

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **6TH DECEMBER 2016**

ADDRESS/LOCATION : **LIDL SUPERMARKET, CANADA WHARF, BRISTOL ROAD.**

APPLICATION NO. & WARD : **16/00840/FUL
MORELAND**

EXPIRY DATE : **13TH JANUARY 2017 (TIME EXTENSION AGREED)**

APPLICANT : **LIDL UK GmbH**

PROPOSAL : **DEMOLITION OF EXISTING LIDL FOODSTORE AND CONSTRUCTION OF LARGER REPLACEMENT STORE WITH ASSOCIATED CAR PARKING, SERVICING AND LANDCAPING.**

REPORT BY : **CAROLINE TOWNLEY**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the western side of Bristol Road at the junction of Bristol Road and Tuffley Avenue approximately 1 kilometre south west from the City centre. The site contains two buildings one operating as Lidl (unit 1) and the adjoining unit occupied by Bargain Base. The site is bounded to the north and south by commercial uses, to the west by the Gloucester and Sharpness Canal and to the east by Bristol Road and a mixture of commercial and residential uses.
- 1.2 The existing building is located in the north western corner of the site and is set back from Bristol Road behind an area of car parking which also extends along the southern side of the building. The existing Lidl store has a gross internal floor area of 1290 square metres the adjacent unit has a gross internal floorspace of 784 square metres. A total of 135 car parking spaces are currently provided on the site with vehicular access from Bristol Road.
- 1.3 The existing development was completed in 1995 comprising two retail units with Lidl occupying the larger unit. The planning permission (1106708/DMP) prohibited the sub-division or amalgamation of the two units without the consent of the Council (condition 5) and restricted the range of goods that

may be sold to food and drink for consumption off the premises, carpets, furniture, sporting and electrical goods, DIY products and products for the maintenance and improvement of houses, gardens and motor vehicles (condition 6).

- 1.4 The proposed development comprises the demolition of the existing units and construction of a new Lidl store and associated car parking and servicing area. The proposed replacement store would be sited on the north western part of the site in the same general position as the existing store. The store will be served by 120 car parking spaces, of which 8 will be for disabled customers and 4 parent and child spaces located close to the store entrance. Vehicular access will be via the existing junction off Bristol Road.
- 1.5 The proposed building is largely single storey, with a partial mezzanine and a mono pitch roof with a ridge height of 7.6 metres. The shallow pitch roof falls to a height of 5.28 metres. The gross internal floor area of the retail unit is 2,418 square metres, which is subdivided into four main parts, a sales area of 1,424 square metres, an internal bakery of 83.4 square metres, a warehouse storage area of 415 square metres, and a mezzanine welfare area of 186.4 square metres.
- 1.6 The customer entrance is located in the south eastern corner of the building, with the entrance lobby being angled across the corner so that it relates to both the main car park and the pedestrian access from Bristol Road. A glazed shopfront extends from the customer entrance across the full width of the northern façade of the store fronting onto Bristol Road.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted for the erection of two retail stores with associated parking and construction of vehicular access and service areas in 1994 (ref. 11/0607/08).
- 2.2 An application to vary condition 6 on the original planning permission restricting the sale of goods was refused by the City Council on 11th December 1995 (ref. 95/00554/FUL). The variation was, however, subsequently allowed on appeal to include the sale of clothing and footwear from the smaller unit only.
- 2.3 An application for the subdivision of the smaller retail unit into two was allowed on appeal in 1997 (ref. 96/00527/FUL and T/APP/U1620/A/96/273613/P9).
- 2.4 An application was submitted in 2012 for the amalgamation of units 2 & 3 and construction of a rear warehouse extension of 278 sq. m, new shopfront glazing and variation of condition 6 of 11067/08 (with respect to units 2 and 3) to include pets and pet supplies, office equipment, toys and games, travel goods, children and infant goods, leisure goods, bicycle and bicycle accessories and toiletries and health and beauty products. The application was refused in June 2013 for the following reason:

“The applicant has failed to satisfy the requirements of the sequential assessment set down within the NPPF and national retail policy guidance by failing to demonstrate that there are no other sites that are available in the centre or in sites that are in a more accessible location to the city centre, than the application site. The application is therefore contrary to the provisions of the NPPF, Planning for Town Centres Practice Guide and Policy S4a of the City of Gloucester Local Plan Second Deposit 2002.”

