

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7 MARCH 2017**

ADDRESS/LOCATION : **GILLMANS ELECTRICAL, ST OSWALDS ROAD, GLOUCESTER**

APPLICATION NO. & WARD : **16/00957/FUL
KINGSHOLM AND WOTTON**

EXPIRY DATE :

APPLICANT : **ROBERT GILLMAN**

PROPOSAL : **Part demolition of existing building, erection of a three storey building, single storey front extension, and new first floor linkway in connection with the existing use of the site**

REPORT BY : **RON MOSS**

APPENDICES : **SITE PLAN**

1.0 Site Description and Proposal

- 1.1 The application site is located on the eastern side of Mercia Road parallel to S Oswald's Road in a mixed commercial area, including Class B2, B8 and car show rooms. The existing building fronts towards St Oswald's road and comprises a single storey painted, brick and cladding glazed frontage with a two storey element set further to the rear. Access to the site is obtained via Mercia Road and roundabout on to St Oswalds road. Mercia Road operates as a 1 way signed loop road system. There are two vehicular site accesses on Mercia road and two pedestrian accesses to the east and west of the store. The application site itself is approximately 0.3 ha in size and currently provides 2,618 square metres of commercial floor space along with 39 parking spaces and a service yard.
- 1.2 The site currently operates a mixed use operation to sell and service major domestic appliance brands, with an installation service. Gillmans have a show room fronting St Oswalds Road and sell to visiting members of the public. At the same time they also run an internet sales service. The site currently comprises 785 square metres of retail floor space (Class A1), 415 square metres of offices (Class B1a), 43 square metres of workshop space (Class B1c) and 1183 square metres of storage (B8), with 192 square metres of ancillary space, staff area etc. The space is laid out with the show room fronting St Oswalds road and wrapping round the corner in to Mercia road and the storage area/small workshop set to the rear and accessed via Mercia Road. At first floor level are located further storage space and the office element.
- 1.3 In terms of constraints on the site it should be noted that the site would be considered out of centre for any town centre assessment purposes under the NPPF. It is also predominantly within Flood zone 2, with a small southern section in Flood zone 3.
- 1.4 The proposal seeks the partial redevelopment of the existing site. The front show room would remain as would the first floor office element on the part of the site facing the southern section of Mercia road. The rear storage areas including the first floor storage section would be demolished. In place of the old rear storage buildings would a heavy storage area with a three storey ceiling height and a workshop , storage and spares area with single storey ceiling height . At first floor level above the new storage/spares/workshop space would be offices, a call centre and conference room. Then at second floor level above the offices/ call centre /conference room would be further storage space and toilets. This redevelopment would be on the same footprint as the current storage/warehouse element. A walk way would link the existing two storey building to the new build at first floor level, while a small single storey front extension would be added to the front of the building. In terms of parking and access, the number of spaces and access positions would remain the same. With regard to floor space there would be the following increases:-

Use	Current floorspace	Proposed floorspace	Net gain Sq m / %
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	Sq m	Sq m / %			
B8 storage and distribution	1,183	1,535	41%	+352	+30%
A1 retail	785	1,020	27%	+235	+30%
B1a office	415	707	19%	+292	+70%
B1c workshop	43	112	3%	+69	+160%
Ancillary (staff area etc)	192	416	11%	+224	+116%
	2,618	3,790	100%	+1172	+45%

2.0 Relevant Planning History

- 2.1 05/00056/FUL Single storey and two storey extension to existing building to provide showroom space on ground floor and office space on first floor
Granted 11.03.2005
- 2.2 09/00892/FUL External alterations and installation of glazed entrance Canopy
Granted 28.09.2009
- 2.3 10/00135/FUL External alterations to building involving installation of replacement aluminium window frames and composite panelling to front elevation
Granted 07.04.2010

3.0 Planning Policies

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

Central Government Guidance - National Planning Policy Framework

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

Decision-making

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

For decision-making, this means:

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

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

Core planning principles

Planning should:

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

The NPPF includes relevant policy on promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Planning obligations and conditions

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

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

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;

- Precise; and
- Reasonable in all other respects.

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

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

The Development Plan

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

A. The regional spatial strategy for the region in which the area is situated, and

B. The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Local Plan

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

3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration.

