approved reserved matters 04.02.2014.

### 14/00145/REM

- 2.4 Application for approval of reserved matters (means of access, layout, scale, appearance and landscaping) for Phase 3 of Railway Triangle redevelopment, pursuant to planning permission 11/00902/OUT. Approved reserved matters 12.05.2014.

### 14/00300/FUL

2.5 Variation of Condition 8 of planning permission 11/00902/OUT to alter the amount of employment floorspace required to be commenced prior to the opening of the Class A1, A2, A3, A4 or A5 uses (from 5000sq metres to 2000 sq metres). Granted subject to conditions and deed of variation 04.08.2015.

15/00644/DSUF

2.6 Application for a further diversion of the footpath. Currently pending final resolution, although no objections have been received to the consultation.

15/01419/FUL

2.7 Installation of public art sculpture. Granted subject to conditions 15.02.2016.

### **3.0 PLANNING POLICIES**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance - National Planning Policy Framework

3.2 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

*Decision-making*

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
  - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

*Core planning principles*

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

#### *Building a strong, competitive economy*

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

#### *Promoting sustainable transport*

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

#### *Requiring good design*

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

#### *Promoting healthy communities*

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;

- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

*Meeting the challenge of climate change, flooding and coastal change*

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

*Conserving and enhancing the natural environment*

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

*Planning obligations and conditions*

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

For the purposes of making decisions, the NPPF 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 NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

#### The Development Plan

3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is

- (a) The regional spatial strategy for the region in which the area is situated, and
- (b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If 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.”

#### Local Plan

3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

Relevant saved policies are:

A.1a – Heights of buildings and protection of views

A.2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.

T4.k – Provision of car parking at private development in accordance with the Council’s car parking standards

T6 – Measures will be introduced to encourage cycling

L6 – Maintenance of public footpath network

L6.a – Development of land crossed by a public right of way

- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration.

2002 Plan allocations

- 3.7 E.3.2 – 10.9 hectares at Railway Triangle for B1, B2 or B8 uses. Site specific obligations are improved access from Metz Way only, decontamination of site and land reserved for possible rail freight depot (southern triangle).

3.8 2002 Plan Policies

- FRP.1a – Flood risk
- FRP.6 – Surface water run-off
- FRP.8 – Renewable energy
- FRP.10 – Noise
- FRP.11 – Pollution
- FRP.15 – Contaminated land
- B.7 – Protected species
- BE.1 – Scale, massing and height
- BE.2 – Views and skyline
- BE.4 – Criteria for the layout, circulation and landscape of new development
- BE.5 – Community safety
- BE.6 – Access for all
- BE.7 – Architectural design
- BE.8 – Energy efficient development
- BE.9 – Design criteria for large commercial development
- BE.12 – Landscape schemes
- BE.21 – Safeguarding of amenity
- BE.31 – Preserving sites of archaeological interest
- BE.32 – Archaeological assessment
- BE.33 – Archaeological field evaluation
- BE.34 – Presumption in favour of preserving archaeology
- BE.36 – Preservation in situ
- BE.37 – Recording and preserving archaeology
- TR.1 – Travel plans and planning applications
- TR.2 - Travel plans – planning obligations
- TR.9 – Parking standards
- TR.11 – Provision of parking for people with disabilities
- TR.12 – Cycle parking standards
- TR.31 – Road safety
- TR.32 – Protection of cycle/pedestrian routes
- TR.33 – Providing for cyclists/pedestrians
- TR.34 – Cyclist safety

- TR.38 – Public footpaths
- E.2 – Employment allocations
- E.3 – Allocations for employment on old employment sites (E.3.2)

Emerging Plan

3.9 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 20<sup>th</sup> 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.

