

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	3 rd September 2019
Address/Location:	Plot J Kingsway Gate, Newhaven Road, Quedgeley Gloucester
Application No:	19/00058/FUL
Ward:	Kingsway
Expiry Date:	23.04.2019 Time Extension Agreed
Applicant:	Robert Hitchins Ltd
Proposal:	Proposed development of a Class A1 (retail) food store along with associated, access, parking, landscaping, engineering and ancillary works.
Report by:	Caroline Townley
Appendices:	Site location and site layout plan. Retail advice letter from Avison Young dated August 2019.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a vacant site of 1.4 hectares located off Newhaven Road. The site is a corner plot bounded by Newhaven Road to the east, the A38 along the western boundary, with Avionics House situated adjacent to the site's northern boundary. To the south the site is bounded by Naas Lane beyond which is the Park and Ride facility at Waterwells Business Park.
- 1.2 Historically there were several buildings and tennis courts on the site associated with the former use as an RAF base. The buildings have been demolished and the site has been cleared.
- 1.3 The surrounding area is characterised by a mix of retail and commercial units including Asda, Avionics House, a Public House, Doctors Surgery together with residential development and public open space.
- 1.4 The application site forms part of the wider former RAF Quedgeley site. The former RAF site comprises two areas of land located on the west and east side of the A38 to the south of City.
- 1.5 Outline planning permission for the redevelopment of the site was granted by the Secretary of State on the 26th June 2003 following a public inquiry in September and October 2001. The permission was for a mixed-use development including residential (2650 dwellings), employment uses (B1 and B8) on 20 hectares of land, two primary schools, a local centre, roads, footpaths, cycleways and public open space.
- 1.6 A further outline planning permission was granted by the Secretary of State for additional residential development including a primary school, roads, footpaths and cycleways, and public open space (providing an additional 650 dwellings to the total approved under the earlier outline planning permission to make an overall total of 3,300 dwellings) in 2007. A further permission was then granted under reference 13/00585/OUT to renew the outline permission in relation to the employment land.
- 1.7 The land currently permitted for employment uses is located to the south western end of the wider RAF Quedgeley development site adjacent to the A38, to the rear of existing residential

properties in Naas Lane, and includes the current application site. The current application site forms part of Parcel J of Framework 5 and benefits from an extant planning permission for Class B1 and B8 Use.

- 1.8 The current application seeks full planning permission for a Class A1 (retail) food store, access, parking, landscaping, engineering and ancillary works.
- 1.9 The proposed development would comprise a Class A1 foodstore, car parking (140 spaces, 7 disabled and 9 parent and child spaces), servicing and landscaping. Lidl is named as the proposed operator. The proposed foodstore would have a gross internal floorspace of 2,125 sq. m (1,325 sq. m net) of which 80% (1,060 sq. m) would be for convenience goods and the residual 265 sq. m for comparison goods. Cycle parking would also be provided close to the store entrance beneath the store canopy. Access and egress to the store would be provided from Newhaven Road.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00749/OUT	Application for Outline Planning Permission: Proposed residential development (2650 dwellings), employment development (20 hectares) and associated infrastructure, open space and community facilities.	GOP	26.06.2003
13/00585/OUT	Renewal of outline planning permission for the re-development of the former RAF Quedgeley site (00/00749/OUT) granted 26th June 2003 in relation to the employment area (20 hectares) on Framework Plan 5.	G3Y	03.11.2014

3.0 RELEVANT PLANNING HISTORY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 The NPPF includes relevant policy on;

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
- Requiring good design and promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment

3.4 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS (Main Modifications) include:

SP1 - The need for new development

SP2 – Distribution of new development
SD1 – Employment – Except Retail Development
SD2 – Retail and City/Town Centres
SD3 – Sustainable design and construction
SD4 – Design requirements
SD6 – Landscape
SD8 – Historic Environment
SD9 – Biodiversity and geodiversity
SD14 – Health and Environmental Quality
INF1 –Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure
INF5 – Renewable Energy/Low Carbon Energy Development
INF6–Infrastructure delivery
INF7 – Developer contributions

3.5 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.6 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.7 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also 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. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

S.4a –New Retail Developments outside of Designated Centres
E.4 – Protecting Employment Land
S.9 – New District and Local Centres
S.10 –District Centres