3.7 2002 Plan Policies

FRP.1a – Development and flood risk

FRP.6 – Surface water runoff

FRP.9 – Light pollution

FRP.10 – Noise

FRP.11 – Pollution

FRP.15 – Contaminated land

BE.1 – Scale, massing and height
 BE.2 – Views and skyline
 BE.4 – Criteria of the layout, circulation and landscape of new development
 BE.5 – Community safety
 BE.6 – Access for all
 BE.7 – Architectural design
 BE.12 – Landscape schemes
 BE.21 – Safeguarding of amenity
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.33 – Archaeological field evaluation
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 TR.2 – Travel plans – planning obligations
 TR.9 – Parking standards
 TR.10 – Parking provision below the maximum level
 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
 TR.34 – Cyclist safety
 E1 - Mixed Use Allocation
 S4a - New Retail Development Outside Designated Centres

3.8 Emerging Plans

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.

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

3.9 The following policies in the JCS are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

SD1 – Presumption in favour of sustainable development

SD3 – Retail Hierarchy

SD5 – Design requirements

SD9 – Historic environment

SD15 – Health and environmental quality

INF1 – Access to the transport network

INF2 – Safety and efficiency of the transport network

INF3 – Flood Risk Management

The City Plan is at a very early stage and therefore carries limited weight.

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 Consultation Responses

4.1 Lead Local Flood Authority

The LLFA has no formal records of surface water flooding at this site and considers the site to be at low risk of surface water flooding, while in terms of surface water management the submitted drainage strategy meets local standards and climate change has been considered appropriately
Recommend no objection subject to conditions on submission and approval of surface water drainage strategy and a scheme for the maintenance of all SuDs/attenuation features

4.2 Drainage officer

Initial Comments – The development site is located in flood zone 2/3 and modelled flood levels demonstrate that the ground floor could suffer flooding during a 100 year fluvial , 2 year tidal and cc event. No work on sequential test is required as is simply an expansion of an existing business . The application would appear to involve a loss in flood plain storage, through a possible increase in build footprint, slight ground level raising and the likely increased water resistance of the new build. The applicant needs to provide mitigation for this loss.

Revised Comments – Have discussed with applicants drainage engineer and are happy to condition the mitigation against flood risk and loss of flood plain storage.

4.3 Environmental Protection officer

EH have not received any complaints regarding the current operation

No objection subject to conditions requiring an Environmental management scheme, restriction of hours during construction and no burning of materials

4.4 Worcester Regulatory Services .

The history of the site indicates that there may be contamination issues. As a result , in order to ensure the site is suitable for its proposed use and in accordance with the NPPF the standard suite of contaminated land conditions for site investigation and remediation where necessary, are recommended

4.5 Highway Authority

Initial comments – The Highway Authority originally required clarification on visibility splays and a justification for the parking level.

Revised comments - The expansion would be likely to increase the vehicle trips to the site, intensifying both of the site accesses. The requirements deemed to satisfy visibility standards require emerging splays of 54m to the left and at a 2.4 m set back from the centre line. The required 54m visibility splays can be achieved allowing the development to achieve adequate levels of visibility in accordance with paragraph 35 of the NPPF. A parking assessment has been undertaken for the site that shows an under provision of parking for the proposal on the site. The existing parking provision of 39 spaces would remain for both staff and customers, although the evidence shows that the maximum parking demand for the Class B1 office and Class A1 retail during the peak week day period would be 64 spaces, a short fall of 25 spaces.

There are is some concern at this potential deficiency, however there are currently no parking standards for Gloucestershire. Paragraph 39 of the NPPF states;

If setting local parking standards for residential and non- residential development, local planning authorities should take into account:

- The accessibility of the development
- The type , mix and use of development
- The availability of and opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high – emission vehicles

Whilst not in the city centre the site is still in a fairly sustainable location, the car parking provision is accepted subject to conditions requiring the submission of a travel plan and cycle storage. These measures are more aimed at the staff rather than the customers, however car sharing and cycling to work would reduce the pressure on car parking.

No highway objection subject to conditions to provide satisfactory visibility splays, cycle parking, a travel plan and to restrict the uses to those detailed in the planning application.

4.6 Archaeologist

The occurrence of organic material at depth beneath the site is noted. The location of the remains within the route of the old Severn and the depth at which discovered could give the potential for archaeological significance. In

view of this fact a programme of archaeological mitigation should be obtained via condition on any approval.

