

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **31ST MAY 2016**

ADDRESS/LOCATION : **GLOUCESTER RETAIL PARK, EASTERN AVENUE**

APPLICATION NO. & WARD : **16/00055/FUL
BARNWOOD**

EXPIRY DATE : **14th JUNE 2016**

APPLICANT : **PICTON CAPITAL LIMITED**

PROPOSAL : **ERECTION OF NEW CLASS A1/A3 DRIVE-THRU UNIT, REVISED ACCESS ARRANGEMENT, RECONFIGURATION OF CAR PARK TO RETAIL PARK AND ASSOCIATED LANDSCAPING.**

REPORT BY : **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **1. SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the northern side of the junction between York Road and Eastern Avenue and comprises Gloucester Retail Park, an 'out of town' retail destination which includes The Range, AHF and B&M stores.
- 1.2 The site is accessed via York Road and comprises a large area of open car parking to the western part of the site adjacent to Eastern Avenue with the buildings running north-to-south across the central part of the site. To the east of the building is a service yard. The southern side of York Road comprises residential properties, with on-street parking.
- 1.3 The application seeks full planning permission for a class A1/A3 café drive-thru unit, revised access and reconfiguration of car park serving the retail park and associated landscaping.
- 1.4 The proposed 'drive-thru' coffee shop would be located in the southwestern corner of the site and would measure approximately 24 metres in width and 9 metres in depth. The building would have a distinctive contemporary appearance and would have a drive-thru lane running in a clockwise direction to the south of the proposed building, parallel to York Road.

- 1.5 The proposed opening hours for the drive-thru café would be 06.00 to 23.00 - 7 days per week.
- 1.6 The application also seeks permission for revisions to the site access, replacing the single vehicular access which is presently located to the middle part of the southern boundary of the site and the formation of two access points, one to the east of the proposed drive-thru lane to serve the main carpark area and a further access towards the south-eastern corner of the site to the service yard area.
- 1.7 The proposal also involves the reconfiguration of the parking layout of the site and would result in a total provision of 447 parking spaces including 14 disabled spaces across the retail park.
- 1.8 The application is referred to the planning committee at the request of Cllr Lise Noakes for the following reasons:

'This retail park has become increasingly busy over the past few years with The Range and B&M moving in. The nearby houses were built long before this park and residents already suffer greatly from the increase in traffic. Measures have already been put in place to help as much as possible e.g. a Traffic Regulation Order was made at members request to put in double yellow lines to restrict parking – residents do still get driveways blocked and there is a knock on effect further up the road. The car park area is gated off in late evening to prevent ASB from cars racing in the car park. As well as the volume of traffic affecting residents it also affects the flow onto Eastern Avenue. There is often a backup from the lights which stops traffic moving from the estate and from the feeder road in front of Halfords. A drive through coffee shop will only generate more traffic and so is quite inappropriate for this location'

2.0 RELEVANT PLANNING HISTORY

- 2.1 The retail park has been subject to numerous planning applications over the years. The most recent of which are summarised below:

15/01392/FUL - Change of use from Class A1 (retail) to Class A1 (retail) or Class D2 (gymnasium) including insertion of mezzanine floor of 840 sqm – Grant

15/01296/FUL - Variation of condition 1 of planning permission reference 12/00794/FUL to increase the floor space for the sale of food, drink and confectionery from 137sqm as permitted, to 250sqm – Pending

12/01173/FUL - Variation of condition 6 of Planning Permission reference 11123/02/OUT to allow for an ancillary cafe and a wider range of goods to be sold (within a maximum of 30% of the existing floor space (including the external sales area)) including camping and bulky leisure goods, household

goods, hobbies and craft supplies, pet food and pet products and ancillary products ranges – Grant

12/00794/FUL - Variation of condition 6 of planning permission reference 11123/02/OUT to vary the types of goods that can be sold from the store to include toys, toiletries, non-fashion clothing and food/drink and confectionery - Grant

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 management purposes. The National Planning Policy Framework (NPPF) published in March 2012 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 necessarily 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 Policy contained in the National Planning Policy Guidance is explained and amplified by the online National Planning Policy Guidance.

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:

| | |
|--------|---------------------------|
| ST.1 | Sustainable Development |
| ST.7 | Urban Design Principles |
| BE.1 | Scale, Massing and Height |
| BE.5 | Community Safety |
| BE.7 | Architectural Design |
| BE.12 | Landscape Schemes |
| BE.21 | Safeguarding Amenity |
| TR.31 | Road Safety |
| FRP.11 | Pollution |

3.5 The site has no specific allocation or restrictions in the Second Stage Deposit Local Plan (2002).

3.6 In terms of the emerging Development 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 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.