3.7 **Supplementary Planning Guidance/Documents**

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 CONSULTATIONS

- 4.1 **Highway Authority** – The site will not have a significant impact subject to a highway works agreement for the access and footway works and the inclusion of a number of conditions.
- 4.2 **Highways England** – No objection.
- 4.3 **Landscape Adviser** -The proposed landscape layout is acceptable. A landscape condition should be attached to any permission and should include a requirement to supply details of tree pits within hard areas including the use of a cellular system to increase the available root zone.
- 4.4 **Arboriculturist** – No objection. Happy with the proposed amendments and inclusion of extra trees.
- 4.5 **Ecology Adviser** – No objection subject to the inclusion of conditions.
- 4.6 **Contaminated Land Adviser** - Records indicate that the proposed development is located within part of the former RAF Quedgeley military site where contamination may be a significant issue. The submitted Geo-Environmental Report is considered to represent an appropriate contamination assessment with suitable conceptual site model. It is recommended that a condition is attached to any planning permission.
- 4.7 **Lead Local Flood Authority (LLFA)** – No objection is raised. The submitted Flood Risk Assessment and Drainage Strategy describes a suitable strategy for the control and management of surface water discharge in terms of both volume and water quality and demonstrates that the development will be safe from flood risk and will not increase flood risk elsewhere.
- 4.8 **Severn Trent Water** - No objection subject to the inclusion of a condition.
- 4.9 **Drainage Adviser** – Concurs with the comments submitted by the LLFA and is satisfied with the proposals in terms of attenuation and water quality. Pond 5, the basins where flows from this development site will be attenuated, was built some time ago, and there is nothing to review in terms of detail design. No objection subject to the inclusion of a condition requiring the submission, approval and implementation of a detailed drainage design.
- 4.10 **City Centre Improvement Officer (Environmental Protection)** – No objection subject to the inclusion of conditions restricting the hours of construction and the submission, approval and implementation of a Dust management Plan.
- 4.11 **Policy/DPDS Officer** – On the basis of the advice received from the City Council's specialist retail consultant no policy objection is raised.
- 4.12 **City Archaeologist** – The site has been the subject to archaeological evaluation. That investigation has demonstrated that archaeological remains survive within the site. These remains may be associated with Iron Age and Roman settlement activity which has previously been identified to the south-east. The City Archaeologist is therefore concerned that the proposed development could damage or destroy archaeological remains within the site. It is therefore advised that a condition should be attached to any permission to make provision for a programme of archaeological mitigation.
- 4.13 **Strategic Infrastructure (Minerals and Waste Policy)** – The submitted Waste Minimisation Strategy (WMS) represents a reasonable initial response to Policy WCS2 (Waste Reduction) and affords a degree of confidence that the matter will be adhered to and the Waste Planning Authority does not consider it necessary for further information to be submitted at this time. To

ensure that the waste minimisation is successfully implemented it is recommended that conditions are included on any planning permission.

4.14 **Urban Design Adviser** – False windows are not a considered design response and it is a shame that the design of the building is so rigid that it cannot be altered to respond to the context of the site. On balance, it is not considered that there is a design reason for refusal.

4.15 **Quedgeley Town Council** – Original comments:

- Include a condition which will require the provision of a pedestrian crossing in Newhaven Road to the store car park pedestrian crossing access and an additional pedestrian access from Naas Lane to improve access and safety of the community.
- Request S106 contribution for the provision of improved Council facilities to enhance the services offered to the community in accordance with policies within the JCS INF6 and the NPPF.

Comments in relation to the amended plans:

- Request the provision of a pedestrian access from Naas Lane.
- Request a Toucan crossing directly in line with the pedestrian walkways within the car parking area.
- The NPPF states, safe and suitable access to the site to be achieved for all users and JCS Policy INF1, Transport Networks, requires all developments to provide connections, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to encourage maximum potential use and all opportunities are identified and taken, where appropriate, to extend and/or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.
- Quedgeley Town Council do not believe that the above have been addressed by this new application and subsequently a decision should be delayed until an agreement has been reached about how they will be addressed.

4.16 **Gloucester Civic Trust** -Acceptable subject to negotiations on materials being satisfactory.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified and press, and site notices were published.

5.2 Two letters of objection raising the following issues:

- The proposed site is close to a junction with no traffic calming which will put the local community at risk when trying to access the store.
 - Question the need for another supermarket. The area is already served by Tesco (Express and Superstore), ASDA, Aldi and Farm Foods, which are all within the Quedgeley and Kingsway area. Lidl already have a presence locally on Eastern Avenue. Response to an online survey created to gain feedback demonstrates that there are clear concerns locally and suggestions for alternative uses that would be welcomed on the site including leisure facilities, school, Sainsburys, houses, B&M / Ikea, small business such as greengrocer, butcher and bakery.
 - Request that a more detailed social and economic assessment is made of the proposed site by Robert Hitchens to assess what uses for this and the remaining sites will bring the biggest benefits to the local area. Need more detailed level of community engagement to understand local desire and opportunities to support and enhance the local community.
- Ecological impact.**
- Most trees are native species but have concerns regarding 3 of the species proposed.
 - Concerned that tree maintenance / replacement is only guaranteed on the site for up to 5 years. Application also includes plans for the space on the additional plot of land opposite the roundabout and will take a significant amount of time to become established. Request

that the timber fence is replaced with a hedgerow of whipping species that will require minimum maintenance.

- Disappointed that works have already begun to strip back trees / foliage on site. Witnessed some tree work taking place using a mechanical excavator in conflict with advice in the Arboricultural Impact Assessment.
- See no evidence of mitigation for the loss of habitat for birds and bats.

Waste Minimisation

- Waste Minimisation and Management Plan does not include some key points. No commitment or targets to minimise and reuse waste through the construction, operation or to encourage customers to make choices which minimise waste through choices in store and at home.

Sustainable Transport

- Travel Plan. Location is one of the furthest points in the area from residential dwellings and on a key route in and out of the area. It does not lend itself to encouraging sustainable travel choices by customers. No commitments to support employees in reducing car use. No commitment to reviewing the plan
- Traffic Assessment was undertaken in November 2017 and doesn't take into account the increased traffic flow due to additional or proposed development. Car parking is above parking standards which does not encourage sustainable travel choices, will lead to increased traffic in an already busy area and will undermine the travel plan.

