

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **6<sup>TH</sup> SEPTEMBER 2016**

**ADDRESS/LOCATION** : **GLOUCESTER CITY FOOTBALL CLUB**

**APPLICATION NO. & WARD** : **16/00573/OUT  
WESTGATE**

**EXPIRY DATE** : **9<sup>TH</sup> SEPTEMBER 2016 (TIME EXTENSION  
AGREED)**

**APPLICANT** : **MR EAMONN MCGURK**

**PROPOSAL** : **VARIATION OF CONDITIONS 9 AND 25 OF  
OUTLINE PLANNING PERMISSION  
REFERENCE 14/00685/OUT TO CHANGE  
THE TIMING OF THE PROPOSED WIDENING  
OF THE FOOTWAY ON SUDMEADOW  
ROAD AND PROVISION OF CYCLE  
STORAGE FACILITIES. REMOVAL OF  
CONDITION 12 1(V) REQUIRING A  
CONTRACT TO BE LET FOR THE  
REPLACEMENT STADIUM PRIOR TO  
COMMENCEMENT OF DEVELOPMENT  
(INCLUDING THE RAISING OF GROUND  
LEVELS).**

**REPORT BY** : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/  
OBJECTIONS** : **1. SITE LOCATION PLAN  
2. 14/00685/OUT COMMITTEE REPORT  
FROM 17<sup>TH</sup> OCTOBER 2014.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The application site is approximately 4.80 hectares in area and includes the former Gloucester City Football Club Stadium together with land immediately to the west. The site is to the west of Hempsted Lane set back between Sudmeadow Road and Spinnaker Road. The site is largely surrounded by commercial premises together with 13 residential properties in Sudmeadow Road. The site is also in close proximity to the Hempsted Landfill and civic amenity site. Llanthony Priory is located to the East of Hempsted Lane opposite the junction with Sudmeadow Road. Access to the site is obtained from Sudmeadow Road.

1.2 The application for outline planning permission for the re-development of the Gloucester City Football Club comprising the erection of a replacement football stadium, associated engineering works involving the raising of ground levels, ancillary facilities, access and car parking was reported to the Planning Committee on 17<sup>th</sup> October 2014. Outline planning permission was subsequently granted subject to conditions on 22<sup>nd</sup> September 2015 following completion of the Unilateral Undertaking. The means of access and siting were considered as part of this outline application. A copy of the planning committee report is appended which sets out full details of the scheme together with an analysis of the issues raised.

1.3 It is proposed to undertake the development on a phased basis and a reserved matters application has been submitted for phase 1 of the development comprising of:

The stand to south east wing containing spaces for players' facilities, admin and a small club shop on the ground floor opening out onto the pitch. Two separate entrances and two separate WC units are provided on opposite ends of the pitch to allow for segregation during matches. A stand to the south west is provided for terraced standing, but the other areas of the pitch will allow for level standing as shown on the site plan totalling an overall capacity of 3,068.

The Gross External Area (GEA) of the stadium is as follows:

840 Sq.m = Ground Floor GEA including stands: 840 Sq.m

342 Sq.m = First Floor GEA

**1182 Sq.m = Total Stadium GEA (Phase 1)**

1.4 On the basis that the development will be phased this application seeks to vary conditions 9 and 25 on outline planning permission 14/00685/OUT to change the timing of the proposed road widening of the footway on Sudmeadow Road and the provision of cycle storage facilities. It also seeks to remove part 1v of condition 12 on the existing outline planning permission requiring a contract to be let for the replacement stadium prior to the commencement of development on the site.

1.5 Condition 9 relates to the proposed widening of Sudmeadow Road and currently states:

**Condition 9**

No development shall commence until details of a scheme for the widening of the footway on Sudmeadow Road have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not be open to the public until the approved scheme has been completed in its entirety.

**Reason**

To ensure that the development has been designed to give priority to pedestrian and cycle movements and to ensure that the layout is safe and secure which minimises conflicts between traffic and cyclists or pedestrians, in

accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

1.6 Condition 9 is required to provide safe and suitable access addressing the significant increase in attendance as a result of the increase in capacity of the stadium. The applicant has argued that if the development is to be phased and Phase 1 remains below the existing licensed capacity of fewer than 4,500 spectators, requiring the condition to be satisfied prior the stadium being first open to the public would be unreasonable. It is suggested that the widening of the footway on Sudmeadow Road should be implemented once the capacity of the ground is increased, but not until then and they seek to vary the condition accordingly.

1.7 Condition 25 relates to the provision of secure and covered cycle parking within the site and currently states:

**Condition 25**

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 60 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that adequate cycle parking is provided and to promote cycle use in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002).

1.8 The application seeks to amend condition 25 to allow for the cycle parking to be based on a phased basis in line with the development.

1.9 Part 1 v of condition 12 requires a contract to be let for the erection of the replacement stadium before any works can commence on site (including the raising of ground levels). The application seeks to remove this condition on the basis that this is impossible to provide with integrity as there will be multiple contracts and the funding for the construction hinges on future grants which are not yet in place. It is suggested that condition 28 helps provide assurances that the field will not be left in a state of disuse. Condition 12 currently states:

**Condition 12**

1. No development shall commence (including the raising of ground levels) on site until:
  - I. A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.

- II. A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
  - III. A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
  - IV. The works detailed in the approved Remediation Method Statement (other than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.
  - V. **A copy of the contract for the erection of the replacement stadium entered into between the applicant and a construction company has been duly submitted to, and approved in writing by, the Local Planning Authority.**
2. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.
  3. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

### **Reason**

To ensure that the scheme may be implemented in accordance with the permission, 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).

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 The planning history of the site is summarised in the attached report from 2014.

- 2.2 The following applications have also been submitted and are pending consideration:

**16/00572/CONDIT** – Application to discharge the conditions on the outline planning permission ref. 14/00685/OUT.

**16/00574/REM** – Reserved matters application for partial implementation of the outline application.

### **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:

ST.7 - Urban Design Principles  
FRP.1a – Development and Flood Risk  
FRP6 – Surface water run-off  
FRP.10 – Noise  
BE.1 - Scale, Massing and Height  
BE.5 - Community Safety  
BE.6 - Access for all  
BE.7 - Architectural design  
BE.21- Safeguarding of Amenity  
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 – Provision for cyclists/pedestrians  
SR.2 – Playing Fields and recreational Open Space

- 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 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.
- 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](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 **Gloucestershire County Council (Highways)** – It would appear that the maximum capacity on the site was 4,500 which fits with the trigger points that the applicant has suggested for the revision to condition 9. Below this point the development would not have a material impact compared to the previous use of the site.

The proposed variation to condition 25 is acceptable, however, it should be noted that as prefabricated cycle parking tends to come in units there may be practical limits on how this can be provided.

- 4.2 **Sport England** - The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.
- 4.3 **Lead Local Flood Authority (LLFA)** – The original application precedes the commencing date of the LLFA's statutory responsibilities of 6<sup>th</sup> April 2015 and the LLFA has confirmed that it will therefore not be making any comments on this application.

- 4.4 **Environment Agency** – The Environment Agency had lengthy engagement with the applicant and City Council regarding the development, particularly in relation to flood risk, during the outline application, and at previous stages of the development.

Our final substantive response to the planning application (our letter reference SV/2014/107817/01-L01, dated 07 July 2014) sets out our involvement and views. We are satisfied that an adequate Flood Risk Assessment (FRA) has been undertaken to inform the principle of development. This has identified the impact of the proposed development upon flood risk locally and proposes flood risk betterment. As such we are satisfied the proposals align with the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

The Football Club have agreed to provide £75,000 in contributions to us, which will assist the delivery of flood improvement works in the Hempstead/Rea area. This is a necessary financial contribution to ensure the proposals will provide flood risk betterment and demonstrate accordance with the guiding principles of the NPPF and NPPG. Subject to the financial contribution, secured by a Unilateral Undertaking, we have no objection to the development as proposed.

- 4.5 **Canal and River Trust** – After due consideration of the application details, the Canal and River Trust has no comments to make.
- 4.6 **Fisher German (Agents for CLH Pipeline System)** – Confirm that apparatus belonging to CLH Pipeline System may be affected by the proposals. No work should be undertaken or activity without first contacting the CLH Pipeline Operator for advice, and if required, Works Consent.
- 4.10 **Contaminated Land Advisors (WRS)** – WRS have reviewed the application in relation to contaminated land and no concerns have been identified and no adverse comments are made.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 The application has been publicised by way of a press notice in the Citizen and through the display of a site notice. In addition 212 individuals/properties have been notified of the application in writing.
- 5.2 As a result of this publicity three letters of objection, two of which are from the same local resident and one letter of support have been received. The main concerns raised can be summarised as:
- There is nothing wrong with the stadium that exists. If the turf had not been taken off and the top soil sold they could have had a clean-up like other business in the area and been back playing within the month.
  - If you let the land be tipped without a contract let for the replacement stadium prior to the commencement of development there will never be

a new stadium. The tipping is the golden egg for the land and the money won't benefit the football club. Gloucester City AFC has virtually no money and can't afford to build a new stadium unless they still have the insurance money following the flood damage.

- It will be a disaster for all the businesses in the area if Sudmeadow Road is used for tip traffic. It would be more sensible to get access through Spinnaker Park as required by the previous S106 Agreement. Access could also be gained along the tip road. Don't see why a number of businesses in a very narrow road should be inconvenienced by 1 privately owned company when there is much better access elsewhere.
- Question how it is intended to widen the footpath in Sudmeadow Road and what effect this will have on access for all residents. Can or will it be made known what effects footpath widening will have on the Sudmeadow Road community and on which side of the road will it be carried out.
- The inclusion of the 'alternative access' would have alleviated the traffic generated by supporters when a home game is being played, whether they arrive by car or on foot. If this is not done there will be no benefits to residents and everything for Gloucester City supporters.
- Suggest that there is bias in favour of the football club and prejudice against the residents, whose home living conditions will be damaged and worsen as a result of this planning application.

5.3 The letter of support states that the City needs the Club back in the City where it belongs. It has youth teams which have made this city proud yet it plays senior football in Cheltenham providing them with a considerable financial support and starving the City Football Club with its valuable financial stream of income. Can see no valid reason why the Club should be deprived of its home any longer. The Club is a valuable asset to the community with its youth, senior and disabled squads.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00573/OUT>

## **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.

6.2 The principle of the redevelopment of this site was established by the grant of outline planning permission in 2015. The current application seeks to amend conditions 9 and 25 and remove part 1v of condition 12 on planning permission ref. 14/00685/OUT.



- 6.3 The only amendments to the approved scheme relate to the timing of works to widen Sudmeadow Road together with the provision of cycle parking and the requirement to have entered into a contract to construct the stadium prior to any works (including the raising of land levels) can commence on site. All other aspects of the original application remain unchanged.
- 6.4 The application site was previously used as a football stadium with a licensed capacity of up to 4,500 spectators. It is intended that the works to provide a replacement stadium be phased with phase 1 providing a maximum capacity to accommodate 3,068 spectators. Information submitted with the current application suggests that the overall capacity of the proposed new stadium following completion of the final phase of development will be 4,347 spectators.
- 6.5 Paragraphs 6.36 – 6.41 in the attached committee report for the existing outline planning permission (14/00685/OUT) discuss the Highway Authority's consideration of the previous application and the need to consider changes to the Development Plan and other material considerations since the original planning permission was granted for the existing use of the site. The Highway Authority suggested that the most significant change was the emphasis on sustainable development and that improvements to the footway on Sudmeadow Road were required to comply with the requirements of paragraph 35 of the NPPF.
- 6.6 In its response to the current application the Highway Authority has indicated that it is satisfied that the works to widen Sudmeadow Road as required by condition 9 will not be required until the existing capacity of 4,500 spectators is exceeded on the basis that below this point the development would not have a material impact compared to the previous use of the site. On balance, taking into account the Highway Authority's advice I consider it is acceptable take into consideration the previous capacity and to change the timing of when the works are required to help facilitate the first phase of development. However, in line with the consideration of the original application and to comply with current national policy on sustainability as set out in paragraph 35 of the NPPF, I consider that these works should be required when the capacity exceeds the 3,068 spectators planned for in the first phase of development and recommend that the condition 9 is amended to read:

**Condition 9 (revised)**

Not less than 3 month prior to the capacity of the stadium hereby approved exceeding 3,068 spectators a scheme for the widening of the footway on Sudmeadow Road shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in its entirety within 2 months of the date of approval.

