

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **5TH JULY 2016**

ADDRESS/LOCATION : **LAND ADJACENT TO 2 HEMMINGSDALE ROAD.**

APPLICATION NO. & WARD : **14/00848/FUL WESTGATE**

EXPIRY DATE : **1ST AUGUST 2016 (TIME EXTENSION AGREED)**

APPLICANT : **MR ALISTAIR TIMMS**

PROPOSAL : **ERECTION OF A COMMERCIAL UNIT TO SERVE A MIXTURE OF USE CLASS B1 (BUSINESS) AND B8 (STORAGE AND DISTRIBUTION) USES. (AMENDED PLANS.)**

REPORT BY : **CAROLINE TOWNLEY**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a vacant plot located on the northern side of Hemmingsdale Road at its junction with Llanthony Road. To the west of the site are three pairs of semi-detached properties. To the north and south of the site are commercial units. Llanthony Road bounds the site to the east with Llanthony Priory and Gloucestershire College on the opposite side of the road.
- 1.2 The site was formerly occupied by three pairs of Victorian semi-detached houses which fronted onto Llanthony Road. Gloucestershire County Council acquired these properties to allow for the construction of the Llanthony section of the South West Bypass. As a result of on-going problems with vandalism the houses were demolished in 2000. The land was subsequently declared surplus to the County Council requirements and outline planning permission (with all matters reserved) was granted to the County Council for residential development on 6th January 2004.
- 1.3 Following the grant of outline planning permission an application for reserved matters was subsequently approved on 1st March 2007 for 4 no. semi-detached 3 bedroom houses fronting onto Hemmingsdale Road with private

gardens to the rear. This permission was not implemented and has since expired.

- 1.4 The originally submitted application sought full planning permission for the erection of a building containing two commercial units to be used for a mix of storage and distribution (Use Class B8) and light industrial (Use Class B1). However, following allocation of funding for the completion of the South West Bypass, Gloucestershire County Council instructed Amey to undertake design work to identify the most appropriate scheme with the funding available. The latest plans provide two lanes in each direction and a lane for right turning. This plan impacts on the applicants site and has resulted in revised drawings being submitted which will set the building further back from Llanthony Road to allow for the greater land take associated with the revised plans to widen the Bypass.
- 1.5 The amended plans now propose a single unit to be occupied by Middleton Panels and Paint suppliers of automotive paint, panels, tools and accessories.
- 1.6 The proposed building will be located along the eastern boundary of the site with vehicular and pedestrian access gained from Hemmingsdale Road. The building is two storeys in height and of a modern design with an overall height of approximately 7.4 metres. The proposed materials comprise of a mixture of red brickwork, timber effect cladding and grey roof cladding.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The site was previously occupied by 3 pairs of semi-detached houses, which were demolished in 2000. There have been a number of subsequent planning applications for the site:

01/00899/OUT - Outline residential development (all matters reserved).
Granted 6th January 2004.

04/01042/OUT - 12 no. flats in three-storey block with associated car parking.
Outline application including siting, access, design and means of access.
Withdrawn 24.1.05.

05/00945/OUT - A further outline application was received and validated on 16th August 2005 for the erection of a three-storey building comprising of 8 flats with car parking served from Hemmingsdale Road. The proposed building backed onto Llanthony Road with its front looking towards the side of No. 2 Hemmingsdale Road. Vehicular access was proposed from Hemmingsdale Road with 8 car parking spaces together with bin/bicycle stores on the ground floor. The living accommodation was proposed on the first and second floors. This application was refused on 11th October 2005 under Officers delegated powers.

06/01243/FUL – Erection of 5 no. 2 bed dwelling houses. This application was withdrawn.

07/00046/REM – Erection of four semi-detached dwellings. Approved 1st March 2007.

08/01619/OUT – Erection of four semi-detached dwellings. Refused 7th April 2009.

09/01140/FUL - Temporary use of land for a private car park, surfacing and erection of 1 metre high perimeter fence. Refused on highway grounds 21st December 2009.

12/00312/FUL – Temporary use for car parking for customers of The Priory Café. Granted temporary consent 21st May 2012.

