



Gloucester City Council

Planning Committee

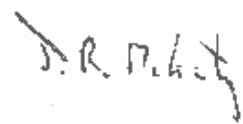
Meeting: Tuesday, 4th June 2019 at 6.00 pm in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), D. Brown, J. Brown, Dee, Derbyshire, Finnegan, Hanman, Hansdot, Hawthorne, Lugg, Toleman and Walford
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	APPOINTMENT OF CHAIR AND VICE-CHAIR To confirm the appointments made at the Annual Meeting of Council of Councillor Taylor as Chair and Councillor Lewis as Vice-Chair of the Committee.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	MINUTES (Pages 7 - 10) To approve as a correct record the minutes of the meeting held on .
5.	LATE MATERIAL Please note: Any late material in respect of the applications detailed below will be published as a supplement on the Council's website during the late afternoon of the day of the meeting.
6.	42 BEECHCROFT ROAD - 19/00245/FUL (Pages 11 - 16) Application for determination: Single storey front, side and rear extensions, front dormer extension and addition of rear dormer window. Demolition of existing garage and conservatory at 42, Beechcroft Road.
7.	PARCEL 1, KINGSWAY BUSINESS PARK, NEWHAVEN ROAD, QUEDGELEY - 18/01187/FUL (Pages 17 - 80)

	<p>Application for determination:</p> <p>Mixed use development comprising health and fitness floorspace (Use Class D2) and non-food retail space (Use Class A1), car parking, access arrangements, landscaping and associated works. Parcel 1 Framework Plan 5 FP5 at Parcel 1, Kingsway Business Park.</p>
8.	<p>OLD GAS WORKS, BRISTOL ROAD - 19/00500/DCC (Pages 81 - 92)</p> <p>Application for consultation:</p> <p>Change of use from National Grid operational site to vehicle breaking and storage space (sui generis use). Construction of building for vehicle breaking and storage. Proposed concrete hardstanding to yard with proprietary steel car rackings at the Old Gasworks, Bristol Road.</p>
9.	<p>LAND SOUTH OF WINNEYCROFT FARM, WINNEYCROFT LANE/CORNCROFT LANE - 18/01141/REM (Pages 93 - 116)</p> <p>Application for determination:</p> <p>Reserved matters for 420 residential dwellings, public open space including two pitches, allotments, community orchard, a community building, associated landscaping and noise bund, pursuant to planning permission 14/01063/OUT on land south of Winneycroft Farm, Winneycroft Lane/Corncroft Lane.</p>
10.	<p>DELEGATED DECISIONS (Pages 117 - 130)</p> <p>To consider a schedule of applications determined under delegated powers during the month of April 2019.</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 2nd July 2019 at 6.00 pm.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 27 May 2019

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – <ul style="list-style-type: none"> (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – <ul style="list-style-type: none"> i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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HUMAN RIGHTS

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

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PLANNING COMMITTEE

MEETING : Tuesday, 7th May 2019

PRESENT : Cllrs. Taylor (Chair), D. Brown, Dee, Derbyshire, Finnegan, Hanman, Lugg, Morgan, Toleman, Walford and Hyman

Officers in Attendance

Paul Skelton, Technical Planning Manager

Nick Jonathan, Solicitor, One Legal

Nigel Gould, Principal Planning Officer

Rhiannon Murphy, Senior Planner

Miranda Bopoto, Democratic and Electoral Service Officer

APOLOGIES : Cllrs. Lewis, Brown and Hansdot

1. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

2. LATE MATERIAL

Late material had been circulated in respect of agenda item 6.

3. MINUTES

The minutes of the meeting held on 2nd April 2019 were confirmed and signed by the Chair as a correct record.

4. LAND AT NETHERIDGE CLOSE - 18/00816/FUL

The Planning Officer presented the report which detailed an application for the provision of an access road on land at Netheridge Close. She informed the Committee that the access road had been amended since the original submission, however there had be no objections from the Highway Authority. Indeed, the proposals were not expected to have any negative impact. Lastly, responding to a query from a Member, she clarified the positioning of the traffic lights in relation to the access road.

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RESOLVED that planning permission be granted subject to the conditions in the report.

5. RUDLOE DRIVE, KINGSWAY - 17/01199/OUT

The Principal Planning Officer presented the report which detailed an outline application for residential development (up to 80 dwellings), associated infrastructure, ancillary facilities, open space and landscaping. Construction of vehicular and pedestrian access from Rudloe Drive. (All matters reserved) (Framework Plan 5 Area FP5) at Rudloe Drive, Kingsway.

The Planning Officer drew Members' attention to the late material which contained conditions of which any grant of planning permission would be subject to.

The Chair asked the Officers for clarification on the proposals for Public Open Space. Further, a Member questioned why the Committee was being asked to grant permission for Public Open Space at the outline stage, as he felt that such a consideration should only be presented to Committee under reserved matters.

The Planning Officer responded that planning permission for Public Open Space must be decided at the outline stage, noting that on reserved matters it would not be possible to ask for a new s.106 Town and Country Planning Act 1990.

The Chair stated that although it would be a shame to lose employment land, houses were also needed. He referred Members to the proposal for 20% Affordable Housing as part of the development, noting that this would be particularly welcome.

A Member reiterated that he was not satisfied with the discussion of Public Open Space provisions at this stage, as it was possible it would not be sent back to the Committee for consideration again. He commented that the Committee should have been provided with more detailed guidance regarding the Public Open Space prior to the meeting. He was particularly concerned that there would not be a children's play area on-site, but rather only a contribution to open space at another site, as set out in the application.

The Planning Officer explained that contributing to an off-site open space as opposed to an on-site one had been deemed more appropriate as it would cater to a wider section of the community. He added that the development site was relatively small to be able to accommodate an open space area. Thus, £69,000 had been allocated for Public Open Space elsewhere, with a view to investing a smaller portion on a small onsite play area. However, he emphasised that, ultimately, it was for the Committee to decide whether the Public Open Space area would be on or off site.

Reminding the Committee of their duty to act in the public interest, two Members felt that not enough information had been provided to be able to give effect to this duty. The Chair whilst agreeing with this, observed that by investing most of the allocated funds to a larger onsite play area, rather than off-site, there was the danger that this would come at the expense of losing dwellings, and specifically, affordable housing.

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A Member stressed that an off-site area could be too far removed from the development, thus making it difficult to access, for example for younger children. With this in mind, he felt that the decision to grant planning permission should be deferred until further information had been provided. Another Member echoed the view that further clarity was needed as to where exactly the open space areas would be, she suggested that the phrase 'immediate area' by itself was not enough.

The Planning Officers presented to the Committee the proposed Public Open Areas, highlighting that Landscape Advisers would have also given due consideration to the plans. Some Members felt that the roads were not clearly marked enough, and so agreed to adjourn in order consider the different options.

Following the adjournment, it was agreed that these were the most feasible options:

Option A.):

Public Open Space to be provided within 800m, otherwise the decision would come back to the Committee.

Option B):

The decision could be deferred to a later date. Nonetheless, the Committee agreed that this could mean that dwellings would be lost, and especially affordable housing.

The Chair summarised his position as follows: the s.106 provision in this case would include both offsite and onsite Public Open Space areas. Specifically, the onsite space would be a play area. He reminded Members that this would mean reducing the amount of funds available for the off-site areas.

The Planning Officers expressed that s.106 already made provision for the Committee to decide whether the Public Open Area would be on or off site.

The Committee then unanimously agreed that section 7.2 of the report would be written as follows: 'to include an onsite play facility'.

RESOLVED that the Technical Planning Manager be authorized to grant planning permission subject to the resolution of ecology issues; open space provision; the amendment to and/or addition of conditions as necessary; and conclusion of planning obligations under S.106 of the Town and Country Planning Act 1990 to secure the obligations listed below: -

20% of the total number of dwellings with a tenure mix of 75 % affordable rented units and 25% shared ownership units;

Provision and maintenance of on-site play facility and off-site public open space;

Any requirement from Natural England to mitigate for the impacts on the designated habitats.

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6. DATE OF NEXT MEETING

Tuesday 4th June 2019 at 6.00 pm.

Time of commencement: 6.00 pm
Time of conclusion: 7.18 pm

Chair

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	04.06.2019
Address/Location:	42 Beechcroft Road, Gloucester, GL2 9HF
Application No:	19/00245/FUL
Ward:	Longlevens
Expiry Date:	20.05.2019
Applicant:	Mr Kyle Brookes
Proposal:	Single storey front, side and rear extensions, front dormer extension and addition of rear dormer window. Demolition of existing garage and conservatory.
Report by:	Mark Fisher
Appendices	Site location plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application property is a right-handed chalet style dwelling situated on the southwest side of Beechcroft Road. The property benefits from a garden and off-road parking to the front of the property and an enclosed garden to the rear. The application seeks permission for single-storey front, side and rear extensions, a front dormer extension and the addition of a rear dormer window. The proposal also includes the demolition of the existing garage and conservatory. Permission was previously refused at Committee for the previous application for a part two storey, part single storey rear extension, new rear dormer, extended front porch and extended front dormer.
- 1.2 The proposed rear extension would be of flat roof design and would measure approximately 5.5 metres in depth, 8.0 metres and 2.5 metres in height.
- 1.3 The proposed side extension would be of lean-to design and would measure approximately 8.0 metres in depth and 2.4 metres in width with an eaves height of 2.4 metres and an overall height of 2.8 metres.
- 1.4 The proposed rear dormer would measure approximately 6.5 metres in width, 2.3 metres in depth and 1.9 metres in height.
- 1.5 The existing front dormer would be extended from approximately 3.55 metres in width to 6.65 metres in width.
- 1.6 The extension of the existing front porch would introduce a gable roof section with a pitch roof over the remainder. It would measure approximately 6.7 metres in width, 1.2 metres in depth with an additional overhanging roof of 0.9 metres. It would have an eaves height of 2.4 metres and an overall height of 3.15 metres.
- 1.7 The proposed extensions/dormers would be finished in render with brick quoin detailing on the side and rear extensions. The proposed fenestration would be brown UPVC and, where tiled, the roof would be constructed using Redland interlocking tiles.

- 1.8 **Committee determination is required as the applicant is a relative of a Member of**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/01136/FUL	Single storey extension at rear of property	G3Y	31.10.2007
18/00853/FUL	Part two storey, part single storey rear extension, new rear dormer, extended front porch and extended front dormer	REF	20.12.2018

3.0 RELEVANT PLANNING POLICY

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 Development Plan

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

Relevant policies from the JCS include:

- SD4 – Design requirements
- SD14 – Health and environmental quality

City of Gloucester Local Plan (Adopted 14 September 1983)

3.4 The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF sets out 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.

Emerging Development Plan Gloucester City Plan

3.5 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.

Other Planning Policy Documents

Gloucester Local Plan, Second Stage Deposit 2002

3.6 While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

Supplementary Planning Guidance/Documents

3.7 Gloucester City Council Home Extensions Guide (August 2008)

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

Gloucester City policies:

<https://www.gloucester.gov.uk/planning-development/planning-policy/>

4.0 **CONSULTATIONS**

4.1 No consultations required

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified.

5.2 No representations have been received.

6.0 **OFFICER OPINION**

Legislative background

6.1 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.

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

Visual impacts

6.5 The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD4 sets out requirements for high quality design.

6.6 The current proposal has addressed the previous reasons for refusal by reducing the rear extension to a single-storey. Whilst the remainder of the current proposal remains fundamentally the same as the previous proposal, the overall scale and mass of the proposed development has been substantially reduced and would not swamp or dominate the existing dwelling.

6.7 The surrounding street scene is comprised of single-storey and two-storey dwellings of varying design and scale with a wide mixture of materials including brick tile and render. The proposed materials are therefore considered appropriate within the context of the area and would not detract from the appearance of the existing dwelling or the character of the street scene.

- 6.8 It is therefore considered that the proposed development would respect the character of the site and its surroundings in accordance with policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Amenity impacts

- 6.9 The NPPF (section 12) provides that good design is a fundamental aspect of sustainable development. Development should ensure that developments create places with a high standard of amenity for existing and future users. 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.
- 6.10 Due to its depth the proposed rear extension breaches the 45-degree splay line from the rear living room window of No. 44 Beechcroft Road, although it satisfies the test in terms of height. There are no breaches of the splay lines from No. 40 Beechcroft Road. As the development is limited to a single-storey it would not result in any unacceptable harm to neighboring properties in terms of overshadowing or loss of light.
- 6.11 The proposed development includes new fenestration at a second storey level in the proposed rear dormer. Whilst this would provide a view of dwellings to the rear of the application property that is not currently possible, there is approximately 12 metres from the proposed development to the end of the gardens and 24-25 metres to the rear of the dwellings. Due to this separation, it is therefore considered that the overall effect of overlooking would not be unduly harmful.
- 6.12 It is therefore considered that the proposed development would not cause unacceptable harm to local amenity, including the amenity of neighbouring properties, so would be in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Flood Risks

- 6.13 As the application property is located within Flood Zone 2 the applicant has submitted a Flood Risk Assessment (FRA) in accordance with Environment Agency Standing Advice for householder extensions. Flood Zone 2 is described as a 1 in 100 year event, and at this location would occur as a result of flooding of the adjacent stream, though the potential for flooding within the site of the proposal is considered to be extremely small.
- 6.14 The FRA proposes measures to address the potential flood risks including floor levels to match the existing, power sockets to be placed at a suitable height and floor coverings that are to be of a type which will not be damaged by flooding or removable in an emergency.
- 6.15 There is currently no requirement for sustainable drainage to be included for householder extensions and installation of the above measures can be dealt with by condition.

CONCLUSION

- 7.0 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, 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.

8.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

- 8.1 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 (received by the Local Planning Authority on 12th March 2019), and drawings titled 'Proposed Elevations', 'Proposed Ground Floor Plan', 'Proposed First Floor Plan' and 'Existing and Proposed Roof Plan' (received by the Local Planning Authority on 20th March 2019) 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 and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 3

The external facing materials to the development hereby permitted shall match in colour, form and texture to those specified within the application form (received by the Local Planning Authority on 12th March 2019) and drawing titled 'Proposed Elevations' (received by the Local Planning Authority on 20th March 2019).

Reason

To ensure the satisfactory appearance of the development in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 4

The development hereby permitted shall be completed in strict accordance with the flood resistance and resilience measures set out in the Flood Risk Assessment received by the Local Planning Authority on 20th March 2019.

Reason

To help ensure the building remains flood resistant and resilient over the lifetime of the development.

Person to Contact: Mark Fisher (01452 396738)

Planning Application: | 18/00853/FUL

Address: | 42 Beechcroft Road,
Gloucester,
GL2 9HF

Committee Date: | 04.12.2018

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 th June 2019
Address/Location:	Parcel I, Kingsway Business Park, Newhaven Road Quedgeley
Application No:	18/01187/FUL
Ward:	Kingsway
Expiry Date:	07.01.2019 Time Extension Agreed to 7 th June 2019
Applicant:	N/A
Proposal:	Mixed use development comprising health and fitness floorspace (Use Class D2) and non-food retail floorspace (Use Class A1), car parking, access arrangements, landscaping and associated works. Parcel I Framework Plan 5 FP5.
Report by:	Caroline Townley
Appendices:	Site Location Plan, Proposed Site Layout, Proposed Elevations and retail advice from Avison Young dated January 2019, February 2019 and 13 th May 2019.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a vacant site of 1.24 hectares located off Newhaven Road. The site is bounded by the A38 along the western boundary, with Avionics House situated adjacent to the site's southern boundary and an area of land containing a surface water balancing pond to the north.
- 1.2 There were previously three workshops on the site associated with its previous use as an RAF base. These buildings have now been demolished and the site is vacant. The surrounding area is characterised by a mix of retail and commercial units including Asda, Avionics House and a Public House together with residential development and public open space.
- 1.3 The application site forms part of the wider overall 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 the main urban centre of Gloucester.
- 1.4 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.
- 1.5 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.
- 1.6 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 I of Framework 5 and benefits from an extant planning permission for Class B1 and B8 Use.

- 1.7 The current application seeks full planning permission for a mixed-use development comprising health and fitness floorspace (Use Class D2) and non-food retail floorspace (Use Class A1) to include a garden centre, car parking, access arrangements, landscaping and associated works.
- 1.8 The proposed development would comprise a single double height building split into two commercial units:
- Unit 1 would provide 1,312 sq. m of gym floorspace (Use Class D2) including a mezzanine floor of 383 sq. m.
 - Unit 2 would provide 3,019 sq. m of Class A1 retail floorspace. It is proposed that, as part of the 3,019 sq. m of retail floorspace, 696 sq. m would be provided outside of the building for a garden centre.
- 1.9 The supporting documents state that it is proposed that the units would be occupied by B&M Homestores and Pure Gym.

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.	Granted outline permission.	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.	Granted.	03.11.2014
13/00645/FUL	Change of use from existing gymnasium (Use Class D2) to nursery (Use Class D1), internal alterations (replace 2 no. existing shower cubicles in W.C. area with 2 no. W.C. cubicles, and erection of new internal partitions to create 2 no. new rooms and access corridor), erection of single storey extension to connect 2 buildings (comprising new lobby area and office accommodation), and replacement of existing window on rear elevation with doorway.	Granted.	13.08.2013

3.0 RELEVANT PLANNING POLICY

- 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; and 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 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 Highway Authority recommends that no highway objection be raised subject to the inclusion of a number of conditions.
- 4.2 **Highways England** – No objection.
- 4.3 **Landscape Adviser** – The car park around the proposed units would contain a good number of trees and the understorey planting provides additional seasonal interest. The proposed planting beds for the trees are narrow and a cellular rooting system will need to be used to provide adequate uncompacted rooting zones. A landscaping condition should be attached to any planning permission requiring the submission, approval and implementation of a detailed planting plan to include specification details for the tree planting pits.
- 4.4 **Ecology Adviser** – Wildlife friendly planting and bird boxes are welcomed. Question whether there is any reason that all of the boxes are proposed to be together on a pole in one location. It is recommended that they are more integrated into the site and if possible on more than one aspect to provide a bit of range in terms of light/warmth. Question whether there is any room to integrate bird/bat boxes into the building (for example, roosting opportunities for bats might be able to be included in any wooden cladding with slight modification) or provide bird boxes closer to tree planting.
- 4.5 **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. It is recommended that a condition is attached to any planning permission.
- 4.6 **Lead Local Flood Authority (LLFA)** - No objection is raised. The outstanding matters relating to detailed design that can be addressed by condition.
- 4.7 **Severn Trent Water** – No objection subject to the inclusion of a condition.
- 4.8 **Drainage Adviser** – The LLFA has reviewed and commented on the application and no additional comments are made.
- 4.9 **City Centre Improvement Officer (Environmental Protection)** – An assessment of noise (mechanical plant & deliveries) has been submitted and reviewed.

No objections are raised subject to the inclusion of conditions requiring the submission of an additional noise assessment following the detail design of external plan and to restrict delivery hours.

- 4.10 **Urban Design Adviser** – No objection. Overall the development would be of a design standard in keeping with the surrounding area.
- 4.11 **Lead Local Flood Authority** – No objection is raised. The outstanding matters relating to detailed design that can be addressed by condition.
- 4.12 **Quedgeley Town Council** –
- The recently adopted JCS 2011-2031 INF2 states flood risk must be considered at all stages in the planning process to mitigate the risk of flooding, there should be no increase in run off from the site over and above green field state to prevent flooding up to 1:100 year + 20% in volume.
 - Increase the size of the adjacent balancing pond to accommodate the additional surface water run off
 - The application should be refused until the flood risk has been assessed and effectively mitigated as required in the Joint Core Strategy 2011-2031 INF2
 - Request a S106/CIL be negotiated for the adjacent Kingsway Sports Pavilion in excess of £50k as required within the JCS 2011-2031, INF7.
- 4.13 **City Archaeologist** – The site has been subject to archaeological evaluation. That investigation has identified no significant archaeological remains. Satisfied that these proposals are unlikely to conflict with significant heritage assets of archaeological interest and no further works or conditions are recommended.
- 4.14 **Policy/DPDS Officer** – On the basis of the advice received from the Council's specialist retail consultant, the Planning Policy Team Leader has recommended that the application be refused on the basis that the sequential test has not been satisfied.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.2 13 letters of objection have been received raising the following issues:

Enough gyms in the area.

- Would be detrimental to local businesses.
- There are well established gyms in the area, owned by local residents who have created jobs and added to the local economy fostering fair competition. Due to the size and business model of Pure Gym local businesses could struggle to compete.
- Rent use of the Body Flex Gym and my business could be under threat. Gloucester is at saturation point with gyms and this type of chain will have a dramatic and damaging effect on existing smaller gyms and local fitness businesses.

Loss of employment land.