**Reason**

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF and Policy TR.31 of the Second Deposit City of Gloucester Local Plan.

- 6.7 Condition 25 currently requires the provision of 60 cycle parking spaces prior to the occupation of the development. On the basis that the developed will be phased the application seeks to vary this condition to also allow the provision of the cycle parking to be provided on a phased basis, This is acceptable to the Highway Authority and it is recommended that condition 25 be amended to read:

**Condition 25 (revised)**

The development hereby permitted shall not be brought into use until secure and covered cycle storage facilities for a minimum of 36 cycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority together with a phasing plan to increase cycle parking capacity in line with stadium spectator capacity to a maximum of 60 cycles.

**Reason**

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF.

- 6.8 The original outline planning application proposes changes to the existing ground levels across the site. This involves raising the area of the proposed pitch and stadium by approximately 4 metres to ensure that it does not flood. The proposed car parking areas located to the east and west of the stadium will be set lower than the existing ground levels and are designed to flood. The purpose of part 1v of condition 12 was to ensure that the land is brought back into use as a football stadium as the raising of the land in this location was only considered acceptable to facilitate the re-use of the site for this purpose. It is, however, recognised that there are difficulties in the applicant entering into a contract with a construction company at this stage. The priority is to ensure that any works undertaken do not increase the flood risk to surrounding properties and it is recommended that the removal of part 1v of condition 12 be replaced by a new condition to ensure that the 'cut' elements of the scheme to reduce the ground levels to the proposed car parking areas are undertaken alongside and at an early stage of any raising of levels. Ideally the engineering works required to reduce the ground levels to form the approved car parking area would be completed in their entirety prior to the importation of any material from outside the application site. However, the Football Club has indicated that it needs the ability to be able to undertake both elements of the work (the cut and fill) together and Officers have discussed this with the applicants to try and agree a form of wording that will also provide a workable solution for the Football Club. It is recommended that Part 1v of condition 12 is replaced with the following new condition:

**New Condition**

The engineering works required to reduce the ground levels to form the approved car parking areas as shown on drawing no 1650/03C shall be

completed in their entirety prior to any ground levels being raised beyond 9.8m AOD.

**Reason**

To prevent loss of flood storage capacity to alleviate the increased risk of flooding in accordance with Policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

- 6.9 The approved finished level of the football pitch (as shown on drawing no 1650/03C) is 11.40m AOD so if the datum is set at 9.8m AOD the stadium would still not be flood resilient and that would provide the necessary 'incentive' to make sure that the land lowering was completed in its entirety thereby allowing the further ground raising to continue to the approved levels to make the stadium flood resilient. In addition condition 28 on planning permission 14/00685/OUT will remain unchanged and states:

**Condition 28**

If within 3 years from the commencement of development the site is not operating as a football club then a restoration scheme including a timescale for the removal of the imported material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved restoration scheme shall be implemented in accordance with the approved details.

**7.0 CONCLUSION**

- 7.1 The principle of the redevelopment of the site for the football club was established with the grant of outline planning permission in 2015. The current application seeks to vary and remove conditions on the existing outline planning permission due to the intention to phase the development and practical difficulties in the letting of a contract at this stage.
- 7.2 While the principle of development was established by the grant of the outline planning permission in 2015 the granting of the current application will create a new standalone outline planning permission and all the issues should be assessed in accordance with current policy. The proposed amendments to conditions will not alter the nature of the previously approved scheme and would allow flexibility to allow for the scheme to be brought forward on a phased basis. The statutory consultees have raised no objections to the current application and I am satisfied that the policy circumstances in relation to the application have not changed and the proposal remains acceptable in terms of the principle of development, flood risks, impact on residential amenity and parking and highway issues as set out in the appended 2014 report. As such it is considered that the application is in accordance with policies in the Second Deposit City of Gloucester Local Plan (2002) and National Planning Policies.
- 7.3 Since the approval of this application will create a new standalone outline planning permission, the conditions on the existing permission 14/00685/OUT will need to be replicated, except where they have been amended by this application or are discharged.

- 7.4 The original outline planning permission was subject to a Unilateral Undertaking from the Applicant to secure a contribution of £75,000 towards local flood improvement works to achieve the flood risk betterment required by the Environment Agency to demonstrate accordance with the guiding principles of the NPPF and NPPG. A Deed of Variation is required to ensure that the provisions of the original Unilateral Undertaking will apply to the current application.

## **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 Deed of Variation from the applicant to secure a financial contribution of £75,000 towards local flood improvement works, a revised outline planning permission subject to conditions.

Delegated powers are also sought to amend the wording of the conditions set out below if any conditions are discharged prior to issuing the decision.

### **Condition 1**

Approval of the details of the, appearance, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the local planning authority before 22<sup>nd</sup> September 2018.

### **Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

### **Condition 2**

The development hereby permitted shall be begun either before 22<sup>nd</sup> September 2020, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later. Written notification of the date of commencement of development shall be sent to the Local Planning Authority within 7 days of such commencement.

### **Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

### **Condition 3**

Plans and particulars of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

### **Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act

1990.

**Condition 4**

The development hereby permitted shall be carried out within the site edged red on the 'Site Location Plan' drawing no. GCFC/001/2010, received by the Local Planning Authority on 3rd June 2014 (hereafter referred to as the Site) and in accordance with drawing no. 1650/03C received by the Local Planning Authority on 25th June 2014 and all other conditions attached to this 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).

**PRIOR TO COMMENCEMENT**

**Condition 5**

Prior to commencement of land raising operations a Waste Acceptance Procedure Protocol shall be submitted to and approved in writing by the Local Planning Authority. The land raising shall be carried out in accordance with the approved Protocol.

**Reason**

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 and WCS 14 of the Waste Core Strategy (2004).

**Condition 6**

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 Construction Management Statement shall be adhered to throughout the construction period. The Statement shall:

- I. specify the type and number of vehicles and route to the site;
- 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. specify measures to control the emission of dust and dirt during construction

**Reason**

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 7**

No part of the development as hereby permitted shall commence until details of an Environmental Management Scheme and Code of Practice have been submitted to, and approved in writing by the Local Planning Authority. The Environmental Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including noise, vibration, dust and smoke emanating from the site. Any emergency or other deviation from the above conditions shall be submitted to and approved in writing by the Local Planning Authority.

**The Environmental Management Scheme shall include:**

- I. Details of engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts;
- II. A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures. The specification shall include details of the method of piling;
- III. Measures to make local residents aware of any significant activities that are likely to cause significant disruption;

All demolition and construction work shall be undertaken in strict accordance with the approved Environmental Management Scheme and Code of Practice unless otherwise agreed in writing by the Local Planning Authority.

**Condition 8**

Prior to commencement of development details of a scheme to prohibit parking on Sudmeadow Road during the demolition, importation and construction period and provide temporary parking for residents for the same period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details for the duration of the demolition, importation and construction periods.

**Reason**

To provide safe and suitable access to the site for the duration of the construction period in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 9 (revised)**

Not less than 3 month prior to the capacity of the stadium hereby approved exceeding 3,068 spectators a scheme for the widening of the footway on Sudmeadow Road shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in its entirety within 2 months of the date of approval.

**Reason**

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF and Policy TR.31 of the Second Deposit City of Gloucester Local Plan.

**Condition 10**

No development shall commence until details of the design and layout of the pitch and the stadium have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The pitch and stadium shall be constructed in accordance with the approved details.

**Reason**

To ensure the development is fit for purpose and sustainable in accordance with policy SR.2 in the Second Deposit City of Gloucester Local Plan (2002).

**Condition 11**

The development hereby permitted shall not commence until detailed drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life 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 and to ensure satisfactory drainage arrangements are provided 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).

**Condition 12 (revised)**

1. No development shall commence (including the raising of ground levels) on site until:

- I. A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.
- II. A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
- III. A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
- IV. The works detailed in the approved Remediation Method Statement (other

than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.

2. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.
3. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

### **Reason**

To ensure that the scheme may be implemented in accordance with the permission, 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).

### **Condition 13**

No development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, a detailed assessment on the potential for noise from the development to affect neighbouring residential properties. The assessment should include assessment of the potential for noise from the following:

- the crowd at the stadium
- Any PA system
- Any fixed plant and equipment at the stadium
- Conference facilities
- Any vehicular traffic on the site

If the assessment indicates that noise from the development is likely to affect neighbouring noise sensitive premises then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of National Planning Framework Noise Guidance, BS4142: 1997.



"Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The approved noise mitigation scheme shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

**Reason**

To ensure that noise mitigation measures are built into the scheme to prevent nuisance to adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 14**

Prior to the importation of any materials onto the site details of all soils and ground formation materials to be imported onto the site for the purposes of raising ground levels, shall be submitted to and approved in advance in writing by the Local Planning Authority. Details to include descriptions, volumes, origins and appropriate chemical quality testing. Thereafter only the approved materials shall be imported onto the site.

**Reason**

To ensure the development is safe and suitable for use, and no hazardous or otherwise contaminated materials are imported onto the site.

**Condition 15**

Construction shall not commence on any building until samples of the external facing materials to the walls and the roof of the building and the hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

**Reason**

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

**Condition 16**

Development shall not commence, other than demolition, until precise details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

**Reason**

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

**Condition 17**

No construction of any building shall commence until details of measures to discourage seagulls from nesting and roosting on the building have been

submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to the occupation of any building, unless otherwise agreed 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 BE.10 of the City of Gloucester Second Deposit Local Plan 2002.

**Condition 18**

Development shall not commence until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers and shall include planting within expanses of car parking. Drawings must include accurate details of all existing trees 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.

**Reason**

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policy B.12 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

**Condition 19**

The landscaping scheme approved under Condition 18 of this permission shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a minimum period of five years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged or diseased 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 five 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 City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

**Condition 20**

Prior to the commencement of development a Waste Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall indicate how waste will be managed from the site during demolition of the existing building, throughout construction and during occupation of the proposed buildings.

**Reason**

In the interests of reducing the amount of waste going to landfill and in increasing recycling in accordance with Policy 36 of the Gloucestershire County Council Waste Local Plan (October 2004).

**Condition 21**

Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, shall be provided before the use hereby permitted commences. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site, unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To safeguard the amenity of the occupiers of adjoining premises, to protect the general environment and to ensure that there are adequate facilities for the storage and recycling of recoverable materials to encourage energy conservation through recycling in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

**During Construction****Condition 22**

No materials or substances shall be burnt within the application site during the demolition, importation and construction phases.

**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 23**

During the demolition, importation and construction phases 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).

**Prior to Occupation****Condition 24**

Prior to the first occupation of the development a flood warning and

evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved plan.

**Reason**

To protect the users of the building from risk of flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 25 (revised)**

The development hereby permitted shall not be brought into use until secure and covered cycle storage facilities for a minimum of 36 cycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority together with a phasing plan to increase cycle parking capacity in line with stadium spectator capacity to a maximum of 60 cycles.

**Reason**

To ensure that the opportunities for sustainable transport modes have been taken up and exploited in accordance with paragraphs 32 and 35 of the NPPF.