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.

3.2 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.

3.3 The 1983 Local Plan policy most relevant to the proposals is Policy S.1(a): ‘Major comparison shopping facilities will not normally be permitted outside the main shopping area, defined on Plan 10, other than in accordance with the specific provisions of other policies.’ This policy is, however, considered to be out of date and superseded by national planning policy.

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

Policy S.4a (New Retail Developments outside of Designated Centres)

Policy FRP.1a (Development and Flood Risk)

Policy FRP.9 (Light Pollution)

Policy FRP.10 (Noise)

Policy FRP.15 (Contaminated Land)

Policy BE.1 (Scale Massing and Height)

Policy BE.6 (Access for All)

Policy BE.13 (Landscape Schemes)

Policy BE.21 (Safeguarding of Amenity)

Policy BE.31 (Preserving Sites of Archaeological Interest)

Policy BE.36 (Archaeology Preservation in Situ)

Policy BE.37 (Recording and Preserving Archaeology)

Policy BE.38 (Meeting the Costs)

Policy TR.9 (Parking Standards)

Policy TR.12 (Cycle Standards)
TR.31 (Road Safety)

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

4.0 CONSULTATIONS

- 4.1 **Gloucestershire County Council (Highways)** – No highway objection subject to the inclusion of conditions.
- 4.2 **Lead Local Flood Authority (LLFA)** – The LLFA is satisfied that the outstanding issues of concern relating to the design/layout of the attenuation system, peak flow controls, future maintenance requirements and water quality controls have now been addressed satisfactorily.
- 4.2 **DPDS Consulting** – Provided retail policy advice to the Council on the application. This advice has informed the Officer's Opinion set out in Section 6 of this report.
- 4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of plans for the disposal of surface water and foul sewage together with a note advising that there might be a public sewer within the application site.

- 4.4 **Worcestershire Regulatory Services (Contaminated Land advisors)** – The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework, conditions are recommended for inclusion on any permission.

The NPPF advises that planning decisions should ensure the site is suitable for its purpose taking account ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information prepared by a competent person is presented. Little information is known or has been provided on this site and consequently a Phase 1 study is recommended.

Records and information submitted with the application indicate that contamination may be a significant issue at the site due to the former use of the site as “dockyards and docklands”. Currently no risk assessment relating to potential contamination has been submitted.

- 4.5 **Canal and River Trust** – The visual and ecological impact of the proposal on the Gloucester & Sharpness Canal should be minimised. In order to achieve this, the existing close boarded fence at the rear of the property should be retained, or replaced with a similar fence.

In order to minimise impact on wildlife which uses the canal for foraging no additional lighting columns should be provided at the rear of the property. All lighting at the rear of the site should be hooded to minimise light spill.

There is an existing surface water outfall from the site into the Canal at the rear. The applicant is advised that this may need a revised agreement with the Canal and River Trust as a result of the development.

- 4.5 **Environmental Health Officer** – No objection raised subject to the inclusion of conditions.

- 4.6 **City Archaeologist** – The desk-based assessment submitted by the applicant in support of the application concludes that there is potential for archaeological remains to survive below ground within the site. In particular remains of Roman date and remains associated with the former timber yard are anticipated. The City Archaeologist agrees with this assessment and is concerned that the proposed development may damage or destroy significant heritage assets. In light of this it is recommended that conditions be attached to any planning permission. The recommended conditions will provide for a programme of archaeological evaluation (trial trenching) to be undertaken in advance of development. Should significant heritage assets be identified then further mitigation may be required either prior to, or during, the development. That mitigation would take the form either of a watching brief or an excavation. A condition is also advised requiring the provision of historic interpretation outlining the history of the site.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through a press notice and the display of a site notice. In addition 27 properties have been notified of the application in writing.
- 5.2 As a result of this publicity one letter of representation has been received from Planning Potential on behalf of Aldi Stores Limited objecting to the application and raising serious concerns with regard to the approach that has been taken with the application. In particular the objection raises the following key issues that the Council should consider when determining the application:
- Consistency of approach with regard to the Council's determination of other applications in the local area and other applications by Lidl at this site.
 - The requirements of the NPPF and Planning Practice Guide.
 - The significance of recent case law with regard to the application of the sequential test.