3.7 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised local 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.

3.8 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 Highway Authority (Gloucestershire County Council)

No objection – subject to conditions

4.2 Planning Policy Officer

No objections

4.3 Urban Design Officer

No objections

4.4 Landscape Officer

No objections

4.5 Environmental Health Officer

No objections subject to conditions

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of neighbouring properties were notified of the application by letter and a site notice was also posted. Neighbouring occupiers were also re-notified of the receipt of amended drawings.

5.2 In response to the publicity, 8 letters of representation have been received. The comments raised are summarised below:

- Will bring more traffic, congestion and light pollution
- Will encourage youngsters to hang around
- New entrance will be opposite house
- will be impossible to park safely outside of house
- Difficult to park at best of times due to queues from traffic lights
- Enough coffee shops in area
- The Range already offers a coffee shop
- This is a residential area, houses there before retail area was erected.
- Cannot find another coffee shop in UK that overlooks houses
- Would be overlooked by coffee shop
- Traffic is already chaotic
- Cars overflow onto York Road at Christmas, weekends and holidays.
- People will often park outside our houses rather than use the car park.
- Have to park long way from our houses.
- Affects 'disabled' that live in York Road and can't park outside homes
- Gates are locked each evening which has reduced some of the anti-social behaviour (ASB)
- Removal of gates will encourage ASB
- Residents will have to overlook this development.
- Residents have to park their cars on the green as there are not enough spaces
- Don't want 'double yellow lines' on road - won't have anywhere to park
- Parking spaces should be made on green for residents
- Road narrows HGV's can't turn without hitting cars
- Plans have been kept secret
- The proposal positions this new access at the narrowest part of York Road
- Would cause considerable disruption to traffic flowing in and out of the residential estate.
- The point chosen is already a "nip" point with vehicles parking on both sides of York Road
- Proposed position is totally unsuitable for the heavy goods vehicles
- The existing access is positioned at the widest part of York Road well clear of existing roadways and traffic controls
- Concerns with more litter
- York Road is a cul-de-sac, busy and used by lorries
- Already a number of cafes and fast food restaurants within walking distance
- Nearby shops already have cafes inside
- Café permitted on triangle

5.3 The full content of all correspondence on this application can be viewed on the city council website via the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00055/FUL>

6.0 OFFICER OPINION

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

- Planning policy
- Traffic and transport
- Design & layout
- Residential amenity

Planning Policy

6.2 The application site comprises an out of centre retail park and there are no specific land use designations that relate to the location of this application.

6.3 The scale of the proposed development does not necessitate a retail impact assessment and so is not deemed necessary in this case, given the small scale nature of the development.

6.4 With regard to the issue of sequential test, the NPPF includes drive-through restaurants, restaurants and cafes as 'Main Town Centre Uses'. However the supporting information supplied by the applicant clearly demonstrates that the scale, nature and format of the proposed use is not consistent with a conventional drive-through restaurant or a town centre café.

6.5 Given its small scale the use could indeed be considered to be ancillary to the existing principal function of the retail park.

6.6 It is considered that the drive-through coffee shop has a particular market and locational requirement which means it can only reasonably meet its intended function by being located adjacent to a principal highway or specific location.

6.7 The NPPG and paragraphs 24 and 187 of the NPPF state that the Local Authorities should demonstrate flexibility on issues such as locational requirements, format and scale and seek to approve applications for sustainable development where possible.

6.8 The principle of the development is therefore considered acceptable subject to no other conflict of policy being identified.

Traffic and transport

6.9 Neighbouring occupiers have raised concerns with regards to the proposed development, impacts upon highway safety, traffic generation and availability of residents parking.