**Condition 26**

The building(s) 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 no.1650/03C, and those facilities shall be maintained available 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 within the site in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 27**

Details of any external lighting (including the playing surface lighting) proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. All external lighting shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason**

To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002).

**General**

**Condition 28**

If within 3 years from the commencement of development the site is not operating as a football club then a restoration scheme including a timescale

for the removal of the imported material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved restoration scheme shall be implemented in accordance with the approved details.

**Reason**

The nature of the development is such that it is only considered acceptable in this location having regards to the previous use of the site as a football stadium and in the interests of the amenity of the area.

**Condition 29**

No material shall be deposited or used for landraising purposes in the Landraise Area as detailed in Dwg 1650/03C unless it has been previously processed according to the approved Waste Acceptance Procedure Protocol.

**Reason**

In order to define the scope of this consent and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

**Condition 30**

No material other than uncontaminated, inert and natural excavated materials, (including soils, subsoil's, bricks and concrete) shall be deposited in the Landraise Area as depicted in Dwg 1650/03C received by the Local Planning Authority on 25th June 2014.

**Reason**

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy

**Condition 31**

No special wastes (as defined by the Environment Agency) shall be accepted on the site. If any special wastes are subsequently found they shall be removed, segregated and stored within a dedicated, covered, Special Waste storage container, for disposal off- Site.

**Reason**

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy.

**Condition 32**

Any fly tipped material and any material inadvertently deposited at the site and not falling within the approved material detailed in condition 30 of this consent must be stored separately in a skip maintained on site for this purpose, and removed to a properly licensed waste facility on at least a weekly basis.

**Reason**

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 of the Waste Core Strategy.

**Condition 33**

The total quantity of inert material imported into the site for the Landraise Area as detailed in Dwg 1650/03C shall not exceed 40,350 cubic metres of inert fill, comprising of soils, clays and inert construction waste.

**Reason**

To define the scope of the application in the interests of highway safety in accordance with Policy WCS 19 of the Waste Core Strategy (2012) and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS8 of the Waste Core Strategy (2012).

**Condition 34**

From the date of commencement of this consent the developer shall maintain records of the number of vehicles bringing materials to the site, and the quantity and type of material accepted onto the site and shall make them available to the Waste Planning Authority upon request, within seven days of such a request. All records shall be kept for at least 24 months.

**Reason**

In order that the Waste Planning Authority can monitor the site in the interests of the amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

**Condition 35**

Imported material shall only be stored within the red line area as shown in Dwg GCFC/001/2010 'Site Location Plan' received by the Local Planning Authority on 3rd June 2014.

**Reason**

In the interests of amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

**Condition 37**

No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned so as to prevent materials including mud and dust being deposited on the highway.

**Reason**

In the interests of highway safety and to prevent mud, debris and materials getting on the highway, in accordance with Policy WCS19 of the Waste Core Strategy.

**Condition 38**

No commercial vehicles carrying material shall enter the site unsheeted except those only carrying materials in excess of 500mm in any dimension.

**Reason**

In the interests of highway safety and in accordance with Policy 19 of the Waste Core Strategy.

**Condition 39**

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or indirectly via soakaways.

**Reason**

To prevent pollution of the water environment in accordance with Policy 33 of the adopted Gloucestershire Waste Local Plan.

**Condition 40**

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Reason**

To prevent pollution of the water environment in accordance Policy 33 of the Gloucestershire Waste Local Plan.

**Condition 41**

Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed in condition 23. Mitigation measures as defined in BS 5528: Part 1:1997 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

During demolition and construction on site:

- A.** The best practical means available in accordance with British Standard Codes of Practice BS5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- B.** Vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
- C.** A suitable and sufficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance.

No part of the development hereby permitted shall commence until a demolition and construction method statement for the demolition and construction process has been submitted and approved in writing by the Local Planning Authority. The statement shall include the following:

- A. An assessment of the presence or absence of asbestos and suitable
- B. mitigation measures is appropriate;
- C. The inclusion of suitable measures for the containment of dust, such as the use of debris screens and sheets, suitable and sufficient water sprays; enclosed chutes for dropping demolition materials to ground level;
- D. The use of enclosures or shields when mixing large quantities of concrete;
- E. Details of the provision for the temporary storage of materials on site with preference to the storage of fine dry materials inside buildings or enclosures, or the use of sheeting as far as practicable with water sprays as appropriate.
- F. Consideration to the use of pre-mixed plasters and masonry compounds.

The method statement scheme shall be implemented in strict accordance with details to be approved, unless otherwise agreed in writing by the Local Planning Authority

**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 42**

No events involving the use of the stadium pitch shall occur before 9.00am or after 11.00pm on any day (unless otherwise approved in writing by the Local Planning Authority).

**Reason**

In the interests of the amenity of adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 43**

Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 8.00am and 8.00pm. The collection of refuse, bottles and recyclable materials shall only take place between 9.00am and 8.00pm Monday to Saturday and not at all on Sundays, Bank or Public Holidays.

**Reason**

In the interests of the amenities of residents within the scheme and adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 44**

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 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays nor at any time 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 45**

Details of the proposed Public Address System shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby authorized being brought into first use. The approved Public Address System shall only be used during events that take place on the external area within the stadium; shall not be used more than two hours prior to the event commencing (with the exception of testing purposes) or within 30 minutes of the completion of the event (unless otherwise agreed in writing by the Local Planning Authority).

**Reason**

In the interest of neighbouring residential amenity and in the interests of public safety in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 46 (New Condition)**

The engineering works required to reduce the ground levels to form the approved car parking areas as shown on drawing no 1650/03C shall be completed in their entirety prior to any ground levels being raised beyond 9.8m AOD.

**Reason**

To prevent loss of flood storage capacity to alleviate the increased risk of flooding in accordance with Policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

**Note 1**

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

**Note 2**

The applicant is advised that the layout and design of the pitch and the stadium should comply with relevant industry technical guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to:

- Natural Turf for Sport (Sport England, 2011)  
<http://www.sportengland.org/media/30865/Natural-turf-for-sport.pdf>
- The FA's National Ground Grading documents  
<http://nav.thefa.com/sitecore/content/TheFA/Home/Leagues/NationalLeagueSystem/GroundGrading>
- Guide to Safety at Sports Grounds, "The Green Guide", (DCMS, 2008)  
<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

**Note 3**

The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16

Consent. The GPPS Operator can be contacted at OPA Central Services, Ashdon Road, Saffron Walden, Essex, CB10 2NF (e-mail [anne.swallow@oilandpipelines.com](mailto:anne.swallow@oilandpipelines.com)) 01799 564101. For additional information please visit [www.linsearch.org](http://www.linsearch.org).

**Note 4**

The importation of soil, to raise levels, is likely to require a waste permit or exemption from the Environment Agency. The applicant is advised to telephone 03708 506 506 to discuss permit requirements in greater detail.

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.)

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **7<sup>TH</sup> OCTOBER 2014**

**ADDRESS/LOCATION** : **GLOUCESTER CITY FOOTBALL CLUB**

**APPLICATION NO. & WARD** : **14/00685/OUT  
WESTGATE**

**EXPIRY DATE** : **12<sup>TH</sup> SEPTEMBER 2014**

**APPLICANT** : **GLOUCESTER CITY FOOTBALL CLUB**

**PROPOSAL** : **OUTLINE APPLICATION FOR THE RE-  
DEVELOPMENT OF GLOUCESTER CITY  
FOOTBALL CLUB COMPRISING THE  
ERECTION OF A REPLACEMENT  
FOOTBALL STADIUM, ASSOCIATED  
ENGINEERING WORKS INVOLVING THE  
RAISING OF GROUND LEVELS, ANCILLARY  
FACILITIES, ACCESS AND CAR PARKING.  
MEANS OF ACCESS AND SITING NOT  
RESERVED.**

**REPORT BY** : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/  
OBJECTIONS** : **1. SITE LOCATION PLAN  
2. ENVIRONMENT AGENCY  
CONSULTATION RESPONSE DATED 7<sup>TH</sup>  
JULY 2014  
3. 66 LETTERS OF REPRESENTATION**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is approximately 4.80 hectares in area and includes the former Gloucester City Football Club Stadium together with land immediately to the west. The site is to the west of Hempsted Lane set back between Sudmeadow Road and Spinnaker Road. The site is largely surrounded by commercial premises together with 13 residential properties in Sudmeadow Road. The site is also in close proximity to the Hempsted Landfill and civic amenity site. Llanthony Priory is located to the East of Hempsted Lane opposite the junction with Sudmeadow Road. Access to the site is obtained from Sudmeadow Road.
- 1.2 The site was formerly used as the home stadium of Gloucester City Football Club (GCFC) with the adjacent land used as private playing fields. The site has remained unused since it flooded in July 2007. The entire site lies within

Flood Zone 3a (high risk) and Zone 3b (functional floodplain) of the River Severn. It is also identified as a private playing field in the second Deposit City of Gloucester Local Plan (2002).

- 1.3 The Gloucester City Football Club ground has suffered from flooding on a number of occasions including 2000 and most recently in 2007. Following the floods in 2007 the Club decided that it could no longer afford insurance, or to take the risk of playing at the site and since this date the Club has played outside of the City boundary at Forest Green Rovers FC (Nailsworth) and Cirencester Town FC (Cirencester). Following promotion to the Conference League the decision was taken to relocate to Cheltenham Town Football Club at Whaddon Road whose ground was of an appropriate standard. This situation has been ongoing for a number of years and is both costly and resulted in uncertainty for supporters, players and the Management Board.
- 1.4 In a bid to find a suitable site for GCFC the City Council undertook a search of its property holdings to establish if a suitable site could be provided for the Club within the City boundaries. The Club also undertook its own site search.
- 1.5 In December 2008 an all party working group comprising Members and Officer's from Gloucester City Council and representatives from GCFC, named 'The Football Task and Finish Group' (FTFG) was formed to help find a suitable site to provide a new stadium for the Club. Following the investigation and dismissal of a number of alternative sites within the City boundary the Club determined that the Sudmeadow Road site offered the most benefits and has sought to find a solution to the flooding problems. The FTFG met regularly over a period of approximately two years with advice provided by the Environment Agency, GCFC's Flood Risk Consultants JBA and Gloucestershire County Highways. The work progressed by the FTFG resulted in the Football Club's preparation of the previous outline planning application (ref. 11/00430/OUT).
- 1.6 An outline planning application was submitted in 2011 for a mixed use development consisting of a new football stadium, commercial development and flood defences (ref. 11/00430/OUT).
- 1.7 The proposed flood defences included as part of this earlier application included:
  - Upgrading approximately 120 metres of existing flood defence along the left bank of the River Severn (raised between 0.55 metres and 0.75 metres depending on whether floodwalls or embankments are used).
  - Construction of an approximately 640 metres long earth embankment up to 3.57 metres high across the river Severn floodplain.
  - Raising the application site by 3 metres (behind the proposed flood defences) above flood levels.
  - Protecting and improving the access to the existing household recycling centre, the landfill and its infrastructure during a flood event.