The letter concludes that the submitted application is deficient in the following respects and in the absence of the required information being provided the application should be refused:

- The requirements of the NPPF and PPG have not been met in terms of demonstrating compliance with the sequential approach and retail impact tests;
 - Recent case law emphasises that the sequential approach must be undertaken on the basis of the floorspace proposed and not the applicant proposing it; and
 - The application raises material retail policy issues that Lidl raised with the Council in 2013 and that are not addressed adequately in their application submission.
- 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=16/00840/FUL>

6.0 OFFICER OPINION

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

Retail Assessment

- 6.2 The application proposes to demolish the existing Lidl store together with the adjoining retail unit and replace them with a new and enlarged store for Lidl.

The existing store Lidl store on the site has a gross internal floorspace of 1290 sq. m. The adjoining unit has a gross internal floorspace of 784 sq. m and was most recently occupied by Bargain Base. The total combined retail floorspace to be demolished is 2,074 sq. m gross with a net sales area of 1,725 sq. m. The proposed replacement store would have a gross external floorspace of 2,583 sq. m with a net sales floorspace of 1,424 sq. m. The proposed redevelopment of the site would therefore result in an increase in the total gross floor area of 509 sq. m with an overall decrease in the total net sales area of some 301 sq. m.

- 6.3 Given the proposal involves retail which is defined as a main town centre use by the National Planning Policy Framework (NPPF) and in an out-of-centre location, it will need to satisfy the requirements of both the sequential test and the impact test (NPPF paragraphs 24 to 27). Given the nature of such retail considerations and the detailed analysis that becomes necessary, the Council commissioned a retail consultant, DPDS Consulting, to advise on the application.
- 6.4 The current application is supported by a Retail Statement together with two additional Supplementary Notes on Planning Policy Matters, prepared by Bilfinger GVA (BGVA), submitted to respond to Officer's requests for additional information.

Sequential Test

- 6.5 The sequential test requires 'town centre uses' to be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. It follows that when considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre, (Section 2 – Ensuring the vitality of town centres, paragraphs 24-27 in the NPPF).
- 6.6 From a sequential test perspective, it is relevant that there is already an existing Lidl store trading onsite and it is accepted that it would not be reasonable to expect Lidl to split its offer between sites. Officers did, however, advise that given the store occupies an out-of-centre location it was necessary for Lidl to consider the availability of sites to accommodate the larger store on a more sequentially preferable site. The originally submitted Retail Statement was written before the Mansfield judgement (Aldergate Properties vs Mansfield District Council and Regal Sherwood Oaks Ltd (2016) EWHC 1670). This clarified that suitability in the sequential test was the suitability of the site for the broad type of development proposed and not the individual retailer. This clarification is of fundamental importance to the way the sequential test is carried out. It is also clear from this judgement that the sequential test applies to extensions and it must also apply to this type of development.
- 6.7 The originally submitted report also pre-dates the recent Secretary of State decision in Exeter. In this decision, the Secretary of State agreed that a site could not accommodate the same configuration of floorspace was an acceptable alternative within the sequential test and that it would be unreasonable to insist on the same degree of car parking on town centre sites,

This gives one of the few indications of how much flexibility should be expected.