- 6.10 The application has been accompanied by a detailed highways assessment and further monitoring undertaken and provided following receipt of concerns from residents.
- 6.11 The details have been reviewed by the County Council Highway Officer who has advised that the police collision database has been reviewed and there have been no recorded collisions at the retail car park site entrance in the past 5 years.
- 6.12 While there have been a total of 7 collisions at the Eastern Road and York Road junction over the past 5 years, all these incidents were as a result of driver error and therefore unrelated to the site access or an indication of specific problem with the existing junction.
- 6.13 It has been demonstrated that suitable visibility splays can be provided onto York Road, subject to the removal of some vegetation either side of the proposed service access. The retention of these splays clear of obstruction can be controlled by a suitably worded condition.
- 6.14 The proposed accesses points have been tracked for the largest expected vehicles likely to use them, namely a 16.5 metre HGV using the service access point and a car or min-van using the main car park access to the proposed drive-thru unit.
- 6.15 The submitted drawings demonstrate that the scheme provides for sufficient tracking movements including provision for HGV's entering and exiting the service access while vehicles are parked along York Road in front of the dwellings on the southern side of the street.
- 6.16 Additional combined inter-visibility and tracking plans have also been provided illustrating suitable inter-visibility splays being provided between vehicles entering and exiting the service yard access. Accordingly it is concluded that the proposal would provide for safe and suitable access to and from the site.
- 6.17 There have been several objections regarding traffic generation, parking demand and impact on the availability of 'on-street' parking for residents.
- 6.18 Given the scale of the proposed drive-thru/café it is considered that the increase in vehicular trips would not result in a significant increase in vehicles over and above the existing levels generated by the existing retail park and the nature of the café/drive-thru use would result in patrons either picking up refreshments passing through or staying for a short period of time and therefore resulting in a frequent 'churn' of parking spaces.
- 6.19 A parking survey has been carried out and submitted as part of the application illustrating that on the Saturday peak, only 66% of the spaces within the main customer carpark to the western side of the site were occupied.

- 6.20 Based on the calculated demand generated by the proposed A1/A3 unit within the transport statement and parking survey documents, sufficient parking spaces will be available within the revised and expanded parking for the retail car park for both the proposed and existing units.
- 6.21 The applicant has also advised that they envisage that the greater majority of customers would be drawn from existing retail park users and the smaller proportion would be customers visiting the drive-thru specifically.
- 6.22 The National Planning Policy Framework is explicit at Paragraph 32 that *'...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.
- 6.23 While it is acknowledged that there may be occasions such as Christmas where the carpark may be nearing/at capacity, this is not the case for the majority of the year and the additional traffic generated by the proposed drive-thru would not be significant such as to warrant a refusal of planning permission.

Design & layout

- 6.24 The retail park when viewed from Eastern Avenue is presently dominated by an expanse of car parking set in front of the shop units. The proposed café would be located within the southwestern corner of the site upon the junction of Eastern Avenue and York Road.
- 6.25 The proposed building would have a contemporary and striking design which would create a strong and positive landmark building to this prominent site, breaking up the expanse of car parking which presently dominates the views of the retail park from the south.
- 6.26 The City Urban Design Officer has raised no objections to the proposed design of the building which has been amended through the application process, but has requested a condition requiring the approval of the external materials in order to secure a high quality finish to the development.
- 6.27 It is considered that the proposed building would make a strong and positive addition to the street scene which comprises a variety of residential and commercial properties.
- 6.28 The application has been accompanied by landscaping scheme to the southwestern corner of the site which will comprise a variety of tree and shrub planting which will enhance the appearance of the area.

Residential amenity

- 6.29 The application has been accompanied by a detailed noise assessment and the proposal has been reviewed by the City Environmental Health Officer who has raised no objections to the proposed development subject to conditions.

- 6.30 The report demonstrates that the proposed development would not result in any adverse noise impacts given the substantial background noise levels from Eastern Avenue.
- 6.31 The proposed drive-thru would be set over 26 metres away from the nearest dwellings at York Road and would be separated by the street as well as a shrub and tree landscaping scheme to the southwestern corner of the site. Considering this separation there would be no demonstrable harm from overlooking loss of light or any overbearing impacts.
- 6.32 A screen adjacent to the drive-thru lane will be required by condition in order to reduce any impacts from headlight glare from vehicles using the drive-thru lane.
- 6.33 The proposed opening hours of 06:00 to 23:00 are considered reasonable and the nature of the use is unlikely to result in demonstrable harm from noise or disturbance given the separation as well as existing background noise levels and activity in the area.
- 6.34 I consider it reasonable to require a condition requiring the approval of any external lighting to the building and that any such lighting is extinguished outside of trading hours to minimise impacts from light pollution, bin provision and kitchen ventilation and extraction.

7.0 CONCLUSION

- 7.1 The 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 For the reasons set out above, it is concluded that the proposal, the proposal would not result in any demonstrable harm to highway safety, the visual amenities of the area or adversely impact the living conditions of the occupiers of adjoining residential properties. The proposal is therefore considered to be acceptable and in accordance with Policies BE.1, BE.7, TR.31, FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

It is recommended that planning permission is granted subject to following conditions:

Condition 1

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

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawing nos.15062_PL02 Rev.C, PL03 Rev.A, PL04 Rev.A, PL06 Rev.C, 5864/ASP1 and SK01 Rev.A received by the local planning authority on 23rd May 2016.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction
- viii. specify construction traffic route.