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

3.10 The following policies are of relevance (as this is a new document these policies are set out in full at the end of the report for Members’ reference) and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

- SD1 – Presumption in favour of sustainable development
- SD2 – Employment
- SD4 – Sustainable design and construction
- SD5 – Design requirements
- SD9 – Historic environment
- SD10 – Biodiversity and geodiversity
- SD15 – Health and environmental quality
- INF1 – Access to the transport network
- INF2 – Safety and efficiency of the transport network
- INF3 – Flood risk management

All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

**4.0 CONSULTATIONS**



- 4.1 The Highway Authority raised several queries originally. The applicant responded and the majority of the queries have been resolved to the satisfaction of the Highway Authority. The outstanding matter is a request for a parking accumulation study or entry/exit counts in order to assess the suitability of the parking provision, which has not been undertaken. Members will be updated on any new material or discussions in this respect at the Committee meeting.
- 4.2 The Lead Local Flood Authority initially raised queries about the drainage strategy and SuDS quality stages. Following further discussions they raise no objection subject to a condition to secure a SuDS maintenance plan.
- 4.3 Severn Trent Water raises no objections subject to conditions to secure drainage plans for the disposal of foul and surface water.
- 4.4 Network Rail raises no objection in principle but provides several comments that deal with the safe operation of the railway and protection of their adjoining land.
- 4.5 The Planning Policy department has not commented.
- 4.6 The Contaminated Land consultant raises no objection subject to a condition to secure appropriate measures to address the risks from contamination.
- 4.7 The Environmental Protection Officer raises no objection subject to conditions to restrict construction hours; to restrict burning; to secure noise assessment to ensure acceptable noise levels; to secure a scheme of refuse storage and recycling; to restrict hours of opening; and restrict hours of delivery.

A report has subsequently been submitted setting out that an hours of operation condition is not necessary. The Environmental Protection Officer has not yet reviewed this and an update will be provided at Committee.

- 4.8 The Urban Design Officer raises no objection to the scheme as amended subject to securing approval of the external lighting and enhancing the landscaping at the rear of Block A.
- 4.9 The Drainage Engineer initially raised queries around the proposed flood storage and SuDS quality stages. He confirmed that the proposed discharge rate is acceptable.  
  
Following further discussions he has accepted the proposed detail and raises no objection subject to requiring the approved drainage strategy and plan to be implemented.
- 4.10 The City Archaeologist has confirmed that no further archaeological works are required in this Phase.

4.11 The Landscape Architect raises no objection to the majority of the soft landscaping proposals but supports an enhancement of the landscaping to the rear of Block A on the main road frontage.

4.12 The Environmental Planning Manager has not commented.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 21 neighbouring properties were notified and press and site notices were published. No representations were received.

Neighbours were given a further period of consultation on the amended material recently submitted which expires on 15<sup>th</sup> June 2016. Members will be updated at the Committee meeting with any representations that have been received.

5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting or online through the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00158/FUL>

## **6.0 OFFICER OPINION**

6.1 It is considered that the main issues with regard to this application are as follows:

- Principle and economic considerations
- Design
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Land contamination

### *Principle and economic considerations*

6.2 The 1983 Adopted Local Plan allocates the site as suitable for industrial development from 1987. From the 2002 plan and Planning Brief the allocation has been for B1, B2 and B8 employment uses, or an alternative use or mix of uses of greater community benefit. The outline planning permission secured a mix of uses including employment uses and was seen to be an acceptable proposal allowing the regeneration of the site to come forward, with certain mitigation by legal agreement and conditions.

6.3 In terms of the principle of the uses on this site they are considered to be acceptable, according with the historic allocations and the extant permission. There are however specific planning matters associated with the uses that need to be addressed and are commented on in more detail below. The B1 element which is a main town centre use has already been agreed as acceptable in this out of centre location and in this particular model is stated to be the supporting office element within B2/B8 businesses anyway. No objection is raised in respect of the sequential or impact tests.

- 6.4 On other economic considerations, it is estimated that the scheme would create approximately 70 full time jobs and the applicant notes that this could be a conservative estimate depending on the calculation formula used.
- 6.5 In my opinion the employment use is welcomed in principle and helps to deliver on the long-standing employment allocation of the site and the permitted but as yet unimplemented employment element of the extant outline permission for the site, and continues the regeneration of this brownfield site. The job creation and the contribution to the offer for small and medium sized businesses would be positive results from the proposals. It would comply with the local and national policy context cited above in this regard.