- 6.8 DPDS advised that the business model approach to the sequential test originally put forward by the applicants conflicts with the Mansfield judgement and there is a need to consider sites in and on the edge of centres (or well connected to those centres) which are suitable for the broad type of retailer, not just acceptable to Lidl.
- 6.9 The Further Supplementary Note on Sequential Assessment (dated 25th November 2016) submitted by the applicant provides additional information in relation to the sequential test and specifically addressed whether there were any suitable and/or available sites within, or on the edge of, the City centre, Quedgeley District Centre and Abbeymead District Centre. Opportunities in retail parks closer to and better connected to the City centre than the application site have also been considered.
- 6.10 In the City centre, Kings Quarter, Blackfriars and the former BHS store have been considered. It is agreed that Kings Quarter and Blackfriars are not available within the appropriate timescale for the application proposal. The BHS unit does have adjacent car parking via a lift and while Lidl might not find this acceptable, this is a matter for commercial judgement. However, use of this unit would require two level trading and DPDS agree that this is impractical for a food retailer.
- 6.11 There are no available units in either the St Oswald's or Westgate Retail Parks. The proposed cinema redevelopment at the Peel Centre includes a food store but of insufficient size even allowing for some flexibility.
- 6.12 There are no opportunities at Quedgeley District Centre. It is accepted that the former Ridge and Furrow site adjacent to the Abbeymead District Centre is too small to accommodate the proposed development even allowing for flexibility in terms of parking provision.
- 6.13 Previously submitted assessments concluded that there were no suitable available units within the Seymour Road Local Centre. The Note concludes that there are no suitable or available sites either within or adjacent to these centres within a similar timescale to the proposal.

Retail Impact Assessment

- 6.14 The NPPF states that impact assessments should be required for retail developments over 2,500 sq m or any local threshold for out-of-centre retail developments that are not allocated in a local plan. The Practice Guidance (PG) clarifies that this refers to "*the gross retail floorspace defined as the total built floor area measured externally which is occupied exclusively by a retailer or retailers, excluding open areas used for the storage, display or sale of goods*". There is no indication that the 2,500 sq m threshold is a net increase in floorspace and DPDS conclude that a retail assessment is required. However, it is reasonable that this should be proportional to the likely increase in turnover.

- 6.15 The applicant's planning consultant (BGVA) has now supplied some broad data on the likely uplift in turnover resulting from the redevelopment which DPDS consider to be reasonable. BGVA has indicated that it expects most of the turnover to be derived from the other discount food stores in the area, and that only one of these is in a defined centre.
- 6.16 DPDS does not accept that the additional floorspace is likely to be drawn almost exclusively from other food discounters. It is agreed that the Aldi on Clifton Road would be the most affected, but the increase in market share of the food discounters is mostly at the expense of the main supermarket companies and the desire to increase the size of stores to compete more directly with the big food stores. DPDS has indicated that it would expect a substantial part of the additional turnover to be drawn from the large supermarkets. However, these are mostly out of centre and not protected by planning policy. The main large store affected is likely to be Tesco in Quedgeley, which is located in a District Centre, but this is a large and successful store and DPDS do not expect the impact to be significant on either the store itself, or Quedgeley District Centre as a whole.
- 6.17 The applicant has not considered the impact on the Seymour Road centre. This is the nearest centre to the proposal and the likely impact was considered by DPDS in some detail in relation to the Aldi at Clifton Road when it was concluded that the centre might lose turnover of some £0.3 million, but also that the impact would not be sufficient to justify a refusal of planning permission. In relation to this point DPDS advise that it is not introducing new competition into the area and that any cumulative impact (with the Aldi) would be mitigated through the impact on Aldi. It is therefore concluded that the likely impact from this much smaller addition to local floorspace would not be sufficient to justify a refusal of planning permission.
- 6.18 The re-development of the site would result in the loss of some existing "bulky goods" floorspace. The applicants have made no allowance for this in its retail assessment. Although restricted to bulky sales, such goods comprise a significant proportion of the city centre turnover and the centre would stand to benefit from any turnover "released" from the loss of this comparison goods floorspace. DPDS consider that this is a material, if minor, consideration in favour of the proposal.

Retail Policy Conclusion

- 6.19 The latest Supplementary Note (25th November 2016) prepared by the applicants consultant demonstrates that there are no suitable sequentially preferable sites available and that the sequential test is passed. It is also accepted that the proposal would not have a significant adverse impact on any centre.
- 6.20 On this basis there are no outstanding retail planning policy objections to the application. This conclusion is, however, dependent on the impact being assessed as a limited assortment discount food store and DPDS recommend

the inclusion of conditions to limit the operation of the store to this type of retailing.