5.0 Officer opinion

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

- Principle of Development
- Design of Proposal and Impact on Appearance of the Area
- Traffic and Transport
- Land contamination
- Flooding
- Archaeology

5.2 Principle of Development

The proposal would involve floor space increases in all the current uses on the site i.e in Class A1 retail, Class B1a office, Class B1 c workshop, Class B8 storage, and with the ancillary uses. If the uses were to be considered separately in isolation, then both the Class A1 retail uses and the Class B1 office uses, being 'main town centre' uses as designated in the NPPF, would need to be sequentially tested.

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).

The Mansfield judgement (Aldergate Properties vs Mansfield District Council and Regal Sherwood Oaks Ltd (2016) EWHC 1670). then helps clarify whether the sequential test applies to extensions. It determined 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 and it is also clear from this judgement that the sequential test applies to extensions.

The application site while relatively close to the city centre forms an out of centre location for town centre use assessment purposes. However whilst the redevelopment would constitute a 45% increase in floor space, the biggest increase in the quantum of floor space would be the class B8 warehousing and distribution element , followed by the class B1 office and Class A1 retail. Your officers are therefore of the view that whilst the development includes retail and office which are defined as main town centre uses, the wider mix of uses and the integrated way in which the parts operate, effectively means that the overall proposal should be considered a sui generis use i.e not falling within any of the designated classes of the Use Classes Order. As a sui generis use there would be no requirement to sequentially test the proposal.

However, even if the approach was taken to treat all the elements of the proposal separately thereby triggering the need for a sequential test for the B1 and A1 uses your officers would state the following with regard to the sequential test.

As mentioned above, the development site is in an out-of-centre location as defined by the NPPF; at its closest point it is 644 m from the edge of the Primary Shopping Area (PSA) (Local Plan 2002). When identifying sequentially preferable opportunities, the NPPF sets out that local planning authorities should '...require applications for main 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. When considering edge of centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre'. Given the close proximity of this site to the town centre (in this case the defined PSA), and the accessibility of the site to the PSA by different modes of transport, it is the case that only sites and premises in and on the edge of the PSA should be considered and not any other locations that would be considered 'out-of-centre'.

At present there are several sequentially preferable sites and premises within the PSA. These include the former BHS unit in King's Walk Shopping Centre, which is currently vacant, and other sites identified through the emerging Local Plan and adopted Regeneration and Economic Development Strategy, namely King's Quarter, Greater Blackfriars and Land adjacent to Eastgate Shopping Centre. Whilst consideration must be given to flexibility in scale and format when considering sequentially preferable opportunities, it is not considered appropriate to disaggregate different components of the proposal to separate, sequentially preferable sites. There is clearly a synergy between the different uses. Equally however, it would clearly not be appropriate for the combination of proposed uses to be located in a PSA location; for example the B8 warehousing and distribution element requires highways access and layout that is not conducive to a PSA location with pedestrianized streets and constrained highways movements.

From an impact perspective, the proposal is for the development of significantly less than the default 2,500 sq m NPPF threshold for which a full retail impact assessment would be required. Notwithstanding this, having regard to the amount of type of floor space proposed, there is the view that the proposal would not have a significant adverse impact on the city centre (Primary Shopping Area), or any of the designated district or local centres.

Overall therefore the principle of the proposal is considered acceptable.

5.3 Acceptability of Proposal in Terms of Design

The current buildings on the site are low level business units of relatively unprepossessing appearance in an area characterised by typical looking modern and slightly older commercial units. The main proposed alteration is the replacement of the existing storage area located within a series of three

'double pitched roof' connected buildings with a new single three storey height heavy storage buildings. In specific height terms the three current buildings have eaves height of 3.7 m and roof apex heights of 7 m, while the proposed building would be 9.7m in height with a flat roof. This increase in height would make the overall building still no higher than eaves level on the neighbouring Heritage and Wise building.

The proposed flat roofed first floor walk way would be set from the St Oswalds road frontage and partially concealed by the parapet wall on the single storey front element. Therefore whilst not being the most attractive design concept, it wouldn't appear too prominent and also would appear in character with the rest of the flat roofed redevelopment. The small front extension would not be out of keeping with the existing ground floor show room. It would be fair to say that the existing double pitched roofed buildings have more architectural character than the newly proposed large flat roofed storage area, however officers recognise the limitations on their practical use for modern working, in particular their low roof heights, and the newly proposed storage building would still be in keeping with the appearance of the general area.