- Site was reserved for B2 employment land and it appears that little effort has been applied to secure this prime employment site.
- No clear evidence has been submitted as to why the change of use is necessary.
- Pure Gym operate 24-hour fitness facility. Most of its opening hours are unmanned. Contest the number of employees stated in the supporting statement in relation to the gym.
- This would not generate jobs or improve local employment opportunities which are greatly needed with the growing population.
- This is prime employment land and its loss would be contrary to Policy SD1 of the JCS.
- Key employment sites should be kept for Class B to maintain and promote growth, ensure

adequate local employment opportunities and avoid travel out of the area.

- Two applications for change of use from B1/B8 to D2 within a mile radius were refused by Stroud District Council on loss of employment land.

Need for establishments to meet the needs of the demographic (families with young children).

Drainage

- Strongly object until a suitable alternative sewage system is in place and operational. The current plan shows a further connection to the existing sewage pipe that passes under the A38 dual carriageway to the existing pumping station sited behind a house in Bristol Road. This pumping station was installed many years ago to service a few houses in Bristol Road and Naas Lane. Over many years' failure of this pump due to volume of water has caused several houses to flood. Developers and Severn Trent Water have continually connected new development to this system resulting in sewage overflow running down the verge of the dual carriageway on a regular basis. In 2007 Severn Trent Water stated it would build a new pumping station, but this has not been done. According to the submitted plan it is eventually proposed to build a new station. Any planning permission should only be given for any further development once this pumping station is built, operational and not feeding into the existing system.
- The existing pumping station on Bristol Road is already over capacity. Additional development will increase existing problems.

5.3 **Quedgeley Community Trust** – Object as there are 2 gyms within the community.

- Additional houses are being built and insufficient employment opportunities are being generated to support this meaning that residents are being forced to travel out of the area in search of employment. Roads are extremely congested and efforts should be made to retain as much employment within the development area.
- Further employment land has already been lost to residential development in Rudloe Drive further impacting on loss of employment land.
- Most of the operating hours of the proposed gym are unmanned with minimal staffing levels.
- Supporting information states that the land has been advertised with no uptake. This part of the development has only recently been advertised as being available and appears to have been done quickly without due consideration as to what the area really needs. Prime employment areas should be kept for Class B uses and the change of use should not be permitted in a very short time frame. When developing new areas, it is vital to look at the infrastructure and what the community needs to ensure an adequate supply of employment land.
- Two recent applications for change of use from B1/B8 to D2 within a mile of this site were refused planning permission by Stroud District Council based on retention of employment land.
- We are a local charity that run a gym on a non-profit making basis and provide employment to 14 local staff so overall there would be a net loss of 11 jobs. We offer a gym, classes and outdoor facilities. If this gym is granted permission it is without doubt, we will be forced to close. This would impact on the School who would lose the use of the facilities in the day time as well as our members who would lose their gym and classes and the sports groups circa 30 teams all of whom use our sports halls and outdoor all-weather pitches. We also offer cardiac /stroke rehabilitation classes which require an instructor to deliver this to those who attend. We invest all the profits directly back into our gym and the local Community in the form of grants unlike Pure Gym who main aim is to make profit and invest little back into the community.

5.4 2 letters of support have been received raising the following issues:

- As a resident of Kingsway, I fully support the application.
- Have seen several comments about lack of employment opportunities but no employment

opportunities are offered by a derelict site.

- Have seen other potential employment land in the area could soon be used for residential so anything this site can offer is better than nothing.
- Warehouses and offices do not suit Kingsway and are better at Waterwells.
- Currently travel to the other side of Gloucester for both the types of units proposed. Having them locally would allow me to walk to them and reduce the need for using the car.
- Existing gyms in the area do not have the same offering of classes or equipment or they are more expensive.
- A good priced non-food store and garden centre will be of a huge benefit to the local community.

5.5 11 representations have been received stating that they offer support for the S106/CIL being negotiated for the adjacent Kingsway Sports Pavilion in excess of £50K as required within the JCS 2011-2031 Policy INF7. These community facilities are vital to the continued success and expansion of the cricket club and in encouraging sporting activity in the area.

5.6 In addition to the above a representation has been received from WYG Planning on behalf of Peel Land and Property Investments Plc and Gloucester Quays LLP.

- The submitted Retail and Leisure Statement has overlooked the 2017 planning permission for the redevelopment of the former Cineworld cinema building. Phase 1 involved the demolition of the A3 units and the erection of the new Next store. Completion of Phase 2 is subject to securing occupier/s and involves the conversion and extension of the former cinema building into retail warehousing with a total of 5,303 sq. m gross retail floorspace.
- The Peel Centre also contains existing vacant units comprising the former Toys R Us store (Unit 1) and Unit 4B. The existing vacant units together with the Phase 2 development would provide a total of 11,083 sq. m of retail floorspace which is currently being marketed.
- Paragraphs 86 and 87 of the NPPF require the local planning authority to apply the Sequential Test to planning applications for main town centre uses.
- The proposed development is well out-of-centre, with no connections to the City Centre. It is unable to offer linked walking trips or connection with the City centre. The Peel Centre is located adjacent to the defined City centre boundary and just circa 750 metres walking distance from the City centre's defined primary shopping area. It is served by a choice of means of transport and benefits from an attractive, active, accessible, legible and well-trodden pedestrian link/route through the Historic Docks into the primary shopping area.
- In leisure terms, being located adjacent to the defined City centre boundary, the Peel Centre is as an edge-of-centre site and is therefore sequentially preferable to the application site. In retail terms, in accordance with paragraph 87 of the NPPF, the Peel Centre, is clearly well connected to the City Centre and is therefore also a sequentially preferable out-of-centre retail location to Kingsway Business Park.
- There are a number of retail or leisure units at the sequentially preferable Peel Centre suitable for the proposed development and are available or can be available within a reasonable period. Accordingly, the proposed retail and leisure development at Kingsway fails the sequential approach retail policy test and; under paragraph 90 of the NPPF there is therefore a presumption of refusal.
- The Peel Centre is a considerable asset to the City and following the completion of St Ann Way bridge is a key city gateway site. There is a real prospect that the cinema building will remain vacant for the foreseeable future, if it is not given preference to other out-of-centre retail/leisure parks. As a result, the remainder of the Peel Centre is likely to suffer and the established linked trips from the Peel Centre to the City centre and associated knock on benefits will diminish.
- The approved proposals for conversion of the cinema to retail were considered to be key in improving this part of the public realm canal side corridor and helping to meet the Council's policy aspirations. If Phase 2 of the proposals cannot proceed due to lack of

occupiers, this will have a significant harmful impact on the Council's policy aspirations for the canal-side.

- The proposals clearly do not comply with the sequential test of the NPPF and will prejudice the re-occupation of existing and proposed units/space at the sequentially preferable Peel Centre. There is therefore no sound basis in which to approve the planning application.

5.7 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

Legislative background

6.1 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.

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

- Principle of Development
- Design, Layout and Landscaping
- Traffic and Transport
- Drainage and Flood Risk
- Land Contamination
- Ecology
- Economic Considerations

Principle of Development

6.5 In determining the principles there are two key considerations, the principle of retail and leisure development in an out of centre location and the loss of employment land.

Retail Policies

6.6 The proposed A1 retail use and gym are defined as a main town centre uses 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.

6.7 Policy SD2 provides that proposals for retail development and other main town centre uses 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

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

- Planning Statement
- Retail and Leisure Statement (RLS)
- GVA Assessment dated January 2019 ('the Response Note')
- Response to Assessment of retail Leisure Planning Policy dated February 2019

Sequential Test

6.9 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.

6.10 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. In this particular instance, sequentially preferable locations will be in-centre and edge-of-centre locations, together with out-of-centre locations which are more accessible and better connected to 'town centres'. It should also be noted that edge-of-centre classifications differ between retail and leisure land uses, with edge-of-centre classifications for retail uses measured from the primary shopping area whilst leisure uses are measured from the city centre boundary.

6.11 The applicant's search for alternative sites and premises initially concentrated upon the City Centre, Quedgeley District Centre and Kingsway Local Centre. The applicants were subsequently requested to include the retail parks at Westgate, the Peel Centre and St Oswald's as 'out of centre' retail parks that are in a more accessible location to the primary shopping area than the application site. These locations are considered appropriate for the sequential test assessment for this particular proposal and it is also considered that the search for alternatives should cover the whole of the City given the scale and likely catchment of the proposal.

Quedgeley District Centre

6.12 There are currently two vacant units in Quedgeley District Centre comprising the former Next store and Brantano with a combined floorspace of 2,450 sq. m, with the potential for additional floorspace by adding a mezzanine floor in the Brantano unit. The total floorspace of the proposed development is 4,331 sq. m including the outdoor garden centre.

6.13 The applicant has dismissed Quedgeley District Centre as being a suitable alternative site for the proposed development. The issues that remain unresolved between the applicant and the City Council's retail advisors are:

- Whether the garden centre should always be included in the assessment of alternatives.
- The amount of car parking provision in this part of the District Centre and the demand generated by the proposed land uses.
- The amount of floorspace which could be provided in the former Next and Brantano retail units.

6.14 The Response to Assessment of Retail and Leisure Planning Policy dated February 2019, prepared by RPS on behalf of the applicant sets out that: "...the available floorspace at

Quedgeley District Centre equates to just 55% of the Kingsway application proposals. Even if a full cover mezzanine floor (for which there are no known proposals) is added to Unit 1 at Quedgeley District Centre this would still only increase the ratio to 76% - i.e. below the very flexible 20% floorspace reduction upon which we had considered alternative sites under the sequential test. If, theoretically, the garden centre floorspace is omitted as suggested by AY, the available floorspace at Units 1 & 1A would be able to accommodate 65% of the proposed floorspace.” It is further stated that “...even on the theoretical basis it is clear that the units at Quedgeley District Centre are not of a suitable scale for the proposed development. This is without further considering the unsuitability in format”.

- 6.15 RPS are clear that in their view the current proposals “... do include provision for external garden space and do not propose a mezzanine floor within the retail unit. To impose these changes on the proposed development would fundamentally alter its character taking it beyond any reasonable definition of development which is ‘similar’ to the application proposals.”
- 6.16 B&M as the intended occupier has provided a letter stating that it would not pursue its interest in the Kingsway development if it did not include a garden centre and does not trade from mezzanine floors in the newer format stores. For these and other reasons it is stated that B&M would not seek to occupy ‘compromised’ floorspace at Quedgeley District Centre.
- 6.17 Avison Young respond that in relation to the size of space now, and possibly in the future with the insertion of a mezzanine floor in Unit 1 at the District Centre, the RPS note is a more accurate reflection of the potential. If the garden centre space is included in the calculation, then RPS are correct to note that the district centre could accommodate 76% of the proposed floorspace. They note that this is below the 20% reduction for flexibility. Nevertheless, the figures are very similar, and Avison Young suggest that the District Centre could well accommodate the proposal with flexibility. The difference between 76% and 80% is only 173 sq. m. If the garden centre is removed from the proposal, then the District Centre could accommodate 91% of the proposed floorspace.

Car parking

- 6.18 The applicant has stated that the amount of parking demand associated with the proposed development is too great for available parking spaces in this part of the District Centre and has provided a parking accumulation analysis based on a 2008 car parking survey.
- 6.19 There is a total of 253 car parking spaces at Quedgeley District Centre with 176 provided in the main car park in front of the units, together with a further 27 spaces in the rear car parking area and 15 staff spaces. The total existing retail floorspace at the District Centre is 6,368 sq. m. On this basis the existing car parking ration is 1 space per 25 sq. m the applicants have indicated that the existing 15 car parking spaces in the service yard would need to be removed to accommodate the HGV turning circle which would result in a car parking ratio of 1:26 sq. m.
- 6.20 The proposed development would provide 205 car parking spaces based on a parking ration of 1:22 sq. m for the retail unit and 1:20 sq. m for the gym. Using these ratios there would be a shortfall of some 96 spaces available at Quedgeley District Centre on the total floorspace currently proposed. Initial advice from the Local Highway Authority recommends that an up-to-date parking accumulation survey (encompassing the weekend retail peak too) should be undertaken. The peak parking demand could then be calculated from the TRICS data provided to ensure that there would be adequate provision. However, as no AM peak TRICS data was provided in support of the current application, as the trip generation for the proposed land uses would not be expected to exceed that of the extant permission of the on the Kingsway site, this would need to be provided and agreed.
- 6.21 As outlined in the section 6.65 of the report the Local Car Parking Standards have been superseded by the current National Planning Policy Framework (NPPF) and therefore were only

used as a guide.

- 6.22 Parking demand can also be accommodated in other parts of the District Centre.

The Peel Centre

- 6.23 The Peel Centre is considered to be a sequentially preferable site. Based on national planning policy in the NPPF and recent case law, preference can be given between out of centre sites where it can be demonstrated that one site is more accessible and better connected to a 'town centre'.
- 6.24 The applicant has challenged that the Peel Centre should be considered sequentially preferable and has also stated that the site could not accommodate the proposed development for the following reasons:
- There is a restriction preventing other discount retailers from occupying space more than 929sq m.
 - B&M state that they have no intention of occupying space at the Peel Centre on the basis that it would not be viable having regard to their existing representation in the City and the format of floorspace that is available.
- 6.25 There are currently two vacant existing units at the Peel Centre together with an extant planning permission for the conversion and extension of the former Cineworld site, providing a total of 11,083 sq. m of A1 of available retail space.
- 6.26 In relation to these points Avison Young note that, whilst they have not seen the Home Bargains lease, WYG (acting on behalf of Peel) has stated that the restriction only relates to the existing retail units at the Peel Centre and therefore the proposal could be accommodated in Phase 2 of the Peel Centre development. On this basis 'availability' is not an issue. In relation to the letter from B&M, this contradicts the earlier statement from the applicants that the sequential test should be undertaken on a fascia-blind basis.
- 6.27 The agent for the planning application considers that they have presented a clear case as to why the sites at Quedgeley District Centre and the Peel Centre are not sequentially preferable for the proposed development adopting the requisite flexibility on issues such as format and scale as required by the NPPF and the PPG.
- 6.28 Having considered all the information and analysis submitted on behalf of the applicant, Avison Young remain of the view that the applicant has not demonstrated that this proposal complies with the sequential test and consider that the Peel Centre and Quedgeley District Centre offer suitable and available sequentially preferable locations when reasonable flexibility and scale and format is taken into account. The proposal is therefore considered contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF.

Retail Impact Assessment

- 6.29 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. Given the location and planning policy status of the application site, along with the scale of floorspace proposed, there is a requirement to consider whether the proposed development is likely to have a significant adverse impact upon the health of, and investment within, defined 'town centres'. The submitted RLS recognises the need for such an assessment.
- 6.30 Avison Young has concluded that subject to a suitably worded condition to control the goods sold, overall whilst there will be a small amount of trade diversion from Quedgeley District Centre and Gloucester City Centre it is not considered that the proposal would be likely, on its own, to lead to a significant adverse impact upon the vitality and viability of defined 'town centres' in Gloucester. It is considered that there are a number of existing commitments in Gloucester and

the surrounding area which, in their opinion, would have a harmful impact upon the health of the City centre. However, subject to the current proposal being suitably controlled by condition to restrict the goods sold, it is not considered that the current application should be resisted on the basis of impact when the threat to the health of the City centre comes from other sources.

Retail Policy Conclusion

- 6.31 As outlined above, having considered the information and analysis provided the applicant has not demonstrated that this proposal complies with the sequential test and it is therefore contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF. In particular it is considered that the Peel Centre and Quedgeley District Centre offer suitable and available sequentially preferable locations to the application site when reasonable flexibility in scale and format is taken into account.
- 6.32 The City Council's retail advisor has concluded that so long as the Kingsway proposal is suitably controlled to reflect the content of the submitted impact assessment, they do not consider that there are grounds to resist the application based upon retail impact reasons. It is considered that the revised draft condition from the applicant is, subject to a few changes and additions, appropriate to the form of retail proposed and satisfactorily addresses concerns over the impact assessment. The agent has confirmed that the applicant would be agreeable to the suggested changes to the wording of the condition to restrict the goods sold from the retail unit should it be determined that conditional planning permission be granted.

Loss of Employment Land

- 6.33 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

- 6.34 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.'

- 6.35 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.'*
- 6.36 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.'*

6.37 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.

6.38 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

6.39 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)

6.40 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

6.41 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.*'

6.42 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

6.43 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.

- 6.44 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.
- 6.45 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.
- 6.46 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). Two agents were appointed- Alder King and Bruton Knowles- both of whom hold national reputations for securing site tenancies for large, significant developments. This marketing information has been considered and reviewed by the City Growth and Delivery Officer.
- 6.47 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 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.
- 6.48 Website listings have also been completed and as such, the site has high visibility across property search websites.
- 6.49 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.
- 6.50 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 and leisure market together with temporary employment generated during the construction phase. The applicant has indicated that it is envisaged that Unit 1 (gym) would provide for 12 full time and 4 part time members of staff with 42 full and part time job opportunities associated with Unit 2 (retail unit).

- 6.51 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 instant.

Design, Layout and Landscaping

- 6.52 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.
- 6.53 The proposed building would be sited towards the rear of the site set back from Newhaven Road behind the car park, with the service yard and garden centre adjacent to the A38. The building is double height with red brick to the lower walls on the front façade incorporating brick piers with metal and timber cladding above and glazed entrance features. The rear elevations comprise of steel cladding. The proposed materials have been amended to incorporate red brick and an upgraded cladding to the rear elevations and overall are considered to be in keeping with the Asda store.
- 6.54 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. The car park would be well laid out with well-considered pedestrian movement routes and links from the main road. The car park would contain a good number of trees and the understorey planting provides additional seasonal interest and no objection is raised by the Urban Design or Landscape Officers subject to the inclusion of conditions.
- 6.55 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

- 6.56 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.

Location

- 6.57 The application site is located approximately 5 kilometres south of Gloucester and is accessed from Newhaven Road. Newhaven Road routes along the site's eastern boundary, adjoining Kingsway and Woodvale to the north via a three-arm roundabout. To the south Newhaven Road joins Naas Lane, Rudloe Drive and Telford Way via a four-arm roundabout. The carriageway of Newhaven Road comprises a two-way single lane carriageway and is subject to the sign posted 30mph speed limit.

Accessibility

- 6.58 The site is sustainably located with a shared 3m wide footway/cycleway provided along the eastern side of the Newhaven Road carriageway with a 2m wide footway provided on the western side of the carriageway. Street lighting is present throughout with dropped kerbs and tactile paving provided at existing access points along the length of Newhaven Road. A central refuge island which facilitates traffic calming and incorporates a pedestrian crossing is located

approximately 40m north of the application site.

- 6.59 The site is also accessible to high quality public transport facilities located nearby with the nearest bus stops located on Newhaven Road approximately 100-150m from the centre of the site. The Stagecoach 66R gold bus service operates regularly at peak hours with services connecting Gloucester City Centre and Stroud Town Centre.

Access

- 6.60 The site is currently accessed via two existing priority junctions taken from Newhaven Road. The southern junction links with the existing private access road routing along the site's southern boundary that provides access to the south-west corner of the site as well as the neighbouring Avionics House to south and will provide access to the service yard located to the rear of the proposed development on the site's western boundary. The northern junction provides direct access into the north-eastern corner of the site and will form the main access into the site and will serve the main site car park.
- 6.61 The required Sight Stopping Distances commensurate with the sign posted speed limit would require visibility splays of 54m in both directions from a 2.4m setback along the centre line of each point of access. The required visibility can be achieved within land under applicant's control and highway verge.
- 6.62 Three pedestrian access points are proposed along the site's southern, eastern and northern boundaries, connecting the existing footway along the western side of Newhaven Road.

Layout

- 6.63 Drawing ref. SP01 has adequately demonstrated two private estate vehicles measuring 4.71m long simultaneously entering, manoeuvring within and egressing the site without coming into conflict with any upright kerb-line structures, trees or formal parking spaces.
- 6.64 The submitted plan demonstrates that the service yard is large enough to enable a 16.5m long articulated vehicle to enter and manoeuvre off the highway before egressing in a forward gear.

Parking

- 6.65 The proposed development includes provision for 205 car parking spaces including 10 disabled spaces.
- 6.66 Local car parking standards have been superseded by the current National Planning Policy Framework (NPPF), and therefore carry very little weight; however, using the local car parking standards as a guide, an A1 non-food retail use should provide 1 space per 22sqm GFA for a food store over 1000sqm and 1 space per 20 sqm for D2 gymnasium. The discount non-food store would have a GFA of 3019sqm and therefore should have a parking provision of 137 spaces. The gymnasium would have a GFA of 1313 sqm, requiring 67 spaces. The proposal therefore provides suitable car parking space provision. The site is also conveniently located to high quality public transport facilities which can provide a suitable alternative mode of transport.
- 6.67 Given the sites sustainable location and access via alternative means of transport, the level of parking provision would be deemed acceptable in accordance with the NPPF.
- 6.68 The disabled parking spaces are conveniently located close to pedestrian entrances and feature suitable hatched transfer zones located either side and to the rear of each bay.
- 6.69 The parking layout is suitable for the proposed use with spaces complying with the local standards of 2.4m x 4.8m with in excess of 6.0m drivable surface in front of them to allow for ease of access.