5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

Principle of Development

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

Retail Policies

6.5 The proposed A1 retail use is defined as a main town centre use by the National Planning Policy Framework. Policy SD2 of the Joint Core Strategy sets out the requirements for new retail floorspace in Gloucester. The Policy identifies the Primary Shopping Area, primary and secondary frontages and the City Centre boundary, and which uses will be supported in the different locations. The application site is located outside of the City Centre boundary and primary shopping area boundaries.

6.6 Policy SD2 provides that proposals for A1 retail development located outside of the Primary Shopping Area will be assessed in accordance with the sequential test and impact test as set out

in the National Planning Policy Framework and Planning Practice Guidance. This provides that proposals for retail and other main town centre uses that are not located in a designated centre, will be robustly assessed against the requirements of the sequential test and impact test. The Council has commissioned a retail consultant, Avison Young, to advise on the retail considerations and the consultant's advice is included in relevant sections of the report and appended in full to the report.

6.7 The current application is supported by the following retail information:

- Planning Statement
- DPP Retail Assessment dated January 2019
- DPP Supplemental Comments to Initial Retail Assessment dated June 2019

6.8 **Sequential Test**

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, (NPPF Section 7 – Ensuring the vitality of town centres, paragraphs 85-90). Assessments should be undertaken on a 'fascia blind' basis, i.e. based on the broad type of retailing proposed, rather than a particular occupier.

6.9 The application site lies outside of both the primary shopping area and city centre boundary as shown on the policies map of the JCS and any local/district centre as identified in the 2002 Local Plan. Consequently, there is a need to consider whether there are any suitable and available premises in sequentially preferable locations that can accommodate the proposal, taking into account the national policy requirement for flexibility in scale and format.

6.10 The applicant's approach to the assessment of alternative uses which focuses upon the application proposal but also considers alternative scales and formats within reasonable boundaries has been accepted by the Council's retail consultants (Avison Young). The area of search for alternative sites suggests that the catchment of the proposed store is a 2 km radius from the application site which has been accepted on the basis of an analysis of the market share data provided by the household survey commissioned to inform the JCS Retail Study Update.

Quedgeley District Centre

6.11 There are currently two vacant units in Quedgeley District Centre comprising the former Next store and Brantano. The Next unit has ground floor area of 748sq m with a 703 sq. m mezzanine. Brantano has a ground floor area of 929sq m. This provides a total existing floorspace area of 2,400sq m with the potential for an additional mezzanine floor area in the former Brantano store. Whilst acknowledging the available floor area, the submitted Retail Statement prepared by DPP indicates that neither Lidl nor other foodstore operators trade from Mezzanine floors in stores of broadly the size proposed or smaller stores. This is acknowledged and agreed by the Council's retail advisor. It is noted by DPP that a small amount of the existing mezzanine floor in the former Next store could be utilised by some limited 'back of house' activity although the sales area and the majority of storage areas will need to be on the ground floor. This would result in a store which is 14% smaller than that proposed and which DPP acknowledge could be regarded as meeting the national planning policy requirement for flexibility.

6.12 DPP do, however, dismiss the vacant units as being unsuitable on the basis that it would provide a non-standard store which would result in operational difficulties together with limited car parking. There is also a current planning application for a change of use of the former Next unit into a gym, which if approved, and implemented would result in the unit becoming unavailable.

6.13 Avison Young agree with DPP that the scale of compromise which would be needed at the ground floor level is to an extent that would make it unsuitable.

Kingsway Local Centre

- 6.14 Kingsway Local Centre comprises a number of shops and services and there remain a number of undeveloped vacant plots, but it is agreed that these do not provide a suitable alternative to the application site.

Hunts Grove

- 6.15 This centre is proposed as part of the urban extension to the south and is referred to in the outline planning permission and Policy SA4 of the adopted Stroud Plan. The policy notes that the centre should meet the day-to-day needs of the local Hunts Grove community as a whole. Avison Young advise that it is not 100% clear that Stroud District Council intend the new local centre to be a formal part of the 'town centre' hierarchy in the District but, like DPP, have assumed this to be the case for the purposes of our assessment. Avison Young agree with DPP that the local centre cannot be considered to provide a suitable alternative for the proposed store as the centre can only accommodate a foodstore of 1,115sq m gross. This is around half the size of the proposed store and therefore is not a broadly similar development proposal.
- 6.16 In advising the City Council Avison Young conclude that the proposed foodstore cannot be accommodated on any sequentially preferable sites in the catchment area and that the provisions of the development plan and national planning policy insofar as the Sequential Test is concerned has been met.

Retail Impact Assessment

- 6.17 The NPPF states that impact assessments should be required for retail developments over 2,500 square metres 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*". The proposed floorspace is 2,125sq m gross. On this basis that there is not a locally set threshold for Gloucester there is no formal policy requirement for the applicant to provide an impact assessment. However, a proportional assessment has been undertaken to allow an assessment of the likely impact of the proposed new foodstore focussing on Quedgeley District Centre.
- 6.18 The three existing stores that will contribute the majority of turnover to the proposed store are the Aldi, Tesco Extra store at Quedgeley District Centre and the ASDA supermarket in Kingsway. It is predicted that these stores will both individually and cumulatively lose a large amount of trade as a consequence of the proposed new foodstore. The largest individual impact is predicted to be on Aldi with a loss of 31% of its turnover as a consequence of the proposed store at Kingsway. When considered cumulatively, the impact rises to -37% which is clearly a substantial loss of trade. Based upon the latest survey evidence, the cumulative effects of proposed and committed retail developments would turn a store which is trading well above its company average to a store which trades very close to its company average. Based upon this data, whilst this is a large loss of trade, there is no evidence to suggest that the future viability of the Aldi store would be threatened.
- 6.19 There is also predicted to be large loss of trade from the ASDA store at Kingsway (-28%) although this store is in an out-of-centre location and therefore is not protected by planning policy.
- 6.20 It is predicted that Tesco store would lose around 12% of its convenience goods turnover as a consequence of the proposal, which would increase to 13% when the impact of commitments is taken into account. Evidence suggests, however, that the turnover of the store would remain above the company average. Based on this data, Avison Young do not consider that there are obvious grounds for concern for the future viability of the Tesco store.