Officers consider that the redevelopment is acceptable on design grounds subject to the submission of external materials, and that the proposal therefore meets policies BE1, 7 and 9 of the second stage deposit plan 2002.

5.4 Potential Impact on Neighbouring Occupiers

As stated above the application site sits within a mixed commercial area. The site is bordered by roadways on three sides, with commercial operators located opposite. The proposed new building would not impact upon them. The main occupier with potential to be affected is the neighbouring adjoining site, Heritage and Wise. The redevelopment whilst taller than the existing development in proximity to this adjoining occupier would still sit on a similar footprint and abuts the blank flank elevation of this neighbouring building. Furthermore it would be no higher in height than the eaves level of the Heritage and Wise building. There would be some intensification of the use of the site with greater vehicle movements, however not to a level that harms neighbouring amenity. Transportation matters are fully considered in the next section. Noise from the operation would be no greater than as current and is not to a level that would affect neighbouring occupiers. The proposal would therefore accord with policy BE21 of the second stage deposit Local plan 2002.

5.5 Traffic and Transportation

The level of vehicle parking for both staff and visitors would remain as the existing situation on the site and a Transport Assessment was submitted with the proposal to seek to demonstrate that this would be satisfactory for the operation on the redeveloped site. The Highway Authority originally questioned retaining the existing level of parking for the more intensive redeveloped use of the site.

However after discussion with the applicant and the submission of further information the Highway Authority stated the following :

‘ The expansion would be likely to increase the vehicle trips to the site, intensifying both of the site accesses. The requirements deemed to satisfy visibility standards require emerging splays of 54m to the left and at a 2.4 m set back from the centre line. The required 54m visibility splays can be achieved allowing the development to achieve adequate levels of visibility in accordance with paragraph 35 of the NPPF. A parking assessment has been undertaken for the site that shows an under provision of parking for the proposal on the site. The existing parking provision of 39 spaces would remain for both staff and customers, although the evidence shows that the maximum parking demand for the Class B1 office and Class A1 retail during the peak week day period would be 64 spaces, a short fall of 25 spaces. There is some concern at this potential deficiency, however there are currently no parking standards for Gloucestershire. Paragraph 39 of the NPPF states;

If setting local parking standards for residential and non- residential development, local planning authorities should take into account:

- The accessibility of the development
- The type , mix and use of development
- The availability of and opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high – emission vehicles

Whilst not in the city centre the site is still in a fairly sustainable location, the car parking provision is accepted subject to conditions requiring the submission of a travel plan and cycle storage. These measures are more aimed at the staff rather than the customers, however car sharing and cycling to work would reduce the pressure on car parking.

No highway objection subject to conditions to provide satisfactory visibility splays, cycle parking, a travel plan and to restrict the uses to those detailed in the planning application. ‘

In conclusion the proposal is therefore considered to accord with the NPPF and emerging local plan policy.

5.6 Land Contamination

The history of the site gives an indication that there could be matters of contamination on the site and Worcester Regulatory services had some concern that the information submitted on this matter was over 10 years old. They have confirmed however that they have no objection to the proposal, subject to the standard suite of contaminated land conditions requiring site investigation and remediation where necessary.

5.7 Flooding

Paragraph 100 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere.' One of the mechanisms for doing so, is the application of a sequential test. Paragraph 101 of the NPPF states that 'The aim of the Sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

The Environment Agency flood maps show the site as predominantly being in Flood zone 2 (medium risk) with a small section of the southern part of the site being in flood zone 3 (higher risk). It should be noted that none of the areas subject to redevelopment falls within this flood zone 3 section. Furthermore the finished floor levels of this part of the site are 0.17 m above the modelled flood levels for flood zone 3. The focus of concern is therefore on the area of the site within flood zone 2.

With regard to an area of search for a less vulnerable site i.e in flood zone 1, some regard needs to be taken as to the practicality and purpose of requiring the owner to put the new floor space in a new less vulnerable location. As stated in paragraph 5.2 of this report officers are of the opinion that the operations and uses on the application site are so integrated, that it would be difficult for them to function separately. Realistically therefore officers would conclude any area of search should go no further than the boundaries of the site itself. Looking at the site the proposal shows the redevelopment only for the area in flood zone 2 and not 3, thereby in the least vulnerable part of the site.