3.0 PLANNING POLICIES

3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policy is the most relevant:

Policy FRP.9 (Light Pollution)

Policy FRP.10 (Noise)

Policy BE.1 (Scale Massing and Height)

Policy BE.6 (Access for All)

Policy BE.7 (Architectural Design)

Policy BE.21 (Safeguarding of Amenity)

Policy BE.23 (Development Affecting the Setting of Listed Buildings)

Policy TR.5 (South West Bypass)

Policy TR.9 (Parking Standards)

Policy TR.12 (Cycle Standards)

Policy TR.31 (Road Safety)

Policy FRP.1a (Development and Flood Risk)

Policy S.4a (New Retail Development Outside Designated Centres)

- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 **Gloucestershire County Council (Highways)** – No highway objections subject to conditions. Confirm that the revised plans will not prejudice the delivery of the widening of the Gloucester South West Bypass. The site access, layout and parking remain largely unchanged and are acceptable.
- 4.2 **Historic England (Amended plans)** – Previously commented on this application (10 October 2014 and 3 July 2015) outlining the lack of information on the impact of the application on Llanthony Priory; situated opposite the application site. Although some additional information was provided it was not sufficient and in our last response we undertook our own assessment of the impact based on the information provided. Our assessment has not changed based on the new information that has now been provided. Previously we concluded that the new building would cause harm to the setting of the asset, but that the harm was less than substantial. Therefore it is for the Local Authority to decide if that harm is outweighed by the benefits of this development (NPPF 134).

Our assessment from 2015 was:

Llanthony Priory was one of the wealthiest Priors in England and as such its buildings reflect that wealth. The Church and associated religious buildings

were removed in the 18th and 19th centuries. The buildings that remain provide an insight into the domestic arrangements of a large religious community. The buildings within this area of the priory are large and impressive, showing off the wealth and power of that community. Hempsted Lane was a major approach to the site as shown by the large gateway and decorated boundary wall.

The setting of the Priory has been altered in the 20th century by the construction of large industrial buildings around all sides of the surviving Priory buildings. Along Hempsted Lane this has been further altered by the adoption of the Lane as part of the relief road for Gloucester, increasing traffic use close to the 16th century boundary wall and Gatehouse.

The introduction of a new industrial unit on this site on a currently vacant plot will further alter the assets setting. We have been able to assess that impact based on our knowledge of the site and the photomontages provided in the amended application documents.

Part of the assets significance is its prominence along Hempsted Lane and the visual impact of the large medieval buildings as you travel along that road. The introduction of the new unit will cause some impact on that significance by drawing the eye of the passer-by to it rather than the Priory buildings. As visually it will be more prominent as you travel north along the road. Travelling south it will not be so much of an impact as the Priory buildings do not come into view until you have passed the site.

There is therefore some harm to the setting of the asset and therefore to its significance but that harm is less than substantial (NPPF 132). It is for the Local Authority to decide if that harm is outweighed by the benefits of this development (NPPF 134).

Recommendation

We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.3 **Llanthony Secunda Priory Trust (LSPT)** - Llanthony Secunda Priory Trust (LSPT) was established in late 2007 as a vehicle to restore, repair and find a new future for the Llanthony Secunda site. The site is of national and, indeed, international importance as a heritage asset. The site is covered by a Scheduled Ancient Monument designation and there are no less than six Grade 1 listed buildings (plus the Grade 2 listed farmhouse).

Llanthony is one of the most significant heritage sites in the city of Gloucester and captures nine centuries of Gloucester (and England's) history. However, for many years Llanthony was lost within, and threatened by, the industrial land uses and activities that surrounded and swamped it. The twentieth century was not kind to Llanthony and the neglect and dereliction placed its future survival in peril.

However, the substantial achievements secured in terms of leading and delivering regeneration in Gloucester Docks and Quays has fundamentally transformed the setting of Llanthony. Although there is still much more work to be done, the profound and positive changes to Llanthony's setting, through the delivery of the new Gloscol campus and the Gloucester Quays development, have provided the essential backcloth to the successful work of LSPT.

LSPT, which is made up entirely of volunteer Trustees has made huge strides in defining a new future for this nationally important heritage site. To date, significant repairs have been carried out and the Trust has defined an ambitious multi-million pound project to restore / repair all of the buildings and to establish the site as a vibrant and successful multi-activity heritage and learning site. The Trust has secured a Round 1 HLF grant and has appointed a project manager and design team which is currently working up a detailed scheme for HLF round 2 approval. This project, along with the Cathedral's Project Pilgrim, will together deliver major flagship heritage projects that will redefine Gloucester as an historic city.