- 6.21 The other sources of trade diversion to the proposed foodstore, based upon the analysis by both DPP and Avison Young, are from out of centre stores and therefore the only remaining focus for the assessment is on Quedgeley District Centre.
- 6.22 The loss of Brantano and Next will have had a material effect on the overall health and attractiveness of Quedgeley District Centre recently. The Tesco and Aldi stores would appear, based upon the latest survey data, to still be performing well (the Tesco store in particular) but the retail offer of the centre has, for the present time, been reduced with the loss of two significant retailers. Overall, Avison Young advise that if conditioned appropriately, the proposed new foodstore would have only a modest amount of comparison goods floorspace and is unlikely to have a material effect upon this sector in the District Centre notwithstanding the recent negative changes.
- 6.23 The other impact test relates to the impact of a proposal on existing, planned and committed town centre investment projects. It is agreed that there are no planned or committed investment projects in Quedgeley District Centre or other 'town centres' in the southern part of Gloucester which would be significantly impacted upon by the proposed foodstore,
- 6.24 Avison Young conclude that they do not consider that the proposed foodstore is likely to have a significant adverse effect upon the convenience goods sector in the District Centre (Aldi and Tesco). It is acknowledged that the impact assessment should relate to the centre as a whole and that the comparison goods sector in Quedgeley has experienced the loss of two retailers and experienced a significant drop in turnover. Whilst this will have affected the overall health of the centre, the proposed foodstore is unlikely to materially affect this element of the centre. On this basis Avison Young advise that it is not considered that there are grounds to refuse the application on the basis of the impact on Quedgeley District Centre.

Retail Policy Conclusion

- 6.25 As outlined above, the information submitted in support of the application 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 identified centre.
- 6.26 On this basis there are no outstanding retail planning policy objections to the application, and it is considered that the proposed development would accord with retail policies in the NPPF and Policy SD2 of the JCS.

Loss of Employment Land

- 6.27 As set out in the planning history, the application has outline planning permission for employment use within Classes B1 and B8. The site is not, however allocated for employment use in any adopted plan.

Local and National Planning Policy

Joint Core Strategy

- 6.28 Policy SP1, 'The Need for new development' states:

Criteria 1 'During the plan period, provision will be made to meet the needs for approximately 35,175 new homes and a minimum of 192 hectares of B-class employment land to support approximately 39,500 new jobs.'

Criterion 2 'This will be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch. This strategy aims to locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing

carbon emissions from unsustainable car use.'

6.29 Policy SP2, 'Distribution of new development' Criterion 9 states: *'To support economic growth in the JCS area, the JCS will make provision for at least 192 hectares of B-class employment land. At least 84 hectares of B-Class employment land will be delivered on Strategic Allocation sites as detailed at Policy SA1. Any further capacity will be identified in District plans.'*

6.30 Policy SD1 'Employment – except retail development' sets out where employment development will be supported.

Paragraph 4.1.8 in the explanation of this policy sets out that allocations are made at the strategic allocations *'...in addition to the existing capacity of available employment land and any remaining land for previous development plan allocations within each authority area, extant planning permissions, as well as any employment land allocations that may be made through the City and Borough District Plans.'*

6.31 Paragraph 4.1.3 and 4.1.4 further state: 'In the NPPF, employment is considered in a wider sense than the traditional industrial, office and warehousing (B1, B2 and B8) uses. For example, uses such as retail, hotels, tourism, leisure facilities education, health services and residential care (referred to as non-B use classes) can also be large employment providers. This policy covers job generating uses such as business, industry and tourism. Retail and other uses, including those within use class 'A' are not covered by this policy and are dealt with in SD2. More detailed policies will be included in District Plans.

6.32 In order to prevent the incremental loss of existing employment land to non-employment uses, and to ensure an adequate supply and choice of employment land and premises for the employment market, district level plans will contain policies to safeguard existing employment sites. These policies in District Plans will only permit changes of use in certain appropriate circumstances to be defined by those plans. This policy is intended to be read alongside these district plan policies when considering development proposals for any area.'

Gloucester City Plan 2017

6.33 The Gloucester City (GCP) plan is still emerging; it is intended the Pre-Submission version of the Plan will be consulted upon over the summer of 2019. The last published version of the Plan (Draft) included policies to protect employment land, including the application site. At present, given the stage of preparation, the GCP is given very little weight.

Second Deposit City of Gloucester Local Plan (2002)

6.34 This Plan reached an advanced stage of preparation and has been adopted by the Council for development control purposes. The majority of the policies have now been replaced by the Joint Core Strategy, but several remain of relevant, including Policy E.4 'Protecting employment land'. This policy states 'Planning permission will not be granted for new development that involves the loss of employment land unless the following criteria are met (1) The land has limited potential for employment and (2) The developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community.'