- 6.70 46 cycle spaces are suitably located within the car park and provide opportunity for an alternative sustainable means of travel other than the private car.

Vehicle Trip Generation

Extant Permission

- 6.71 The site currently has the benefit of an outline planning permission for B1/B8 employment uses (13/00694/REP). It is assumed that a B1/B8 office development of circa 5,580 sqm could be built on the site under the existing planning permission. This represents a gross floor area to site area ratio of 45%. These are the same proportions used in the application for the adjacent ASDA development.
- 6.72 The applicant has not presented trip attraction for the AM peak hour and this period is also not included in the traffic impact assessment. This is because the trip generation for the proposed land uses would not be expected to exceed that of the extant permission. The Highway Authority have confirmed that this is the case, based on the TRICS reports provided, and therefore accept the exclusion of an AM peak hour assessment from the TA. It has also been assumed that the extant permission would not generate trips during the Saturday peak hour. This is a reasonable approach considering the employment land uses, and the robust traffic impact assessment this will produce (i.e. lower baseline for weekend retail peak assessment results in greater traffic impact).
- 6.73 The trip rates for the extant employment permission have been derived using TRICS, as taken from the B1 Office TRICS output used for the planning application for the adjacent ASDA development (application ref: 12/00423/FUL).
- 6.74 It is noted from the TRICS report that the surveys used to determine weekday trip rates are from between May 2004 and September 2010. The Highway Authority have performed a sense check using more contemporary survey dates (January 2010 to current) for the same land use within the TRICS database. This analysis demonstrates that more up to date surveys will produce marginally higher trip rates; and would result in a maximum of seven additional two-way trips generated by the extant permission, which is not considered material for the purpose of this assessment.

The identified network peak of 16:45 to 17:45 overlaps three TRICS output periods:

1. 16:30-17:00;
2. 17:00-17:30; and
3. 17:30-18:00.

- 6.75 The applicant has derived trip rates using half of the trip rate for 1), all of the trip rates for 2) and half of the trip rate for 3), covering the whole peak period. Typically, the Highway Authority would expect the most robust hour either side of the network peak to be taken from the TRICS output (e.g. 16:30-17:30 or 17:00-18:00). This approach would result in three additional trips being generated during the PM peak hour. This is not considered to be a significant increase and therefore this methodology is accepted.
- 6.76 It is also noted that if the additional three trips from the TRICS hour selection and seven trips from the more contemporary surveys dates in TRICS were to be included, this would cause an increase to the baseline scenario for the weekday PM peak hour traffic impact assessment, reducing the level of impact from the development proposals and the approach used is therefore considered to be robust.

Projected Trip Rates

- 6.77 Trip attraction for the proposed development has been calculated using trip rates derived from TRICS, using surveys for Use Class A1 (DIY superstore with garden centre) and D2 (private fitness club).

- 6.78 For the purposes of the TRICS criteria selection the Highway Authority did not accept the use of TRICS category 'DIY Superstore with Garden Centre', as it is understood from the Retail Impact Assessment (RIA) for the application that the end occupier is likely to be B&M, a discount retailer.
- 6.79 A review of the trips rates compared to other relevant TRICS land uses shows these are comparatively low. It is recognised that no TRICS category is a perfect fit but following a request from the Highway Authority for revised traffic generation for the A1 development using TRICS category 'Other Individual Non-Food Superstore' to provide a more acceptable assessment of A1 land use at this site the applicant provided revised trip rates. This was established by removing the DIY with Garden Centre land use selection criteria and replacing it with 2,400sqm GFA of "other individual non-food superstore", and a separate trip rate for the 696sqm 'garden centre' for both weekday and Saturday.
- 6.80 Trip attraction for the proposed development has only been determined for the network weekday PM peak (16:45-17:45) and weekend retail peak (12:00-13:00) hours on the basis that the extant trip envelope during the AM peak hour exceeds the proposed development's trip generation.
- 6.81 The weekday and weekend trip rates for the D2 Development are considered reasonable. The D2 weekend surveys are from 2001, but it is noted that there is a lack of suitable surveys contained within the TRICS database.

Linked and Pass by Trips

- 6.82 The applicant has provided a robust assessment by not accounting for linked trips for the development site (e.g. trips combining visits to A1 and D2 land uses). However, the applicant has reduced the total development traffic generation by 20% to account for pass by trips (i.e. trips already on the network adjacent to the development which turn into the site). This reduction has been justified using TRICS report 14/1. However, the figure used to determine this reduction (14/1 - Figure 5.1) is just a part of the overall narrative regarding linked, pass by and diverted trips, and relates specifically to a single study of Sommerfield Supermarkets. This is not considered to be directly comparable to the non-food retail / leisure uses proposed at this site. Furthermore, the 21% stated in the TRICS report relates to linked trips, not trips diverted into the site as used in this assessment. TRICS report 14/1 states that *"it is [therefore] recommended that a **site by site approach** is taken in justifying the proportion of pass by and diverted trips that are to be attributed to the proposed development."*

The Highway Authority has performed a sensitivity test of the worst-case development impact scenario (weekend peak hour development traffic impact at the Woodvale / Newhaven Road / Kingsway roundabout), without reducing total development traffic for diverted trips. This shows that the impact would increase by 2% from around 8% to 10% and the proportion of pass by trips included in the TA is therefore agreed.

Traffic Impact Assessment

- 6.83 The results of the percentage impact assessment currently indicate an immaterial increase in junction traffic demand during the PM peak hour. The results for the Saturday peak hour assessment demonstrate a just over 8% increase in traffic on the Woodvale / Newhaven Road / Kingsway roundabout. This is considered a material impact. It is noted that the overall traffic demand at this junction is lower than that experienced during the weekday PM peak hour and based on the site's extant uses capacity assessments are not needed due to the relatively small increase in junction percentage increases.
- 6.84 Through assessing the numbers presented, the Highway Authority has identified some small discrepancies in the PM peak hour calculations which subsequently mean that the revised projected trips are slightly under-estimated in comparison with the Transport Assessment; however, the net effect is still negligible.

- 6.85 In the Saturday peak, it is considered that the applicant has underestimated both the inbound trips by 20, and the outbound trips by 20. This is because they have used the 11-12 peak, rather than the 12-1 retail peak. However, when assessing the total junction flows, the 2023 Saturday peak hour numbers are still well below the 2017 PM peak hour numbers in most cases. The only exception is Woodvale Roundabout, where the Saturday flows are very slightly higher (by 9 vehicles).

Personal Injury Collisions

- 6.86 Although personal injury collision statistics have been presented for the local highway extending to junctions' subject to capacity analysis which identify a number of collisions, there have been no recorded personal injury collision recorded along Newhaven Road, which fronts the site, within the last 5 years

Travel Plan

- 6.87 The NPPF Paragraph 111 states that all significant generators of traffic movements should be required to provide a Travel Plan. 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.

- 6.88 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.

- 6.89 The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to:
- Reduce the percentage of residents travelling by single occupancy private car to and from the site.
 - Generate increase in the percentage of residents utilising active modes (walking/cycling), public transport and car sharing.

- 6.90 In order for the Travel Plan to achieve these aims a number of actions and measures will need to be implemented. The applicant will appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan. The Coordinator would be appointed prior to the buildings being occupied.

Conclusion on Highway Matters

- 6.91 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.

Residential amenity

- 6.92 The NPPF (section 12) provides that good design is a fundamental aspect of sustainable development. Development should ensure that developments are visually attractive and create places with a high standard of amenity for existing and future users. 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.

- 6.93 There are a number of residential properties located to the west of the A38 on Bristol Road. The design and layout of the proposed development would result in the rear facades of the buildings and the service yard facing towards residential properties in Bristol Road. The closest properties are approximately 75 metres from the rear boundary of the proposed service yard.

- 6.94 An assessment of noise (mechanical plant & deliveries) has been undertaken to establish the impact of this development on nearby noise sensitive receivers. The submitted Noise Assessment concludes that the daytime operations would not result in any adverse noise impacts. However, overnight, noise from the operation of the external plant would have the potential to generate noise impacts without appropriate noise mitigation measures implemented prior to first use.
- 6.95 The submitted report states that the noise mitigation measures required to reduce noise levels from the external plant would be finalised during the detailed design stage, once the plant requirements have been fixed. Subject to appropriate mitigation it is considered that noise levels would be reduced to a satisfactory standard to ensure any potential adverse impacts were minimised and would fully comply with the requirements of the NPPF.
- 6.96 On this basis, once the suitable plant has been identified at the detailed design stage an additional assessment of noise will need to be undertaken to establish whether mitigation is required to ensure that any noise levels attributed to the operation of the external plant is reduced to an acceptable limit.
- 6.97 The Environmental Protection officer has reviewed the submitted Noise Assessment and is satisfied that the development could be designed to avoid unacceptable impact on the living conditions of the occupants of the closest residential properties and no objection is raised to the application subject to conditions.

Drainage and flood risk

- 6.98 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.
- 6.99 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.
- 6.100 A number of objections have been received from residents in houses on Bristol Road raising concerns about the capacity of the existing pumping station adjacent to their properties.
- 6.101 The application site foul water drainage has been designed in accordance with the approved drainage strategy for the Kingsway development as a whole. Foul flow rates would be less than the designed capacity for this parcel of land and therefore it is concluded that the proposals would not increase flood risk to existing infrastructure or properties.
- 6.102 It is understood that Quedgeley Urban Village Limited, the consortium which includes Taylor Wimpey, Robert Hitchens and Persimmon, the developers of the housing and employment land at Kingsway have been working closely with Severn Trent Water to identify a suitable location for a pumping station. A location has now been identified behind Avionics House and discussions relating to design and operation are ongoing with Severn Trent.
- 6.103 The Drainage Engineer is satisfied that the design of the proposed drainage system is in accordance with the approved scheme for the wider development at Kingsway. The requirement for a pumping station is secured as part of the agreed drainage strategy for Kingsway and it is not appropriate to require its provision as part of the current application.

Land contamination

- 6.104 Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination.
- 6.105 The site is part of the former RAF base and records indicate that contamination maybe present and as the City Council's contaminated land advisor has recommended that a condition be attached to any planning permission to ensure that this is suitably addressed.

Ecology

- 6.106 Policy SD9 of the JCS provides that the biodiversity and geological resource of the JCS area will be protected and enhanced.
- 6.107 The application is supported by an Ecological Assessment which includes the results of a site survey based around an extended Phase 1 survey methodology. In addition, specific surveys were undertaken within the site in respect of bats, badgers and Great Crested Newts. The site provides negligible potential to support any habitats or species of significance. In line with national and local policy, biodiversity enhancement measures should be incorporated where possible to create net gain once the development is complete.
- 6.108 A Biodiversity Enhancement Scheme Briefing Note has also been submitted. This Briefing Note confirms that the proposed new tree planting will comprise native species and species of benefit to wildlife together with new areas of amenity grassland and native planting of local provenance or species of known value to wildlife. It is also proposed to provide new pole mounted bat and bird boxes. The recommendations of the ecological assessment and briefing note could be secured by an appropriately worded planning condition.

Economic considerations/benefits

- 6.109 The proposed retail and leisure use will provide a number of full and part time jobs. The construction phase would also 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.
- 6.110 The applicant sets out that the proposed development would provide new retail and fitness opportunities to the local community and contribute towards greater consumer choice. 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 and experienced no meaningful market interest for 'B' Class uses since 2005.

Other Issues Raised

- 6.111 Quedgeley Town Council and a number of individual representations requested a contribution of in excess of £50K from the development towards the Kingsway Sports Pavilion. 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

- 6.112 This application has been considered in the context of the policies and guidance referred to above.

Benefits

- 6.113 There would be clear economic benefits arising from the proposal both during and post construction. It would also lead to the development of what has been a vacant site for many years, despite the existence of planning permissions for commercial use.

Neutral Impacts

- 6.114 The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, drainage, impact upon the amenity of any neighbours and the local area and loss of employment land.

Harms

- 6.115 The applicant has not demonstrated that this proposal complies with the sequential test and it is considered that there are suitable and available sequentially preferable locations for the proposed development. The proposal is therefore contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF.

Overall Conclusion

- 6.116 Taking into account the above issues, overall, officers conclude that the proposed development would conflict with the Development Plan and it is not considered that there are material considerations which justify a departure from policy in this instance.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

- 7.1 That planning permission is **Refused** for the following reason:

- 7.2 The proposed development would comprise of main town centre uses and would be located outside any recognised centre. The application has failed to demonstrate that there are no suitable and available sequentially preferable sites for the proposed uses. The proposed development is therefore contrary to Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and paragraphs 86 and 87 of the National Planning Policy Framework.

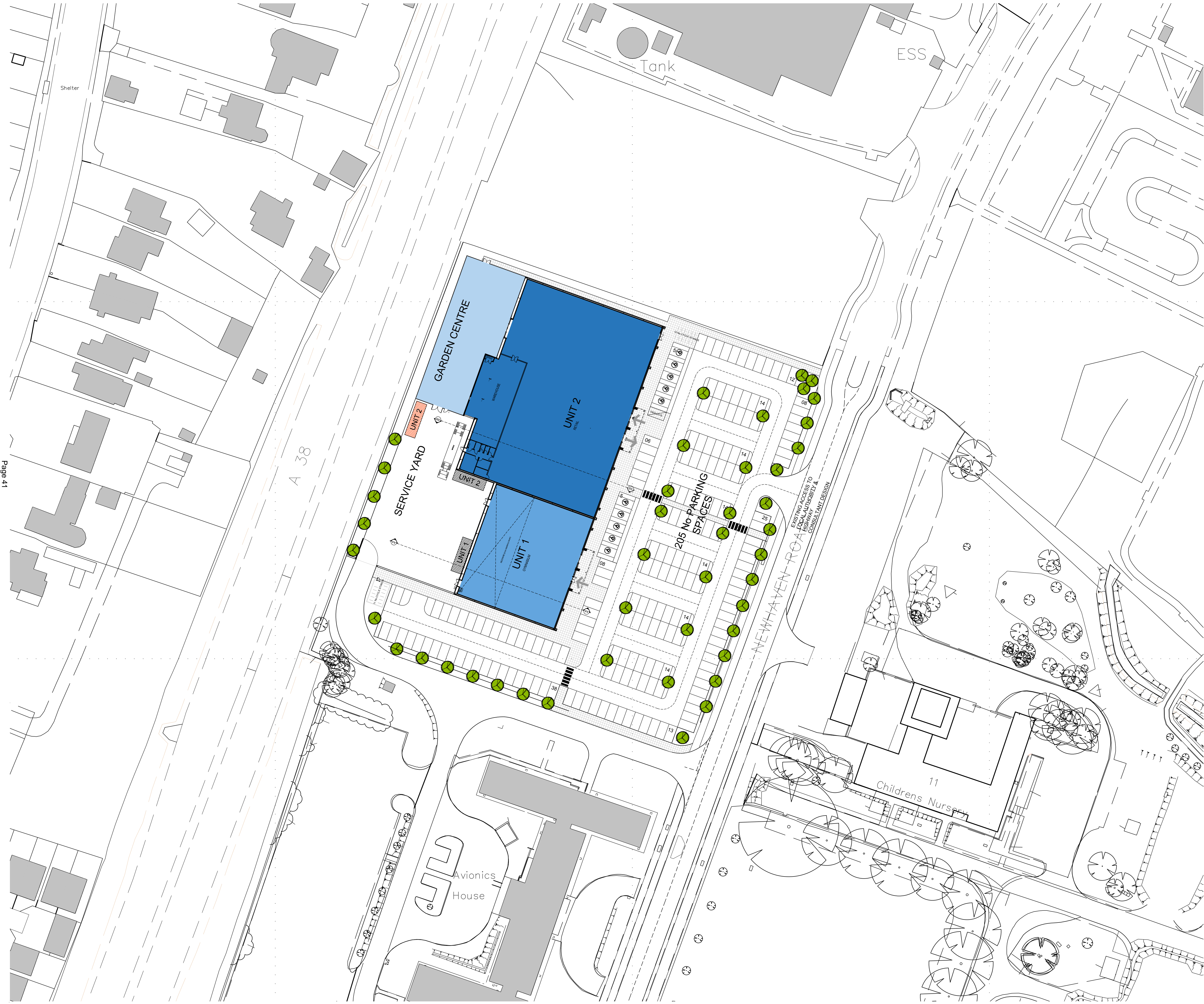
Person to Contact: Caroline Townley (396780)

Planning Application: | 18/01187/FUL

Address: | Parcel I Kingsway Business
Park Newhaven Road
Quedgeley

Committee Date: |

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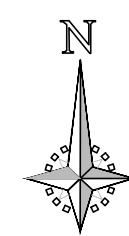
KEY:

External plant area and bin store

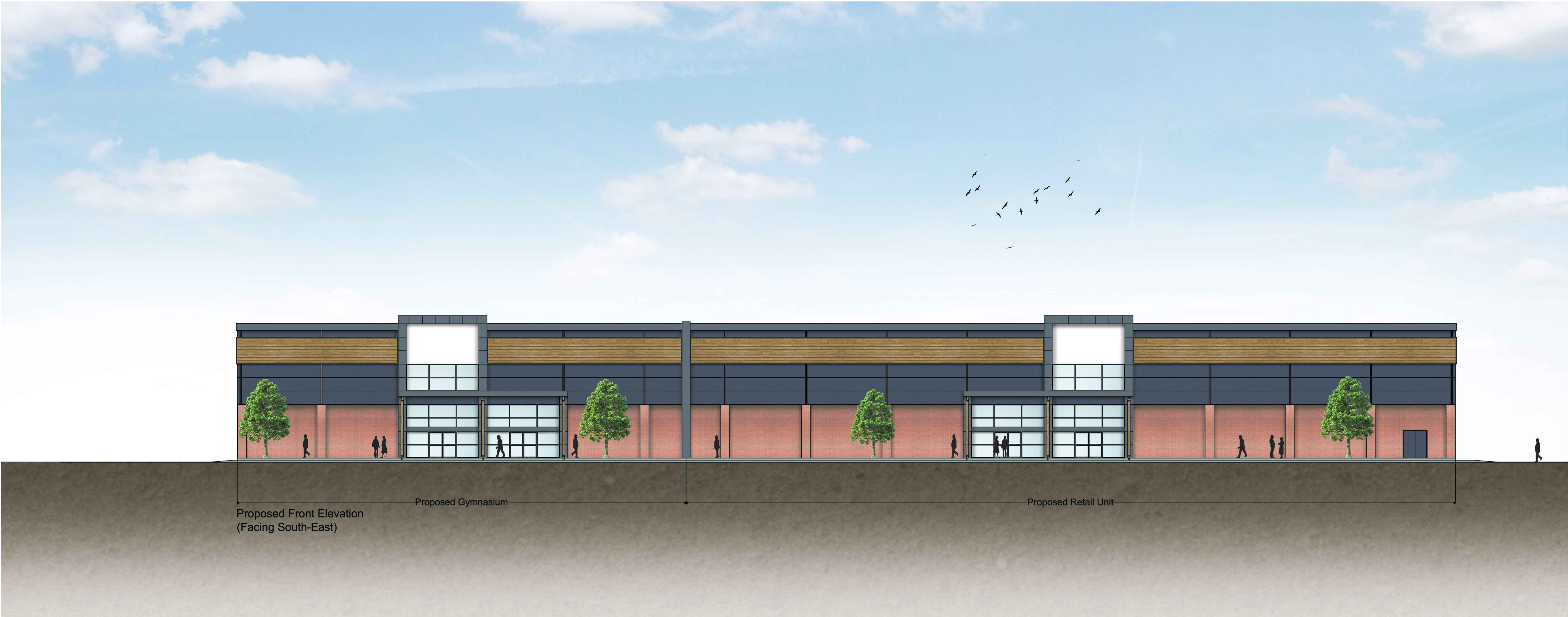
External store area

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Assessment of Retail and Leisure Planning Policy

Kingsway Business Park, Gloucester

February 2019

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1. Introduction

- 1.1 This advice report has been prepared by Avison Young ('AY') in relation to a planning application by Robert Hitchins Limited for the redevelopment of land at Kingsway Business Park for a retail and leisure development.
- 1.2 This document provides supplementary advice to Gloucester City Council ('GCC') on retail, leisure and main town centre use planning policy issues following the completion of our previous advice on this planning application in January 2019.
- 1.3 This supplementary advice responds to the contents of a document entitled 'Kingsway Business Park, Parcel I – Response to GVA Assessment dated January 2019' ('the Response Note') prepared by RPS on behalf of the application. It deals specifically with the additional information and analysis provided by RPS in relation to the sequential and impact planning policy tests.
- 1.4 Section 2 of this report provides our updated analysis of the relationship of the proposal to the sequential test, whilst Section 3 provides an update on our assessment of the likely impact of the proposal on defined 'town centres' in Gloucester.