This background context is important. It underlines the importance of the Llanthony site nationally and the imperative of scrutinising closely any development proposals within its setting. We do not wish to see a repeat of past mistakes where inappropriate uses and development have damaged or detracted from the unique heritage at Llanthony.

The Trust wishes to raise the following two issues in relation to the current application:

- i) Road widening – aware that the County Council is now seeking to progress a widening scheme which should enable the carriageways to be realigned away from the Grade 1 listed boundary walls. This scheme involves forecourt land on the other side of the road (Bikini Bathrooms and adjacent to Hemmingsdale Road). Before any decision is made request that the County Council is asked to confirm that the development proposal will not prejudice, in any way, its widening scheme which is regarded by the Trust as essential to protect the Grade 1 listed heritage assets and improve Llanthony's immediate boundary environment.
- ii) Design / Impact on setting of Llanthony Secunda Priory - Whilst the development is not immediately adjoining the site boundary of Llanthony Priory, the site nonetheless forms part of the setting of this nationally important site. The setting of Llanthony has been dramatically improved in recent years and the Trust is keen to ensure that it is further enhanced.

The application proposal is for a substantial utilitarian structure which would not be out of place on a trading estate. Given its location, it will be very prominent and will, without doubt, fall within Llanthony's setting, particularly when approaching from the north. The Trust has concerns about the proposed design in this location, as it considers

that it will harm, and certainly will not improve, the setting of the Priory site.

The Trust is not opposed to development on this site *per se* but wishes to see the design approach reconsidered and revised. The Trust would like to see a much improved and more sympathetic design and the use of more traditional and mellower facing materials to ensure that the setting of the nationally important heritage site is properly respected. Such a position is fully supported by Chapter 7 of the NPPF, which requires 'good design', and by Chapter 12 which sets out the imperative of conserving and enhancing the historic environment. Indeed, the Framework could not be clearer with paragraph 132 stating that '*great weight*' should be given to such considerations and that '*...the more important the asset, the greater the weight should be*'.

Llanthony's fortunes are changing for the better but the Trust wishes to ensure that past mistakes are not repeated. Our work on transforming Llanthony needs to be supported by the highest standards of design on neighbouring sites that form the setting of this nationally important heritage site.

- 4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of plans for the disposal of surface water and foul sewage. Advise that there may be a public sewer located within the application site and the applicant should investigate this.
- 4.4 **Environment Agency** – The proposals do not feature on our consultation matrix reference should be made to our standing advice.
- 4.5 **City Council's Conservation Officer** – The existing development along the western side of Llanthony Road is generally of poor quality and consists of 2 storey commercial and light industrial uses.

Due to the schemes location, close to the designated heritage assets of Llanthony Priory, the applicant was advised to undertake further work in regards to producing computer generated images (CGI's) from and around the Priory grounds to assess the visual impact of the proposed scheme. The location of these visuals was agreed with the Conservation Officer and the Inspector of Ancient Monuments for Historic England.

The visuals produced demonstrate the proposed building will not be of significant harm to the setting of the designated heritage assets of Llanthony Priory, the revision to the materials palette to be a multi brick and mixed timber cladding panel provides a simple and modern approach but the Conservation officer has questioned the choice of materials and whether a greater ratio of brick and the introduction of glazing would be better suited rather than cladding. As previously advised the elevational form and cladding treatment is of particular importance to minimise the impact of the new buildings on the designated assets of Llanthony Priory as well as raising the standard of development along this industrial corridor. The historic map

research provides useful information and the building has been located to follow the historic development pattern and existing built form. Although further information was requested regarding the impacts of the development it is felt that the CGI's produced have provided sufficient information to assess the impact of the proposal.

The National Planning Policy Framework states that heritage assets are an irreplaceable resource and any development should protect and enhance our historic environment and should conserve heritage assets in a manner appropriate to their significance. Paragraphs 126 to 141 are the core historic environment policies in chapter 12. Due to the industrial character and nature of the area there are no objections to this proposal, the development will not be of significant harm to the designated heritage assets but materials and signage will require conditioning to ensure these are high quality and any future advertisements are appropriate and sensitively located.