National Planning Policy Framework 2018

6.35 Paragraph 80 sets out *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*

- 6.36 Paragraph 121 further sets out that ‘...authorities should also take a positive approach to proposals for alternative uses of land that are currently developed but not allocated for a specific purpose in plans, where it would help to meet identified development needs. In particular, support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.’

Local Evidence

- 6.37 The JCS policies were informed by a significant amount of evidence, prepared both before and during the public examination. The most pertinent of these documents are (1) Employment land assessment update (NLP, October 2015, EXAM138) and (2) JCS Economic Update Note (February 2016, EXAM 180). The latter was informed by a significant amount of debate at the examination and roundtable discussions with, amongst other participants, the Gloucestershire Local Enterprise Partnership. It interrogated, amongst other things, the amount of employment land available within each of the district areas in order to meet the 192-hectare requirement for B use employment land that is now in Policy SD1 (itself aligned with the needs set out in the LEP Strategic Employment Plan (SEP). For Gloucester City, it established that at the time, there were circa 20 hectares of employment land subject to a previous allocation or with extant planning consents, and a further seven hectares from other sites that would be considered for allocation through the GCP. Appendix 2 provides details of the sites that make up this figure and Section C of this (extant consents) includes ‘Kingsway Framework 5’ (00/00749/OUT) – the site subject to this proposal.
- 6.38 The JCS identifies this extant consent as a part of the supply of sites that supports the delivery of the 192 hectares of B use employment land. Equally, criterion 2 of Policy SP1 states ‘This will be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch’. This was part of the rationale that allowed the tests of soundness to be passed and the JCS to be found sound.
- 6.39 The JCS therefore sets out a strong position in terms of the overall need for employment land and meeting the needs of the SEP. The NPPF is equally clear that in setting out its aspirations for building a strong and competitive economy. However, it is also important to understand what the demand for employment land is now and to ensure that the site is required and attractive for B class employment development. The applicant has submitted details of the length of time the site has been marketed, details of the marketing undertaken, and expressions of interest received. Their view is that the land has been marketed for a significant period of time and that there has not been any genuine interest in the land. However, it is also important to note that the 192 hectares of land is for B class employment and there are very few opportunities for this left in the city.
- 6.40 The information submitted indicates that an extensive period of marketing activity has been delivered for the site, stretching back to 2005 (prior to the completion of infrastructure works at Kingsway). This marketing information has been considered and reviewed by the City Growth and Delivery Officer.
- 6.41 Marketing literature in the form of development brochures have been produced for the site, the first of which was produced in 2007. In 2014 this was subsequently updated, with two 2016 revisions and another for 2017 (the one currently being used). The City Growth and Delivery Officer is satisfied that that the marketing of the site has been carefully considered and adjusted accordingly, to broaden its appeal to potential tenants. It should be noted that the past five years specifically has seen four separate revisions, and the design settled on in 2017 is considered to be of sufficient quality that no additional information could be added that would necessarily improve it. Indicative layouts for feasible development schemes have also been generated, again providing clear evidence that the marketing of the site has been appropriately structured to attract

attention.

- 6.42 Website listings have also been completed and as such, the site has high visibility across property search websites.
- 6.43 The evidence submitted in relation to the interest received for the site since it has been marketed (in the case of four individual case examples) indicates that the marketing activity undertaken has been of a sufficiently high standard to generate leads.
- 6.44 Overall, the City Growth and Delivery Officer is satisfied that the marketing activities undertaken for the site are enough to suggest that over a 12-year period clients should have been secured as long as there were no extenuating issues surrounding the site and its overall quality. The application site has enjoyed the benefit of outline planning permission for some years. The evidence submitted by the applicant in respect of the marketing of the site does indicate that, despite the existence of planning permission, it has not proven attractive to investors/companies. Whilst the development would not provide employment opportunities within use classes B1 or B8 it would provide a number of on-going employment opportunities in the retail market together with temporary employment generated during the construction phase. The applicant has indicated that it is envisaged that the store would provide approximately 40 jobs.
- 6.45 Overall, whilst the concerns of the local community are noted, it is considered that, given the lack of interest in the site despite long-term marketing, that the principle of the loss of employment land is acceptable in this instance.

Design, Layout and Landscaping

- 6.46 The NPPF emphasises the importance of high quality and inclusive design for all development. JCS Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design while Policy SD6 requires development to protect or enhance landscape character.
- 6.47 The proposed building would be sited towards the rear of the site set back from Newhaven Road behind the car park, with the delivery / loading area located to the southern elevation. Vehicular access to the site would be gained from Newhaven Road.
- 6.48 The originally submitted plans proposed a full height glazed shopfront to the northern elevation with the use of through coloured white render, contrasting grey plinth and horizontal insulated grey metal cladding at high level. The roof would be mono pitched falling away to the western boundary (alongside the A38 and would be formed with a metal composite panel system at a low pitch (approximately 4 degrees). The main roof would extend over the delivery area of the building to the south. The highest section of roof would be approximately 7 metres in height to the shop frontage.
- 6.49 Amended plans have since been submitted which have introduced red brick panels together with brick piers and aluminium framed glazed 'look-a-like' panels to the east elevation fronting the customer car park. The entrance and shopfront comprise full height glazing. The render has been retained to the side and rear elevations.
- 6.50 Existing trees would be retained along both the north and south of the site. The existing row of trees alongside the A38, outside the application site, will also be retained. Amended landscaping plans have also been received to introducing additional tree planting both within the car parking area and along the site boundaries. The Council's Tree Officer had detailed discussions with the applicant at the pre-application stage and the submitted landscaping plan proposes a good amount of retained trees together with additional mitigation tree cover. The landscaping scheme also proposes the introduction of a new native hedge around the perimeter of the car park which

would add seasonal interest and benefit to wildlife. Overall there would be a net gain in tree cover across the site.