Also accepting the proposal as development within flood zone 2, the next stage is to assess the vulnerability category. The NPPF considers commercial development as being less vulnerable in terms of flood risk and the NPPF Flood Risk Vulnerability and Flood Zone Compatibility matrix indicates that 'less vulnerable development' is appropriate in flood zone 2.

Notwithstanding the above the application has submitted a Flood Risk Assessment showing flood mitigation measures. The LLFA have accepted that the development would be safe and resilient to flooding in the critical design flood events with an acceptable level of residual risk and no loss of flood plain storage or impedance of flood flows. The proposal would also ensure that the finished floor levels of the proposed development are set at a minimum of 100mm above the predicted 1 in 100 year plus climate change flood level, and this could be conditioned on any approval.

Concern was raised by the drainage engineer with regard to flood plain storage loss, however he is now happy that this can be dealt with by a condition on any approval. Drainage is considered acceptable subject to the standard conditions on any approval for submission of a sustainable drainage strategy and details of maintenance.

The proposal is therefore considered to accord with the NPPF, policies FRP1a and 6 of the 2002 Local Plan and INF3 of the Joint Core Strategy.

5.8 Archaeology

The City archaeologist states that the occurrence of organic material at depth beneath the site is noted. Furthermore he states that the location of the remains within the route of the old Severn and the depth at which discovered could give the potential for archaeological significance. In view of this fact a programme of archaeological investigation and mitigation where necessary, should be obtained via condition on any approval.

6.0 Conclusion

The proposal would help secure the future of an important business to Gloucester, with the redeveloping of the site to improve its efficiency. The redevelopment of the proposal site also fully accords with the aim of the NPPF to make efficient and sustainable use of brown field sites. Your officers have carefully considered the policy implications of the increased floor space in this location and are fully satisfied that there is no justification for seeking a more central site and even if this approach was taken, the nature of the business and its operating behaviour means that there would be no suitable site for its relocation.

In terms of design, the proposed redevelopment would provide a building of similar appearance to the neighbouring commercial buildings and is considered acceptable subject to a condition on facing materials, while its location in a commercial area ensures there are no residential occupiers nearby and therefore no amenity issues with residents. While a relatively large scale development, the fact that the new build would be on a similar footprint to the existing storage buildings and still lower in height than the neighbouring building, Heritage and Wise, ensures that the amenity of neighbouring occupiers would be preserved.

The Highway Authority have given the proposal careful consideration and while originally have some reservations regarding the fact that the intensity of the use would be increasing, with no increase above the current level of parking, they now consider that due to the relatively sustainable location, the agreement to provide a travel plan and with cycle parking provision, that the proposal would be acceptable.

Finally the archaeologist and contaminated land officer confirm that they are satisfied with the scheme subject to conditions on any approval.

7.0 Recommendation

Overall therefore it is recommended that planning permission be granted subject to the conditions shown below.

Conditions

1) Commence full planning permission

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) Approved Documents – Planning permission

The development hereby permitted shall not be carried out unless in strict accordance with drawing numbers 1,2,3A,4A,5A,6H,7H,9G,11,18A and 20A received on 4th August 2016, drawing number 12 received on 4th October 2016 and drawing numbers 8G and 10E received on 6th December 2016.

Reason: To ensure the development is carried out in strict accordance with the approved drawings and to allow provision for the approved drawings to be amended by means of an application to vary this condition under Section 73 of the Town and Country Planning Act 1990.

3) Facing and roofing materials samples

No external facing or roofing materials shall be applied unless in accordance with a) a written specification of the materials; and b) physical sample/s of the materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Environmental Health

4) Environmental Management Scheme:

Prior to commencement of the development hereby permitted, an Environmental Management scheme shall be submitted to and approved in writing by this Authority which specifies mitigation measures in respect of the following issues (including demolition and preparatory groundworks) in order to prevent nuisance. The use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues. The scheme shall include details of how dust will be qualitatively monitored: –

Dust from demolition

Dust from groundwork's

Dust from stockpiles and material handling/removal

Storage of waste

Keeping highways clear of mud

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

5) Restriction of hours during construction

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

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

6) No burning of materials/substances during construction phase

No materials or substances shall be burnt within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution in accordance with policy BE.21

Contaminated Land

7) .Land affected by contamination – Site characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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 should be submitted to and be approved in writing by 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:

A survey of the extent , scale and nature of contamination;

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,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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'

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 risk risks to workers , neighbours and other offsite receptors.