#### *Design*

- 6.6 The site is set into the corner of the triangle but has frontage to the access road to the south east and is astride the public footpath. When emerging from the Blinkhorns Bridge Lane tunnel into the triangle this would be the first set of buildings you meet. It is therefore more visible to the public than might initially appear.
- 6.7 The land rises up quite substantially from the tunnel ground level into the site. The scale of buildings is considered acceptable in this context although they will appear high up on the bank.
- 6.8 The blocks face inwards to their car parking/forecourts. This has implications for their relationship to the immediate surroundings. In my view there are 3 main design issues – appearance from the internal road approach, relationship to the footpath link out of the tunnel, and appearance next to the footpath as you pass through the site.
- 6.9 In terms of the appearance from the road, the partial screening of the unattractive utility building to the west of the site by the proposed planting is welcomed. The applicants have not made any changes to Blocks A or E to seek to respond to the road frontage with more enlivened elevations which is disappointing. There will be some limited screening by the two trees currently proposed behind Block A but with the advice of our landscape architect there is scope to add to this with additional trees and tall shrubs that would significantly soften this edge of the development. I therefore seek the Committee's support in requiring an enhanced landscaping scheme along the road frontage south of Block A to improve the appearance of the development. In this location, with this enhanced screening I raise no overall objection in this regard.
- 6.10 The footpath at the tunnel end would benefit from natural surveillance from the proposed buildings in the interests of designing out crime. B1 office use would be preferable in the adjacent building for the nature and intensity of use by staff, although the applicant has advised that an exclusive B1 use is unlikely. The applicant has however now introduced 3 windows to the rear of the building off the mezzanine levels, which would overlook the footpath. This change is welcomed as a positive improvement.

- 6.11 The addition of trees alongside it should make the use of the public footpath a more attractive experience and the denoting of the path through surface materials is desirable to maintain the distinction of public and private areas. A more attractive and enlivened set of elevations alongside the footpath would be desirable but has not been achieved, and overall the design is considered acceptable.
- 6.12 Also in terms of designing out crime, cycle spaces have been relocated around the site, away from the previous tucked away positions next to the footpath, which is again welcomed.
- 6.13 Overall, subject to securing certain details by condition, the design of the scheme is considered acceptable and complies with the relevant local and national policy context cited above.

*Traffic and transport*

- 6.14 A Transport statement has been submitted in support of the application. The site is accessed from Metz Way via the ramped access that was created alongside the earlier development phase of this site and off the circulatory road that loops north of the supermarket and down into the southern triangle.
- 6.15 A new bell mouth access is proposed running into the site off the circulatory road. The site access then links off a central road to four separate parking forecourts in front of the buildings. The layout is proposed to allow rigid lorries to manoeuvre and turn within the site, and swept path analyses have been submitted now.
- 6.16 In terms of trip generation, the scheme is shown to generate 39 two-way movements (35 arrivals) in the AM peak and 30 two way movements (27 departures) in the PM peak.
- 6.17 There are bus stops on Metz Way just to the east of the railway triangle access within 5 minutes walk of the site, with pedestrian crossing points at the entrance junction. A regular service is run linking the city centre and the residential areas to the east. The train station can be accessed on a northern route by foot or bicycle onto Great Western Road or by car or bus via Metz Way, in a 20 minute walk and a few minutes by car/bus.
- 6.18 There is a public footpath crossing the site. This has previously been diverted, accommodating the original masterplan layout. It is now proposed for a slight further diversion through this part of the triangle site, reflecting the layout proposed here. It would connect back into the existing route immediately north and south of the site. In this light, satisfactory provision is made to retain/divert the right of way which complies with the requirements of Policy TR.38.
- 6.19 The pedestrian/cycle links into the site were improved as part of the original hybrid scheme for the site including enhancements to the public footpath access through the tunnel and improving the visibility of the footpath on the

south side of Metz Way. Pedestrian and cycle infrastructure continues east and west alongside Metz Way. The existing zebra crossing outside the site is proposed to be relocated slightly to avoid the proposed new access.