- 1.8 The flood protection measures also involved the raising of the land within the application site and around the access road to the existing Household Recycling Centre to the proposed embankment heights. It was calculated by the Applicant's flood consultants that the proposed works would have provided a 100-year plus climate change standard of protection to approximately 125 residential and commercial properties in the vicinity. The Flood Risk Assessment (FRA) indicated that the proposed works would, however, also have resulted in an increase in flood water levels by up to 20mm upstream.
- 1.9 Whilst this application was submitted in outline it included the means of access together with the appearance, layout and scale of the proposed stadium, with only landscaping reserved for this element. All matters were, however, reserved in relation to the proposed employment (use classes B1, B2 and B8) area.
- 1.10 The current application relates purely to a replacement football pitch, stadium, together with a new stadium building and associated car parking. The application has been made in outline with approval of the access and layout being sought. The appearance, landscaping and scale of the proposals are reserved for future consideration. The proposal also involves changes to the existing ground levels across the site.
- 1.11 In broad terms the proposed replacement football stadium will occupy a similar footprint to the existing stadium which it is to replace in the south west corner of the site with three adjacent areas of car parking. The site layout has been influenced by the flood modelling work and pre-application discussions with the Environment Agency. Although the application is in outline the Agent has indicated that the plans have been worked up in sufficient detail to demonstrate compliance with both the Flood Risk Assessment together with the various parameters of the Football Conference/FA. GCFC consider that the proposed development includes 'future proofing'.
- 1.12 The application also includes changes to the existing ground levels. This involves raising the area of the proposed pitch and stadium by approximately 4 metres to ensure that it does not flood. The proposed car parking areas located to the east and west of the stadium will be set lower than the existing ground levels and provide a total of 297 spaces. Taking into account the element of ground raising proposed and the re-use of the material 'cut' from the car park it has been calculated that there will be a requirement to import approximately 40,350 cubic metres of material to achieve the proposed new levels across the application site.
- 1.13 The Design and Access Statement (DAS) emphasises the importance of the higher levels of the proposed development which would allow views of the stadium above existing buildings in Spinnaker Road allowing the stadium to be visible when approaching the site from St Ann's Way over the canal bridge. The DAS states that this 'visibility' is an important aspect in terms of GCFC's locational accessibility and prominence in the City.

- 1.14 The stadium is designed to be fully flood resistant by preventing the egress of flood water whereas the car parking areas are designed to flood.
- 1.15 It has been indicated that the proposed stadium would have an overall height in the region of 10 – 14 metres (including structural elements) and illustrative plans have been provided showing a two storey stadium building along the eastern edge of the pitch with a reception, club shop/ticket, spectator concourse, changing/treatment rooms on the ground floor together with office kitchen, function and conference rooms, directors' board room, viewing boxes at first floor level. The plans also indicate a separate groundsman's store, spectator's concourse, toilets and snack bar to the south of the stadium together with an additional snack bar on the north western corner.
- 1.16 While the appearance of the building is reserved for future consideration, the supporting information indicates that the building would be designed with a steel structural frame to form the internal spaces as this will provide flexibility as many of the internal walls would be non-load bearing and the internal layout could be easily altered in the future.
- 1.17 The submitted plans indicate that the stands would be located around the entire stadium providing spectator seating/standing with a capacity for 4183 spectators.
- 1.18 Although this is an outline application the proposed layout has been determined by the flood modelling work together with the required parameters of the Football Conference/FA.
- 1.19 In the Supporting Traffic Report it is estimated that the demolition phase will take 8-10 weeks, with a minimum 42 weeks for the importation of material and a further 52 weeks for the construction phase.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 There have been a number of previous applications on the Football Club site including:

**11/00430/OUT** – Redevelopment of Gloucester City Football Stadium comprising the erection of a new football stadium, associated ancillary facilities, employment land (Use Classes B1, B2 and B8), access from Sudmeadow Road, car parking and the construction of new flood defences. Outline application to include access, appearance, layout and scale of the proposed stadium (landscaping reserved) with all matters reserved in relation to the employment land. Refused 8<sup>th</sup> August 2013.

This application was originally reported to the Planning Committee on 4<sup>th</sup> September 2012 when it was resolved that:

1. The Planning Committee generally welcomed the proposal to redevelop the site to provide a new football stadium for Gloucester City Football Club and offered in principle support for the proposal subject to the

completion of further flood modelling and design work to provide greater certainty that the proposal is acceptable in terms of flood risk and highways. The Committee considered that the proposal was acceptable in terms of the principles of the sequential test as defined in the 'technical guidance to the National Planning Policy Framework', and is acceptable in terms of the loss of playing field space.

2. The applicant was made aware that this did not prejudice the City Council's decision on the outline application at a future date should the results of the further studies prove that the scheme is not viable, is undeliverable or would impact on third parties or critical infrastructure to an acceptable degree.
3. Phasing  
In accordance with the advice of the Environment Agency, the City Council will not support any commencement of development until full details of the design, adoption and maintenance of the scheme have been approved by the City Council in conjunction with the Agency and the flood defences are fully constructed and operational prior to the commencement of any development.

The phasing of the flood defence itself requires careful consideration and the impact of phasing on third parties should also be fully assessed in the FRA. If necessary the provision of interim defences should be undertaken to protect properties during the construction phase.

4. Raising of Ground Levels  
The impact of the proposed raising of the site behind the flood defences and removing this flood storage area in the event of the defences being overtopped has not been adequately assessed.

Whilst the reasons for the applicants proposing to raise the level of the site are understood, nevertheless the flooding impact of this proposed raising of the site has not been adequately explained and further analysis and evidence is required to make a considered judgement.

5. Access  
The Football Club should make every attempt to secure the land needed to provide the alternative access and provide documented evidence of their efforts to do so before the use of Sudmeadow Road for access can be properly considered as a fall back position.
6. Technical Group  
A Technical Group shall be established comprising representatives from the Football Club, the City and County Councils and the Environment Agency to facilitate progress with this application.

No further information was submitted and the application was subsequently reported back to the Planning Committee on 8<sup>th</sup> August 2013 when it was resolved to refuse outline planning permission for the following reason:

“The applicant has failed to submit sufficient information to demonstrate that the flooding and highway implications associated with the proposed development have been satisfactorily addressed in accordance with the National Planning Policy Framework, the associated Technical Guidance and Policies FRP.1a and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Previous applications on the site include:

**11/00213/COU** – Change of use of land for the storage of waste receptacles. Granted temporary permission 11<sup>th</sup> April 2011.

**08/00412/COU** – Change of use of club house to offices, re-positioning of metal staircase, formation of new door at first floor and alterations to Sudmeadow Road to provide enhanced pedestrian / cycle access. Granted temporary consent 16<sup>th</sup> June 2009.

**07/01325/COU** – Change of use of redundant football pitch to car park with access off Sudmeadow Road. Refused 6<sup>th</sup> December 2007.

**06/00791/COU** – Use of land for the landing / taking off of a helicopter (private use only). Refused 21st August 2006.

**04/00529/FUL** - Demolition of existing derelict building and erection of 2 storey office accommodation with ancillary living accommodation. Granted 3<sup>rd</sup> August 2004.

**99/00328/OUT** - (Outline) Partial Demolition and First Floor Extension to Existing Sports and Social Club. Granted outline permission 28<sup>th</sup> March 2000.

**91/00908/FUL** – Extension to form toilet block and construction of terracing. Granted 26<sup>th</sup> June 1991.

### **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 Central Government Guidance - National Planning Policy Framework (NPPF)  
The NPPF is a material consideration in determining this application. The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It is underpinned by a presumption in favour of sustainable development.



For the purposes of making decisions, the NPPF states 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 NPPF core planning principles include encouraging the enhancement and improvement of places; proactively driving and supporting sustainable economic development; conserving heritage assets; and actively manage patterns of growth to make fullest use of public transport, walking and cycling.

#### The Development Plan

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 policies are relevant:

ST.7 - Urban Design Principles

FRP.1a – Development and Flood Risk

FRP6 – Surface water run-off

FRP.10 – Noise

BE.1 - Scale, Massing and Height

BE.5 - Community Safety

BE.6 - Access for all

BE.7 - Architectural design

BE.21- Safeguarding of Amenity

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 – Provision for cyclists/pedestrians

SR.2 – Playing Fields and recreational Open Space

3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-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 by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. 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 and City Plan 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](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) 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 **Environment Agency** – For clarity the Environment Agency’s letter is appended in full.

4.2 **Gloucestershire County Council (Highways)** – No highway objection is raised.

4.3 **Gloucestershire County Council (Minerals and Waste Team)** – The land is not identified on the BGS resource map as falling within an area of potential economic resource. As such it is not considered necessary for the applicant to provide a minerals assessment.

It is acknowledged that the applicant had provided a Waste Minimisation Statement (WMS). If the application is successful a more detailed WMS will be required to accompany any reserved matters application. This should contain specific information such as tonnages/percentage of envisaged waste and details of what they will do with it in accordance with the Waste Minimisation Statement SPD and the adopted Gloucestershire Waste Strategy’s Core Policy WCS2 (Waste Reduction).

Waste Core Strategy Policy WCS11 is intended to prevent incompatible development between existing waste management sites and other uses. There has been a football stadium on this site for many years; however, given the nature of the waste management operations on the site and the potential for amenity issues such as odour, it is recommended that the Environmental Health Officers make an assessment of the proposed site to ensure that this proposal would not constitute incompatible development.

4.4 **Sport England** – Sport England has considered the application in the light of its playing field policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The Football Association (FA) has been consulted on the latest application. It supports the provision of a replacement in this location on a “like for like” basis with assurances that the risk of flooding has been satisfactorily mitigated, as indicated by the Flood Risk Assessment and continuing dialogue with the Environment Agency. The FA would like the opportunity to provide further comments at the reserved matters stage and advises the applicant to follow the relevant Ground Grading criteria and the Green Guide in the detailed design of the scheme. The FA also recommends that an independent specialist consultant be appointed to advise on the pitch specification and its future management.

Sport England considers that the proposed development accords with the second bullet point in paragraph 74 of the NPPF and has the potential mostly to fulfill the circumstances described in exception E4 of Sport England’s playing fields policy. This being the case, Sport England does not wish to raise an objection to this application subject to a condition requiring details of the design and layout of the pitch and stadium to have been submitted and approved in writing by the Local Planning Authority (after consultation with Sport England).

- 4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission, approval and implementation of drainage plans for the disposal of surface water and foul sewage.
- 4.4 **City Archaeologist** – Content that nothing has changed fundamentally in archaeological terms since the previous application and therefore no objections are raised.
- 4.5 **Contaminated Land Officer** – No objection subject to the inclusion of conditions.
- 4.6 **Canal and River Trust** – The Trust has commented that whilst it has no objection to the application it is suggested that the Highway Authority consider whether a Traffic Management Strategy is necessary during the construction phase and on match days to ensure that the bridge crossing at Gloucester Lock on Severn Road is not used for unsuitable or increased traffic as a result of this proposal.
- 4.7 **Fisher German (Government Pipeline and Storage System Land Agent)** – The Government Pipeline and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16 Consent.
- 4.8 **Urban Design Officer** – The appearance has been reserved at this stage and comments will be made on this aspect at the reserved matters stage. The issue of the raising of the ground level by approximately 4 metres upon which the pitch and surrounding structures will stand will have a significant visual impact on the surrounding area. It is suggested that at the next stage of the

design process, some work is done on key views towards the site from the surrounding area. Overall the layout is considered to be acceptable.

- 4.9 **Environmental Services Manager** – There are issues that will need further consideration in respect of environmental impact which can be considered at the reserved matters stage and dealt with by condition. Conditions are recommended in relation to the provision of an Environmental Management Strategy for demolition and construction (to include noise, vibration, dust, air quality); provision of a lighting scheme (to include floodlighting) so as not to cause a nuisance; Noise Management Strategy for stadium (post completion); provision of litter bins in locality and requirement to litter pick after matches.

There are no concerns regarding the proximity of the site to the Hempsted Landfill Site. The nearest external point of the landfill site's footprint lies approximately 100 metres away from the proposed development and given the intended end use should cause no issues in respect of nuisance.