Siting and Design of the Building

- 6.21 The replacement store would be sited on the north western part of the site with car parking to the east and south of the building. The proposed service area is located to the rear of the store adjacent to the western boundary. The customer entrance would be located in the south eastern corner of the building, with the entrance lobby being angled across the corner so that it relates to both the main car park and the pedestrian access from Bristol Road. A glazed shopfront extends from the customer entrance across the full width of the northern façade of the store fronting onto Bristol Road.
- 6.22 The originally submitted plans proposed the use of through coloured rendering with contrasting piers. Below eaves level is an area of silver grey horizontal external cladding. The glazing frames and entrance screens will be finished on graphite grey colour coated aluminium with external doors finished in grey.
- 6.23 Amended plans have since been submitted which have introduced additional windows at first floor together with the introduction of grey piers to the southern elevation. The piers are 100 mm in depth and tie in with the cladding at the top of the elevation. The Urban Design Officer has confirmed that the proposed changes to the elevations are considered to be an improvement and acceptable in design terms.
- 6.24 Amended landscaping plans have also been received introducing additional tree planting both within the car parking area and on the street frontage to provide a landscape structure to Bristol Road. The Landscape Officer has confirmed that the revised plans are acceptable.

Residential Amenity

- 6.25 The proposed store is adjacent to existing commercial uses to the north and south with the Gloucester and Sharpness Canal to the west. The closest residential properties are the terrace of two storey houses located to the east of the site on the opposite side of Bristol Road together with those located in Midsummer Walk on the opposite side of the canal.
- 6.26 The application site is currently occupied by two retail units one of which is Lidl with associated car parking and servicing. The new store, delivery point and loading bays will be sited in a similar position to that of the existing store. The delivery and unloading area is located adjacent to the western site boundary and will comprise a single enclosed dock leveller. All unloading activities will occur within the vehicle or within the building and there will be no external unloading activity. Deliveries will be way of HGV with a normal schedule of one delivery per day but increasing to two deliveries per day for the busiest times of the year including Christmas and Easter.
- 6.27 The external plant will be located within a dedicated plant area on a flat roof area above the loading bay on the western side of the building. The plant is expected to be operational 24 hours a day.

- 6.28 A noise report was submitted in support of the application to assess impact of the proposed new plant and delivery noise on the occupiers of the closest dwellings. It is noted that there is existing noise impact from neighbouring uses. Overall it is concluded that the noise emissions from the store will be similar to those that are currently generated by the existing store. The layout of the proposed new store is very similar to that of the existing building with the delivery area adjacent to the canal. Given this arrangement the report concludes that it is not expected that there would be any significant change in the noise climate at the closest residential properties attributable to the proposed new store.
- 6.29 The survey work undertaken has determined the general ambient noise climate at the site and the lowest daytime and night time background sound levels at the nearest dwellings. The noise report notes that there is existing noise impact from the neighbouring commercial premises which include a timber yard and a steel stockholder warehouse. Noise emissions from plant and deliveries already occur from the existing store. The assessment indicates that the noise rating levels at the nearest dwellings for plant and delivery noise would both fall into the category of 'low impact' and that the proposed development will not have any significant noise impact on residents of the surrounding houses.
- 6.30 The Noise Assessment has been reviewed by the Environmental Health Officer who is satisfied that, subject to the inclusion of conditions, there will be no significant noise impact from the use of the car park, service yard or mechanical services equipment and overall there would be no demonstrable harm to the amenities currently enjoyed by the occupiers of the neighbouring houses.
- 6.31 Given the distances between the development and closest dwellings, the design and overall height of the proposed building it is not considered that the proposal will result in any undue impact in terms of, overlooking, overbearing or overshadowing.
- 6.32 All waste is stored and handled internally and there will be no external compactor or cardboard container. On this basis there should be no increase in vermin associated with the storage of external waste. A condition is recommended requiring details to be submitted and approved to prevent the nesting of seagulls on the roof of the building.