- 4.6 **Urban Design Officer** – The amended plans principally address the siting of the building and the elevational treatment proposed. Consider that the revised design will raise the quality of the built form in the area, particularly considering the poor quality of the existing commercial units directly adjacent to the listed priory wall, and the existence of the ring road and other metal commercial units.
- 4.7 **City Archaeologist** – This site has already been subject to archaeological evaluation (trial trenching) and no significant archaeological remains were identified during that investigation.
- 4.8 **Environmental Health Officer** – No objections subject to the inclusion of conditions.
- 4.9 **Drainage Engineer** – No objection subject to conditions and Legal Agreement to secure compensatory flood storage.
- 4.10 **Contaminated Land Advisors** – No adverse comments.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the display of a site notice. In addition 36 properties have been notified of the application in writing of the originally submitted application and subsequent two amendments.
- 5.2 No letters of representation have been received.
- 5.4 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/00848/FUL>

6.0 OFFICER OPINION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Siting and Design of the Building

6.2 The originally submitted proposal was for a building sited at a right angle to the latest submission, along the northern boundary. This went against the historic development pattern of the area, the existing development pattern and would have resulted in an overbearing impact on the adjacent residential property.

6.3 Amended plans were submitted proposing a building that defines the main road and is set further away from the property to the west. It also follows the historic development line. The scale of the development broadly reflects the built form in the surrounding area. Further amended plans have since been submitted so as not to prejudice the latest scheme for the widening of the South West Bypass. These plans set the building further back from Llanthony Road to allow for the greater land take required for the Bypass and has resulted in the loss of the second unit.

6.4 The various views which have been produced of the development do show some visual impact from within the priory grounds. However, given the positive design of the proposed development and the negative existing character of the numerous industrial and commercial units which line Llanthony Road, it is considered that there will be an overall improvement to the quality and character of the area.

6.5 The development of the design of the architectural detailing has followed a simple and modern approach, with strong vertical brick pillars forming the main separating elements to the timber-effect main façade materials. The style somewhat reflects the functional use and has a generally warehouse character, but also the use of brick and timber does reflect the brick of the priory walls and buildings, with the timber reflecting the established landscaping in the area. The contrasting panels are designed to continue the window sections through the blank sections and to add interest. The timber-effect panels were also introduced to add interest to the fairly dull single colour panels which were originally proposed.

6.6 Given the simplicity of the design, the final choice of materials will be a key consideration and a condition requiring a sample of the proposed conditions is recommended.

6.7 Overall it is considered that the revised design will raise the quality of the built form in the area.

Conservation Issues

- 6.8 The application site is located within a prominent location and could potentially impact on the designated heritage assets of Llanthony Priory. The Llanthony Priory site was scheduled as an ancient monument in 1949 and contains several designated heritage assets. As a result of the prominent location of the application site additional information was requested from the applicant to determine the visual impact of the scheme.
- 6.9 The applicant was advised to undertake further work in regards to producing computer generated images (CGI's) from and around the Priory grounds to assess the visual impact of the proposed scheme. The location of these visuals was agreed with the Conservation Officer and the Inspector of Ancient Monuments for Historic England. The Conservation Officer is satisfied that the visuals produced demonstrate the proposed building will not be of significant harm to the setting of the designated heritage assets of Llanthony Priory, the revision to the materials palette to be a multi brick and mixed timber cladding panel provides a simple and modern approach but takes reference from the surrounding character of the area. As previously advised the elevational form and cladding treatment is of particular importance to minimise the impact of the new buildings on the designated assets of Llanthony Priory as well as raising the standard of development along this industrial corridor. The historic map research provides useful information and the building has been located to follow the historic development pattern and existing built form. Although further information was requested regarding the impacts of the development it is felt that the CGI's produced have provided sufficient information to assess the impact of the proposal.
- 6.10 While Historic England originally stated that the revised Heritage Impact Statement is lacking in detail and understanding of the significance of the assets and therefore impact on the significance, it has been able to assess the impact based on its knowledge of the site and the photomontages provided. Historic England has suggested that the introduction of the new unit will have some impact on the prominence of the Priory site as it will draw the eye of passers-by to it rather than the Priory buildings especially when travelling north along Llanthony Road.
- 6.11 On this basis Historic England considers that the development would result in some harm to the setting of the asset and therefore to its significance but that harm is less than substantial (NPPF 132) and that it is for the Local Authority to decide if that harm is outweighed by the benefits of this development (NPPF 134). It is recommended that these issues are addressed and that the application should be determined in accordance with national and local policy guidance, and on the basis of the City Council's specialist conservation advice.
- 6.12 The National Planning Policy Framework states that heritage assets are an irreplaceable resource and any development should protect and enhance our historic environment and should conserve heritage assets in a manner appropriate to their significance. Paragraphs 126 to 141 are the core historic environment policies in chapter 12.