- 4.10 **Planning Policy Manager** – The Planning Policy Team does not wish to pass any substantive policy comment on the application except to draw attention to the fact that the site is located in the functional floodplain. The applicant has submitted documentation which purports to address this matter. It is noted that the application is in outline form and design is to be a reserved matter. If outline planning permission is granted, the final design of the scheme should be considered in the context of the policies of the Pre-Submission JCS Plan as well as the development plan.

- 4.11 **City Council's Drainage Engineer** - The City Council's Drainage Engineer has made the following comments with regards to flood risk and drainage:

**Impact of the Development on Flood Risk to Others**

The proposal has been deemed to pass the sequential test and the exception test.

The Environment Agency (EA) has agreed to a £75k payment from the developer for flood alleviation works.

Discrepancies between topographic survey data and LIDAR data, both provided by the Applicant, led to difficulties in the hydraulic modelling work undertaken by JBA Consulting (the applicant's consultants).

The FRA states that the loss in flood plain storage associated with the development is 17,620 m<sup>3</sup>. An independent check on this figure indicates that the actual loss in flood plan storage associated with the development would be closer to 25,385 m<sup>3</sup>. This calculation is based on the topographic survey data, a 100 year + climate change flood level of 10.45 metres above datum, and takes into account both the cut and the fill proposed.

Supplementary modelling data provided by JBA indicates a 30 mm increase in flood depths for the 100 year storm, post development compared with pre-

development. The FRA states that 'model results are estimated to be subject to a +/- 30 mm tolerance.

With the above two points in mind, I am not confident that it is possible to conclude, with any degree of confidence, that the modelling demonstrates the proposal will not increase flood risk to third parties.

For this reason, I initially objected to the scheme on the basis that there was no guarantee that the developer's £75k contribution to the EA would be spent on local flood works. At a subsequent meeting with the EA and the developer, the EA agreed that they would in fact guarantee that this sum would be spent on local flood alleviation works, and it is understood that the measures will provide adequate protection against such flood events.

In light of this, along with the fact that the EA have worked extensively with the developer's consultant on the modelling, and are not raising any objection to the proposals from a flood risk perspective, I effectively rescinded my formal objection to the scheme.

That said, it is still worth stating that I am uncomfortable with the extent of 'loss in flood plain storage' associated with the proposal.

I feel it is extremely important that a robust flood alleviation scheme, to protect at risk properties, is designed and implemented as soon as is reasonably practicable.

#### Flood Risk at the Site

I concur with the EA's comments in this regard (safe access and egress etc).

#### Surface Water Drainage & SuDS

The FRA addendum (dated 11/9/14) provides additional information on the surface water drainage proposals:

- Existing impermeable area calculations are based on positively drained areas only.
- Post development runoff rate is 7.9 l/s compared with the existing rate of 12.3 l/s (35% reduction). This meets our requirement for a 20 % betterment in this regard.
- Storage volume (based on 100 year +30% cc event) = 1,261 m3.
- The main body of the FRA indicates that a SuDS treatment element will be an existing ditch / swale. The proposals thus incorporate the two treatment stages required (in line with National SuDS standards) .

The above looks to be acceptable.

Any planning consent granted should include a condition stating that the detailed design for the surface water drainage / SuDS shall be submitted to, and approved by, the local planning authority prior to construction work commencing.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 The application has been publicised by way of a press notice in the Citizen and through the display of a site notice. In addition 265 properties have been individually notified in writing.
- 5.2 As a result of this publicity, 66 letters of representation have been received of which 59 are in support, 6 object /raise concerns to the application together with comments from The Vale of Gloucester Flood Alleviation Group.
- 5.3 The main concerns raised by the 6 letters of objection can be summarised as:

### Flooding

- Very concerned about the redevelopment of the football club at raised levels. Question what flood defence has or is being put in place for the re-direction of the flood water.
- As a local resident my priority must be flood prevention and any scheme being provided to protect myself and my property. Having viewed the plans this aspect is not clear and my concern is that this area will be overlooked.
- Elevating the stadium will prevent it becoming flooded albeit that the parking areas remain at a lower level. The 13 existing residential properties cannot be elevated and will always be vulnerable to later flooding events.
- Strongly object to the football ground being raised 8 foot+. If the floodwater cannot go on the field it will flow back and put Sudmeadow Road and Hemmingsdale Road in more danger than before. Last time we expected a flood the water came up Sudmeadow Road and then over Phelps yard when it met it started to flow into the field. If the field is raised the water will come up the road to GIS Building and all the other units on the Business Park.
- Residents of Sudmeadow Road and Hemmingsdale Road are mostly new and rent their homes, so were not here when we flooded in 2007.
- The football ground is on floodplain and holds millions of gallons of water. Concerned as to where this water will go if the ground is raised. The existing drains cannot take it and in 2007 it was pumped back up flooding Sudmeadow and Hemmingsdale Road.
- It is OK for the supporters as they do not live around here.
- House insurance has increased because we are on a floodplain. If the calculations are wrong they could flood 32 homes together with employment units.
- The All Blues Rugby Club play away games when they are flooded and re-mark the pitch and play home games when the water has gone.

### Highways

- Were promised that the Football Club would be accessed off Spinnaker Park where a new access road has been provided.

- The inclusion of the alternative access would go a long way to improving the relationship between GCFC and residents.
- Local residents do not want to see the return of the problems arising from GCFC that existed prior to the 2007 floods. Implementation of the alternative access would prevent that happening.
- Traffic in Sudmeadow Road is horrendous at all times of the working day. No one can access the main road until the traffic is held up at the traffic lights giving access for 1 lorry or two cars maximum to turn left or right at each light change.
- Concerned about increased volume of traffic during construction and when the site is in use. It is a daily battle to exit the road.
- Need to look at the congestion that occurs in this part of the city. Trying to get out of Hemmingsdale is an accident waiting to happen.
- The site is not as well served by public transport as the supporting information suggests. The cycle path is not as extensive as stated. Reality is that the majority of supporters will arrive by car.
- Demolition (8-10 weeks), material importation (42 weeks) and construction phases (52 weeks) will also impact on everyday traffic flow, with heavy plant machinery noise and mess. If alternative access were to be incorporated into application it would be some compensation for residents to look forward to with the completion of the football stadium as opposed to a return to the disturbance and noise experienced before 2007 when home games are played and other events.

#### General

- The planning for the Football Club does not make any sense if the gate numbers remain as poor as they have been for the last 10 years. The City Council has to subsidise the rent to play at Cheltenham Town.
- New replacement football stadium is said to be on a smaller scale than the 2011 application which is doubtful. Intended built stadium is said to accommodate a total spectator capacity of 4153 when the GCFC supporters number around 200 to 400. Flood ruined stadium was said to have a crowd capacity of 2220. The two storey grandstand appears to be out of proportion to the present requirements of a lower league football club but which could serve the requirements for managing an adjacent industrial estate. Concerned that a later application for industrial development could be submitted for the adjacent land.
- Submitted information states that one alternative site was rejected because the stadium and floodlighting would be seen from nearby residential homes. In Sudmeadow Road the application site can not only be seen but is in spitting distance.
- Question whether application is for new stadium that won't pay or to allow tipping to raise the levels with the associated revenue.
- The residents put up with quite a lot and proposal will add more congestion, noise and anti-social behaviour.
- Site layout drawing refers to extant planning permission for office building. This is a mis-statement as permission for the office building(s) has expired.

Vale of Gloucester Flood Alleviation Group – It is the view of the Group that Sudmeadow, including the Stadium, the Landfill Site and Spinnaker Park form a serious obstruction to the evacuation of flood flows from the Vale of Gloucester, thereby enhancing flood risk to the City and all areas upstream.

In the locality, a bypass channel could be formed to run from the Sudmeadow arm to Hempsted Meadows, by pulling back the tip, behind the Pressweld factory, (where there is a small ditch), and the bank at Lower Parting could be moved back to the tip. It is important that any such alleviation measures should at least be planned before consent is considered.

5.4 The main issues raised by the 58 letters of support can be summarised as:

- The club has been out of its natural home for far too long and deserves to return as quickly as possible.
- Currently have to drive to watch home games; if the plan is approved I can walk to games.
- The site is currently an eyesore and a disgrace particularly considering the re-generation in this area of the City.
- Once re-built the stadium will be a real asset to Gloucester.
- Having a successful football team is a great boost to both the business and pride of the City.
- We have lost a lot of supporters due to our nomadic existence; the fact that we do still exist and at the level we do is a huge testament to the dedication and hard work of many local people.
- Deserve the opportunity to build a proper home which can give the foundations to push on and strive for football league status.
- City is crying out for a community development for its football players, teams and supporters of all levels.
- It is clear that people have invested significant time and money to make this happen and engaged the right people during the process to get it right this time.
- The Club is engaging the community and investing in its youth set up.

5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

## **6.0 OFFICER OPINION**

6.1 The application raises a number of planning issues which require careful consideration including:

### **Flooding**

6.2 The site is located within Flood Zones 3a (high risk) and 3b (functional floodplain) of the River Severn and it is acknowledged to be at high risk of fluvial flooding from the River Severn. 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.

- 6.3 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.
- 6.4 The flood risk classification of a football club is 'less vulnerable', as defined in the NPPF, and is not considered appropriate on land within the functional floodplain (flood zone 3b, land where water has to flow or be stored in times of flood). It is, however, considered appropriate for flood zone 3a (land assessed as having a 1 in 100 or greater annual probability of river flooding), providing the sequential test has been undertaken and passed. The proposed new stadium does lie almost completely within the functional floodplain (flood zone 3b), and a new football club in this location would not ordinarily accord with the NPPF. However, the Environment Agency has taken into consideration that there is an existing football ground on the site and that this is an established use.
- 6.5 The FRA submitted in support of the application seeks to assess the risk from different types of flooding to the proposed development and the potential risk of flooding elsewhere from the proposed development; as well as how these risks can be appropriately managed. It identifies that the main types of flooding that could potentially apply to the proposed site are fluvial flooding from the River Severn and surface water flooding. The Environment Agency Flood Maps show the proposed development site is potentially at a high risk of fluvial flooding from the River Severn and is known to have flooded in 2000 and 2007. The peak flood level recorded during this event was 10.92 AOD. The primary objectives of the FRA are set out as to determine:
- Whether the site is at significant risk from any forms of flooding;
  - If the site is at risk of flooding, determine if safe access to and from the site will be maintained during an extreme flood event; and,
  - The impact of the development on flood risk to other sites, with particular focus on the effects of surface water from the site.

#### Hydraulic modelling

- 6.6 Flood risk to and from the proposed site has been assessed using the JBA Consulting Tidal Interface Model 1d-2d Tuflow model 2011 which was commissioned by the Environment Agency. This model has been amended by JBA Consulting for the purpose of this assessment. This is an improved model compared to the models that were used in the previous football club application as it is a 2d representation of the floodplain which can better inform the implications of any changes made to ground levels or new structures.