Parking and Highway Issues

- 6.33 The application site is adjacent to Bristol Road, a Class 3 Highway. Bristol Road features 2-way vehicle working with both pedestrian facilities on the site frontage and to the south east parallel with the vehicular access. The nearest pedestrian crossing facility is approximately 30 metres to the east at the junction of Bristol Road and Tuffley Avenue. Bristol Road is subject to a 30mph speed limit.

Access

- 6.34 Vehicular access to the site would utilise the existing means of access which is formed by way of a signal controlled junction. The vehicular access is suitable for the type and nature of traffic expected to enter the site.
- 6.35 Existing pedestrian access is provided to the south east of the discount food store and links with the existing footway onto Bristol Road. The footway will be extended into the site to minimise the distance for pedestrians to cross. Pedestrian crossings are provided in the car park displaying a delineated route ensuring safe movements for pedestrians within the internal carriageway of the site.

Parking

- 6.36 The proposed development will result in a reduction of car parking provision from 135 to 122 spaces of which 8 will be disabled and 4 parent and child spaces.
- 6.37 Although local car parking standards have been superseded by the NPPF, and therefore carry very little weight; the Highway Authority has used the local standards as a guide. The local car parking standards recommend that an A1 retail use should provide 1 space per 18 sq m gross floor area for a food store over 1000 sq m in size. Using these standards the size of the proposed new store would require 79 spaces. On this basis the Highway Authority is satisfied that the application provides suitable car parking provision. The site is also conveniently located to high quality public transport facilities which can provide an alternative mode of transport.
- 6.38 The disabled parking provision and family parking spaces are conveniently located close to pedestrian entrances. The disabled parking spaces have a suitable hatched transfer zone located either side and to the rear of each bay. In addition, hatching has been added to the rear of the parent and child spaces to delineate a safe pedestrian route.
- 6.39 The parking layout is suitable for the proposed site usage with spaces complying with the local standards of 2.4m x 4.8m with in excess of 6m drivable surface in front of the spaces to allow for ease of access.
- 6.40 The submitted drawing has adequately demonstrated that an articulated HGV measuring 16.5m in length entering, manoeuvring and d egressing the site without coming into conflict with any upright kerb-line structures, trees or formal spaces. The Highway Authority is satisfied that the layout minimises conflicts between motorists, cyclists and pedestrians.

Travel Plan

- 6.41 The NPPF Paragraph 36 states that all significant generators of traffic movements should be required to provide a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.

- 6.42 The Department for Transport (DfT) defines a travel plan as “a long term management strategy that seeks to deliver sustainable transport objectives through positive action”. Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.
- 6.43 The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to;
- Reduce the percentage of staff travelling by single occupancy private car to and from the store.
 - Generate an increase in the percentage of staff utilising active modes (walking/cycling), public transport and car sharing access to the store.
- 6.44 In order for the Travel Plan to achieve these aims a number of actions and measures will be implemented. The applicant will appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan. The Coordinator will be appointed prior to the store trading. Staff changing and storage facilities, cycle parking facilities, welcome packs and investigation of staff discounts for public transport and notice boards will be installed with appropriate sustainable travel information prior to trading commencing.
- 6.45 The Travel Plan will obtain the base survey data shortly after trading begins (3 months), once obtained the Travel Plan Coordinator will review the Travel Plan at the 3rd and 5th years and the associated targets and measured adjusted accordingly. The Travel Plan aims to reduce single occupancy private car use year on year. A 5 year period is acceptable for this type and size of development and the target percentage reductions are suitable in accordance with GCC Travel Plan guidance. The Travel Plan can be secured by way of planning condition.

Vehicular Trip Generation

- 6.46 Although the proposed discount food store will increase in overall size the overall retail floor area across the site will be reduced by 301 square metres, some increase in vehicular trip generation may be expected. The increase in physical store size will see an additional 89 vehicle trips generated during trading hours on a Friday and 99 trips during trading hours on a Saturday (based on a predicted 5% increase). Both of these days have been recorded as the busiest days of the week for vehicles accessing / egressing the site. Based on the submitted car parking assessment the maximum utilisation of the car park occurs on a Friday between 11.45-12.00 and between 12.15-12.30 on a Saturday whereby the car park had a maximum occupancy of 36% identifying that there is currently significant spare capacity during the peak hours.