6.13 The existing development along the western side of Llanthony Road is generally considered to be of poor quality and consists of a mixture of two storey business, commercial and light industrial uses together with some residential properties adjacent to the site. Due to the industrial character and nature of the area the City Council's Conservation Officer has raised no objections to this proposal, as it is considered that the development will not be of significant or substantial harm to the designated heritage assets but materials and signage will require conditioning to ensure these are high quality and any future advertisements are appropriate and sensitively located.

Use

6.14 It is intended that the main unit will be occupied by Middleton Panels and Paints for the sale of car panels, paint and consumables predominantly to the trade. The primary source of business is supplying goods and parts for vehicle body repair and refinishing. They also provide a water based paint mixing and colour matching service on site.

6.15 The unit would also include a small trade counter for the sale of specialist products for vehicle bodywork repair and finishing primarily to the trade. This includes selling new body panels and lighting together with items for repairing and rectifying bodywork. The goods sold include abrasives, valeting products, primers, paints and lacquer all in sealed containers. The Trade Counter also offers limited sales of car related products including sat navs, car stereos, Bluetooth transmitters, kits and transmitters and car chargers. It has been confirmed that approximately 10% of their sales are to the general public with about 85% of orders placed over the telephone and delivered directly to the client.

Residential Amenity

6.16 The site is immediately adjacent and to the east of the side elevation of no. 2 Hemmingsdale Road. No. 2 Hemmingsdale Road has the front door, a dining room window and conservatory at ground floor and bedroom window at first floor level facing towards the application site.

6.17 The revised siting of the proposed commercial building results in the car parking for the site being sited adjacent to the boundary fence to no. 2 Hemmingsdale Road with the building sited approximately 10 metres from the side boundary and 16.3 metres from the side elevation of the dwelling. While the entrances into the proposed unit together with roller shutter doors front onto the car park and the residential properties beyond there are no first floor windows in this elevation.

6.18 It is considered that the scale, design and siting of the proposed building will not result in any significant overlooking, overshadowing or overbearing impact on the occupiers of no. 2 Hemmingsdale Road.

6.19 The Environmental Health Officer is satisfied that the proposed uses will not result in any significance noise disturbance to the occupants of the surrounding houses but has recommended a number of conditions including a

restriction on the times of deliveries and dispatches from the site to protect residential amenity.

Parking and Highway Issues

- 6.20 It is proposed to access the site from Hemmingsdale Road which is a Class 4 highway subject to the local speed limit of 30mph. Hemmingsdale Road serves a number of residential and commercial properties and has footways on both sides together with street lighting.
- 6.21 The proposed access has adequate emerging and forward visibility and will be formed by a dropped kerb maintaining pedestrian priority across the frontage of the site. The Highway Authority is satisfied that the proposed development will provide a safe and suitable access.
- 6.22 The proposals will provide 12 car parking spaces including 1 disabled parking space which is considered adequate for the development. Vehicle manoeuvring is provided within the site. The Highway Authority does not consider that the residual cumulative impact of the proposed development will be severe and can be accommodated on the adjacent highway network without harm to capacity or compromising highway safety.
- 6.23 The amended plan takes into consideration the plans for the proposed widening of the South West Bypass and the Highway Authority has confirmed that the revised plans will not prejudice the delivery of the widening of the Gloucester South West Bypass
- 6.24 No objection is raised by the Highway Authority subject to the inclusion of conditions.

Flooding

- 6.25 According to the Environment Agency flood maps, the development is located within Flood Zone 2 and is surrounded by Flood Zone 3. However, according to the content of the submitted Flood Risk Assessment, the measurements put the site in Flood Zone 3 (greater than 1 in 100 (or 1%) risk of flooding). Advice in the National Planning Policy Framework (NPPF) and the associated Technical Guide makes it clear that development proposals in these zones should not result in a net loss in flood plain storage and should be aiming to reduce flood risk locally.
- 6.26 The NPPF sets out that inappropriate development should be avoided in areas at risk of flooding by directing development away from areas at highest risk, but where it is necessary, making it safe without increasing flood risk elsewhere. It is advised that Local Planning Authorities should only consider development in flood risk areas appropriate, where informed by a site-specific flood risk assessment.
- 6.27 The flood risk vulnerability classification for the type of development proposed is 'less vulnerable' as defined in the NPPF, and is considered an acceptable form of development in Flood Zones 2 and 3 if the Sequential Test is deemed to have been passed.