- 6.51 The site is well screened from most boundaries and the building would be set well back into the site. The scale and massing of the proposed units is what you would expect to see in this type of location. There is a good amount of landscaping proposed within the car park and along the roadside.
- 6.52 Overall the design, layout and landscaping of the proposed development would be of a design standard in keeping with the surrounding area and is considered acceptable.

Traffic and transport

- 6.53 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

Access

Vehicular Access

- 6.54 The proposed access illustrates that there is sufficient space for a delivery HGV swept path tracking in all directions and appropriate visibility splays into and out from the highway.

Pedestrian / Cycle Access

- 6.55 Cycle access to the proposed development would be available via the vehicle access. A footway is proposed along the northern side of the access road, which would connect to the existing footway on the western side of Newhaven Road. A second marked footway route is proposed through the car park from the store entrance to the existing footway on the western side of Newhaven Road with a tactile pedestrian crossing just south of the site access. The site vehicle access includes a pedestrian refuse island crossing for pedestrians north and south on the existing footway. These footway connections and crossings provide suitable pedestrian connections to the store.

Bus Stops

- 6.56 Plans originally included proposals to relocate and upgrade the existing bus stops along Newhaven Road. However, following recent notification that the public bus service (66) along Newhaven Road has been withdrawn these proposals are no longer required. The nearest alternative bus service runs alongside Rudloe Drive and Nass Lane to the south of the site. The route has been reviewed by the Local Highway Authority and it is considered that the existing stop facilities at the Waterwells Park and Ride facility off Telford Way have suitable facilities for staff and customers and no further works are required.

Layout

- 6.57 The access road to the proposed foodstore car park is 9m in width, which is sufficiently wide to allow two-way working between an articulated HGV and car along its length. The car park layout includes aisle widths between seven and ten meters, which would facilitate efficient movement of vehicles to/from parking spaces and reduce the likelihood of queuing back onto the local highway.
- 6.58 The loading bay for foodstore deliveries is located to the far side of the car park. The TA concludes that articulated HGV deliveries would be required to traverse the car park and store frontage, passing both disabled and parent/child spaces, to then use the car park space to reverse into the loading bay. This would result in potential conflict between HGVs, cars and pedestrians/cyclists within the site.
- 6.59 Overall, the Highway Authority has raised no objections to the layout on the basis that:

- the number of HGV trips at the site will be low, stated to be one or two per day;
- the Applicant has confirmed that a Delivery Management Strategy will be implemented to reduce the likelihood of conflicts between HGVs and other users, to include the store receiving advanced warning of the delivery being on approach and utilising a banksman to guide the delivery in. The applicant has advised that this is a Lidl policy for all deliveries at all UK sites;
- the layout is similar to that at the existing Lidl store at Eastern Avenue, also within Gloucester;
- any alternative layout, especially options for the loading bay to be located to the north of the store building, could potentially create other conflict issues with the site access road. Whilst some conflict could be removed from the existing layout, it is possible that this is precluded by other non-transport design issues.

6.60 The Delivery Management Strategy would need to be included within the Delivery and Servicing Plan which can be secured by Planning Condition to mitigate against any likely conflicts between HGVs and other site users (vehicles, pedestrians and cyclists).

6.61 A footway is proposed along the access road to facilitate safe pedestrian access to/from Newhaven Road. The masterplan also shows a connection from Newhaven Road to the south of the vehicle access, running through the car park layout with zebra crossings provided to allow safe pedestrian movements through the car park.

Parking

6.62 Vehicle Parking

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 123 spaces of which at least 5% of the parking being allocated as disabled parking. 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.

6.63 The proposed development includes provision for 140 car parking spaces of which 124 would be standard spaces, 9 (6.4%) would be parent and child spaces and 7 (5%) would be disabled access spaces. The TA states that this level of parking is proposed based on known operational requirements of similar stores nationwide and to prevent overspill parking onto the local highway network. The TA also points out that in all likelihood, future customers will complete trips using vehicles due to the nature of the proposed development and that an over-provision of spaces is not considered to be deterrent to sustainable travel to/from the development.

6.64 The level of parking proposed is considered acceptable for this development, however, there is still no electric vehicle charging included within the parking layout which is required in order to comply with NPPF paragraph 110 to enable electric and ultra-low emission vehicle charging encourages and maximising opportunities for sustainable vehicles especially given the government plans to ban petrol and diesel vehicles. Therefore, it is suggested that a minimum of 2% of the parking provision spaces with electric vehicle charging with charging infrastructure is required by condition. Based on the proposed parking provision this would equate to 3 electric charging spaces.

Cycle Parking

6.65 Ten cycle parking spaces are proposed to be provided at the site, which the Applicant considers to be appropriate given the likely number of cycle trips associated with the proposed development. Cycle parking is to be located closer to the entrance lobby, which would benefit

from natural surveillance. It is still not clear whether there is a distinction between short stay customer cycle parking and long stay staff cycle parking. A separate area for staff cycle parking away from publicly accessible areas is also considered to be necessary and can be secured by planning condition.