2. The Sequential Test

2.1 Sections 2.1 and 2.2 of the Response Note provide further information and analysis from RPS on the sequential test. They focus on how, in RPS's opinion, the sequential test should be approached in relation to the assessment of alternative sites, the flexibility which has been employed by the applicant when considering alternative sites and also a further assessment of alternative sites in Quedgeley, the Peel Centre and Kingsway local centre.

2.2 Section 2.1 of the Response Note deals with the applicant's approach to the sequential test. Paragraph 2.1.1 notes that:

"It is acknowledged that the sequential approach is an objective exercise based upon land use considerations and is not dependent upon the particular characteristics of the proposed occupier. As stated in the supporting Retail and Leisure Statement, it should be undertaken on a 'fascia blind' basis".

2.3 This is generally the correct approach to the sequential test and is in conformity with the content of the *Mansfield* High Court judgement which has been quoted by both the applicant and ourselves. However, having made this comment at paragraph 2.1.1 RPS then go on to state that the assessment of alternative sites has indeed been influenced by the requirements of the two respective potential occupiers for the development, namely B&M and Pure Gym. This leads to a contradictory analysis.

2.4 This is further reinforced by the controls proposed by RPS. Whilst the proposed control over the Class D2 use to retain it as a gym is helpful, the proposed control over the range of retail goods in the Class A1 unit at paragraph 2.1.8 indicates a wide range of scenarios for that unit. The proposed control is as follows:

"Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (and any subsequent amendment), the retail unit hereby approved (Unit 2) shall only be used as a Class A1 'variety store' with no more than 20% of the gross internal floorspace used for the display and sale of convenience goods. The associated garden centre shall only be used for the display and sale of garden products and related goods. The retail unit and garden centre shall only be operated as a single retail business and shall not be sub-divided without the prior approval of the local planning authority."

2.5 In response, we make the following comments:

- Whilst the garden centre can only sell garden products and related goods, the retail floorspace within the Class A1 retail unit would be allowed to sell any type of comparison goods.
- A floorspace limit of 20% for convenience goods sales is proposed although this is not a fixed requirement and the retail unit could instead concentrate upon 100% comparison goods sales.
- In our opinion, the reference to a 'variety store' in the suggested condition does not control the use of the retail unit or limit the range of goods to be sold in any way.

2.6 As a consequence, whilst the proposed controls would allow B&M to occupy the Class A1 retail unit, they would also allow many other different retailers to occupy the unit as well. Therefore, continuing references to the B&M business model and 'operation requirements' may very well be correct but they are not the only potential scenario for the occupation of the proposed Class A1 retail unit.

- 2.7 Turning to the additional assessment of alternative sites, RPS note that, in relation to **Quedgeley district centre**:
- The amount of space in the former Brantano and Next units could amount to circa 3,330sq m whereas the total floorspace of the proposal is 4,331sq m including the outdoor garden centre.
 - In order to get to a total floorspace of circa 3,330sq m, mezzanine floors are required. A mezzanine is to be provided in the gym but not in the retail unit.
 - There is no apparent scope to provide a garden centre adjacent to the Brantano and Next units.
 - There is insufficient car parking at Quedgeley Retail Park to support the proposal as well as existing retailers.
 - the existence of other gyms in the local area should be a material consideration when considering the suitability of alternative sites.
- 2.8 In response to these comments, we would not that most of the difference between the potential floorspace in the Brantano and Next units is made up of the garden centre floorspace which we have previously noted is not a fixed feature of all B&M stores. Moreover, the 20% flexibility reduction applied by RPS would reduce the floorspace to a level which is very similar to the potential floorspace in the Brantano and Next units.
- 2.9 In addition, RPS note that there is no mezzanine floorspace in the proposed retail unit. This is true but given the wide flexibility in the comparison goods product range which could be sold from the unit, there is no reason in our opinion why part of the floorspace could not be accommodated on a mezzanine floor.
- 2.10 We also disagree with RPS that the presence of gyms in Quedgeley is a material consideration to suggest that Quedgeley cannot provide a suitable alternative to the application site. Whether or not there are gyms in Quedgeley is not relevant to the assessment of alternatives, particularly as a gym at Kingsway is likely to have a catchment which encompasses Quedgeley as well. In any event, RPS appear to contradict themselves later in the Response Note where they suggest (at paragraph 2.2.33) that Kingsway and Quedgeley are the same catchment.
- 2.11 In relation to the points made about car parking, GCC officers may wish to obtain the advice of the local highway authority on this point although it should be noted that Quedgeley Retail Park functions on the basis of a shared car park and the floorspace in the Brantano and Next units was able to operate successfully and attract customers using this shared car park alongside other units at the retail park.
- 2.12 As a consequence of the above, we consider that the additional information and analysis supplied by RPS has not changed our view regarding the suitability and availability of the Next and Brantano units at Quedgeley Retail Park.
- 2.13 In relation to the **Peel Centre**, some of the additional analysis provided by RPS continues to base the assessment of alternatives on the specific identity of one of the occupiers for the proposed development. RPS suggest that the Peel Centre is not a suitable or available alternative on the basis of the presence of a B&M store in Gloucester city centre and the lease for the Home Bargains unit which prevents other 'discount retailers' from occupying space at the Peel Centre. This is of course contrary to the content of the *Mansfield*

- High Court judgement and should be given no weight by GCC. Indeed, the controls proposed by the applicant for the Class A1 retail unit do not make it specific to B&M or a similar retailer and many different comparison goods retailers could occupy the unit.
- 2.14 RPS also make the point that the Peel Centre and Kingsway/Quedgeley have separate catchments and cite the decision by Next to relocate from Quedgeley to the Peel Centre. However, no evidence is provided by RPS to substantiate this suggestion and we consider that the Peel Centre will have a city-wide catchment.
- 2.15 RPS also complain that AY is promoting disaggregation by suggesting that the gym and retail units can be placed in different parts of the Peel Centre. Disaggregation is generally associated with separate sites although the Peel Centre is one single Retail Park. There is also no evidence to suggest, as RPS do, that by splitting the retail and gym units this would suddenly render them unviable. There is no evidence to suggest that retail and gym uses of the types proposed must always be in the same development.
- 2.16 The final area of RPS analysis deals with whether the Peel Centre is sequentially preferable to the application site with reference to Gloucester city centre and Kingsway local centre. RPS reiterate the point that the distance from the application site to Kingsway local centre is 500 metres whereas the Peel Centre lies 750 metres from the edge of Gloucester city centre. RPS fail to mention that in terms of the proposed leisure use, the Peel Centre is much closer to the city centre boundary given the different treatment of non-retail main town centre uses by the NPPF.
- 2.17 RPS make reference to the *Newport* High Court judgement and correctly make reference to the content of the judgement which notes that it is open to the decision maker to decide whether sites are sequentially equal or whether one is to be preferred. There must be material difference in our opinion and the characteristics of the relationship of the Peel Centre in relation to the city centre, along with the city centre's place at the top of the hierarchy indicate to us that it should be afforded a preference over the Kingsway application site and Kingsway local centre. There is nothing in the Response Note which changes our opinion in this regard.
- 2.18 The final centre is **Kingsway local centre**. RPS understandably point out the current care home planning application, as do we in our previous advice. Clearly, if the care home application succeeds then there would be insufficient remaining land to accommodate the proposal and our previous advice was careful to point out the likely factors which would stop the local centre becoming/remaining suitable for the proposal.
- 2.19 In light of the above, we remain of the view that the application has not demonstrated that this proposal complies with the sequential test and therefore is likely to be viewed as being contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF.

3. Impact

3.1 Our January 2019 advice report for GCC raised the following points in relation to the applicant's assessment of the likely impact of the proposal:

- Lack of a comprehensive cumulative impact assessment, including the trading effects of the Ashchurch retail outlet/garden centre development;
- The need for further detail on the applicant's forecast pattern of trade diversion to the proposal; and
- The need for confirmation over the controls which will be placed over the proposed Class A1 retail floorspace to ensure that the forecast pattern of trade diversion (associated with a B&M store) reflect the actual situation when the retail unit is constructed and opened for trade.

3.2 In relation to the above, we consider a useful place to commence our latest assessment of the impact test are the controls proposed by the applicant for the retail and leisure floorspace. The proposed control to ensure that Class D2 floorspace can only be operated as a gym is to be welcomed and will ensure that the complexion of the development is in accordance with the purposes prescribed in the application and reflects the complexion of the proposals upon which the assessment of impact was based.

3.3 However, the proposed retail goods sales control for the retail floorspace would not, as stated earlier in this report, ensure that the proposal would be consistent with the applicant's impact assessment. For example, whilst the proposed control would allow B&M or one of their direct competitors to occupy the units, many other eventualities could occur. For example, the unit could, without any further permissions from GCC, be used as a clothing, footwear and fashion goods store, or a sports goods retailer, or the sale of household goods and furnishings, or as a toys and games store. Such scenarios could well attract a different set of trade diversion forecasts and some of these could result in much higher impacts for some defined 'town centres' such as Quedgeley and the city centre where there is a much larger level of trading overlap.

3.4 We go on to consider the applicant's updated impact assessment on a without prejudice basis below, although in light of the comments made in paragraph 5.4 of our January 2019 advice we recommend to GCC that the applicant's impact assessment is incomplete as the range of goods sought for the proposed retail unit could materially differ from the applicant's own assessment.

3.5 In relation the additional information supplied by RPS, the inclusion of the Ashchurch commitment is to be welcomed although we consider the financial impact of that scheme on the turnover of Gloucester city centre to be materially higher.

3.6 We consider that the changes made to the levels of likely trade diversion from the ASDA Kingsway and ALDI Bristol Road provide for a more realistic assessment.

3.7 We note that some amendments have also been made to the pre-impact turnover levels of certain stores, including the ALDI on Bristol Road, the ASDA at Kingsway, the Lidl stores on Bristol Road and Eastern Avenue and the inclusion of the Tesco Express store at Kingsway. These changes are apparently based upon amendments made by DPP in their impact assessment for the proposed Lidl store at Kingsway. We have not

reviewed the Lidl impact assessment in detail although we do appreciate that the turnover of the ALDI store appears extremely high and the turnover of the ASDA very low and which is at odds with our experience of that store over the past 2-3 years.

- 3.8 Manual adjustments to market share and turnover levels do have their drawbacks as they rely on professional judgement unless there is another credible source of evidence to rely upon. When we review the DPP assessment for the Lidl proposal we will comment upon this aspect although it may be that a new survey of household shopping patterns (very recently completed) which has been commissioned for the Joint Core Strategy Retail and City/Town Centre Review can provide additional more up-to-date information to avoid the need to make manual adjustments to market share levels. Nevertheless, it should be noted that both of these stores lie in out of centre locations and therefore any irregularity regarding their actual market share levels may not prove to be a particularly significant issue here (unless these are a sign of further irregularities in the rest of the 2015 household survey).
- 3.9 We are grateful to RPS for providing additional information on the identity of out of centre retail park stores which forecast to contribute 70% of comparison goods turnover of the proposal. Having reviewed the data on page 14 and Table A of the Response Note, we consider these to be reasonable predictions so long as the proposed retail unit is occupied by a B&M Homestore.
- 3.10 RPS also helpfully provide an additional section on the potential impact of the proposed gym use. As previously noted, assessments of 'leisure impact' need to be qualitative in nature and be focused upon the location on directly competing facilities and how those in defined 'town centres' make a contribution to the overall health and attractiveness of that particular centre. Whilst we do not agree with RPS that the gyms in the city centre will have necessarily have separate catchments to the proposed facility on the application site, we do agree that gym facilities represent a small proportion of the overall range of uses and activities in the city centre and therefore any trade diverted away from the city centre is unlikely to have a material impact.
- 3.11 Overall, we are now reasonably comfortable with the applicant's impact assessment and whilst there will be small amount of trade diverted from Quedgeley district centre and Gloucester city centre, we do not consider a B&M Homestore and gym use on the application site is likely, on its own, to lead to a significant adverse impact upon the vitality and viability of defined 'town centres' in Gloucester. As noted in our previous advice report, there are a number of existing commitments in Gloucester and the surrounding area which, in our opinion, will have a harmful impact upon the health of Gloucester city centre. However, so long as the Kingsway proposal is suitably controlled to reflect the content of the applicant's impact assessment, we do not consider that this proposal should be resisted when the threat to the health of the city centre comes from other sources.
- 3.12 That conclusion therefore brings us back to the issue of the controls over the proposed Class A1 retail floorspace. RPS indicate that the intended occupier for this floorspace will be a B&M Homestore. We have no reason to doubt this intention although any planning permission granted by GCC to the applicant runs with the land and is not personal to a particular occupier. Therefore, in order to make the assessment of impact robust, and particularly where there are concerns over the impact of the proposal on the health of nearby 'town centres', it will be important to ensure that the complexion of the development is in accordance with the purposes prescribed in the application and also reflects the complexion of the

proposals upon which the assessment of impact was based. As a consequence, we recommend to GCC that the applicant's impact assessment is incomplete as the range of goods sought for the proposed retail unit could materially differ from the applicant's own assessment.

4. Summary and Conclusions

- 4.1 This advice report has been prepared by Avison Young in relation to a planning application by Robert Hitchins Limited for the redevelopment of land at Kingsway Business Park for a retail and leisure development. It provides supplementary advice to Gloucester City Council on retail, leisure and main town centre use planning policy issues and responds to the contents of a document entitled 'Kingsway Business Park, Parcel I – Response to GVA Assessment dated January 2019' prepared by RPS on behalf of the applicant.
- 4.2 The RPS document provides further information and analysis of the applicant's approach to the sequential test and the assessment of three alternative sites in Gloucester. Having considered the information and analysis provided, we remain of the view that the applicant has not demonstrated that this proposal complies with the sequential test and therefore is likely to be viewed as being contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF. In particular, we continue to hold the view that the Peel Centre and Quedgeley district centre offer suitable and available sequentially preferable alternatives to the application site.
- 4.3 In response to the contents of our January 2019 advice report, the applicant has provided additional information and analysis in relation to the impact of the proposal on defined 'town centres'. The applicant has helpfully provided additional analysis in relation to cumulative impact matters and further detail on the forecast pattern of trade diversion from stores across the city. Overall, we are now reasonably comfortable with the applicant's impact assessment and whilst there will be small amount of trade diverted from Quedgeley district centre and Gloucester city centre, we do not consider a B&M Homestore and gym use on the application site is likely, on its own, to lead to a significant adverse impact upon the vitality and viability of defined 'town centres' in Gloucester. As noted in our previous advice report, there are a number of existing commitments in Gloucester and the surrounding area which, in our opinion, will have a harmful impact upon the health of Gloucester city centre. However, so long as the Kingsway proposal is suitably controlled to reflect the content of the applicant's impact assessment, we do not consider that this proposal should be resisted when the threat to the health of the city centre comes from other sources.
- 4.4 However, the applicant has offered a condition which would allow a wide variety of scenarios for the occupation of the proposed retail unit which would allow B&M to occupy the unit but alternatively allow the unit to be occupied by clothing/fashion, toys/games, household goods and home furnishing retailers. Whilst we have no reason to doubt the aspiration for B&M to occupy the proposed retail unit, any planning permission granted by GCC to the applicant runs with the land and is not personal to a particular occupier. Therefore, in order to make the assessment of impact robust, and particularly where there are concerns over the impact of the proposal on the health of nearby 'town centres', it will be important to ensure that the complexion of the development is in accordance with the purposes prescribed in the application and also reflects the complexion of the proposals upon which the assessment of impact was based.

Assessment of Retail and Leisure Planning Policy, Proposed Class D2 and Class A1 Development

Kingsway Business Park, Gloucester

January 2019

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Appendices

Appendix I Study area

1. Introduction

- 1.1 This report has been prepared by GVA for Gloucester City Council ('GCC') in relation to a planning application by Robert Hitchins Limited for the redevelopment of land at Kingsway Business Park for Class A1 retail and Class D2 leisure land uses and associated development. In brief, this application proposes the provision of 1,312sq m of Class D2 commercial leisure floorspace in the form of a gym and 3,019sq m of Class A1 retail floorspace for a single retail store.
- 1.2 In line with our instructions from GCC, we have assessed whether the proposed development complies with prevailing retail, leisure and main town centre planning policies in the development plan and material considerations such as the latest version of the National Planning Policy Framework ('NPPF') published in July 2018. Given the location and planning policy status of the application site, the focus of our assessment has been the sequential and impact tests.
- 1.3 The focus for our assessment of the applicant's supporting material has been a Retail & Leisure Statement ('RLS') prepared by RPS and dated October 2018. In addition, our assessment will refer to the contents of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Retail Study 2015 Update ('the 2015 retail study') which was prepared by DPDS as part of the evidence base for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy ('JCS').
- 1.4 The remainder of this advice report is structured as follows:
- Section 2 summarises the content of the application proposal;
 - Section 3 summaries the planning policy context for the proposal
 - Section 4 considers whether the information submitted by the applicant has demonstrated that the proposal complies with the sequential test;
 - Section 5 assesses the scale of the impact of the proposal on the health of, and investment within, defined 'town centres' in the local area; and
 - Finally, Section 7 summaries the content of our advice on retail, leisure and main town centre planning policy matters.

2. The Proposed Development

- 2.1 The site subject to this planning application lies within the Kingsway mixed use development area in the southern part of the Gloucester urban area. It has, according to the RLS, an extant planning permission for Class B land use development.
- 2.2 As set out in Section 3 of the RLS, the proposal seeks planning permission for one building and associated development, including car parking and servicing areas along with associated works. It is proposed that the building will be split into two separate units: one comprising 3,019sq m Class A1 retail floorspace, and the other comprising 1,312sq m of Class D2 floorspace in the form of a gym. It is proposed that, as part of the 3,019sq m of A1 retail floorspace, 696sq m of floorspace will be provided outside of the building for a 'garden centre'.
- 2.3 Section 3 of the RLS indicates that the retail unit element of the proposed floorspace will be occupied by a B&M Homestore. Paragraph 3.6 of the RLS indicates that B&M Homestore offers the following product ranges: indoor and outdoor furniture, a limited range of non-perishable food goods, household goods and housewares, seasonal items, garden goods, home textiles and home adornment. Paragraph 3.6 describes these comparison goods items as 'generally bulky goods'. From our experience of B&M Homestores, the range of goods offered does indeed include some bulky comparison goods, but many of the items offered for sale are not bulky in nature and do not necessarily require an adjacent car park in order to transfer them to customers' vehicles.
- 2.4 The Class D2 gym use is proposed to be occupied by Pure Gym and the unit will have a mezzanine floor of 383sq m.
- 2.5 Whilst there is no reason to doubt the aspiration of the applicant to secure Pure Gym and B&M as tenants for this development, it should be remembered that a personal planning permission is not being sought and that any permission granted by GCC will run with the land. As a consequence, there is the potential for other retail and leisure operators to occupy the proposed floorspace.
- 2.6 It is notable that the applicant has not offered any controls over the proposed Class A1 retail floorspace and, without these, the retail unit could sell a very wide range of goods, possibly leading to materially different impacts and effects to those described in the RLS. We have, however, proceeded on the basis that controls would be imposed upon the retail unit in order to ensure that it could only operate in a manner similar to a typical B&M store or one of its direct competitors. Similarly, we have assumed that the Class D2 leisure unit would be controlled to a gymnasium use only. If this is not the aspiration of the applicant, then the content of this advice will need to be re-visited.