- 6.7 The applicants Hydrological Consultants, (JBA Consulting), were commissioned to assess the impact of various site configurations on flood levels. Three site arrangements (Options A, B and C) were considered as part of the option appraisal carried out by the applicants consultants.
- 6.8 The main difference between each of these three options is the amount of land raising involved, the siting of the stadium and the subsequent impact on flood risk as a result of losses in flood storage and the impact on water levels elsewhere.
- 6.9 Modelling results indicate that the effect on flood levels is greatest during the 50-year, 100-year and 75-year fluvial flood events for Options A, B and C respectively. During these worst case scenarios, the modelling suggests that none of the appraised options appeared to increase flood levels within third party buildings, although modest increases in flood depth across third party land were observed.
- 6.10 The modelling indicated that Option A is the only option capable of confining its impact on flood depths entirely within the applicants ownership, the ditch running alongside Cory Environmental's land and within the strip of grass land located between Gantry Railing's building and the application site and will not increase flood depth across Sudmeadow Road during any of the modelled scenarios. Overall the conclusions of the FRA are that Option A will generate the smallest reduction in floodplain capacity (a maximum of 17,620m<sup>3</sup> when the 100-year with climate change levels are reached), will have a negligible effect on flood risk across third party land and will reduce depths outside of the proposed development site boundary during the most frequently modelled flood event (1 in 25 years). On this basis the FRA considered that the implementation of Option A will have a negligible effect on flood risk in Gloucester and provide the optimum solution for the Football Club.
- 6.11 The Environment Agency indicated that the preferred solution should aim to minimise the loss in floodplain capacity and not increase flood risks to third party land. Following an assessment of the three options the Option A was identified as the preferred option as it represents the least detrimental impact on flood risk and smallest reduction in floodplain capacity of the three options considered.
- 6.12 In its pre-application advice the Environment Agency acknowledged that with option A, the majority of ground raising has been reduced to just the area of the football ground. The Environment Agency did, however, state that it would seek clarification with any planning application that this has been kept to a minimum, to limit the impact of the proposals on flood risk losses in flood storage. The Agency also suggested that an additional option, of a flood resilient and impervious football ground, should have been considered in the report, which requires even less ground raising than option A together with reasoning as to why it was discounted.
- 6.13 The justification for increasing the ground levels proposed was not included in the final FRA and the alternative option was not assessed in the report. The

agent has, however, stated that the requirement to raise the ground levels “has been the subject of discussion and agreement with the Environment Agency (EA) as part of the pre-application process. The current scheme seeks to ensure that GCFC can provide a 100% flood resilient new (replacement) Football Stadium with floodable car park areas. The suggestion that an alternative option be considered was clarified between GCFC’s Hydrological Consultants and the EA whereby:

- *The loss in floodplain capacity was kept to a minimum (whilst ensuring that the proposed new football stadium was lifted out of the functional floodplain) whereby only the area of the football stadium was raised.*
- *The proposed ground levels within the development were derived as a compromise between:
  - (i) minimising the flood risk impact on third party land.
  - (ii) tying in with surrounding land levels.
  - (iii) ensuring that the site can drain.*
- *The payment of a financial contribution towards local flood improvement works in the Hempsted area.”*

In addition the Design and Access Statement emphasises the importance of the raised land levels to increase the stadium’s visibility and prominence in the City.

#### Impact on Flood Levels

- 6.14 The Environment Agency has confirmed that it has reviewed and considers the options appraisal document prepared by the applicant’s consultants to be appropriate to inform the principle of development. This document includes modelling for the current proposal (Option A) and alternative design options. In comparison to the previously refused scheme, the Agency is satisfied that the impact on flood risk is restricted mainly to land in the ownership of the applicant and the losses in floodplain have been significantly reduced (although the model is indicating there is still a 17,620 m<sup>3</sup> net loss in floodplain volume post development). With the current application the proposals are restricted mainly to the developed part of the site rather than the undeveloped area of functional floodplain.
- 6.15 Whilst the FRA states that the loss in floodplain storage associated with the development is 17,620 m<sup>3</sup> an independent check on this figured commissioned by the City Council indicates that the actual loss in flood plain storage based on the topographical survey would be closer to 25,385 m<sup>3</sup>.
- 6.15 The results of the flood modelling indicate that there are changes in flood levels, with an increase of less than 40 mm, although this increase would be contained within land in the ownership of the Football Club and would not affect third party property. The modelling predicts that there would be an increase less than 40 mm during a 1 in 50 year flood event on third party land (along the drain that runs adjacent to the tip and between the applicants site and Gantry Railings), but it has been shown not to cause an increase in

flooding to properties and in all other events flood levels would increase by less than 30 mm. The FRA states that the model results are estimated to be subject to a +/- 30 mm tolerance.

#### Safe Development

- 6.16 The proposed development is classified as a 'less vulnerable' use and it is proposed that the stands and buildings will be raised above the 10.45 metre AOD flood level (1% annual probability flood level including allowance for climate change) and the football pitch will be raised to reduce the risk of flooding.
- 6.17 The proposed car parking areas would, however, still be subject to considerable flooding of between 3-4 metres during the 1 in 100 year event (including climate change). Access and egress to and from the Football Club would also be cut off during times of flooding. The FRA recommends that a full emergency plan is prepared, to support the safe evacuation of players, spectators, visitors and staff from the site. It is also recommended that managers of the site should receive the Environment Agency Flood Warning Service and make suitable arrangements for evacuation and closing the car parks on receipt of such a flood warning.

#### Betterment

- 6.18 The Environment Agency's original comments on the option appraisal document highlighted its concerns that the proposals were not fully in line with the NPPF with regards to flood risk. The site is located within flood zone 3b (functional floodplain) and the reduction in floodplain storage and no flood risk betterment were the Agency's primary concerns. The National Planning Policy Guidance (NPPG) is clear that development proposals in this zone should not result in a loss of flood plain storage and any development permitted should be aiming to reduce flood risk locally.
- 6.19 To try and align the proposals with the NPPF and NPPG the Environment Agency negotiated a £75,000 financial contribution to be paid by the applicants towards flood improvement works in the Hempsted/Rea Lane area of Gloucester that the Agency would be looking to deliver in a future 'Flood Risk Management Program'. Such flood improvement works would benefit both the Football Club and local community. On the basis of such a financial contribution the Environment Agency has indicated that it is satisfied that the application will provide flood risk betterment and thereby demonstrate accordance with the guiding principles of the NPPF and NPPG.
- 6.20 At a recent meeting with the Environment Agency and applicant, given the uncertainties in delivering the wider flood improvement works the Environment Agency agreed that it would guarantee that the contribution would be spent on local flood alleviation works to protect any properties considered to be at risk and that such a scheme would be designed and implemented as soon as reasonably practicable.

### Sequential Test

- 6.21 While the proposals do not accord with the requirements of the NPPF the Environment Agency acknowledge that the City Council must balance community benefits, betterment and wider planning issues in determining whether such a departure from planning policy is acceptable. Notwithstanding this consideration the proposals should demonstrate that they pass the Sequential Test in accordance with the NPPF and associated Technical Guidance.
- 6.22 Advice contained in the NPPF and supporting Technical Guide retain the key elements of Planning Policy Statement 25 and state that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. The overall aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zones 3 be considered, again taking into account the flood risk vulnerability of land and applying the Exception Test if required. If following the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding the Exception Test can be applied. To pass the Exception Test the Technical Guidance states:
- It must be demonstrated that the development provides wider sustainable benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared ; and
  - A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall.

Both elements of the test should be passed for the development to be permitted.

- 6.23 A substantial amount of work was undertaken by the Football Task and Finish Group in looking at possible alternative sites that were not or at a lesser risk of flooding. At the end of this search it was determined that there was no other feasible site available. Commitment was made to the current site and GCFC has since made considerable investment in both time and finance in getting to the stage of submitting the current planning application.

The sites considered at the initial pre-application stage include:

- Coney Hill Rugby site.
- St Peter's High School.
- Waterwells – Quedgeley Wanderers.
- Tuffley Rovers.
- Gloucester Rugby Club.

- The Railway Triangle.
- Marconi Drive, Waterwells.
- Javelin Park.
- Saintbridge Rugby Club and School.
- Blackbridge
- Land at the rear of Walls factory.
- Land south of Grange Road.
- Land at Hempsted Lane.
- Civil Service Sports Ground.
- Land adjacent to the existing site that has already been raised.

6.24 The constraints identified as reasons why the alternative sites assessed were not considered suitable / feasible related to a combination of high acquisition costs, individual site constraints, shared use difficulties and funding difficulties associated with not being able to purchase on a freehold basis. Full details of the assessments and reasons that the sites are not considered suitable or available can be viewed in full on the planning application file and on-line via the City Council's Public Access System.

6.25 The Football Club has assessed a number of sites and concluded that none are available or suitable to meet the needs and aspirations of the Club. Whilst it is recognised that it will always be possible to identify a greenfield site out of Flood Zone 3 the Club want to be located within the City boundary.

6.26 In addition it should be taken into consideration that the existing use of the site is for a football stadium and the Club could continue to use the site for this purpose in its current format without the need for any planning permission. The site is considered to be in a sustainable location and the proposal will also offer benefits to the City in terms of attracting investment and raising the profile of the area. Subject to Members being satisfied that the proposal will be safe for its lifetime and provide community benefits in reducing the flood risk to a number of properties in the immediate locality without unduly increasing the risk elsewhere, it is considered that the proposal meets the test set out in the NPPF and is acceptable in this location.

6.27 On balance given the wider community benefits, the fact that the site has an extant permission for use as a football stadium and the desire and benefits of the Football Club to remain in a central location within the City it is considered that the Sequential Tests has been satisfied. At the meeting on 4<sup>th</sup> September 2012 the Committee also confirmed that it considered the proposal was acceptable in terms of the principles of the Sequential Test.

#### Surface Water Drainage and Sustainable Urban Drainage (SuDS)

6.28 Additional information was submitted on the proposed surface water drainage proposals in an addendum to the Flood Risk Assessment. The City Council's Drainage Officer has confirmed that the details submitted are considered acceptable subject to a condition requiring the submission, approval and implementation of a detailed design for the surface water/SuDS.

### **Parking and Highway Issues**

- 6.28 Access to the site is obtained from Sudmeadow Road which provides access to a number of business uses and a terrace of residential houses. The site is within walking distance of the City Centre and the associated modes of sustainable transport.
- 6.29 The application is supported by a Transport Statement which has been assessed by the Highway Authority.

### **Baseline Transport Data**

- 6.30 Traffic data for Llanthony Road has been described for the peak hours of the highway network. An Automatic Traffic Count (ATC) was undertaken on Sudmeadow Road and details the 12 hour weekday average flow of 1231 vehicles. The weekend flows are significantly fewer at average flows of approximately 300 vehicles as would be expected given the significant number of employment uses accessed via the road.
- 6.31 Sudmeadow Road is controlled by waiting restrictions prohibiting waiting around the junction with Hempsted Lane. Waiting is restricted on the north side of the road Monday – Friday 8am – 6pm. Parking is permitted on the south side of the road adjacent to raised kerbs or in marked bays. Parking is not permitted on the south side of Sudmeadow Road in close proximity of the stadium to maintain a turning area. The constrained width of Sudmeadow Road and the parking provision impacts on the ability for vehicles to pass, particularly large vehicles.

### **Proposed Trips**

- 6.32 The development can be expected to generate similar levels of traffic to that associated with the existing land use (if it were to come back into operation) but the vehicle movements will be largely confined to match days (generally Saturdays and weekday evenings) that fall outside of the highway network peak. Given the sustainable location of the site (and subject to improvements being made to the existing footway on Sudmeadow Road) the Highway Authority considers that it is not unreasonable to predict that there are realistic opportunities for home supporters to use sustainable modes of travel to access the stadium, including car sharing. Away supporters are expected to arrive by car sharing or coaches. This is not materially different to the existing lawful use of the site.

### **Construction Traffic**

- 6.33 The areas of concern raised by the Highway Authority relate to three phases of development: the demolition phase, the importation phase and the construction phase. It is noted that these works will only be a temporary impact albeit that the total duration of the three phases is 104 weeks. The Transport Statement states that the predictions of construction related traffic is difficult to quantify currently.
- 6.34 Whilst the supporting Traffic Statement states that the demolition phase is unlikely to give rise to significant amounts of daily traffic it is estimated that the

importation phase could result on up to 50-60 vehicle movements to and from the site. The Statement also suggests that the construction phase could result in 70-90 vehicle movements per day.