Travel Plan

- 6.66 The NPPF Paragraph 111 states that all significant generators of traffic movements should be required to provide a Travel Plan (TP). JCS Policy INF1 provides that applications may be required to be accompanied by a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.
- 6.67 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.
- 6.68 A Workplace Travel Plan (WTP) has been prepared to accompany the planning application. Although not specifically stated, it is assumed that that Travel Plan is in Outline, as the site is not yet occupied. A Full TP is however considered to be necessary following the baseline travel surveys and this can be secured by an appropriately worded Planning condition.
- 6.69 Overall, the County Highways Officer considers that the content of the TP is reasonable, with specific comments made in this review where appropriate. Whilst it is right that the TP focuses on employees as this is where the greatest opportunity to influence travel patterns lies, the TP should refer to visitor travel to/from the development, mainly relating to customers. This should include the provision of information on sustainable travel options.

Conclusion on Highway Matters

- 6.70 In light of the above, the Local Highway Authority has recommended that no highway objection be raised, subject to the inclusion of a number of conditions being attached to any permission. On that basis it is considered that there are no highway objections to the proposals.

Residential amenity

- 6.72 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.73 There are a number of residential properties located to the west of the A38 on Bristol Road. These properties are set back from the road, with traffic noise the main influence on the noise environment. The closest properties would be approximately 60 metres from the rear boundary of the proposed service yard. Noise from the external plant and deliveries are considered to be the main source of potential noise.
- 6.74 An assessment of the likely noise levels has been undertaken, which indicated that the daytime operations during the periods when the store would be operational would not result in any adverse noise impacts. Overnight, the assessment of noise from the operation of the external plant and potential deliveries indicated low levels of noise, which would be unlikely to result in any adverse noise impacts, when considered against relevant standards and guidance, including the NPPF.
- 6.75 The Environmental Protection officer has reviewed the submitted Noise Assessment and has raised no objection to the application subject to the inclusion of conditions to restrict the hours of work during the construction phase and the submission, approval and implementation of a dust

management plan.

Drainage and flood risk

- 6.76 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.77 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) and a Foul Water Assessment. The FRA concludes that the site is entirely in Flood Zone 1, (area at the lowest risk of flooding), and the proposed development would not be at risk of flooding from all sources. The site would be served by the approved Drainage Strategy for the wider RAF Quedgeley (Kingsway) site which deals with surface water and foul drainage. Pond 5, the basin where flows from this development site will be attenuated, was built some time ago. No objections have been received from the Lead Local Flood Authority or the Council's Drainage Engineer subject to the inclusion of a condition requiring the submission, approval, implementation and retention of a detailed drainage plan on the site.

Land contamination

- 6.78 Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination.
- 6.79 The site is part of the former RAF base and records indicate that contamination maybe present. The site investigation carried out across the site did not identify significant contamination and no exceedances of the commercial site assessment criteria were recorded. A single sample tested positive for asbestos fibres in an area to be located beneath the hardstanding of the main building and therefore does not require any further investigation.
- 6.80 A number of former landfills or areas of unknown filled ground were identified within 250 metres of the site, licensed to accept waste, including household waste. There are therefore potential risks from migration of landfill gas. Gas monitoring has been undertaken at the site as part of the ground investigation and as a result of this monitoring the Council's Contaminated Land Adviser concludes that gas protection measures will be required.
- 6.81 On this basis the Council's contaminated land advisor has recommended the inclusion of a condition.

Ecology

- 6.82 Policy SD9 of the JCS provides that the biodiversity and geological resource of the JCS will be protected and enhanced.
- 6.83 An Ecological Assessment report was submitted in support with the application and has been assessed by the City Council's Ecological Advisor. The trees on site have been assessed for their suitability to support roosting bats and was found to be negligible. Nesting birds are likely to use the site and a condition is recommended to secure their interest.
- 6.84 The site is likely to be used as a foraging resource for common bat and bird species and it is recommended that retained habitat is improved with new planting to offset the loss of any habitat proposal for removal and that lighting is sensitively planned to prevent negative impacts on retained habitat.
- 6.85 The proposed landscaping includes a mixed species native hedgerow which together with the retention of the existing buffer around the site is welcomed.

Economic considerations

- 6.86 The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.
- 6.87 It is estimated that the proposed new store would create up to 40 new jobs together with the short-term jobs associated with the construction period. Furthermore, the applicant considers that the proposals would deliver a sustainable development opportunity on a brownfield site which has lain vacant for a considerable number of years.

Other Issues Raised

- 6.88 Quedgeley Town Council requested a contribution from the development for the provision of improved council facilities to enhance services offered to the community. This request does not meet the legal tests for a s106 obligations set out in the CIL Regulations as it is not directly related to the development or necessary to make the development acceptable in planning terms. The type of development proposed does not attract a CIL charge having regard to the Council's CIL charging schedule.

Conclusion

- 6.89 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

- 7.1 That planning permission is GRANTED subject to the following conditions;

Condition 1

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

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 8737 PL01, 8737 PL03 Rev D, 8737 PL04, 8737 PL05 Rev D, C21723-01 and 1706-22-SK02 Rev D except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

No building works hereby permitted shall be commenced until detailed plans for surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage (SuDS). The approved surface water drainage details shall be implemented prior to the foodstore hereby permitted being brought into use and thereafter maintained thereafter for the lifetime of the development.