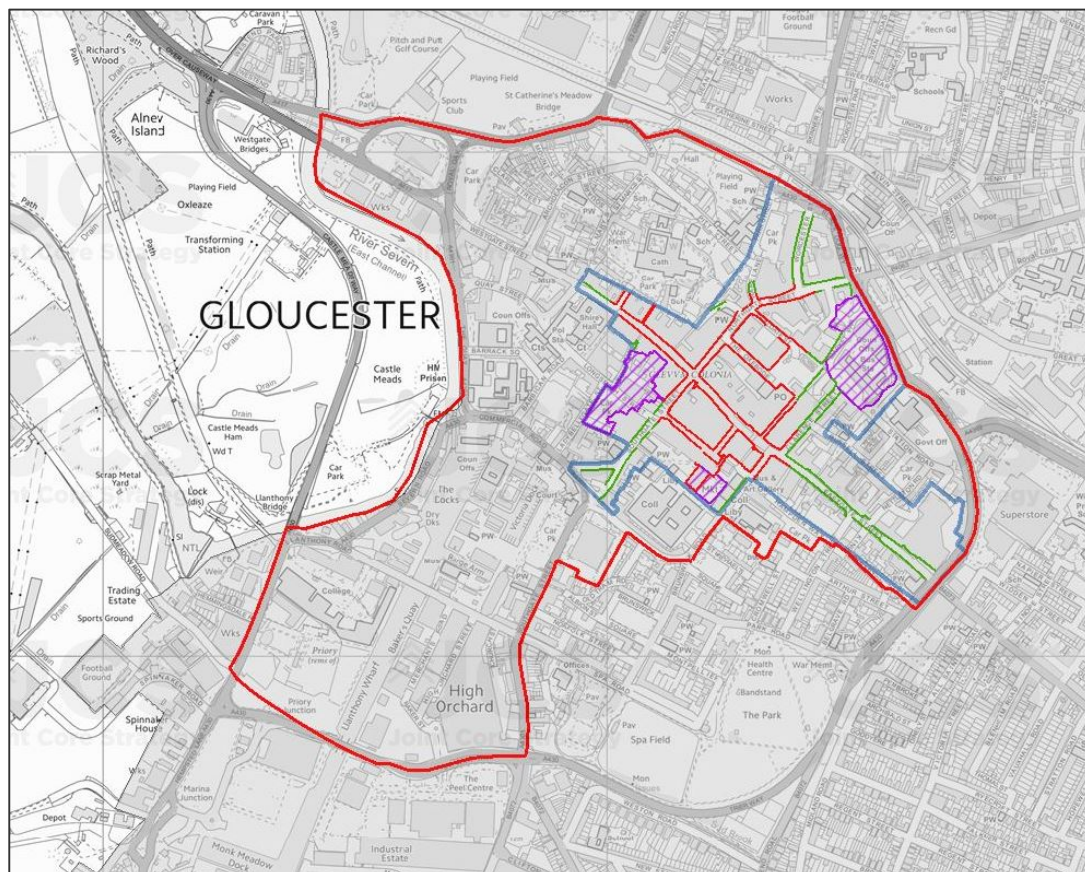
3. Planning Policy Context

- 3.1 The development plan for the application site comprises the JCS and 1983 Gloucester Local Plan. The latter plan has only two policies of relevance and these are not related to retail or leisure land use proposals. Therefore, the 1983 plan is not considered in detail in this section of our advice.
- 3.2 In addition to the development plan, the 2018 version of the NPPF will be an important material consideration for this application, providing national planning policy on retail, leisure and main town centre uses. In addition, the draft Gloucester City Plan, which is currently in preparation and consulted upon in 2017, will also be a material consideration albeit one with limited weight at the present time.

The development plan

- 3.3 Policy SD2 of the JCS is the most relevant policy insofar as retail and main town centre use proposals are concerned. The policy sets out the hierarchy of centres with Gloucester city centre at the top of the hierarchy along with Cheltenham town centre. The JCS requires an immediate review of the evidence base for retailing and town centres although pending that review the various boundaries and frontages for Gloucester city centre are set out on the policies map. Figure 3.1 below shows an extract from the policies map for the city centre. The red line indicates the city centre boundary whilst the blue line indicates the defined primary shopping area.

Figure 3.1: extract from JCS policies map for Gloucester city centre



- 3.4 SD2 notes that proposals for A1 retail development located outside of the primary shopping area, and for other main town centre uses where they are proposed in locations outside of the City Centre boundary, 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. It goes on to note that proposals for retail and other main town centre uses that are not located in a designated centre, and are not in accordance with a policy in either the JCS or District plans, will be robustly assessed against the requirements of the sequential test and impact test, as set out in National Planning Policy Framework and national Planning Practice Guidance, or locally defined impact assessment thresholds as appropriate.

Material considerations

NPPF

- 3.5 The new version of the NPPF, published in July 2018, includes national planning policy on retail and main town centre uses in Section 7. It closely follows the approach of Section 2 of the 2012 version of the NPPF, remaining with two retail policy tests for retail land use proposals located outside of 'town centres' and not in accordance with an up to date development plan: the sequential test and the impact test.

- 3.6 Paragraphs 86 and 87 deal with the sequential test and note:

"86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored".

- 3.7 Paragraph 89 deals with the assessment of impact for retail and leisure proposals and notes:

"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)".

- 3.8 Paragraph 90 provides clear guidance for local authorities where they conclude that either the sequential or impact tests have been failed:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused".

Draft Gloucester City Plan

- 3.9 The latest version of the draft Gloucester City Plan was consulted upon in 2017. Policy C1 outlines the hierarchy of centres in the city, with the city centre at the top, along with two district centres (Abbeymead and Quedgeley, and several local centres (including the new centre at Kingsway).
- 3.10 The draft City Plan proposes to allocate several sites in and around the city centre for retail, leisure and other main town centre uses (plus new residential accommodation) including Kings Quarter, the Greater Blackfriars area, Southgate Moorings, Northgate Street, land adjacent to the Eastgate Shopping Centre and land at St Oswald's.

4. The Sequential Test

- 4.1 Given the location and planning policy status of the application site, there is a need for GCC to consider whether the proposal complies with the sequential test as set out in the development plan and national planning policy.
- 4.2 Paragraph 1.5 of the RLS notes that the application site lies in an out of centre location, a classification that we agree with given that the closest 'town centre' is Kingsway local centre some 500 metres to the north-east. As a consequence, there is need to consider whether there are any suitable and available sites and premises in sequentially preferable locations which can accommodate the proposal, taking into account the national policy requirement for flexibility in scale and format. In this particular instance, sequentially preferable locations will be in-centre and edge-of-centre locations, plus out-of-centre locations which are more accessible and better connected to 'town centres'. For the avoidance of doubt, it should be noted that edge-of-centre classifications differ between retail and leisure land uses, such as the ones proposed here, with edge-of-centre classifications for retail uses measured from the primary shopping area whilst leisure uses are measured from the town centre boundary (in Gloucester City's case, the city centre boundary).
- 4.3 The applicant's search for alternative sites and premises has initially concentrated upon the city centre, Quedgeley district centre and Kingsway local centre. However, GCC officers have requested that the retail parks at Westgate, the Peel Centre and St Oswald's should also be considered as 'out of centre' retail parks that are in a more accessible location to the primary shopping area than the application site. We consider that these locations are appropriate for the sequential site assessment for this particular proposal and that the search for alternatives should cover the whole of the city given the scale and likely catchment of the proposal.
- 4.4 Paragraphs 7.11 to 7.21 of the RLS outline the applicant's approach to the assessment of alternative sites and premises. Paragraph 7.15 notes that the applicant has undertaken the assessment of alternatives *"in a flexible and operator blind manner having regard to the types and size of retail and leisure floorspace proposed"*. Avoiding the business requirements of a particular operator or the applicant is certainly the correct approach to assessing the suitability and availability of alternatives having regard to the content of the recent *Aldergate Properties Ltd v Mansfield District Council* high court judgement, although we do note that, on a few occasions, the RLS does appear to rely upon the particular identity of the intended occupiers to dismiss alternative locations.
- 4.5 In relation to demonstrating flexibility, paragraph 7.16 outlines the various scenarios which have been considered for alternative sites. These include: the same scale of site/floorspace as the proposal, accommodating individual units on a disaggregated basis and also accommodating both the retail and leisure uses together but with a 20% reduction in site area and floorspace.
- 4.6 The need to consider disaggregation of proposals for separate retail / leisure units remains a grey area in retail and leisure planning at the present time. Appeal and call-in decisions since the publication of the original NPPF in 2012 have potentially suggested differing approaches (based upon the circumstances of each case) and there is no longer any specific guidance at a national level to guide the assessment of

proposals involving separate multiple units/uses. We consider that the approach of the applicant to consider disaggregation of the retail and leisure uses is certainly flexible and should be encouraged bearing in mind they are separate uses with no formal link, although a certain amount of caution needs to be applied until such time as national planning practice guidance is updated to confirm the government's intended approach on this issue.

- 4.7 The reduction in site area / floorspace of 20% could also be seen as a sign of flexibility. The decision to adopt a figure of 20% is not explained and it can be quite difficult in some instances to alight on a particular percentage reduction. Instead, in some instances an alternative approach which examines whether a reduction in scale would still allow an alternative location to provide the same broad type of development proposed, and be able to perform a similar role and function, may be a useful alternative.
- 4.8 Paragraph 7.23 of the RLS lists the sites and premises which have been examined by the applicant and Appendix 5 provides a specific assessment of each location. The locations examined in the city centre include proposed site allocations in the draft Gloucester City Plan and current or recently vacant retail units. Having examined each alternative location, we consider that many can be dismissed due to their size and/or intended future land use, although there are three alternatives which are the focus for our assessment: Quedgeley district centre, Kingsway local centre and the Peel Centre.

Quedgeley District Centre

- 4.9 Of the two locations in Quedgeley assessed by RPS, Quedgeley Retail Park requires the most attention. Paragraph 7.39 of the RLS focuses upon the former Brantano unit which has a gross ground floor area of 929sq m. The unit is dismissed on the basis of its size, lack of mezzanine floor area, permission for a Class D2 use, insufficient car parking provision and the number of gyms already in the local area.
- 4.10 In response to the points made, we raise several issues in response.
- 4.11 First, whilst the current state of the former Brantano unit is too small an alternative for the proposal, there is the potential for a mezzanine floor, as demonstrated by the adjacent Next unit. This could add an extra circa 1,000sq m of floorspace.
- 4.12 Second, the former Brantano unit is adjacent to a Next store which is widely reported to close when the new Next Home and Fashion store opens in 2019. This will provide a further substantial amount of available and suitable floorspace. The combined existing floorspace of the Brantano and Next units is circa 2,450sq m.
- 4.13 Third, whether or not there is space to provide a 'garden centre' as part of the proposed Class A1 retail unit, it should be noted that similar Class A1 retail units in Gloucester, such as the B&M at Gloucester Retail Park does not have a 'garden centre'. It is also to be noted that many of the 'comparable stores' listed on page 15 of the RLS also do not have a 'garden centre' area and also the applicant is not clear as to what is to be sold from this particular area.
- 4.14 Fourth, the lack of permission for a Class D2 use should not be a significant obstacle in this location as this is an 'in centre' location in planning policy terms.
- 4.15 Fifth, there is no substantive information to substantiate the claim in relation to the lack of / insufficient car parking provision.

4.16 Sixth, we consider that the reference to other existing gyms in the local area not to be a material consideration for dismissing this district centre site.

4.17 Overall, in light of the above, we consider that the applicant has not yet been able to dismiss Quedgeley district centre as an unsuitable and unavailable alternative to the application site.

Kingsway Local Centre

4.18 Kingsway local centre is a new centre to be defined in the draft City Plan and which is being developed and expanded as part of the wider Kingsway mixed use area. The existing local centre has a number of existing shop units and the one current vacancy can be dismissed as being too small an alternative.

4.19 There are, as the RLS recognises, other vacant plots around the existing local centre. Three have been assessed¹ and have been dismissed on the basis of:

- Site 13 – being too small, having an alleged alternative mixed use development proposal, along with concerns over impacts on nearby residential amenity.
- Site 14 – being too small and being too close to nearby residential accommodation.
- Site 15 – being too small and is intended to be developed for a church building².

4.20 There is also a further vacant plot of land at the centre which has not been assessed by the RLS and this is larger than the other three plots and is currently subject to an undetermined planning application for a care home.

4.21 In our view, in totality, all of these vacant plots have the potential to be a suitable alternative for the proposed development although 'actual' suitability will depend upon three factors to be determined by GCC:

- Whether the current care home planning application will get permission and then be implemented;
- Whether the permission for a church on site15 will be implemented; and
- Whether GCC officers share the concerns of the RLS that leisure uses on any of these sites could have a detrimental impact upon residential amenity of surrounding occupiers.

The Peel Centre

4.22 The final location which warrants a detailed examination is the Peel Centre, which is located to the south of the city centre and the docks area. The analysis in the RLS concentrates upon the former Toys R Us unit which currently lies vacant. The RLS dismisses the suitability and availability of this unit for several reasons, including: the alleged lack of current marketing of the unit, the lack of an outside 'garden centre', the inability to sub-divide the unit without placing the proposed gym use at mezzanine floor level, the need for a significantly amended catchment area and also the duplication of retail and leisure facilities in this location.

4.23 In response to these matters, we raise the following points:

¹ Sites 13, 14 and 15 in Section 7 and Appendix 5 of the RLS

² Planning permission 17/00032/FUL

- First, simply because there are other similar uses in the local area, this is not a valid reason to dismiss the Peel Centre.
 - Second, no evidence has been provided to demonstrate that the applicant has sought to identify whether the vacant unit is actually available. We understand that many former Toys R Us units are available via CBRE and the unit is showing as 'To Let' in Curson Sowerby's current brochure for the retail park.
 - Third, there have been proposals to sub-divide this unit and it would appear that the total amount of floorspace proposed at the application site would be able to be accommodated in the unit with the majority of the gym use at ground floor.
 - Fourth, simply because there is not a current area able to be used for an external 'garden centre' this does not mean to say that one could not be provided via either use of part of the parking area adjacent to the existing unit, or refurbishment and reconfiguration of the unit to accommodate such an element.
 - Fifth, with reference to the analysis provided below, it is entirely reasonable to consider whether the two separate land uses can be provided separately across the Peel Centre.
- 4.24 In light of the above, we consider that the applicant has not yet demonstrated that the former Toys R Us unit at the Peel Centre is not a suitable and available alternative to the application site.
- 4.25 In relation to whether the vacant unit is in a sequentially preferable location to the application site, paragraph 7.51 of the RLS notes that the former Toys R Us unit is in an out of centre location and therefore is no better located in terms of linkages with centres than the application site. No further analysis is provided although based upon national planning policy in the latest NPPF, and also under the principles of the *Newport* judgement³, preference can be given between out of centre sites where it can be demonstrated that one site is more accessible and better connected to a 'town centre'.
- 4.26 In this instance, there is no doubt that the Peel Centre site is much closer to Gloucester city centre than the application site and there is a greater likelihood of some linked trips between the Peel Centre and the city centre. Linkages between the application site and the city centre are much less likely. There is no specific reference to Kingsway local centre in paragraph 7.51 of the RLS but it may also necessary to undertake an alternative assessment whereby the relative accessibility characteristics of Kingsway local centre (for the application site) and the city centre (for the Peel Centre) are assessed.
- 4.27 In terms of the walking distance between these two sets of locations, the walk from the application site to Kingsway local centre is, according to the RLS, 500 metres whilst the walk from the Peel Centre car park to the edge of the primary shopping area ('PSA')⁴ is circa 750 metres. However, whilst the latter is longer, the nature of the routes is very different with the routes between the Peel Centre and the city centre's PSA giving the clear impression of being within a city centre environment (including shops, food and beverage outlets, service uses and other commercial uses) which would encourage some linkages. There is also the argument that whilst the proposed land uses should not be ruled out from local centre locations, the city centre is a first choice location for such uses. As a consequence, we consider that the Peel Centre lies in a sequentially preferable location to the application site in this particular instance.

³ [2013] EWHC 1638 (Admin)

⁴ As proposed by the draft Gloucester City Plan

- 4.28 In addition, it should be noted that the definition of edge and out of centre locations for other main town centre uses differs from retail uses, with edge of centre locations being within 300 metres of a town centre boundary (rather than the primary shopping area). This reinforces the sequential preference of the Peel Centre area, in this circumstance.
- 4.29 Moreover, other parts of the Peel Centre also require examination. In recent years there have been a series of proposals to alter the format and scale of existing retail floorspace at the retail park along with the construction of new floorspace. A new Next Home and Fashion store is currently under construction and there is also permission for three additional large units adjacent to the new Next store. Whilst the permission only allows for the provision of convenience and comparison goods retail floorspace, and which could thus accommodate the proposed retail use, there is also the potential to a revised scheme to accommodate the proposed leisure floorspace. In addition, there is also another vacant unit at the Peel Centre, extending to circa 860sq m.
- 4.30 In light of the foregoing analysis, we conclude that the applicant's RLS has not demonstrated compliance with the sequential test, as set out in the development plan and the NPPF. In particular, there are opportunities to accommodate the proposal at the Peel Centre and Quedgeley district centre whilst Kingsway local centre may also require further examination subject to the views of GCC officers in relation to the impact of retail and leisure uses on residential amenity in this location.

5. Impact

- 5.1 Given the location and planning policy status of the application site, along with the scale of floorspace proposed, there is a requirement to consider whether the proposed development is likely to have a significant adverse impact upon the health of, and investment within, defined 'town centres'. The RLS recognises the need for such an assessment and Section 8, supported by a statistical analysis at Appendix 7, provides an analysis of both issues. We consider each in turn below.

Impact on town centre vitality and viability

- 5.2 The primary focus for the applicant's assessment of the impact of the proposal on town centre vitality and viability is a statistical assessment of the pattern of trade diversion to the proposed Class A1 retail stores from existing stores and centres and the calculation of the consequence scale of trade loss. The assessment of impact of the proposed Class D2 gym floorspace adopts more of a qualitative and broad brush approach on the basis of the lack of a recognised financial impact methodology for gym/health & fitness uses. In general terms, this is a reasonable approach although there is a need to bring the impacts associated with these two elements together in order to form a conclusion as to the overall impact of the proposal.
- 5.3 The financial impact assessment has been conducted on the basis that the proposed retail store will sell both convenience and comparison goods. This is based upon the retail offer of a typical B&M Homestore, including 80% of net sales area devoted to comparison goods sales and the remaining 20% selling convenience goods.
- 5.4 As we have noted in Section 2 of this advice report, whilst we do not doubt the aspiration of the applicant to secure B&M as the tenant for the proposed retail unit, the permission sought is not a personal one and the applicant has not offered any controls over the sale of goods from the proposed floorspace. We have, however, proceeded on the basis that should GCC be minded to grant planning permission for this development, suitable controls would be imposed to ensure that the unit was only able to trade in a form which matched B&M or one of its direct competitors (i.e. Home Bargains). If this is not the applicant's aspiration for the unit, and an alternative form of retail trading was envisaged then this assessment will need to be re-visited.
- 5.5 The financial impact assessment adopts a large body of data from the 2015 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Retail Study update ('the 2015 retail study') which is understandable given that it provides the most recent assessment of shopping patterns in the Gloucester, Cheltenham and Tewkesbury area. We have the following comments to make in relation to the methodology and data sources for the applicant's assessment:
- Study area. The applicant's assessment adopts the same study area as the 2015 retail study. This area is shown on the plan attached at Appendix I to this report. The RLS acknowledges that this area is well beyond the catchment of the proposal but we agree that it is correct to adopt the wider area in order to properly understand the wider shopping catchment of Gloucester. Paragraph 8.30 of the RLS indicates that zones 5a, 5b, 5c, 5d, 9, 11 and 13 closely match the catchment of the proposed retail store and we consider this to be a reasonable prediction.

- Time frame for the analysis. The applicant's assessment adopts a start date of 2018 (the year in which the application was submitted) and a design year of 2021. This is considered reasonable for the purposes of the Kingsway proposal.
- Population data. Population data for the study area zones has been taken from the 2015 retail study, which is considered reasonable as it allows the assessment to match GCC's current evidence base library.
- Per capita retail expenditure data. Consistent with our assessment for the Lidl Mercia Road proposal, the RLS adopts the base 2013 per capita expenditure from the 2015 retail study and uses the latest economic forecasts from Experian available at the time of completing the RLS⁵. Experian published new economic forecasts in December 2018. The more recent have a slightly more positive outlook regarding convenience and comparison goods expenditure growth between 2013 and 2021 and therefore we consider the applicant's assessment to be robust.
- Shopping patterns data. The applicant has adopted the market share data provided by the 2014 household survey commissioned to inform the 2015 retail study. This is considered reasonable as the 2014 survey is the most recent comprehensive survey of convenience and comparison goods shopping patterns across this part of Gloucestershire. The RLS correctly acknowledges that a number of recent store openings and retail commitments need to be taken into account in order to ensure that the cumulative impact of the proposal is properly assessed.
- Commitments. In relation to commitments, the applicant's assessment includes most relevant proposals. For convenience goods floorspace, these include: the recently re-opened Lidl stores, the new Lidl and ALDI stores, the Iceland store at the Peel Centre and the potential for another consented foodstore at the Peel Centre. For comparison goods, the commitments included include the permission for Next and non-bulky floorspace at the Peel Centre, bulky goods floorspace at St Oswald's and the new Home Bargains store at the Peel Centre. However, the applicant's cumulative impact assessment does not take into account the planning permission for a significant amount of retail floorspace at Ashchurch near Tewkesbury. The lack of reference to the Ashchurch scheme is surprising given the applicant is also promoting that development. We understand that the permission remains extant and as recently as Summer 2018 pre-commencement conditions were being discharged. Therefore, we consider that the applicant's financial impact assessment is not complete.