- 6.47 The recorded trip generated for the existing store for the Friday and Saturday were recorded as 1789 (192 peak) 2-way vehicle trips on the Friday and 1989 (235 peak) 2-way vehicle trips on Saturday.
- 6.48 The majority of the trips to the food store would have already been on the network in the form of pass-by or diverted trips where motorists whilst already utilising the local highway network divert their journey to visit the store, or linked trips whereby motorists have accessed nearby destinations and would include the visit to the store as a part of their current trip. This results in a lower number of trips than what standard applications such as TRICS may suggest, which regards all observed trips as “new trips”. Therefore the impact of the increase in store size would not be regarded as significant and would not result in any detrimental impacts to the local highway network or effect capacity.
- 6.49 The Highway Authority is satisfied that there would not be a significant increase in traffic movements, nor would the increase in store size create any capacity issues on the adjacent Highway Network and no highway objection is raised.

Flood Risk at the Site

- 6.50 A Flood Risk Assessment has been submitted in support of the application. In accordance with the Environment Agency’s Flood Map the site is located within Flood Zone 1.
- 6.51 The Drainage Officer has raised no objection subject to the inclusion of conditions.

Ecology

- 6.52 The Canal and River Trust and the Environmental Services Manager have raised issues relating to the visual and ecological impact of the proposal on the adjacent canal specifically in relation to the impact of lighting and the requirement for the retention of at the rear of the site. These matters are addressed in the recommended conditions.

7.0 CONCLUSION

- 7.1 The site is located within an established out of town retail area on previously developed land and comprises a sustainable development.
- 7.5 It is considered that subject to compliance with conditions, the proposed use, design, scale and siting of the development would not have any significant impact on established retail centres, the residential amenities currently enjoyed by the occupiers of neighbouring properties, highway safety, the visual amenity of the area, flooding and archaeology. The development is therefore considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That planning permission is granted subject to the following conditions:

Condition 1

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

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 1231 006 and 007 received by the Local Planning Authority on 14th July 2016, 1231 005 Rev C and 1231 008 Rev B received on 15th September 2016, 2015/94.Rev C received on 1st December 2016 and any other conditions attached to this planning permission.

Reason

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

PRE-COMMENCEMENT

Condition 3

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

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

Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and to safeguard residential amenity and prevent pollution in accordance with policies TR.31 and BE.21 of the Second Deposit City of Gloucester Local Plan.

Condition 4

No development shall commence until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

This information is required prior to commencement as site may contain significant heritage assets. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 141 of the NPPF

Condition 5

No development shall commence on site until a detailed design for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. In particular, the surface water drainage strategy will be required to meet the water quality objectives as set out in CIRIA C753. The approved scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding, and also to meet water quality objectives. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

Condition 6

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be

prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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 7

Prior to the commencement of demolition or construction works, a scheme for the management of dust from the construction process shall be submitted to the local planning authority. The scheme shall also include details on how dust emissions will be monitored at the boundary of the site.

Storage areas where there is vehicular movement should either have a consolidated surface which should be kept clean and in good repair, or should be kept wet. Sweeping, wetting or sealing are all techniques that may be used to reduce dust emissions from roads. The technique that should be used depends upon the type of road under consideration.

The approved scheme for dust management will be installed and made fully operational prior to the commencement of any demolition and construction works and thereafter it shall be operated and maintained throughout the construction period.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works to ensure that materials are handled and properly discharged in

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

Condition 8

Notwithstanding the submitted drawings, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatments including precise details of the fencing to be erected adjacent to the Gloucester and Sharpness Canal. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

It is important that these details are provided prior to the commencement of development to ensure that adequate protection is provided to minimise the visual and ecological impact of the proposal on the Gloucester and Sharpness Canal in accordance with Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Policies BE.5 and FRP.9 of the Second Deposit City of Gloucester Local Plan (2002) of the Second Deposit City of Gloucester Local Plan (2002).