Reason

To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition 4

Prior to the commencement of development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the foodstore hereby permitted being brought into use and thereafter maintained thereafter for the lifetime of the development.

Reason

In order to ensure that satisfactory drainage arrangements are provided and to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality

Condition 5

No development or groundworks other than demolition to slab shall commence within the site until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. No development or demolition shall take place within the site other than in accordance with the agreed WSI, which shall include a statement of significance, research objectives, and;

- An archaeological impact assessment;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

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 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 6

No development, other than that required to be carried out as part of an approved scheme of remediation, shall commence until parts A to C 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 C has been complied with in relation to that contamination.

A. 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 EPA 1990 in relation to the intended use of the

land after remediation.

B. 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 in PPS23 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.

C. 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, and where remediation is necessary a remediation scheme must be prepared, 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 condition 3.

Reason

In the interests of public health.

Condition 7

No development works above DPC level shall take place until details or samples of materials to be used externally on walls, roofs, windows and external doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance of the development.

Condition 8

Notwithstanding the details submitted no development works above DPC level shall take place until a landscape scheme, has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities, planting numbers and a specification of the details for the tree planting pits. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

To ensure that appropriate measures are in place to ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

Condition 9

The landscaping scheme approved under condition 19 above 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.

Condition 10

Notwithstanding the submitted details no development, shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees have been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) Fencing. Protective fencing must be installed around trees to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, siting of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ. The TPZ shall be maintained during the course of development

Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

Condition 11

Notwithstanding the submitted drawings, no development works above DPC level 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. 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 and thereafter maintained in a suitable condition.

Reason

In the interests of visual amenity.

Condition 12

Notwithstanding the submitted details, no development works above DCP level shall take place until details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.

- iii. A description of the luminosity of lights and their light colour
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason

To safeguard the existing value of biodiversity on and adjacent to the site to protect foraging bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework.

Condition 13

Prior to the beneficial use of the development hereby permitted a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the lifetime of the development for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed and made available.

Reason

To secure biodiversity mitigation and enhancement.

Condition 14

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the nesting bird scheme so approved.

Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and in accordance with Policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

Notwithstanding the submitted Travel Plan, prior to occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out;

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process for a minimum of 10 years including employee questionnaire surveys,
- iv. means of funding of the travel plan including measures, travel plan co-ordinator, and monitoring with reports;

- v. an implementation timetable including the responsible body for each action.

Reason

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

Condition 16

Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

Condition 17

Prior to occupation of the proposed development hereby permitted the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level in accordance with drawing 1706-22-SK02 Rev D.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 18

The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with drawing number 8737 PL03 Rev D 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 19

Notwithstanding the submitted plans, a minimum of 3 parking spaces enabling electric or ultra-low emission vehicle charging shall be provided within the site near to the store entrance, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development.

Condition 20

Notwithstanding the submitted plans the development hereby permitted shall not be occupied

until cycle storage facilities have been provided for both customers and staff in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle facilities so provided shall be maintained and be available for use for the lifetime of the development.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Condition 21

The foodstore hereby permitted shall not be brought into use until a Delivery and Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The foodstore shall only operate in accordance with the Delivery and Service Management Plan so approved.

Reason

To minimise conflicts between vehicle and non-vehicular movements in accordance with paragraph 108 and 110 of the NPPF and Local Plan.

Condition 22

During the construction (including demolition and preparatory groundworks) phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched 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.

Condition 23

Detailed measures relating to the minimisation and control of dust emissions from the preparatory groundworks, demolition and construction phases, in accordance with Guidance on the assessment of dust from demolition and construction - Institute of Air Quality Management (2014), shall be included in a Dust Management Plan (DMP). The DMP shall be submitted to and approved in writing by the Local Planning Authority prior to any groundworks/construction commencing and shall specify mitigation measures in respect of minimisation and control of dust emissions from the proposed development site.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenity of local residents

Condition 24

No above-ground development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

- i) Information on the type and amount of waste likely to be generated prior to and / or during the construction phase;
- ii) Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and

iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved.

Reason

To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

Condition 25

No above-ground development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials that will not prejudice the delivery of a sustainable waste management system in line with waste hierarchy. The development shall be carried out in strict accordance with the details so approved.

Reason

To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

Condition 26

The gross external floorspace of the approved building shall not exceed 2125 sq. m and the net sales floorspace shall not exceed 1325 sq. m. The proportion of the net sales area to be used for the sale of comparison goods shall not exceed 20% of the net sales floorspace without the prior written agreement of the Local Planning Authority.

For the purposes of this condition, the net sales floorspace means 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.

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.

Condition 27

The development hereby permitted 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 express permission 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.

Note 1

The upgrade works to the access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required with maintenance commuted sum to be confirmed unless secured under separate agreement. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

Note 2

The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

Note 3

GCC will seek to secure any necessary highways improvements by S278 and/or agreement for commuted sum and we would encourage early consultation on proposed mitigations and understanding that legal agreements will need to be supported by a bond. GCC will not support planning conditions for essential mitigation required as a result of development.

Note 4

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 5

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Caroline Townley (396780)

Planning Application: | 19/00058/FUL

Address: | Plot J Kingsway Gate
Newhaven Road Quedgeley
Gloucester

Committee Date: |