5.6 In relation to the pattern of trade diversion to the comparison goods floorspace element of the proposed store, Table 13 of the RLS indicates the following:

- Gloucester city centre – 15% of the proposal's turnover (£1.15m)
- Quedgeley – 8% of the proposal's turnover (£0.61m)
- Gloucester Quays – 2% of the proposal's turnover (£0.15m)
- Other unnamed stores in Gloucester – 70% of the proposal's turnover (£5.37m)
- Other unnamed stores outside of Gloucester, Cheltenham and Tewkesbury inside the study area – 5% of the proposal's turnover (£0.38m).

⁵ Published in December 2017

- 5.7 We consider that further detail is required from the applicant in relation to the 70% of store (comparison goods) turnover which is predicted to come from 'other' unnamed stores in Gloucester. Whilst we accept that there will be a number of out of centre stores which the proposed store will compete with (assuming that it is occupied by a mixed goods retailer such as B&M), it would be helpful for the individual stores / retail parks to be identified, along with the proportion of turnover from each location. Provision of this information will help to confirm whether it is appropriate to assume that only 15% of the proposal's comparison goods turnover will be diverted from the city centre.
- 5.8 The applicant's assessment of trade diversion to the proposed convenience goods floorspace is much more detailed and identifies a number of specific stores which will see a loss of turnover as a consequence of the Kingsway proposal. All of the relevant convenience goods commitments are also included in Table 14a of the RLS. The stores forecast to lose trade as a consequence of the proposal are as follows:
- ALDI, Bristol Road - £0.43m
 - ASDA, Bruton Way - £0.24m
 - Lidl, Bristol Road - £0.05m
 - Lidl, Eastern Avenue - £0.08m
 - Morrisons, Glevum Shopping Centre - £0.15m
 - Sainsburys, St Ann Way - £0.22m
 - Tesco Extra, Brockworth - £0.25m
 - Tesco Extra, Quedgeley - £0.34m
 - ASDA, Kingsway - £0.16m
- 5.9 Whilst we agree that the pattern of trade diversion is likely to be widely spread and the stores listed above are indeed likely to be the main source of diversion, it does not appear reasonable to assume that ASDA at Kingsway will experience a much smaller level of diversion than the ALDI store on Bristol Road, the ASDA at Bruton Way and the Tesco Extra at Brockworth. The ASDA at Kingsway is likely to be the first choice shopping location for many Kingsway residents and we consider that it is likely to see a reduction in convenience goods turnover of a similar order as the Tesco Extra store at Quedgeley. There may also be some diversion from the Home Bargains at the Peel Centre.
- 5.10 However, apart from the Tesco Extra store at Quedgeley and the Morrisons at Abbeydale, the above stores lie in out of centre locations and therefore are not protected by planning policy. The solus impact upon the Tesco at Quedgeley is predicted to be 0.8%, rising to 4.4% when convenience goods commitments are taken into account. Based upon the results of the 2014 household survey, and reinforced by our own experience of the store, the Tesco trades very well and we do not consider that there will be any concern over the future viability of this store. In relation to the Morrisons store at Abbeydale, we do not consider that the small amount of trade loss is likely to affect the viability of this store and also the role that it plays in the overall attractiveness of the district centre.

- 5.11 In addition, we agree with RPS that there is unlikely to be any significant trade diversion from convenience goods stores in the city centre. There may be some limited diversion from the B&M store in the city centre which may, when combined with diversion of comparison goods expenditure, lead to concerns over the future of this store. However, this is a salient issue for the impact on the overall health of the city centre rather than the convenience goods sector.
- 5.12 In light of the above, until such time as the applicant provides further detail on the pattern of trade diversion to the proposed comparison goods floorspace and includes the Ashchurch retail commitment, we cannot reach a conclusion on the overall impact upon Gloucester city centre and Quedgeley district centre. Once that information and analysis is provided we can also consider the combined impact of the retail and gym uses.

Impact on town centre investment

- 5.13 The other test of 'impact' is whether the proposal is likely to have a significant adverse impact upon existing, planned and committed investment in a nearby 'town centre'. In relation to planned and/or committed investment projects, the RLS concentrates upon Kings Quarter and Greater Blackfriars and argues that the Kingsway proposal would not deter investment in these city centre sites as they are qualitatively and quantitatively different.
- 5.14 The two main sites within the Greater Blackfriars area are the former prison site and the adjacent area of land which is subject to a recently approved Local Development Order ('LDO'). Planning permission was granted in December 2018 for a mixed use scheme on the former prison site which includes a small amount of retail and leisure floorspace. However, this is relatively minor part of the scheme and we do not consider that any competition from the Kingsway proposal would affect the decision of the promoter of the former prison site to implement that scheme. Part of the wider site has now been developed as student accommodation, with planning permission now granted for a further phase.
- 5.15 A planning application for the Kings Quarter area has recently been submitted and proposes a mixed use development. The scheme includes over 3,000sq m of commercial floorspace, which may be Class A uses, although 700sq m will comprise a foodhall and it is likely that the commercial floorspace will be provided in small units. The majority of the Kings Quarter scheme comprises residential, office and a hotel, along with a new multi-storey car park and, as a consequence, we do not consider that the Kingsway proposal is likely to materially affect the continued progress and implementation of the Kings Quarter project.
- 5.16 In relation to existing investment, paragraph 8.25 of the RLS acknowledges the need to consider the effect that proposals will have on the confidence of existing occupiers, landlords and other parties with an interest in 'town centres'. This has certainly been an important issue for GCC when considering the recent planning applications at the Peel Centre. RPS argue that the confidence of investors and retailers will not be harmed by the Kingsway proposal given that the proposed retail store will sell a wide variety of goods and thus any trade diversion would be widely drawn and would not focus upon any particular shop or centre.
- 5.17 In our view, rather than being an advantage, the wide variety of goods being sold from the proposed retail unit is actually a threat to 'town centres' such as the city centre and the district centre at Quedgeley. The city centre in particular is in a fragile state of health and more susceptible to harmful impacts than other surrounding centres and the provision of another mixed goods store selling a wide variety of products has

the potential to reinforce poor confidence. This would be further reinforced if B&M occupy the proposed store and decide to leave the city centre as a consequence.

- 5.18 As a consequence, whilst the combined impact of all commitments and proposals is likely to have a significant adverse upon existing investment in the city centre, the Kingsway proposals cannot realistically be singled-out to have a significant adverse impact upon its own. Therefore, whilst this does not suggest a reasonable for refusal under paragraph 90 of the new NPPF, it will be a material consideration for GCC to consider in the overall planning balance.

6. Summary and Conclusions

- 6.1 This report has been prepared by GVA for Gloucester City Council ('GCC') in relation to a planning application by Robert Hitchins Limited for the development of land at Kingsway Business Park for Class A1 retail and Class D2 leisure land uses and associated development. In brief, this application proposes the provision of 1,312sq m of Class D2 commercial leisure floorspace in the form of a gym and 3,019sq m of Class A1 retail floorspace for a single retail store.
- 6.2 In line with our instructions from GCC, we have assessed whether the proposed development complies with prevailing retail, leisure and main town centre planning policies in the development plan and material considerations such as the latest version of the National Planning Policy Framework ('NPPF') published in July 2018. Given the location and planning policy status of the application site, the focus of our assessment has been the sequential and impact tests.

The sequential test

- 6.3 The application site lies in an out-of-centre location and therefore GCC is required to assess whether there are any suitable and available sites or premises in sequentially preferable locations. In this instance, sequentially preferable locations will be in-centre or edge-of-centre sites, or out-of-centre sites which are more accessible and better connected to defined 'town centres'. Having considered the applicant's assessment of several alternative locations we have concluded that the applicant has not demonstrated compliance with the sequential test, as set out in the development plan and the NPPF. In particular, there are sequentially preferable opportunities to accommodate the proposal at the Peel Centre to the south of the city centre and also at Quedgeley district centre. In addition, Kingsway local centre may also require further examination subject to the views of GCC officers in relation to the impact of retail and leisure uses on residential amenity in this location.

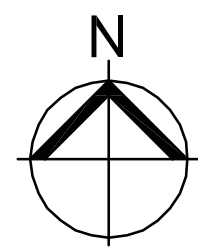
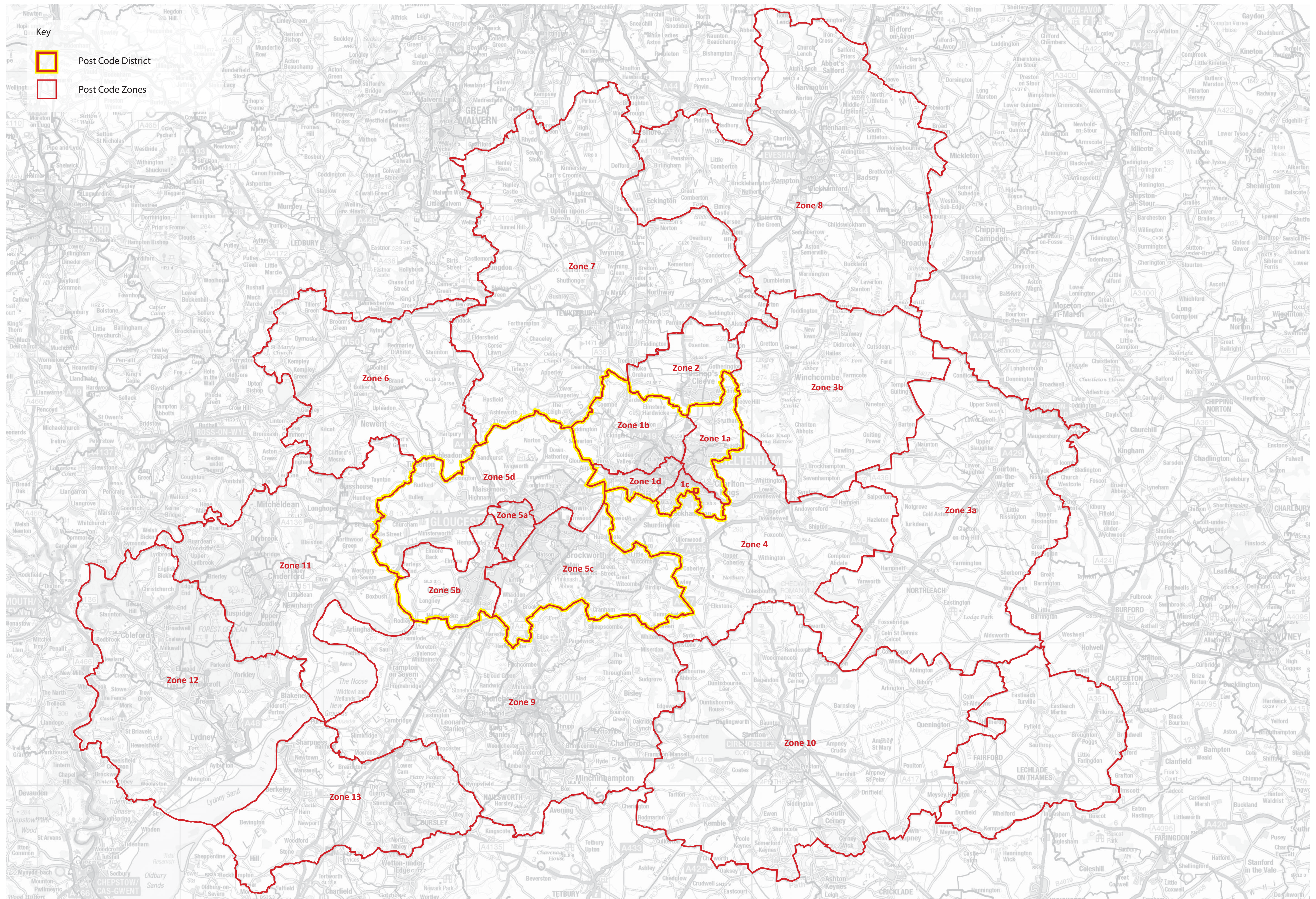
Impact

- 6.4 When assessing the impact of the proposal, the focus will be on its potential to have a likely significant adverse impact upon the health of, and investment within, defined 'town centres'. Having reviewed the applicant's own impact assessment, we conclude that it has not provided a sufficiently robust assessment of cumulative impact as it has omitted to include the large retail floorspace commitment at Ashchurch which is likely to have a significant impact upon the turnover of Gloucester city centre. In addition, there is a need for more detailed information on the pattern of trade diversion in relation to the proposed comparison goods floorspace. Therefore, until such time as the applicant provides this further information and analysis we cannot reach a conclusion on the overall impact upon Gloucester city centre and Quedgeley district centre.
- 6.5 We have also considered the impact of the proposal on existing, planned and committed town centre investment. We do not consider that any planned or committed investment projects in Gloucester city centre are likely to be affected by this proposal and whilst the combined impact of all commitments and proposals in the local area is likely to have a significant adverse upon existing investment in the city centre, the Kingsway proposals cannot realistically be singled-out to have a significant adverse impact upon its own.

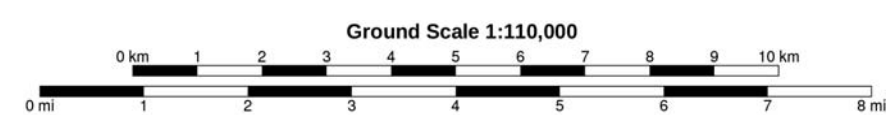
Therefore, whilst this does not suggest a reasonable for refusal under paragraph 90 of the new NPPF, it will be a material consideration for GCC to consider in the overall planning balance.

Appendix I

Study area



Not to Scale



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Drawing name: Study Area and Survey Zones Plan

Revision: Rev A

Drawing number: C10165.15.900
Project: Cheltenham Cloucester and Tewkesbury JCS Retail Study 2015
Date: 29.07.15



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Our Ref:
Your Ref:

13 May 2019

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Dear Adam

Kingsway Business Park, Gloucester

Further to your recent instructions, I write to provide supplementary advice in relation to retail and leisure planning policy issues associated with the above planning application at Kingsway Business Park. This is the third set of written advice that Avison Young ('AY') has provided to Gloucester City Council ('GCC') on this application. The previous advice is dated January 2019 and February 2019. Following the completion of our February 2019 advice, RPS, on behalf of the applicant, has submitted an additional document entitled 'Response to Assessment of Retail & Leisure Planning Policy dated February 2019' (hereafter referred to as the February RPS document'). The February 2019 document deals with the following issues:

- The wording of the proposed condition(s) and controls over the range of retail goods in the Class A1 unit
- The suitability of alternative sequential sites at Quedgeley District Centre and The Peel Centre
- The consistency of the retail impact assessment to the proposed controls in the February 2019 Response Note

We provide our response to the above issues in turn below.

The wording of the proposed retail goods condition

Within our February 2019 advice we raised concerns over the potential for a wide variety of retailers to occupy the proposed retail unit based upon the wording of the retail goods condition provided by RPS in their February note. As a consequence, RPS have revised the wording of the suggested condition and it now reads as follows:

"Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (and any subsequent amendment), the retail unit hereby approved (Unit 2) shall only be used for Class A1 purposes with no more than:

20% of the gross internal floorspace used for the display and sale of convenience goods

Avison Young is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB

Regulated by RICS

- 80% of the gross internal floorspace used for the display and sale of comparison goods
- 3% of the gross internal floorspace used for the display and sale of 'non fashion' clothing and footwear (socks, slippers etc)

No sports goods or equipment shall be sold from the unit.

No more than 20% of the gross internal floorspace of Unit 2 shall be comprised of any one of the following categories of goods:

- DIY (paint, tools, wallpaper)
- Toys and Games
- Bedding (duvets, pillows, sheets)
- Furniture
- Home Accessories (clocks, mirrors, picture frames, decorative accessories, lighting)
- Soft Furnishings (curtains, cushions, throws)
- Kitchenware (saucepans, utensils, tableware, bakeware)
- Electrical goods (excluding lighting and DIY/garden tools)
- Pet products

The associated garden centre shall only be used for the display and sale of garden products and related goods. The retail unit and garden centre shall only be operated as a single retail business and shall not be sub-divided without the prior approval of the local planning authority."

We consider that the revisions place the trading profile of the proposed retail unit much closer into line with a retailer such as B&M or one of its direct competitors. As a consequence, we consider that GCC can now have greater confidence that the trading impacts of the retail unit will match the forecasts made by RPS and ourselves. The only revisions/additions to the controls should be as follows:

- There should be control over the net sales floorspace which should be limited to 2,415sq m net across the retail unit and garden centre elements.
- Whilst there is a suggested control over the sale of "non fashion" clothing and footwear (3% of floorspace) this should be applied to all clothing and footwear.
- The percentage figures in the suggested condition should relate to the net sales area outlined above.
- Whilst the sub-division of the retail unit and the garden centre is prohibited, the condition should be made clearer to state that the sub-division of the retail unit itself is also prohibited.

The sequential test

Quedgeley district centre

The issues between RPS and AY in relation to Quedgeley district centre are as follows:

- Whether the garden centre should always be included in the assessment of alternatives.
- The amount of car parking provision in this part of the district centre and the demand generated by the proposed land uses.
- The amount of floorspace which could be provided in the former Next and Brantano retail units.

In relation to the garden centre, RPS make the point that we are suggesting that the garden centre could be removed on the basis of the personal circumstances of B&M and the potential for other retailers to occupy the proposed retail unit. RPS note:

"That prospect is considerably reduced in the light of the proposed condition above but should be the basis of assessing sequential sites on a fascia blind approach".

RPS are correct that the sequential test should be operated on a fascia blind approach and we were simply noting that a similar type of store exists in Gloucester without a garden centre. That similar type of store is able to operate without a garden centre with the confines of that particular retail park/unit.

In relation to the size of space now, and possibly in the future with the insertion of a mezzanine floor in Unit 1 at the district centre, the text in paragraph 3.11 of the RPS note is a more accurate reflection of the potential. If the garden centre space is included in the calculation then RPS are correct to note that the district centre could accommodate 76% of the proposed floorspace. They note that this is below the 20% reduction for flexibility. This is the case although the figures are very similar and suggest that the district centre could well accommodate the proposal with flexibility. The difference between 76% and 80% is only 173sq m.

In addition, if the garden centre is removed, then the district centre can accommodate 91% of the proposed floorspace.

The final point made by RPS is that the amount of parking demand associated with the proposed development is too great for the amount of available parking spaces in this part of the district centre. We will leave GCC to liaise with the County Council's highways department in order to consider whether the method of assessment is robust although we would note the following:

- The assessment is based upon a parking survey that is now 8 years old. GCC and the County Council will need to satisfy themselves that this is a robust evidence base for the assessment.
- Parking demand can also be accommodated in other parts of the district centre.

The Peel Centre

RPS make two additional points in relation to the Peel Centre:

- First, there is a restriction preventing other discount retailers from occupying space in excess of 929sq m.
- Second, that B&M (in a letter attached to the RPS note) state that they have no intention of occupying space at the Peel Centre.

In relation to these points we would note that, whilst we have not seen the Home Bargains lease, we understand that the restriction only relates to the existing retail units at the Peel Centre and therefore the proposal could be accommodated in Phase 2 of the Peel Centre development. Therefore, 'availability' is not an issue. In relation to the letter from B&M, this contradicts the earlier statement from RPS that the sequential test should be undertaken on a fascia-blind basis.

In light of the above, we continue to consider that the Peel Centre and Quedgeley district centre offer suitable and available sequentially preferable locations when reasonable flexibility in scale and format is taken into account.

Impact assessment

In our previous advice we advised GCC that so long as the Kingsway proposal is suitably controlled to reflect the content of the RPS impact assessment we do not consider that there are grounds to resist the application based upon retail impact reasons. As set out above earlier in this letter we consider that the revised draft condition from RPS is, subject to a few changes and additions, more appropriate to the form of retail proposed and therefore this satisfactorily addresses our concerns over the impact assessment.

I trust that the content of this latest advice letter is sufficient for your current purposes. However, if you have any queries, or require additional advice, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'M Morris'.