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition 4

Prior to construction commencing (including demolition and preparatory groundworks) an Environmental Management System should be submitted to and approved in writing by this Authority which specifies mitigation measures in respect of the following issues in order to prevent nuisance –

- i. Dust from demolition
- ii. Dust from groundworks
- iii. Dust from haul-roads
- iv. Dust from stockpiles and material handling/removal
- v. Light from security compounds
- vi. Storage of waste
- vii. Keeping highways clear

Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the proposed access roads, including the junctions with the existing public road and associated visibility splays, have been completed in accordance with drawing 15062-PL02 Rev.C and SK01 Rev.A with existing vegetation or features within splays cut back or reduced and thereafter kept clear between 600 millimetres and 2 metres.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework 35.

Condition 6

No development works above DPC level shall take place until precise details including samples of materials to be used externally have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be similarly maintained thereafter.

Reason

To ensure a satisfactory appearance to the development in accordance with polices BE.1, BE7 and BE.21 of the Second Stage Deposit Local Plan 2002.

Condition 7

The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan 15062-PL02 Rev.C with the exception of the spaces to the rear of unit 2A and 2B which should be provided in accordance with Entran drawing SPA_20.4.16 received on 22nd April 2016 removing the spaces in blue, 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 35.

Condition 8

Prior to the first use of the building, precise details of any external lighting to the drive thru and café building shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter maintained in accordance with those approved details.

Reason

In the interest of the visual amenities of the area and to protect the living conditions of neighboring occupiers in accordance with Policies FRP.11 and BE.21 of the Gloucester Local Plan, Second Stage Deposit Local Plan 2002.

Condition 9

Any exterior lighting to the drive-thru and café building shall remain extinguished between the hours of 23:00 and 06:00 daily.

Reason

In the interest of the visual amenities of the area and to protect the living conditions of neighboring occupiers in accordance with Policies FRP.11 and BE.21 of the Gloucester Local Plan, Second Stage Deposit Local Plan 2002.

Condition 10

A scheme for the provision of refuse 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).

Condition 11

Prior to the first use of the drive-thru hereby permitted, a screen to prevent headlight glare from vehicles using the drive-thru lane shall be installed at the site in accordance with details which shall be submitted to and approved in writing by the local planning authority. The screen shall be maintained in accordance with the approved details for the duration of the use.

Reason

To safeguard the living conditions of neighbouring occupiers and in accordance with policies BE.11 and BE.21 of the second deposit city of Gloucester local plan (2002).

Condition 12

During the construction phase, no deliveries shall be taken at or dispatched from the development before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, bank or public holidays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the second deposit city of Gloucester local plan (2002).

Condition 13

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 safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Prior to the first use of the building hereby permitted, the equipment to suppress and disperse fumes and/or smell produced by cooking and food preparation, shall be installed and be in full working order and shall be effectively operated for as long as the use continues.

Reason

To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties and in accordance with policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

The extraction equipment installed in pursuance with the above condition shall be maintained in accordance with the manufacturers specifications to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority.

Reason

To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties are protected and in accordance with policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 16

To ensure adequate diffusion of any remaining odours that have not been scrubbed by the carbon filtration unit the extraction flue shall terminate at a minimum of 1 metre above the roof eaves of the application site or adjacent building whichever is the higher.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002). Activated Charcoal is required as a minimum standard for the filtration of fumes.

Condition 17

The drive-thru café hereby permitted shall only be open to the public between the hours of 06:00 and 23:00 daily.

Reason

To accord with the operating hours set out in the application form and to protect the living conditions of the occupiers of nearby residential properties in

accordance with policies FRP.11 and BE.21 of the Second Stage Deposit Local Plan 2002.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 2

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.

Note 3

Notwithstanding the approved drawings drawings, this permission does not authorize the display of any advertisements which may themselves require a separate consent.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has negotiated issues relating to the suitability of the means of access, drainage requirements and noise impact.

Decision:

Notes:

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Person to contact: Bob Ristic
(Tel: 396822.)

16/00055/FUL

Gloucester Retail Park
Eastern Avenue
Gloucester
GL4 3BY

Planning Committee 14.06.2016