DURING CONSTRUCTION

Condition 9

During the construction and demolition phase (including ground works) 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 08.00hrs - 18.00hrs, Saturday 08.00 hrs - 13.00hrs nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No development or demolition below slab level shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policies BE.36, BE.37 & BE.38 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

The landscaping scheme, as shown on the approved plan (drawing number 2015/94. Rev C), shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

PRE-OCCUPATION

Condition 12

The building shall not be occupied until details for a form of historic interpretation have been submitted to and approved in writing by the Local Planning Authority. This will take the form of wall or lectern mounted panel(s) outlining the history of the site and shall be erected before the buildings are occupied.

Reason

To make provision for the public appreciation of the heritage of the area, in accordance with paragraph 141 of the NPPF.

Condition 13

None of the units hereby approved shall be occupied until a scheme for the maintenance of all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation. The approved SuDS maintenance scheme shall be carried out in full in accordance with the approved details.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid the increase of flood risk to the site and elsewhere.

Condition 14

Notwithstanding the details submitted the development hereby permitted shall not be occupied until details of a lighting scheme to illuminate the external areas of the application site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the lighting fixtures, their location on the site/on the buildings, and the extent of illumination. The scheme is also to include details on how the impact of how floodlights and external lighting will be minimised. The approved lighting scheme shall be implemented prior to the commencement of the use of the development and

maintained for the duration of the use of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of crime prevention and to ensure that the lighting adjacent to the canal is designed to minimise the problems of glare and the resultant impact on bats and wildlife using the canal for foraging in accordance with Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Policies BE.5 and FRP.9 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No use hereby permitted shall be occupied until a tactile flush or dropped kerb crossing from the extended wrap around footway into the site to the 'lobby entrance area' fronting the retail unit entrance illustrated on submitted plan drawing 1231 005 Rev C 'pedestrian route' has been provided.

Reason

To ensure that safe and suitable pedestrian access for all users to create a safe and secure layout which minimises conflicts between traffic and cyclists or pedestrians and considers the needs of people with disabilities in accordance with paragraph 35 of the National Planning Policy Framework.

Condition 16

The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing 1231 005 Rev C, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 17

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing 1231 005 Rev C (for a minimum of 10 cycles) and those facilities shall be maintained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 18

No building shall be occupied until measures to discourage seagulls from nesting and roosting on the buildings hereby approved have been

implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

GENERAL

Condition 19

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 20

The gross external floorspace of the approved building shall not exceed 2,583 square metres and the net sales floorspace as defined by the National Retail Planning Forum* shall not exceed 1,424 square metres. No less than 80% of the net sales floorspace shall be used for convenience goods sales.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a 'limited product line deep discount retail food-store' and in accordance with Policy S.4a of the Second Stage Deposit City of Gloucester Local Plan (2002).

*The area within the walls of the shop or store to which the public has access or from which sales are made, including display areas, fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including cafes and customer toilets

Condition 21

The development hereby approved shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discount retailing', and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines. No increase in the number of product lines shall be permitted without the prior written approval of the Local Planning Authority.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a deep discount retail food-store and in accordance with Policy S.4a of the Second Stage Deposit City of Gloucester Local Plan (2002).

Notes

1. The applicant is advised to contact Phil J White, Third Party Works Engineer on 07710 175496 in order to ensure that any necessary licenses are in place and the work complies with the Canal and River Trust's 'Code of Practice for Works Adjacent to the Waterway'.
2. All crushers and screens that may be used on site shall be accompanied by a Permit to Operate issued under the Environmental Permitting Regulations 2010.
3. Severn Trent Water Ltd advises that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
4. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has negotiated issues relating to retail policy, highway safety and design.

Decision:

Notes:

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

16/00840/FUL

Lidl Supermarket Canada Wharf
Bristol Road
Gloucester
GL1 5TE

Planning Committee 10.01.2017