- 6.20 67 parking spaces are proposed including 3 disabled spaces as 5% of the total, and four motorcycle spaces. 16 cycle spaces are proposed.
- 6.21 The Highway Authority has now confirmed that in light of the new submissions, the general access arrangements and the position of the crossing point are acceptable. The request for a parking accumulation study or entry/exit counts to assess the suitability of the parking provision remains outstanding at the time of writing.
- 6.22 In the absence of a full response from the Highway Authority it is not possible to conclude that the proposal is acceptable in highways terms. I fully expect the matter to be resolved one way or the other by the time of the Committee Meeting and Members will be updated on the position regarding the parking at that time.

*Residential amenity*

- 6.23 The nearest residential property is around 65 metres to the north beyond the railway tracks.
- 6.24 24 hour, 7 days a week operation is proposed. The Environmental Protection Officer initially raised concerns about 24 hour operation given the speculative nature of the proposals and no further restrictions being offered to mitigate impacts. The local area is affected by noise from road and rail although clearly the rail noise especially is sporadic and the night time decrease in background noise needs to be considered. A revised noise report has now been submitted seeking to address those Officer concerns.
- 6.25 It is noted that if planning permission were granted with a limit on operating hours, and individual businesses wished to extend their hours with bespoke proposals, then these could be considered in detail in each instance. The Authority has allowed 24 hour working for similar facilities but that is normally in the context of a specified user so there is knowledge of what 'quiet' activities may take place during night time hours, and there are means of mitigating impacts. The speculative nature of this scheme makes such detailed assessment impossible.
- 6.26 Potential noise arising from the proposed uses could include that from processing and other activities from industrial uses, deliveries – vehicles and movements, and staff/customer vehicles movements and doors banging.
- 6.27 The applicant's supplementary noise report concludes;

The predicted noise level due to car park activity is significantly lower than the existing noise level measured at the nearby properties and within the British Standard criteria. They therefore consider that noise from the car park is not expected to adversely affect them.

The unloading/loading of deliveries is considered acceptable 24 hours a day 7 days a week in terms of British Standard assessment, with the residual sound 5dB higher than the predicted noise emissions of the deliveries and as such the impact will be low at the receiver in comparison to the existing noise climate.

The arrival and departure of delivery vehicles is considered acceptable 24 hours a day 7 days a week as the difference between the cumulative equivalent noise levels and ambient baseline equivalent sound levels is plus 2dB – and where there difference is less than 3dB there is considered to be a slight impact on the receiver that would not be considered perceptible.

- 6.28 This report needs to be verified by our Environmental Protection Officer, and we need to ascertain whether the assessment is comprehensive, whether an overall noise limit condition for the site is appropriate and whether any additional mitigation measures are necessary if the 24 hour working is accepted.
- 6.29 It appears to me that the main amenity issue is the potential disturbance from activities out of normal working hours. If the Environmental Protection Officer accepts the proposed 24 hour working (subject to any necessary mitigation measures) then it is considered that there is no objection to the proposal on the grounds of amenity subject to certain conditions and it would comply with the relevant policy context cited above.

*Drainage and flood risk*

- 6.30 A drainage strategy has already been adopted for the wider site into which this scheme would connect, and there is an overall outfall limit from the wider site. A specific drainage strategy has been drawn up for this site. A tanked system is proposed to restrain outfall from this plot to 3.3 litres/second.
- 6.31 External yard surface water would go into the tanks via an oil separator. Road gullies and deep gully type silt traps are proposed within the drainage channel systems to trap silt and all surface water manholes would be silt trap types.
- 6.32 After some detailed discussions about the proposed system specification, the Council Drainage Engineer and Lead Local Flood Authority are now content with the proposals and they should be secured by condition. Severn Trent Water has still not commented on the detailed plan but the applicant will need to agree a connection anyway.

*Land contamination*

- 6.33 The site has a history of potentially contaminative activities, and remediation has already taken place in association with the partial development of the site undertaken in recent years.
- 6.34 A Site Investigation Report has been provided. This updates the earlier reports conducted in 2008. Potential localised contamination is identified and measures to address this identified.

- 6.35 The Council's Contaminated Land Consultant has reviewed the submissions and recommends a condition to reflect the need for further work.
- 6.36 Subject to this no objection is raised in these terms and the proposals would comply with the relevant local and national policy context.