Matthew S Morris
Director
0117 9885334
matthew.morris@avisonyoung.com
For and on behalf of
GVA Grimley Limited t/a Avison Young

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee	: Planning
Date	: 4 th June 2019
Address/location	: Old gas works, Bristol Road
Application no. & ward	: 19/00500/DCC - Podsmead
Expiry date	: n/a
Applicant	: Motorhog Ltd
Proposal	: Change of use from national grid operational site to vehicle breaking and storage place (sui generis use). Construction of building for vehicle breaking and storage. Proposed concrete hardstanding to yard with proprietary steel car rackings.
Report by	: Adam Smith
Appendices	: Site plan Site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is part of the large former National Grid site to the east side of Bristol Road. This site was heavily contaminated and was remediated to a limited degree several years ago pursuant to a planning permission and divided into several plots, of which the current application site was referred to as Plot 7. That permission allowed for open storage uses and several plots have been taken up for this use. In addition a standby electricity generation compound has been permitted and constructed to the south of the current application site.
- 1.2 The site is accessed off St Albans Road, which links off the main Bristol Road via Empire Way. Along this approach and to the north and west sides there are a range of single and two storey scale buildings, with uses in the area a mixture of commercial and industrial. To the east of the site is a playing field and residential properties.
- 1.3 To the eastern boundary, there is a large fence and beyond this a planted buffer area to the residential boundary, which were implemented as part of the earlier permission for the open storage use.
- 1.4 The site appears to have been used for vehicle storage recently, although without a reserved matters approval this has never been fully authorised.

- 1.5 The proposal now seeks to regularise use of the site for storage and introduce a vehicle breaking use. The site currently has a rough stone surfacing and it is proposed to concrete the site over and install car rackings.
- 1.6 The proposal also includes a 2150 sq m two storey building that would be located to the north part of the site near the entrance. It would measure 8.2m to the ridge and 5.7m to eaves. It includes a full height working space for most of the footprint and two storeys of office/staff room/toilets/etc fronting the access area.
- 1.7 The application has been submitted to the County Council as the relevant local planning authority and Gloucester City Council has been consulted on the proposals. The application is referred to the Planning Committee to determine the Council's consultation response to a major planning application in its administrative area.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
10/01067/OUT	<p>Hybrid planning application (part full, part outline) comprising full application for environmental improvement works (including the demolition of existing buildings and re-grading of land) and outline application (means of access not reserved) for development for open storage and/or the sale/display and storage of new/used motor vehicles (including vehicle hire), and associated works including the provision of an acoustic fence along the eastern boundary of the site</p> <p>Varied by 11/01298/FUL to enable the retention of the Wales and West Utilities building (to the east of / behind Glevum House)</p> <p>Varied by 14/00631/FUL to omit part of the acoustic fence proposal adjacent to the Gas Pressure Reduction Station</p> <p>Current application site was 'Plot 7'</p> <p>Reserved matters approved for plots 3 & 4 (13/01262/REM), 5 (14/00069/REM), 2 (15/00272/REM) and 1 (15/00640/REM) subsequently.</p> <p>Also an expanded scheme for Plot 2 approved for the construction of a building for office use with associated storage and showroom in connection with the existing open storage and auction site, car park and associated</p>	Grant outline permission subject to conditions	03.02.2011

	development (17/01142/FUL)		
10/01131/FUL	Environmental improvement works, including the demolition of existing buildings and part re-grading of land Varied by 11/01297/FUL	Granted subject to conditions	03.02.2011
14/00984/FUL & 15/00533/FUL (amended scheme)	Erection of standby electricity generation plant – adjacent plot to south Varied by 16/00234/FUL to extend the permitted hours for construction work Varied by 16/00697/FUL to amend the noise control requirements	Granted subject to conditions	17.11.2014 28.08.2015

3.0 **PLANNING POLICIES**

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

National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

Development Plan

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

Relevant policies from the JCS include:

SP1 - The need for new development
 SP2 – Distribution of new development
 SD3 – Sustainable design and construction
 SD4 – Design requirements
 SD8 – Historic Environment
 SD14 – Health and environmental quality
 INF1 –Transport network
 INF2 – Flood risk management

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.

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.

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. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

Supplementary Planning Guidance/Documents

SPG1 – Sustainable Urban Drainage Systems (interim adoption November 2004), and SuDS Design Guide 2013 supplement to SPG.

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 The Environmental Health Officer considers that the submitted Noise Report does not consider all the nearby sensitive receivers and requires further clarification in several other respects.
- 4.2 The Tree Officer raises two issues - the impact of any development upon the vegetation planted as part of the screening/noise barrier to the east; and requesting tree planting to benefit the current barren nature of the site.
- 4.3 The Council's Contaminated Land Consultants recommend that ground investigation and site assessment should be carried out to determine potential risks to future site users and controlled waters and inform requirements for mitigation measures, and proposes the standard contaminated land condition.
- 4.4 The Council's Drainage Officer objects due to the application not assessing the proposal on the basis of a 40% climate change adjustment, and in respect of water quality.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 This is undertaken by the County Council as determining authority.

The application details are available at;

6.0 OFFICER OPINION

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

- Principle
- Design, layout and landscaping
- Traffic and transport
- Residential amenity
- Economic considerations
- Drainage and flood risk
- Land contamination

Principle

6.2 The site is within the built-up area of Gloucester and it is suggested that no objection is raised in principle.

Design, layout and landscaping

6.3 The proposed building design is fairly rudimentary but would not be out of keeping with the form, scale and appearance of buildings within the local area and it is suggested that no objection is raised to the design.

6.4 The visual appearance of the remainder of the site involving a wide extent of stacked vehicles would not present an attractive environment. However the site is not in a prominent position and within an industrial and commercial area and as such it is suggested that it would not be harmful to the character of the local area. Additional tree planting would improve the appearance of the scheme.

6.5 In the previous permission for the use of the wider site the Council secured a landscaped buffer at the eastern edge of this plot. The proposed plans appear to indicate that this would not be affected but it is not entirely clear and it is suggested that a condition be imposed to ensure this buffer zone is retained unaffected.

Traffic and transport

6.6 The County Council would consult the Highway Authority directly to assess the highways impacts.

Residential amenity

6.7 The nearest residential properties are in Betjeman Close to the east of the site. There is a noise fence and landscaped buffer in between associated with the previous permission for the use of the site.

6.8 Given the scale of the building and the separation to the nearest residential property of approximately 30m to its garden and approximately 40m to the

house, it is not considered that the proposed building would cause any harm by overbearing, overshadowing or overlooking effects.

- 6.9 The proposal would introduce a different use to the site involving vehicle breaking. As noted, there is a noise fence present along the eastern edge of the site but this was to a specification associated with mitigating impacts of the open storage use.
- 6.10 A Noise Report has been submitted alongside the application. This measures existing background noise levels for the current vehicle dismantling facility at Bristol Road, with measured noise levels used to determine noise emission criteria for the new development.
- 6.11 Although the Noise Report concludes that “noise emissions breaking out from the proposed structure would be expected to meet the requirements of Gloucester City Council”, the report assumes that all noisy operations would take place within the new building. However the submitted ‘Indicative Car Storage Plan’ shows racked car storage across the majority of the open part of the site, to an unknown height. As such it appears that the cars would need to be manoeuvred about the site (and potentially other processes undertaken), which would cause some degree of noise that is unaccounted for.
- 6.12 The Environmental Health Officer has noted several further deficiencies in the Noise Report. The Report does not identify the 10-12 sensitive receivers to the east of the site on Betjeman Close which, while they may not have direct line of sight to doors or openings in the proposed new building, do have line of sight to the remainder of the site where the car storage racks are shown. All those sensitive receivers should be assessed. The assertion that no new fixed plant is proposed in the scheme should be verified with the applicant. It appears likely that diesel engine telehandlers/forklifts trucks would be used to manoeuvre the vehicles. The frequency of vehicles using the nearby part of the site to the residential premises should be confirmed. The height of the vehicle racks should be confirmed. The design of the boundary fence, its current condition and its acoustic qualities for mitigating against the type of noise likely to be generated should be confirmed.
- 6.13 As such the application submission is unclear and deficient, and it is not considered that the Authority can conclude that the amenity of local residents would be preserved. Proposed hours of operation are 0830 to 1700 hours Monday to Friday, 0900 to 1300 hours Saturday and not on Sunday. This would serve to mitigate the effects of noise at quieter periods, but does not overcome the lack of clarity on impact during these times.

Economic considerations

- 6.14 It appears the proposal would allow the consolidation of the business activities on the site. The proposal would support employment opportunities (20 full time employees are referred to), as would the construction phase for a brief period, and therefore the proposal would have some economic benefit. It is

suggested that this adds some limited weight to the case for granting permission.

Drainage and flood risk

- 6.15 The site is partly within flood zone 2 and part flood zone 1. The County would consult the Lead Local Flood Authority directly and the Council's Drainage Officer is content that the LLFA would review the surface water discharge rates and associated attenuation, however he notes that a 40% uplift on rainfall for climate change (not 20%) should be used. He would be happy with the surface water discharge rates being agreed with the LLFA as long as they are no higher than those set out in the Flood Risk Assessment.
- 6.16 The wider site including this plot has already been granted planning permission although no reserved matters approval was secured for this plot and it appears the current use has been operating in breach. The site was also an employment allocation in the earlier Second Deposit draft Local Plan 2002, and was noted at that time as having been a long standing employment allocation. Applications for change of use should not be subject to the sequential or exception tests (accepting that building works are also proposed), and in the context of the previous permission and draft allocation it is not suggested that an objection is raised in respect of the sequential test. However the County Council would need to be satisfied that the policy test is met.
- 6.17 In respect of water quality, the Drainage Officer notes that the Environment Agency would deal with the elements covered by the Environmental Permit – the depolluting and breaking areas. He does however note that for vehicular areas, traditional gullies/slot drains and oil interceptors do not meet the required standards for water quality as they are not effective at dealing with smaller particulate matter that is associated with much of the contamination that needs to be dealt with. Another treatment stage is therefore required.

Land contamination

- 6.18 While the site has been remediated, it was done so to a degree suitable for an open storage use and includes a clean cover layer of approximately 300mm over a geotextile fabric. A restriction has previously been imposed by condition (it is also understood there is a corresponding covenant on the land) that there be no buildings with foundations that would penetrate the membrane and potentially create a pathway for contaminants. The new application including the permanent building would need to consider this. It is of note that a permanent building has now been permitted by the City Council elsewhere on the wider site in association with a piling risk assessment, so it may be that the approach is equally acceptable for the current application.
- 6.19 The Council's contaminated land consultants note that widespread contamination of the site has been identified associated with the former use as a gas works, and that some remediation of the site was undertaken in 2011/12. The remedial targets for this were driven mainly by risks to controlled waters and were sufficient for the use of the site for open storage. Significant contamination remains present below the cover layers. Proposals

for uses that are more sensitive than the open storage originally planned necessitates further assessment in relation to human health, groundwater including risks from ground gas and volatile organic compounds. It is recommended that the standard contaminated land condition is imposed if permission were granted.

- 6.20 In response to advice from Officers the applicant has submitted a Piling Risk Assessment due to the proposed buildings having foundations, the limitations of the previous remediation works and the theoretical risk of a pathway from the contaminated ground. The applicant's report concludes that there is a low piling risk to controlled waters and human health for all possible piled solutions; piling would not significantly mobilise contaminants. The report also makes recommendations including piling design and further site investigation. The City Council's contaminated land advisors have acknowledged this report but have previously advised Officers that they are not qualified to advise on these specific piling risk matters and specialist advice has previously been secured by the City Council on this. It is recommended that the County Council considers taking specialist advice on it also.

Archaeology

- 6.21 The County will consult their Archaeologist directly.

7.0 CONCLUSION

- 7.1 It is considered that the application fails to demonstrate that the amenities of local residents would be preserved, and in respect of flood risk/drainage the application fails to demonstrate that the mitigation caters for the correct rainfall amounts factoring in climate change, or that acceptable water quality mitigation is proposed, and an objection should be raised on these grounds. It is considered that other observations should be made to the County Council.

8.0 RECOMMENDATIONS OF THE CITY GROWTH AND DELIVERY MANAGER

- 8.1 That the following response is issued to the County Council, and that authority is delegated to the Technical Planning Manager to respond to any further reconsultation with the City Council on this application:

Amenity issues

The City Council objects to the application on the basis that it fails to demonstrate that the proposals would preserve the amenities of neighbours in terms of noise pollution. The application is unclear regarding the processes that would take place in different parts of the site and the impacts that these would have, and whether the existing mitigation measure of the noise fence to the east side of the site would be sufficient. Notably, the submitted Noise Report assumes all noisy activities would take place within the new building whereas the storage layout plan indicates vehicle storage across the open part of the site (to an unknown height), which would indicate some manoeuvring of vehicles, if not additional processing activities as well.

The Report does not identify the 10-12 sensitive receivers to the east of the site on Betjeman Close which should all be assessed.

The height of the vehicle racks is not confirmed.

The assertion that no new fixed plant is proposed in the scheme is questioned. It appears likely that diesel engine telehandlers/forklifts trucks would be used to manoeuvre the vehicles.

The frequency of vehicles using the nearby part of the site to the residential premises is not confirmed.

The design of the boundary fence, its current condition and its acoustic qualities for mitigating against the type of noise likely to occur, is not confirmed.

It is unclear whether lighting is proposed to the site and what impacts this would have, if proposed.

The City Council therefore recommends that the application is refused permission as it fails to demonstrate that the proposal would cause no unacceptable harm to local amenity by virtue of noise pollution and conflicts with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and Paragraphs 170 and 180 the NPPF.

Flood risk/drainage

The City Council objects to the application as the climate change adjustment for rainfall should be 40% (not 20% as shown currently), and water quality mitigation is not satisfactorily addressed.

A 40% uplift on rainfall for climate change should be used in the Flood Risk Assessment. The storage volume would increase as a result of this. This should be corrected within the application and demonstrated to be achievable in order to be acceptable.

A good level of water quality treatment should be secured in the application. In this respect for vehicular areas, traditional gullies/slot drains and oil interceptors do not meet the required standards of CIRIA C753 (SuDS manual) as they are not effective at dealing with smaller particulate matter, which is associated with much of the contamination that is apparent. Another treatment stage is required, for which the design information would be sought.

Contaminated land

The City Council recommends that the County Council considers taking specialist advice on the submitted Piling Risk Assessment. It is noted for context that application ref. 17/01142/FUL considered by the City Council on a neighbouring plot (also within the wider former National Grid site) found that applicant's proposed approach to be acceptable in principle subject to a condition requiring a methodology for piling/foundation to be submitted for approval and complied with.

While remediation works were undertaken on the site in 2011/12, installing a geotextile fabric and clean cover layer, this was associated with the then-proposed open storage use. Significant contamination remains below these layers and the current proposed use and new building necessitate further consideration in relation to human health and groundwater including risks from ground gas and volatile organic compounds. If permission were granted it is recommended that a condition be imposed to secure the remediation of the land and its verification.

Soft landscaping

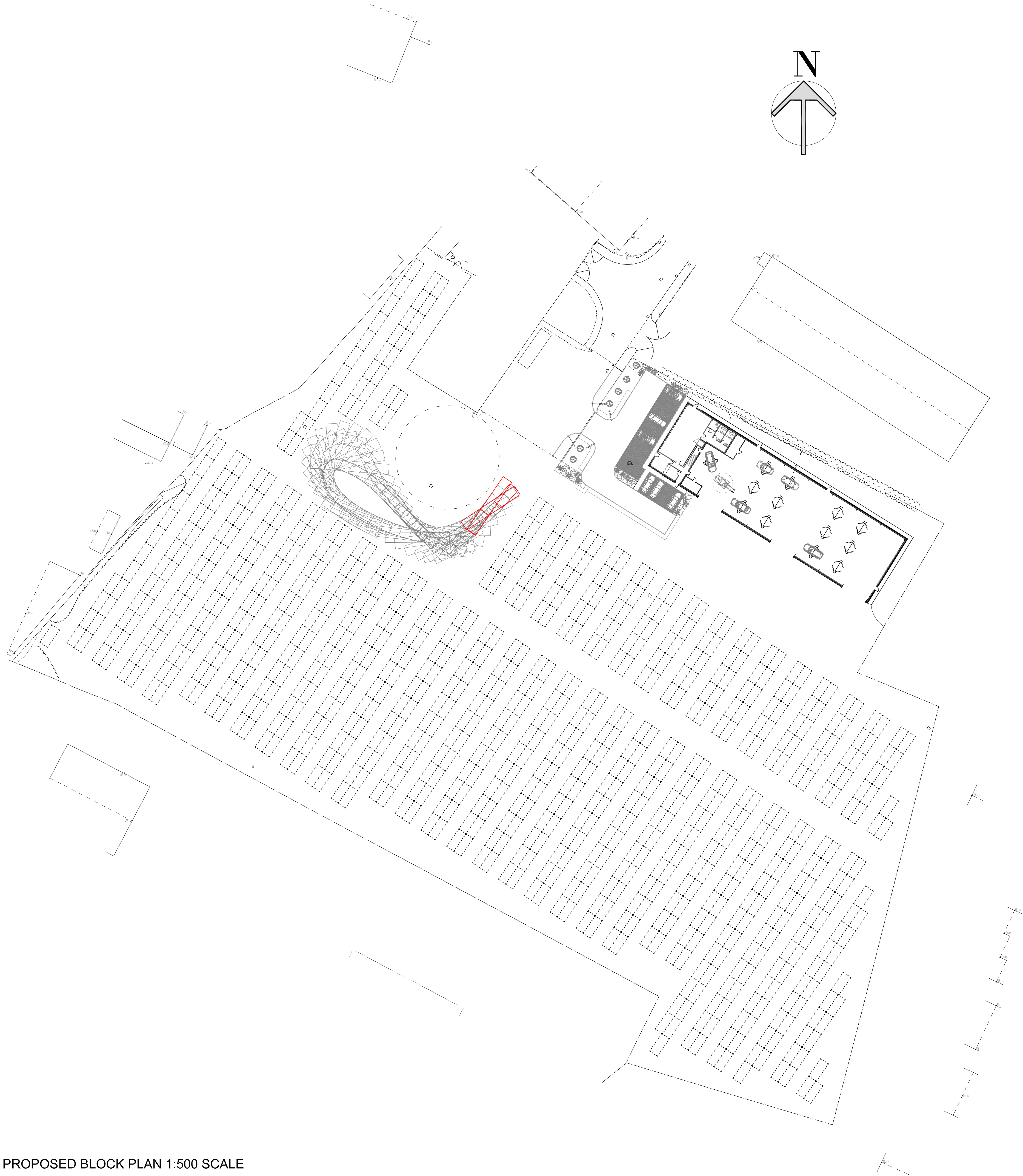
If permission were granted the City Council recommends a condition to ensure that the existing soft landscape buffer to the east side of the site (bordering Betjeman Close properties) is retained in the interests of preserving the amenities of local residents. Additional tree planting to the entrance area and around the proposed building is encouraged to improve the appearance of the development.

Conditions if minded to grant permission

Notwithstanding the above observations, if the County Council is minded to grant permission, it is recommended that it considers the following requirements by condition:

- Comprehensive noise mitigation strategy and implementation of any necessary measures;
- Restriction on height of car racking;
- Restriction on hours of operation;
- Contaminated land condition – ground investigation and site assessment, compliance with an approved remediation strategy and verification;
- Approval and implementation of a piling/foundations methodology;
- Ensure the planting buffer zone to the east is not to be affected by the works;
- Approval and implementation of a detailed surface water drainage strategy employing a Sustainable urban Drainage System if suitable within the constraints of the land conditions.

Person to contact: Adam Smith
(Tel: 396702)



PROPOSED BLOCK PLAN 1:500 SCALE

NOTE:
CONTRACTOR TO VERIFY ALL SIZES ON SITE BEFORE COMMENCEMENT.

NOTE:
PLEASE DO NOT SCALE FROM THIS DRAWING.

Party Wall Act
Notices under the Party Wall Act are to be served by the building owner or appropriate body appointed by the building owner.
For further clarification on the Party Wall Act 1996 contact:
Cairn Wharf Consultancy Ltd.
M: 07739 576 181 E: cw@caimwharf.com
For further information on the Party Wall etc. Act 1996:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf

Building Contract
It is recommended that a formal written agreement is put in place between the building owner and the building contractor.
A typical agreement that protects both owner and builder would be produced by the JCT.
For further information on Building contracts speak to MAS Design Consultants Ltd.

CDM 2015 Regulations
The Construction Design and Management (CDM) Regulations 2015 apply in full to all construction works and the client must now appoint a Principle Designer and a Principle Contractor. MAS Design Consultants Ltd. will act as Principle Designer. The Contractor must produce a written Construction Phase Plan.
For further information on the CDM 2015 Regulations can be seen at <http://www.hse.gov.uk/pubns/indg411.pdf> or contact MAS Design Consultants Ltd.

GENERAL NOTES
Materials to match existing.