- 6.35 During pre-application discussions with the Highway Authority a temporary Traffic Regulation Order was discussed to prohibit the existing waiting allowances within the proximity of the site with the provision of temporary parking for the residential units being located elsewhere during the construction period was agreed as necessary. No details of this have been included within the application but this can be covered by condition as can a Construction Method Statement to enable exact details of the construction operation to be submitted to and assessed by the Planning Authority.
- 6.36 The Highway Authority has suggested that it is appropriate to consider what changes to the Development Plan and other material considerations have occurred since the planning permission was originally granted for the stadium. The Highway Authority has suggested that the most significant change is the emphasis on sustainable development.
- 6.37 The NPPF states that developments that generate significant movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.38 Pre-application discussions between the applicant and the Highways Authority identified the need for improvements to the footway on Sudmeadow Road to ensure that the development would comply with the requirements of paragraph 35 of the NPPF.
- 6.39 These improvements have not been included in the current application but the Highway Authority is satisfied that they can be secured by way of planning conditions.
- 6.40 As the proposal relates to a replacement football stadium, the development of the development on the local transport network is not considered by the Highway Authority to be materially different to that which historically occurred (and which could occur again without the benefit of planning permission) and no severe impact would occur. As such, no infrastructure improvements are proposed or sought by the Highway Authority to mitigate the impact of the development (as set out in paragraph 32 of the NPPF).
- 6.41 However, it is considered that the poor quality of the footway on Sudmeadow Road is likely to deter users from walking to the site or using public transport and also likely to increase the conflict between pedestrians and other road users. The Highway Authority has recommended a condition requiring improvements to be undertaken to the existing footway along Sudmeadow Road.



#### Alternative access arrangement

- 6.41 The planning history associated with the alternative access to the Football Club and the development of the adjacent land for industrial purposes is long and complex.
- 6.42 In summary the Football Club relocated to its present site in the mid 1980's. The planning permission was subject to a Legal Agreement requiring the formation of an alternative access from the, then undeveloped, land to the south east should an adoptable road become available close to the boundary.
- 6.43 The land to the east and south-east has since been developed for industrial purposes. The outline planning application for industrial and warehousing development was submitted in 1989 and permission was subsequently granted following protracted negotiations in 1993. This permission was the subject of a Section 106 Agreement which included an obligation to provide a vehicular access road to the Football Club.
- 6.44 The access across Messrs Bishop and Broady's land was finally implemented following High Court action. Unfortunately while the access road from Spinnaker Road has been constructed there is a small area of intervening land in the ownership of a third party between the end of the road and the Football Club site the owner's of which were not party to the original legal agreement and access cannot currently be achieved across this land to the application site at the present time.
- 6.45 Provision of access from Spinnaker Road is considerably more preferable as it would bypass Sudmeadow Road and significantly reduce the impact on the occupiers of residential properties. The City Council has always maintained that the Football Club should make every attempt to secure this land and provide the alternative access before the use of Sudmeadow Road for access can be properly considered as a fall back position.
- 6.46 However, the current application proposes access from Sudmeadow Road and does not include any alternative access. The application therefore has to be considered on this basis.

#### Siting and Design of the Building

- 6.47 The application has been made in outline and whilst the appearance, landscaping and scale of the development are being reserved for future consideration, the means of access and layout are being sought at this stage.
- 6.48 The location of the stadium within the site is considered logical and has been somewhat dictated by the results of the flood modeling. The raising of the ground level for the pitch and stadium will, however, have a significant visual impact when viewed from the surrounding area. The Design and Access Statement emphasises the importance of the higher levels of the proposed development which would allow views of the stadium above existing buildings in Spinnaker Road allowing the stadium to be visible when approaching the site from St Ann's Way over the canal bridge. It further states that this

'visibility' is an important aspect in terms of GCFC's locational accessibility and prominence in the City.

- 6.49 Notwithstanding this the Urban Design Officer has indicated that further work in relation to key views towards the site will need to be progressed and submitted in support of the reserved matters application.
- 6.50 As with the previous application it is accepted that the proposal signifies major investment on what is a currently vacant site close to the City centre and its re-development offers the opportunity to have a positive visual impact.

### **Residential Amenity**

- 6.51 It is recognised that the relationship between the site and the existing properties will be particularly sensitive and is a real concern for existing residents.
- 6.52 The closest residential properties are the 13 terraced houses in Sudmeadow Road. Number 1 Sudmeadow Road is located approximately 10 metres from the existing and proposed vehicular and pedestrian access to the site and approximately 90 metres from the corner of the new stadium. It is considered that the main impact on the residents in these houses is likely to result from traffic to the site particularly in the short term during the demolition, importation and, construction phases and subsequently on match days.
- 6.53 Although the site has not been used by the Football Club since July 2007, the use of the site in planning terms remains that of a football ground and this use could be resumed on the current site without the need for any further planning permission. The access from Sudmeadow Road was always envisaged to be a temporary arrangement and it was expected that an access would be provided from Spinnaker Road. Whilst it is recognised that the provision of the alternative access from Spinnaker Road would significantly reduce the impact of the proposed development to both residents and businesses there is no indication that this is likely to be provided in the short term and it does not form part of the current application.
- 6.54 The Environmental Service Manager has raised no objection to the application subject to a number of conditions to help mitigate the impact of the development on the residential amenity of neighbouring properties both during the demolition, importation and construction phases and on completion of the development.
- 6.55 On the basis that the site can be re-used as a football club without the need for any further planning permission, that the additional traffic associated with demolition, importation and construction phases will be temporary and subject to the conditions recommended by the Environmental Service Manager, I consider that on balance the proposal will not cause an unacceptable impact on the residential amenities of the neighbouring properties to a degree that would justify a refusal of planning permission.

### Human Rights

- 6.56 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

## **7.0 CONCLUSION/REASON FOR APPROVAL**

- 7.1 It is acknowledged that there has been and is considerable support from fans, Officers and Members to help the Football Club move back to the City and secure the future of the Club. At its meeting on 4<sup>th</sup> September 2012 the Planning Committee generally welcomed the proposal to redevelop the existing site to provide a new football stadium and offered in principle support subject to the completion of further flood modelling and design work and greater certainty that the proposal was acceptable in terms of flood risk and highways. The Committee considered that the proposal was acceptable in terms of the principles of the Sequential Test as defined in the technical guidance to the NPPF.
- 7.2 I consider that the main issues relating to this application are still the location of the development and, in particular, the raising of ground levels in the functional floodplain and the potential impact on flood levels together with access.
- 7.3 The Highway Authority has confirmed that sufficient information has been submitted with the current application to properly assess the impact of the proposed development in highway terms and has raised no objection to the current application.
- 7.4 The Environment Agency has indicated that it is satisfied with the modelling that has been undertaken for Option A and that the losses in flood storage and impact on flood risk elsewhere is significantly less than that proposed by the previous planning application (ref.11/00430/OUT). Whilst the Environment Agency considers that the impact on flood risk is minimal, there remains a predicted small localised increase in flood levels and a loss in flood storage. Without any benefit, it is difficult to be satisfied that the development complies with the NPPF and on this basis the Environment Agency has negotiated a financial contribution that could help deliver a reduction in flood risk and ensure that the proposals are in line with the aims of the NPPF. Subject to the financial contribution to provide flood risk betterment, the Agency has concluded that it is satisfied that an adequate FRA has been undertaken, that the proposals align with the NPPF and NPPG and has no objection to the development proposed.

- 7.5 In its pre-application advice, the Environment Agency recommended that any future application should provide evidence that the ground raising had been kept to a minimum to limit the impact on flood risk and losses in flood storage. The Environment Agency also suggested that an additional option should be considered, of a flood resilient and impervious football ground, which would require less ground raising than Option A, together with reasoning as to why this option was discounted. While some information has been provided to justify the raising of the ground levels, I consider that this is limited and a fully documented justification has not been provided.
- 7.6 While no objection has been raised by the Environment Agency and it is accepted that the applicants have used the most appropriate and up to date flood model available, the City Council's Drainage Engineer has, expressed a number of concerns relating to the actual loss of floodplain storage based on the topographic survey and given this together with the predicted increase in flood depths for the 100 year storm when factoring in the estimated tolerance levels. Based on these uncertainties the Drainage Officer has indicated that he is not confident that it is possible to conclude, with any degree of confidence, that the modelling demonstrates that the proposal will not increase flood risk to third parties.
- 7.7 On this basis the Drainage Engineer originally raised objections to the application. However, following assurances from the Environment Agency that the financial contribution would be spent on local flood alleviation works to protect local properties at risk, and on the basis that the Environment Agency has worked extensively with the applicant's consultant on the modelling and has raised no objections to the application from a flood risk perspective, this objection has been withdrawn. There are, however, still concerns in relation to the extent of loss of floodplain storage.
- 7.8 I consider that the most significant concern relates to the interpretation of the results of this modelling, the loss of floodplain storage and any potential impact on the risk, frequency and intensity of flooding to third party property.
- 7.9 Overall I consider this to be a very finely balanced decision. When taking into consideration the results of the modelling, the potential to use the proposed £75,000 contribution towards flood resilience measures, such as property level protection, for properties in the immediate vicinity of the site and on the basis that the Environment Agency, as lead flood authority, have raised no objection to the application, on balance it is recommended that subject to the completion of the Unilateral Undertaking to secure the financial contribution to the EA that planning permission is granted.
- 7.10 If, however, Members still have concerns about any of the findings of the FRA they may wish to take a more precautionary approach and seek an independent review of the submitted FRA and interpretation of the results of the modelling undertaken.

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

- 8.1 That authority be delegated to the Development Control Manager to grant, subject to the satisfactory completion of a Unilateral Undertaking from the applicant to the Environment Agency to secure a financial contribution of £75,000 towards local flood improvement works, outline planning permission subject to the following conditions:

Condition 1

Approval of the details of the, appearance, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

Condition 2

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later. Written notification of the date of commencement of development shall be sent to the Local Planning Authority within 7 days of such commencement.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Plans and particulars of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall be carried out within the site edged red on the 'Site Location Plan' drawing no. GCFC/001/2010, received by the local planning authority on 3<sup>rd</sup> June 2014 (hereafter referred to as the Site) and in accordance with drawing no. 1650/03C received by the Local Planning Authority on 25<sup>th</sup> June 2014 and all other conditions attached to this 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).

## **PRIOR TO COMMENCEMENT**

### Condition 5

Prior to commencement of land raising operations a Waste Acceptance Procedure Protocol shall be submitted to and approved in writing by the Local Planning Authority. The land raising shall be carried out in accordance with the approved Protocol.

### Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 and WCS 14 of the Waste Core Strategy (2004).

### Condition 6

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 Construction Management Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles and route to the site;
- 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. specify measures to control the emission of dust and dirt during construction

### Reason

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 7

No part of the development as hereby permitted shall commence until details of an Environmental Management Scheme and Code of Practice have been submitted to, and approved in writing by the Local Planning Authority. The Environmental Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including noise, vibration, dust and smoke emanating from the site. Any emergency or other deviation from the above conditions shall be submitted to and approved in writing by the Local Planning Authority.

The Environmental Management Scheme shall include:-

- (i) Details of engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts;
- (ii) A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures. The specification shall include details of the method of piling;
- (iii) Measures to make local residents aware of any significant activities that are likely to cause significant disruption;

All demolition and construction work shall be undertaken in strict accordance with the approved Environmental Management Scheme and Code of Practice unless otherwise agreed in writing by the Local Planning Authority.

#### Condition 8

Prior to commencement of development details of a scheme to prohibit parking on Sudmeadow Road during the demolition, importation and construction period and provide temporary parking for residents for the same period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details for the duration of the demolition, importation and construction periods.

#### Reason

To provide safe and suitable access to the site for the duration of the construction period in accordance with policy TR>31 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 9

No development shall commence until details of a scheme for the widening of the footway on Sudmeadow Road have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not be open to the public until the approved scheme has been completed in its entirety.