#### *Ecology*

- 6.37 The site was assessed as part of the original hybrid application for the Railway Triangle. Off site ecological works were secured as mitigation for this scheme, as well as reptile and badger mitigation strategies and local provision of bird and bat boxes. A monitoring regime and considered used of waste bins are proposed to deal with gull nuisance. No objection is raised in ecological terms.

#### *Archaeology*

- 6.38 A variety of work has already been undertaken across the wider railway triangle site pursuant to the hybrid planning permission in respect of building recording and buried assets, of which there is some local interest. It has been agreed by the City Archaeologist that no further archaeological work is required for this particular scheme.

#### *Renewable energy*

- 6.39 The BREEAM very good level was secured on the wider site. The current proposal is a speculative scheme with no end users known. BREEAM 'pass' is proposed for this phase given the viability considerations and speculative nature of the scheme. The scheme includes solar panels to Block A at the south of the site and are judged by the applicant to be the most suitable renewable technology for the development.
- 6.40 Finally, a site waste management plan has been produced and should be secured by condition.

## **7.0 CONCLUSION**

- 7.1 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.
- 7.2 The site is within the Railway Triangle which continues to be redeveloped and which benefits from planning permission including B1, B2 and B8 use, however as the land outside of the supermarket site was granted in outline form the permission is restricted so that appropriate assessment is made of the precise location of potentially harmful B2 uses. The general principle of the uses, design, drainage and other matters are all considered acceptable with the exception of the outstanding matters around parking and the proposal for 24 hour, 7 days a week operation.

7.2 If the Environmental Protection Officer agrees that the 24 hour operation is acceptable as proposed by the applicant and the Highway Authority raises no objection, then it is concluded that subject to conditions the proposal would comply with the above local and national policy context. An objection from Environmental Protection to 24 hours working would likely necessitate the imposition of an hours of operation condition and/or other mitigation conditions. A Highway Authority objection would need to demonstrate that the residual cumulative impacts of the development are severe to justify permission being refused.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

8.1 That subject to there being no new material planning considerations raised in representations by 15<sup>th</sup> June 2016 that have not been considered, and there being no objection raised by the Highway Authority, power be delegated to the Development Control Manager to grant permission subject to the conditions listed below and any other conditions agreed as necessary with consultees.

### Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### Reason

To comply with the requirements of 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 shall be undertaken in accordance with the plans referenced

A103M SITE PLAN  
A108 FIRST FLOOR PLAN  
A201C BLOCK A ELEVATIONS  
A202D BLOCK B ELEVATIONS  
A203D BLOCK C ELEVATIONS  
A204C BLOCK D ELEVATIONS  
A205B BLOCK E ELEVATIONS

(received by the Local Planning Authority 19<sup>th</sup> May 2016), except where otherwise required by conditions of this permission.

### Reason

To ensure the works are carried out in accordance with the approved plans.

### Condition 3

No above-ground construction shall commence on any individual building until details or samples of all external facing materials to the building have been



submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the approved materials.

#### Reason

In the interests of the visual amenities of the area, in accordance with Policies BE.7 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the National Planning Policy Framework.

#### Condition 4

No hard surfacing construction shall commence until details of the surface material finishes for the highways, footpaths, cycle ways, parking areas and all other hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scaled layout plan denoting the finishes, and details or samples of the materials. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

#### Reason

In the interests of the visual amenities of the area, in accordance with Policies BE.7 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the National Planning Policy Framework.

#### Condition 5

Street and open space furniture, external lighting, screen walls, fences and other means of enclosure shall only be installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such details shall include scaled elevation drawings, site plans identifying their location, and materials.

#### Reason

In the interests of the visual amenities of the area and security, in accordance with Policies BE.7 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the National Planning Policy Framework.

#### Condition 6

Notwithstanding the submitted details, a landscape scheme shall be submitted to and approved in writing prior to the commencement of development (other than remediation works and site securing). This shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers, include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed, and a maintenance regime, and shall demonstrate an enhanced vegetation screen to the landscaped area between the main access road and the rear of Block A

#### Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policies BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the NPPF.

#### Condition 7

The approved landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting season following the completion of the buildings. The planting shall be maintained for a period of 5 years following implementation. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged 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 BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the NPPF.