- 6.28 In line with Environment Agency advice, finished floor levels should be set a minimum of 600 mm above the 100 year + climate change flood level i.e. finished floor levels should be set at a minimum of 11.44 m AOD. Section 3.1.28 of the FRA suggests that finished floor levels would be set at 10.62 m AOD, which would not be acceptable, unless the building is designed to be 'floodable'.

Impact of the development of flood elsewhere

- 6.29 As the proposal will involve development below the 100 year + cc flood level, compensation would be required for the loss in 'floodplain storage capacity'. The calculation of this volume should take into account any ground level raising, as well as building volumes.
- 6.30 To compensate for the loss of flood storage capacity the City Council's Drainage Officer has recommended that on the basis that the applicant is unable to provide compensatory volume within the application site a financial contribution should be paid for works off site. The contribution has been calculated on the basis of £50 per m³ which would equate to a payment of £3,000 (60m³). This contribution is to be spent on flood compensation works at Alney Island, adjacent to Over Causeway.

Surface water run-off

- 6.31 The development site is currently Greenfield. In line with GCC's requirements, the FRA states that post development flows are to be restricted to Greenfield rates, and permeable paving is to be used. The applicant's revised proposals (in letter dated 30th October) look acceptable subject to a little clarification. The City Council's Drainage Engineer is satisfied that this clarification can be sought through the submission and approval of a final drainage scheme secured by condition.

SuDs (Water Quality)

- 6.32 In line with National SuDS standards, surface water runoff from vehicular areas should contain a minimum of two treatment stages. The proposed scheme is acceptable.

Sequential Test

- 6.33 The Sequential Test needs to demonstrate that there are no reasonable available sites in a lower flood risk which can accommodate the proposal. The first step is to determine the search area. This would normally be the whole of the City Council's administrative area, unless it is demonstrated, with evidence, that there is a specific need within a specific area. It is accepted that a pragmatic approach to the availability of alternative sites should be adopted, including constraints specific to a business which will limit the search area. It is the applicant's responsibility to fully justify their search area.
- 6.34 The revised Sequential Test sets out and justifies the company's search criteria taking into consideration its current location in Hempsted, requirements to be located on a major traffic route, location of its main customers and competitors. This provides a search area for an alternative site

which will reasonably ensure that any new location will not be significantly detrimental to the continued operation of the existing business.

- 6.35 A number of sites were identified within the search area based on the latest SALA (January 2015) and following an assessment the submitted report concludes that there are no other reasonable available sites of a sufficient size, in areas of lower flood risk, where the business could relocate to within the search area.
- 6.36 On balance it is considered that the search area has been suitably justified and the Sequential Test has been satisfied.

7.0 CONCLUSION

- 7.1 Overall and subject to conditions, the proposed use, design, scale and siting of the building is considered acceptable and it is not considered that the development would have any significant adverse impact on the occupiers of residential properties, or on highway safety. Amended plans have been submitted following discussions with the Highway Authority to ensure that the proposed development will not prejudice the delivery of the widening of the South West Bypass. After careful consideration the Conservation Officer is satisfied that the proposed development will not have any significant harm to the designated heritage assets. The benefits of the proposed development include the re-use of a prominent vacant site securing a viable use by a local business and would result in an overall improvement to the quality and character of the area. These benefits are considered to outweigh the less than substantial harm to the designated heritage assets identified by Historic England. The development is considered appropriate in the flood zone and subject to a financial contribution towards off-site flood compensation storage the Drainage Officer is satisfied that the proposed development will not increase flood risk elsewhere. The development is therefore considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That authority is delegated to the Development Control Manager to grant, subject to the satisfactory completion of a Unilateral Undertaking from the applicant to secure a financial contribution of £3,000 to be spent on flood compensation works at Alney Island, adjacent to Over Causeway, planning permission subject to the following conditions:

Condition 1

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

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 1106/03K received by the Local Planning Authority on 5th May 2016 and 1106/09A received on 14th June 2016a 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 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. measures to control the emission of dust and dirt during construction.