#### Reason

To ensure that the development has been designed to give priority to pedestrian and cycle movements and to ensure that the layout is safe and secure which minimises conflicts between traffic and cyclists or pedestrians, in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 10

No development shall commence until details of the design and layout of the pitch and the stadium have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The pitch and stadium shall be constructed in accordance with the approved details.

### Reason

To ensure the development is fit for purpose and sustainable in accordance with policy SR.2 in the Second Deposit City of Gloucester Local Plan (2002).

### Condition 11

The development hereby permitted shall not commence until detailed drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life 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 and to ensure satisfactory drainage arrangements are provided 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).

### Condition 12

1. No development shall commence (including the raising of ground levels) on site until:
  - (i) A Site Investigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out by a competent person according to current UK standards and practice.
  - (ii) A Risk Assessment Report has been submitted to, and approved in writing by, the Local Planning Authority, to include a revised conceptual site model, to assess risks to human health, controlled waters and the wider environment. All works must be carried out by a competent person according to current UK standards and practice.
  - (iii) A Remediation Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This statement shall detail any required remediation works necessary to mitigate any risks identified in the Risk Assessment Report. All works must be carried out by a competent person according to current UK standards and practice.
  - (iv) The works detailed in the approved Remediation Method Statement (other than necessary to implement these measures) have been carried out in full. All works must be carried out by a competent person according to current UK standards and practice.
2. No occupation of the development shall take place until a Verification Report confirming the remediation works has been submitted to, and



approved in writing, by the Local Planning Authority. The Verification Report shall include: details of the remediation works carried out; results of any validation sampling, testing or monitoring including the analysis of any imported soil; waste management details and the validation of gas membrane placement. All works must be carried out by a competent person according to current UK standards and practice.

3. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out in the vicinity until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. All works must be carried out by a competent person according to current UK standards and practice.

#### 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).

#### Condition 13

No development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, a detailed assessment on the potential for noise from the development to affect neighbouring residential properties. The assessment should include assessment of the potential for noise from the following:

- The crowd at the stadium
- Any PA system
- Any fixed plant and equipment at the stadium
- Conference facilities
- Any vehicular traffic on the site

If the assessment indicates that noise from the development is likely to affect neighbouring noise sensitive premises then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of National Planning Framework Noise Guidance, BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The approved noise mitigation scheme shall be

implemented in full prior to the commencement of the use permitted and be permanently maintained.

Reason

To ensure that noise mitigation measures are built into the scheme to prevent nuisance to adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Prior to the importation of any materials onto the site details of all soils and ground formation materials to be imported onto the site for the purposes of raising ground levels, shall be submitted to and approved in advance in writing by the Local Planning Authority. Details to include descriptions, volumes, origins and appropriate chemical quality testing. Thereafter only the approved materials shall be imported onto the site.

Reason

To ensure the development is safe and suitable for use, and no hazardous or otherwise contaminated materials are imported onto the site.

Condition 15

Construction shall not commence on any building until samples of the external facing materials to the walls and the roof of the building and the hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

Condition 16

Development shall not commence, other than demolition, until precise details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policy BE.7 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 58 of the National Planning Policy Framework.

Condition 17

No construction of any building shall commence until details of measures to discourage seagulls from nesting and roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to the occupation of any building, unless otherwise agreed 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 BE.10 of the City of Gloucester Second Deposit Local Plan 2002.

### Condition 18

Development shall not commence until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers and shall include planting within expanses of car parking. Drawings must include accurate details of all existing trees 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.

### Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policy B.12 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

### Condition 19

The landscaping scheme approved under Condition 18 of this permission shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a minimum period of five years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged or diseased 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 five 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 City of Gloucester Second Deposit Local Plan 2002 and Paragraph 58 of the National Planning Policy Framework.

### Condition 20

Prior to the commencement of development a Waste Management Plan shall be submitted to and approved by the local planning authority. The Plan shall indicate how waste will be managed from the site during demolition of the existing building, throughout construction and during occupation of the proposed buildings.

### Reason

In the interests of reducing the amount of waste going to landfill and in increasing recycling in accordance with Policy 36 of the Gloucestershire County Council Waste Local Plan (October 2004).

#### Condition 21

Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, shall be provided before the use hereby permitted commences. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site, unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

To safeguard the amenity of the occupiers of adjoining premises, to protect the general environment and to ensure that there are adequate facilities for the storage and recycling of recoverable materials to encourage energy conservation through recycling in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

### **During Construction**

#### Condition 22

No materials or substances shall be burnt within the application site during the demolition, importation and construction phases.

#### 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 23

During the demolition, importation and construction phases 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).

### **Prior to Occupation**

#### Condition 24

Prior to the first occupation of the development a flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved plan.

Reason

To protect the users of the building from risk of flooding in accordance with policy FRP.1a of the Second Deposit City of Gloucester Local Plan (2002).

Condition 25

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 60 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided and to promote cycle use in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 26

The building(s) 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 no.1650/03A, and those facilities shall be maintained available 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 within the site in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 27

Details of any external lighting (including the playing surface lighting) proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. All external lighting shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason

To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002).

**General**

Condition 28

If within 3 years from the commencement of development the site is not operating as a football club then a restoration scheme including a timescale for the removal of the imported material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the restoration approved restoration scheme shall be implemented in accordance with the approved details.

#### Reason

The nature of the development is such that it is only considered acceptable in this location having regards to the previous use of the site as a football stadium and in the interests of the amenity of the area.

#### Condition 29

No material shall be deposited or used for landraising purposes in the Landraise Area as detailed in Dwg 354/04/2012 unless it has been previously processed according to the approved Waste Acceptance Procedure Protocol.

#### Reason

In order to define the scope of this consent and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

#### Condition 30

No material other than uncontaminated, inert and natural excavated materials, (including soils, subsoil's, bricks and concrete) shall be deposited in the Landraise Area as depicted in Dwg 1650/03C received by the Local Planning Authority on 25<sup>th</sup> June 2014.

#### Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy

#### Condition 31

No special wastes (as defined by the Environment Agency) shall be accepted on the site. If any special wastes are subsequently found they shall be removed, segregated and stored within a dedicated, covered, Special Waste storage container, for disposal off- Site.

#### Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire WLP and WCS 8 of the Waste Core Strategy

#### Condition 32

Any fly tipped material and any material inadvertently deposited at the site and not falling within the approved material detailed in condition 30 of this consent must be stored separately in a skip maintained on site for this purpose, and removed to a properly licensed waste facility on at least a weekly basis.

#### Reason

To minimise the risk of pollution in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS 8 of the Waste Core Strategy.

#### Condition 33

The total quantity of inert material imported into the site for the Landraise Area as detailed in Dwg 1650/03C shall not exceed 40,350 cubic metres of inert fill, comprising of soils, clays and inert construction waste.

#### Reason

To define the scope of the application in the interests of highway safety in accordance with Policy WCS 19 of the Waste Core Strategy (2012) and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan and WCS8 of the Waste Core Strategy (2012).

#### Condition 34

From the date of commencement of this consent the developer shall maintain records of the number of vehicles bringing materials to the site, and the quantity and type of material accepted onto the site and shall make them available to the Waste Planning Authority upon request, within seven days of such a request. All records shall be kept for at least 24 months.

#### Reason

In order that the Waste Planning Authority can monitor the site in the interests of the amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

#### Condition 35

Imported material shall only be stored within the red line area as shown in Dwg GCFC/001/2010 'Site Location Plan' received by the Local Planning Authority on 3<sup>rd</sup> June 2014.

#### Reason

In the interests of amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

#### Condition 37

No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned so as to prevent materials including mud and dust being deposited on the highway.

#### Reason

In the interests of highway safety and to prevent mud, debris and materials getting on the highway, in accordance with Policy WCS19 of the Waste Core Strategy.

#### Condition 38

No commercial vehicles carrying material shall enter the site unsheeted except those only carrying materials in excess of 500mm in any dimension.

#### Reason

In the interests of highway safety and in accordance with Policy 19 of the Waste Core Strategy.

#### Condition 39

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or indirectly via soakaways.

### Reason

To prevent pollution of the water environment in accordance with Policy 33 of the adopted Gloucestershire Waste Local Plan.

### Condition 40

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

### Reason

To prevent pollution of the water environment in accordance Policy 33 of the Gloucestershire Waste Local Plan.

### Condition 41

Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed in condition 23. Mitigation measures as defined in BS 5528: Part 1:1997 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

During demolition and construction on site:

- (a) The best practical means available in accordance with British Standard Codes of Practice BS5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- (b) Vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
- (c) A suitable and sufficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance.

No part of the development hereby permitted shall commence until a demolition and construction method statement for the demolition and construction process has been submitted and approved in writing by the Local Planning Authority. The statement shall include the following:

- (a) An assessment of the presence or absence of asbestos and suitable mitigation measures is appropriate;
- (b) The inclusion of suitable measures for the containment of dust, such as the use of debris screens and sheets, suitable and sufficient water sprays; enclosed chutes for dropping demolition materials to ground level;



- (c) The use of enclosures or shields when mixing large quantities of concrete;
- (d) Details of the provision for the temporary storage of materials on site with preference to the storage of fine dry materials inside buildings or enclosures, or the use of sheeting as far as practicable with water sprays as appropriate.
- (e) Consideration to the use of pre-mixed plasters and masonry compounds.

The method statement scheme shall be implemented in strict accordance with details to be approved, unless otherwise agreed in writing by the Local Planning Authority

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 42

No events involving the use of the stadium pitch shall occur before 9.00am or after 11.00pm on any day (unless otherwise approved in writing by the Local Planning Authority).

Reason

In the interests of the amenity of adjoining residents in accordance with policy Be.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 43

Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 8.00am and 8.00pm. The collection of refuse, bottles and recyclable materials shall only take place between 9.00am and 8.00pm Monday to Saturday and not at all on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenities of residents within the scheme and adjoining residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 44

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 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays nor at any time 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 45

Details of the proposed Public Address System shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby authorized being brought into first use. The approved Public Address System shall only be used during events that take place on the external area within the stadium; shall not be used more than two hours prior to the event

commencing (with the exception of testing purposes) or within 30 minutes of the completion of the event (unless otherwise agreed in writing by the Local Planning Authority).

### Reason

In the interest of neighbouring residential amenity and in the interests of public safety.

### Notes

1. 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.
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 appropriate bond) with the County Council before commencing those works.
3. The applicant is advised that the layout and design of the pitch and the stadium should comply with relevant industry technical guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to:
  - Natural Turf for Sport (Sport England, 2011)  
<http://www.sportengland.org/media/30865/Natural-turf-for-sport.pdf>
  - The FA's National Ground Grading documents  
<http://nav.thefa.com/sitecore/content/TheFA/Home/Leagues/NationalLeagueSystem/GroundGrading>
  - Guide to Safety at Sports Grounds, "The Green Guide", (DCMS, 2008)  
<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>
4. The Government Pipelines and Storage System (GPSS) may be affected by the proposals. No work or activity should be undertaken without first contacting the GPSS Operator for advice and, if required, Section 16 Consent. The GPSS Operator can be contacted at OPA Central Services, Ashdon Road, Saffron Walden, Essex, CB10 2NF (e-mail [anne.swallow@oilandpipelines.com](mailto:anne.swallow@oilandpipelines.com)) 01799 564101. For additional information please visit [www.linerearch.org](http://www.linerearch.org).
5. The importation of soil, to raise levels, is likely to require a waste permit or exemption from the Environment Agency. The applicant is advised to telephone 03708 506 506 to discuss permit requirements in greater detail.

Decision: .....

Notes: .....

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

16/00573/OUT

Gloucester City Football Club  
Sudmeadow Road  
Gloucester  
GL2 5FD

Planning Committee