- Land affected by contamination – submission of remediation scheme
- 8) No development shall take place until 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 historic environment has been prepared, submitted to and approved in writing by 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 ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 risk risks to workers , neighbours and other offsite receptors.

- 9) Land affected by contamination – implementation of approved remediation scheme
- In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved scheme of remediation has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- Following completion of the measures identified in the approved remediation scheme , a verification report that demonstrates the effectiveness of the remediation strategy carried out must be produced , and be approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk risks to workers , neighbours and other offsite receptors.

- 10). Land affected by contamination – 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 Condition 7) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8), which is to be submitted to and then approved in writing by the Local Planning Authority

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared and submitted to and then approved in writing by the Local Planning Authority, in accordance with condition 9).

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 risk risks to workers , neighbours and other offsite receptors.

Flood and Drainage

11) Floor Levels and Drainage

All finished floor levels shall be set a minimum of 100mm above the predicted 1 in 100 year flood plus climate change level (11.46m AOD), unless otherwise agreed by the Local Planning Authority.

Reason: To mitigate against the risk of flooding

12) No development shall commence on site until a detailed design for the surface water drainage strategy, and for the 'loss in flood plain storage' mitigation works, has been submitted to and approved in writing by the Local Planning Authority. If an alternative surface water drainage strategy is required, it must be submitted to and approved by the Local Planning Authority before development commences. The detailed design for the surface water drainage strategy and for the 'loss in flood plain storage' mitigation works shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and to mitigate against the risk of flood risk increasing both on site and elsewhere. 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.

13) No part of the development hereby approved shall be occupied/brought into use 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.

Transportation

14) Visibility

The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been adjusted to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m to the left. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and 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.

15) Car park retention

The existing parking and turning areas as shown on drawing no. 06 revision H received on 4th August 2016 shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to the provisions of the National Planning Policy Framework.

16) Cycle Parking

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 6 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

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.

17) Travel Plan

No works shall commence on the development hereby permitted until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out;

- objectives and targets for promoting sustainable travel,
- appointment and funding of a travel plan coordinator,
- details of an annual monitoring and review process,
- means of funding of the travel plan, and;
- an implementation timetable including the responsible body for each action.

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.

18) Use Class Restriction

The gross retail floorspace shall not exceed 1020 square metres as identified on drawing no 18 Rev A and shall be used only for the sale of electrical goods and car accessories and any goods ancillary to these uses and for no other purpose without the prior express planning permission of the Local Planning Authority. The gross Class B1 a) office use shall not exceed 707 square metres as indicated on drawing numbers 07 Rev H and 18 Rev A.

Reason: To define the terms of the permission, in accordance with the submitted details, and to protect the vitality and viability of the City Centre in accordance with the principles of Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

19) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the floorspace hereby permitted shall be used solely as indicated on drawing numbers 07 Rev H, 08 Rev G and 18 Rev A, shall operate ancillary to Gillmans Electrical and shall not be used for any other purpose falling within Use Classes A1, B1 (a), B1 (c) and B8; without express planning permission.

Reason: - Alternative uses would require further assessment by the Local Planning Authority of the impacts upon the vitality and viability of the City Centre and further consideration of the traffic and parking implications of the proposed development in accordance with the principles of Policy S4a of the City of Gloucester Second Deposit Local Plan 2002 and the principles of the National Planning Policy Framework.

20) Archaeology

No development or groundworks shall take place within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment

work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological monitoring and recording (a 'watching brief') during ground works related to the development proposal, with the provision for appropriate archiving and public dissemination of the findings.

Reason: The proposed development site has potential to include significant elements of the historic environment. If present and revealed by development works, the Council requires that these elements will be recorded during development and their record made publicly available. This accords with paragraph 141 of the National Planning Policy Framework.

16/00957/FUL

**Gillmans Electrical
St Oswalds Road
Gloucester
GL1 2SG**

Planning Committee 07.03.2017