#### Condition 8

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details of adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority. These shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the Local Planning Authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires

and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development

#### Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002). Receipt of details pre-commencement is necessary to fully protect retained trees.

#### Condition 9

Unless an alternative scheme is submitted to and approved in writing by the Local Planning Authority, the submitted drainage proposals comprising DRAINAGE STRATEGY STATEMENT 15010 dated 05 May 2016 and Plan ref. 15010 C103 Rev. C shall be implemented to serve the development, and no buildings shall be occupied until the approved drainage facilities for these buildings are in place and operational.

#### 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 Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

#### Condition 10

No building shall be 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 and shall operate for the lifetime of the development.

#### 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 Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

#### Condition 11

The measures in the Gull mitigation strategy by Ecology Solutions Ltd dated October 2015 (received by the Local Planning Authority on 12<sup>th</sup> February 2016) shall be in place prior to the commencement of use of any unit hereby permitted and shall be maintained for the duration of the use of the site.

#### Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policies BE.9 and BE.10 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the NPPF.

#### Condition 12

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays.

#### Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

#### Condition 13

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 amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

#### Condition 14

Prior to first use of the development hereby permitted, 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. The results shall be submitted to the Local Planning Authority.

#### Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

#### Condition 15

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

#### Reason

In the interests of amenity in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 17 of the NPPF.

#### Condition 16

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation or site securing must not commence until parts 1 and 2 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 of this condition has been complied with in relation to that contamination. No occupation of each phase of the approved development scheme must take place until part 4 of this condition has been complied with for that phase.

#### 1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

#### 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### 3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 1 of this condition, all of which is subject to the approval in writing of the Local Planning Authority.

### 4. Verification Report

Following completion of measures identified in the approved remediation scheme including those identified under part 3 of this condition, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.

#### Condition 17

Development shall comply at all times with the Site Waste Management Plan Rev. 2 referenced S15-252/SWMP dated September 2015 and received by the Local Planning Authority on 12<sup>th</sup> February 2016.

#### Reason

To minimise waste in accordance with Policy 36 of the Gloucestershire Waste Local Plan 2004 and Policy WCS2 of the Gloucestershire Waste Core Strategy November 2012.

#### Condition 18

Development shall be undertaken in compliance with the submitted Construction Environmental Management Plan received by the Local Planning Authority on 12<sup>th</sup> February 2016.

#### Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy

SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

#### Condition 19

Unless otherwise agreed to in writing by the Local Planning Authority, no unit in Block A shall be occupied until the solar panels have been installed in accordance with the submitted plan ref. A201C BLOCK A ELEVATIONS (received by the Local Planning Authority on 19<sup>th</sup> May 2016) and the QED Energy Statement dated 3<sup>rd</sup> November 2015 (received by the Local Planning Authority on 12<sup>th</sup> February 2016).

#### Reason

To secure the renewable energy benefits of the scheme offered in the application in accordance with Paragraphs 94, 95, 96 and 97 of the NPPF.

#### Condition 20

No goods, plant, material or machinery shall be deposited or stored on the site except within the buildings or within storage areas indicated on scaled drawings that have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To protect the character and amenities of the locality notably given its location astride a public footpath, in accordance with Policies BE.9 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Paragraphs 17 and 58 of the NPPF and Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014.

#### Notes

In accordance with the requirements of the National Planning Policy Framework 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.

Network Rail's existing boundary treatments must not be removed or damaged and vegetation on its land must not be disturbed.

All accesses to the railway undertaker's land shall be kept open at all times during and after the development.

The developer is requested to contact Network Rail at [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

This permission does not imply any rights to access adjoining land.

Severn Trent Water advises that there may be a public sewer within the site and the developer is encouraged to investigate this. Public sewers have statutory protection

and may not be built close to, directly over or be diverted without consent. If works come in close proximity to sewers the developer is advised to contact Severn Trent Water to discuss the proposals.

Decision: .....

Notes: .....

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Person to contact: Adam Smith  
(Tel: 396702)



**16/00158/FUL**

**Triangle Park  
Metz Way  
Gloucester**

**Planning Committee 14.06.2016**