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.

Condition 4

No development approved by the permission shall be commenced until a detailed drainage strategy for the disposal of surface water and foul sewage has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible and for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage (SUDS). The Strategy shall be carried out in accordance with the approved details before the development is first brought into use and maintained thereafter for the duration of the development.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding 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). It is important that these details are agreed

prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition 5

Notwithstanding the details submitted no development works above DPC level shall take place until details or samples of materials to be used externally on walls, roofs, windows, external doors together with details of rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development and to ensure that they harmonise with the surroundings in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Notwithstanding the details submitted no development shall take place until details of the proposed Finished Floor Levels of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the details are agreed prior to the commencement of development to protect the development from flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Prior to the commencement of the development full details of the proposed flood resilient and flood defence construction measures to be incorporated into the building to minimise damage caused by flooding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in all respects before the occupation of the development and retained for the duration of the development.

Reason

To ensure that details are agreed prior to the commencement of development minimise any damage to the properties as a result of flooding in accordance with the provisions of the National Planning Policy Framework and Policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

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 boundary treatment to be erected. The boundary treatment 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

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 10

During the construction phase no power tools or machinery shall be used on the site, other than portable hand tools between 08:00 and 08:30hrs Monday – Friday or between 08:30 and 09:00hrs Saturdays.

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 11

No burning of materials/substances during demolition/construction phases
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).

Condition 12

The building hereby permitted shall not be occupied until a Flood Evacuation and Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Management plan shall include procedures for the evacuation of the site in the event of flooding and the design and location of appropriate signage and flood warning notices to make staff and visitors to the site aware of the potential flood risk at the site and evacuation procedures during times of flood. The approved Management Plan shall be implemented prior to the first occupation of the development with the approved notices kept legible and clear of obstruction and maintained as such for the life of the development.

Reason

To ensure that owners and occupiers of premises are aware that the site is at risk of flooding and have suitable evacuation procedures in place in

accordance with the National Planning policy Framework and in accordance with Policy FRP.1a of the Second Deposit Gloucester City Local Plan (2002).

Condition 13

Prior to the occupation of the development hereby permitted details of the vehicular access shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and shall be maintained for the duration of the development.

Reason

To reduce potential highway impact by ensuring the access is suitably laid out in accordance with Paragraph 35 of the National Planning Policy Framework.

Condition 14

The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted drawing no. 1106-09 A, and those facilities shall be maintained for those purposes for the duration of the development.

Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available in accordance with Paragraph 35 of the National Planning Policy Framework.

Condition 15

The building shall not 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 16

The building 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. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of crime prevention in accordance with Policy BE.5 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 17

No part of the development shall be occupied until covered and secure cycle storage facilities have been laid out within the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority; and those facilities shall be maintained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided to promote sustainable transport in accordance with paragraph 32 of the NPPF.

Condition 18

Noise generated and associated with the extract system shall be controlled such that the rating level, in accordance with BS 4142: 2014, measured or calculated at 1m from the facade of the nearest noise sensitive premises of the proposed development shall not exceed a level of 5dB below the existing LA90 background with no tonal element to the plant.

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 19

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 07:00 to 19:00 Mondays to Fridays, 08:00 to 18:00 on Saturdays and 10:00 to 14:00 on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 20

The trade counter area of the building shall be restricted to that area indicated on the approved plans drawing no. 1106/03 K and shall at all times remain ancillary to the main uses of the unit for purposes within Use Classes B1 (business) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification. The buildings shall be used for no other purposes whatsoever without the prior permission in writing of the local planning authority.

Reason

The Council wishes to retain control over the nature and use of the given the location of the site outside of a designated shopping area and to ensure the in accordance with policy and S4a within the Second Deposit City of Gloucester Local Plan (2002).

Notes

1. There may be a public sewer located within the application site and Severn Trent Water encourages 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 to seek assistance with obtaining a solution which protects both the public sewer and the building.
2. When submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres 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.
3. This permission does not authorise the display of any advertisements on the site and very careful consideration will be required to ensure that any signage is appropriate and sensitively located on the building so as minimise its impact on the street scene and setting of the Llanthony Priory. A Separate application should be made to Gloucester City Council in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992.

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.

Decision:

Notes:

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

14/00848/FUL

Land Adjacent 2
Hemmingsdale Road
Gloucester

Planning Committee 05.07.2016