These notes do not comprise a full specification. The drawings are for Building regulations purposes only and are not working plans. They do not comprise of a complete specification for the whole of the works. Their primary function is to assist the Local Authority Inspector to determine compliance in line with Building regulations standards.

Where further clarifications are required contractor shall refer to the client for details and instruction.

All dimensions must be checked by the contractor and any discrepancies noted in writing to MAS Design Consultants Ltd.

All works must be carried out in accordance with current Building Regulations, Codes of Practice and Planning Officers requirements.

All materials must comply with current British Standards in situations used.
February 18.

REV



MASDESIGN
CONSULTANTS LTD

01943878398

www.masdesignconsultants.com
22 Granville Terrace, Guiseley, Leeds, LS20 9DY

PLANNING

EXTENT OF PROJECT:
PROPOSED INDUSTRIAL UNIT FOR VEHICLE DISMANTLING / STORAGE. PROPOSED CONCRETE HARDSTANING TO YARD.

OLD GAS WORKS, BRISTOL ROAD,
GLOUCESTER GL2 5DD

CLIENT DETAILS:
MR R MARTIN
C/O MOTORHOG
BENTLEY MOOR LANE
ADWICK-LE-STREET
DONCASTER DN6 7BD

DRAWING TITLE:
INDICATIVE CAR STORAGE PLAN

PAPER	SCALE	DATE	DRAWING No	REV
A1	1:500	04/03/19	2844/03/602	-

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GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 th June 2019
Address/Location:	Land South Of Winneycroft Farm, Winneycroft Lane/ Corncroft Lane, Gloucester GL4 6BX
Application No:	18/01141/REM
Ward:	Matson & Robinswood
Expiry Date:	03.04.2019
Applicant:	Barratt BDW
Proposal:	Reserved Matters for 420 residential dwellings, public open space including two pitches ,allotments, community orchard, a community building, associated landscaping and noise bund, pursuant to Planning Permission 14/01063/OUT.
Report by:	Joann Meneaud
Appendices:	<ol style="list-style-type: none"> 1. Site Location Plan 2. Planning layout

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is of irregular shape and comprises 20 hectares of agricultural land, formerly part of Winneycroft Farm. It is located to the eastern side of Winneycroft Lane and runs eastward to the M5 motorway.
- 1.2 The northern tip of the site sits across Winneycroft Lane from the open space to the front of the flats at 20 Winneycroft Lane. The boundary of the site then runs along the road and in a southerly direction to opposite 60 Winneycroft Lane and just before the junction with Sneedhams Road. From here the site boundary runs along hedgerow lines to the fields to the rear of the residential properties The Chalet and The Villa on Winneycroft Lane and down to the motorway to the far tip of the southern boundary. The eastern boundary then runs adjacent to the M5 motorway and adjacent to the foot bridge over the M5. The site does not include the Winneycroft farm house and courtyard buildings or the fields immediately surrounding the buildings, as this northern boundary is set back, to the south of the farm complex.
- 1.3 The site has the benefit of outline planning permission, granted in February 2017, following the consideration of the proposals at a Public Inquiry following a non-determination appeal. The outline permission detailed solely the means of vehicular access to the site with all other matters reserved for future approval. This application comprises those reserved matters (appearance, landscaping, layout and scale). The application proposes the erection of 420 dwellings with 2 sports pitches, open space, allotments, community orchard and community building.
- 1.4 The application was originally presented to April Planning Committee however there were several matters still outstanding and therefore the application was deferred. The Committee minutes identify the outstanding issues and matters to be resolved are ecology, highways, provision of changing room facilities for females, measures to control sheep damage to the planting, the NEAP, drainage, design and alternative materials.

2.0 RELEVANT PLANNING HISTORY Page 93

Application Number	Proposal	Decision	Decision Date
14/01063/OUT	Outline application for the erection of up to 420 dwellings and community space / building as well as associated landscaping, public open space, access, drainage, infrastructure, earthworks and other ancillary enabling works.	Outline permission granted	24.02.2017
18/01127/FUL	Variation of Condition 26 (timing of highway improvements) of outline planning permission for up to 420 dwellings reference 14/01063/OUT	Pending consideration	
18/01142/CON DIT	Discharge of Condition 6 Phasing Plan, 7 Construction Method Statement, 10 Landscape Management Plan, 11 Boundary Treatments, 13 Ecological Management Plan, 17 Noise Mitigation (Residential Dwellings), 19 Noise Mitigation (External Areas), 21 Programme of Archaeological Work, 22 Risk Assessment and 33 Site Levels of Outline Planning Permission for up to 420 dwellings 14/01063/OUT	Pending consideration	

- 2.1 Members should note that an outline application for residential development (up to 210 dwellings) on land to the north and east of this site is also currently under consideration. This other application includes the land immediately around Winnecroft Farm (but does not include the house or buildings associated with the farm itself) and running along the boundary with Corncroft Lane and Winnecroft Lane and to the motorway to the east. For ease of reference and to prevent confusion between the two applications, this application for 420 dwellings on the bigger land parcel is informally known as “Big Winney” and the adjoining site with the smaller land parcel is known as “Mini Winney”. These informal names will be used within the report to provide clarity where necessary.

3.0 **RELEVANT PLANNING POLICY**

- 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 **Development Plan**

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

Relevant policies from the JCS (Main Modifications) include

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 – Landscape
SD8 – Historic Environment
SD9 – Biodiversity and geodiversity
SD10 – Residential development
SD11 – Housing mix and standards
SD14 – Health and environmental quality
INF1 – Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure
INF4 – Social and community Infrastructure
SA6 – Winneycroft Strategic allocation

3.4 **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.

3.5 **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.

3.6 **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:

OS.2 – Public Open Space Standard for New Residential Development
OS.3 – New housing and open space
OS.7 – New areas of Public open space
A.1 – New housing and allotments

3.7 **Supplementary Planning Guidance/Documents**

SPG1 Sustainable Urban Drainage Systems
SPG6 New Housing and Open Space

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** – Raised concerns with the design and layout with the scheme as originally proposed however following extensive negotiations and amendments are generally satisfied with the proposed details. Some conditions will be required.
- 4.2 **Urban Design Adviser** - Raised concerns with the design and layout with the scheme as originally proposed (relationships between properties , size of parking courts, parking not convenient for residents in some locations, lack of parking for the community facilities, too many units with integral garages poor design to the entrance of the site and the use of buff brick and the slate type tile are not appropriate in this location, better quality materials should be used) , but comments that amended plans have overcome many of the issues. Notes that different bricks have now been proposed however continues to raise concern with the slate style roof tile that is still proposed by the applicant
- 4.3 **City Archaeology Adviser** – No objections – archaeology is being dealt with by conditions on the outline permission
- 4.4 **Ecology Adviser**- Requested further information and this has now been submitted and is currently being considered – comments awaited
- 4.5 **Contaminated Land Adviser** – No objection
- 4.6 **Drainage Adviser** – Raised concerns with the originally submitted details however following detailed discussions resulting in significant changes to the proposals, now supports the drainage proposals stating that they provide suitable arrangements for the site itself and provide additional benefit in terms of the reduced flood risk along the Sud Brook. Some minor detail will be required by condition.
- 4.7 **City Centre Improvement Officer (Environmental Protection)** – Following the amended information raises no objection subject to further testing of mitigation measures prior to the occupation of the houses,
- 4.8 **Conservation Officer** – Raises concern with the proposed materials and suggests that these should be of higher quality.
- 4.9 **Open Space and Playing Pitch Adviser** – Raised some concern with the original proposals and requested some changes to the play areas, installation of additional fencing to open space areas to prevent vehicular access, clarification of footpath routes across shared surfaces and made suggestions in relation to links and planting. Confirms that all the issues of concern have now been addressed and raises no objection.
- 4.10 **Sport England** – Cannot support the proposed layout of the sports pitches or the internal layout of the building. Have requested further clarification on a number of issues.
- 4.11 **Historic England** – Do not wish to offer comments.
- 4.12 **Local Lead Flood Authority** – As they did not comment upon the outline application, they do not intend to comment upon these proposals.
- 4.13 **Stroud District Council** - The Council broadly supports previously allocated development to meet City housing requirements. Nevertheless, we would wish to see development contribute to place making which can support this District's communities and their aspirations particularly at Upton St Leonards with potential sports facilities and improved drainage aspects. This Council would wish to see continued dialogue on health and wellbeing as well as flood risk management, the layout and landscaping and green infrastructure are considered to accord with landscape character and biodiversity interests on this sensitive city fringe site.

4.14 **Gloucester Group of the Ramblers** - As a result of the additional details and revised footpath diversion plan dated 16/1/2019, we no longer have an objection to this proposal. As a result of the additional paths and links that have been provided a better network of off-road paths will now be available.

4.15 **Gloucestershire County Council Public Rights of Way Officer** – No objections in principle, discussions are continuing with the applicant and formal diversion orders would need to be applied for.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.2 Five letters of objection have been submitted. Many of the issues raised are matters of principle and not relevant to this reserved matters application, such as additional traffic, litter being thrown from vehicles, affordable housing and infrastructure requirements. The relevant planning issues raised in respect of this application can be summarised as follows:

- Suggestion that the public footpath on adjoining land, should also be diverted as the new housing would be likely to result in additional use of the path which runs across land used for keeping horses, chickens and pigs.
- In times of heavy rainfall the road outside our property currently floods and the drainage is not sufficient to cope with the flow of water. The new housing will only increase the problem.
- Loss of privacy from extra cars queuing outside our property.
- Concerns as to how the proposal relates the neighbouring Matson housing estate.

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.

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

- The principles established at the outline stage
- Design, layout and landscaping
- Highway issues
- Residential amenity

- Drainage and flood risk
- Open Space, Recreation, Education and Community Facilities

Principles of the Outline Permission

- 6.5 The site (together with the adjoining site) forms part of a strategic allocation (Policy A6 Winneycroft) identified within the JCS for at least 620 homes. Additionally, the site has the benefit of outline planning permission for up to 420 dwellings granted in February 2017. The principle of residential development of the site is therefore established by both these factors.
- 6.6 Condition 5 of the outline permission requires that the reserved matters applications broadly comply with the principles established in the illustrative plans and the design and access statement which accompanied the application. The principles of the road layout, housing areas and open space areas are set down on the indicative masterplan.
- 6.7 The outline permission is subject to a number of conditions that require the submission of further details. Many of those details are also required/included as part of this reserved matters application and relate to issues including phasing, ecology, drainage, noise attenuation, etc. The applicant has also submitted a separate application to deal with the discharge of the relevant conditions.
- 6.8 The outline permission is also subject to a number of planning obligations including the provision of open space and community facilities, and transport improvements, both of which are discussed later in the report. Additionally, the outline permission secured financial contributions towards education and library provision. No affordable housing was required under the outline permission.
- 6.9 The applicant has submitted a phasing plan indicating that the development would be undertaken in five phases, with the first phase being the land fronting onto Winneycroft Lane and including both access points. Development would then continue towards the eastern boundary as phase two, with the southern area including the sports area, allotments and community building, and surrounding residential properties, being within the third phase and the final phases being the proposed residential area to the western side of the site.

Design and Layout

- 6.10 The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.
- 6.11 In accordance with the requirements of the outline permission, the layout is designed with the principal access into the site via a new roundabout from Winneycroft Lane, with a loop road through the site exiting at a second access junction at Winneycroft Lane close to its junction with Sneedhams Road. The loop road is designed with footpaths and the linking roads designed as either roads with footpaths, shared surfaces or private drives.
- 6.12 The proposed dwellings are all houses of either two or two and a half storey and of two, three or four bedrooms. Whilst this is at variance to the design and access statement submitted with the outline application, which referred to some three storey buildings and some apartments and a mix of house types ranging from one to five bedrooms, the mix was not fixed at the outline stage and does not fall to be considered as part of the reserved matters application.
- 6.13 The house designs are standard and typical of modern residential developments. Twelve

different house types are proposed and on the whole these designs follow similar design principles including projecting porch canopies, some double fronted, some projecting gables, some dormers and some roof lights. The applicant is proposing that the houses would be constructed of bricks with tiles to the roof. Eighteen houses are proposed to be painted white and originally two shades of red brick and a buff brick were originally proposed. Concerns have been raised by Officers in relation to the materials and this was a matter referred to in the previous meetings minutes as needing to be resolved. Buff bricks are not generally considered in keeping with the rich red and orange bricks that are characteristic of Gloucester's heritage. Winnycroft farmhouse is red brick with a plain tile roof and the surrounding houses and flats to Winnycroft Lane are predominantly light-coloured render. Officers do not consider that there are any references within the immediate surroundings that would indicate that a buff brick is appropriate in this location. The applicant is no longer proposing buff bricks and instead proposing three red bricks of varying shade. It is considered that these will provide some variation to the house designs and are considered to be acceptable. Officers have also raised concern with the proposed slate style grey roof tile, whilst considered to be an acceptable colour, it is considered to be too big and bulky for buildings of the scale proposed. The applicant has stated that the proposed tile is the best from their material portfolio in terms of its size and minimal profile and have no better alternative tile that they could put forward for consideration. Whilst government guidance is that conditions should be agreed where possible there is no requirement for this and therefore it is considered that alternative materials can be required by imposing an appropriately worded planning condition.

- 6.14 All properties are proposed to have two or more car parking spaces which in some cases includes the garage. However, the garages are of a larger size and measure at least 6 metres by 3 metres internally and are therefore of sufficient size to accommodate a car. Some of the house types are designed with integral garages which also generally have two parking spaces. Some other house types have a detached garage and one or two additional spaces. Overall the properties have two car parking spaces or have a garage and at least one space, and in many instances two spaces.

- 6.15 For many houses, parking is provided on or adjacent to the plot, however there are some instances where this has not been achieved. There have been changes to the scheme to address Officers request to provide parking that is as convenient as possible to future residents and a large parking court previously proposed has now been removed from the scheme and the layout re-designed. However, there are a couple of instances where parking is provided in parking areas to the rear of properties serving four houses. There are also a number of areas where parking is provided in rows to the front of houses and this does result in parking being very prominent in the street scene, although the applicant has also introduced some landscaped strips between parking spaces to try and break up the mass of parking. The applicant has demonstrated that the layout provides for the required level of visitor parking.

- 6.16 The proposed layout is quite tight knit in some areas and more spacious in others. This does reflect the character areas as set down in the outline Design and Access Statement. On the whole, back to back distances are 20 metres or more. The applicant states that the distances are as a result of some of the land parcel widths of the developable area and also the requirement to provide parking to the front which then determines the set back of the house from the road. The layout also provides a range of garden sizes and shapes, with the smallest being just over 7 metres in depth. There are a number of instances where all or most of a side or rear garden boundary is flanked by a garage and a couple of dwellings where their siting has the potential to be quite overbearing to its neighbour. Whilst these relationships are unfortunate, on balance and given that there would be a degree of "*caveat emptor*" the proposed layout is considered acceptable in this respect.

- 6.17 The scheme is designed with housing facing the entrance road at the new roundabout and also housing facing onto Winnycroft Lane. Along Winnycroft Lane the proposed housing

comprises two and two and a half storey dwellings and is set back from the road with a footpath link, open space and planted areas. This should provide for an attractive view along the street scene and the range of storey heights and positioning reflects the variety of heights and siting of existing buildings to the other side of the road.

- 6.18 Additionally, within the development, in most cases, the houses provide active frontage to, and directly overlook the open space areas.
- 6.19 Whilst there are some outstanding concerns with the design and layout in some areas which have not been fully addressed, other areas within the layout are better quality and would provide a sense of place, would be safe and would provide attractive environments for future residents, particularly given the high level of open space, both in terms of the amount of space and also the variety and quality of those proposed areas. On this basis, Officers conclude that the design and layout of the scheme as proposed, is acceptable.

Highway Issues

- 6.20 The NPPF requires that development proposals provide for safe and suitable access for all. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.21 A full assessment of the impact of the development of this site upon the local highway network was undertaken at the outline stage. It was concluded that the traffic could be safely accommodated upon the local highway network although some improvements and works were required by condition and by provisions within the Unilateral Undertaking. These included works to the Norbury Avenue signalised junction and a financial contribution towards the provision of a right-hand turn holding lane at the junction of Painswick Road and Corncroft Lane. Also required is a new bus shelter at the existing bus stop in Matson Lane between its junction with Gatmeres Road and Caledonian Road and pedestrian crossing improvements along Matson Avenue.
- 6.22 The principle of the two new vehicular accesses into the site are set within the outline permission. The main access into the site would be via a new roundabout located opposite the flats 32 and 34 Winnycroft Lane. An additional access is proposed as a new junction opposite houses at 50 – 60 Winnycroft Lane. There are no vehicular links proposed to the adjoining site at Mini Winney, however pedestrian links are demonstrated and required both by condition and by the JCS strategic allocation policy. Therefore, the assessment of the highway impact for this application, relates primarily to the detail of the layout, design and parking provision of the scheme as proposed.
- 6.23 As stated earlier, discussions on the scheme design have been extensive and the Highway Authority have been fully involved in these. The Highway Authority raised a number of concerns with the proposals and various amended plans together with a road safety report, have been submitted to address these issues.
- 6.24 In relation to parking provision, the Highway Authority consider that the level of spaces for residential properties is suitable to meet estimated demand and note that there are additional opportunities for informal on street parking at safe and suitable points along the roads and also within lay-bys. Additionally, they are satisfied that the increased level of parking now proposed to serve the community building, pitches and allotments, should also be suitable to meet estimated demand.
- 6.25 The Highway Authority also note that the development does not currently include the introduction of a bus service, however Officers have negotiated amendments to the layout to ensure that the road layout is suitable for a bus should such provision be required in the future.
- 6.26 Overall the Highway Authority are now satisfied that the design of the layout is generally

acceptable to allow for reserved matters approval to be granted. Some further detail will be required at the “highway technical approval” stage and some minor changes may be required. Should these result in material changes to the layout then further planning consent may be required. Conditions would need to be attached to any approval to require details of verge build outs and restrictions on the height of garden enclosures for some plots where visibility splays need to be protected. The Highway Authority has also requested a condition requiring electric vehicle charging points where dwellings have on-plot parking however it is not considered that such a condition can be imposed at reserved matters stage.

- 6.27 JCS policy SD4 and INF3 promotes well designed development with layouts that are easy to navigate, have links to green infrastructure and legible routes linking in with wider connections. There are a number of public footpaths crossing the site including the Glevum Way. The footpaths provide access to the motorway foot bridge and across the site to the adjoining Mini Winney site and to the land to the south accessed from Winnycroft Lane. The applicant has submitted details of the suggested new routes for the public footpaths, although it should be noted that these would need to be subject to a subsequent footpath diversion order. Additional pedestrian links have also been proposed following suggestions by Officers and the Highway Authority. The links now provide a number of routes across and throughout the site and should provide a choice of convenient and safe routes for the community. The Gloucester Ramblers Association have advised that they consider the proposed alternative routes for the public footpaths to be acceptable.

Residential amenity

- 6.28 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 SD4 and SD14 of the JCS which require that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 also requires that new developments are of an acceptable environmental quality, including levels of noise.
- 6.29 Given the location of the site on undeveloped land, it has no boundaries with adjoining residential properties. The proposed built form is set back where it fronts onto Winnycroft Lane and would have an acceptable relationship with existing dwellings to the opposite side of the road although it would obviously result in a change to the outlook from these properties. Additionally, the outline permission includes conditions that seek to reduce the impact of the development upon the general amenity of the local area during the construction phase including restricting working hours and deliveries and requiring wheel washing and other measures to control dust and dirt arising from the development.
- 6.30 The site is affected by noise from traffic travelling along the M5 and to a lesser extent by traffic noise from Winnycroft Lane and it was established at the outline stage that mitigation would be required to ensure that properties would not be subject to unacceptable levels of noise within the houses and within their garden areas.
- 6.31 The proposed mitigation comprises a number of elements. To the south western end of the site between the proposed pitches and motorway, a three metre high bund is proposed. This ends just to the south of the entrance to the pedestrian bridge over the M5 and then a three metre high wooden acoustic fence is proposed. The fence then continues along the total length of the eastern boundary adjacent to the M5. In a couple of areas, public footpath access is required and there are two breaks in the fence to allow routes through. At these points the fence is set in a stagger and overlapping to prevent noise penetrating through the gap. Planting is proposed to the mound and to the front of the fence. A short section of 2.2 metre and 2.5 metre high fencing is required along the boundary with the Mini Winney site at the eastern corner of the site and two houses in this area also require 2.2 metre high acoustic fencing to their garden boundaries. Further mitigation is achieved through the use of sound reducing

glazing, ventilation and building fabric and will be applied to properties on the northern, eastern and southern boundaries of the development.

- 6.32 The City Environmental Improvement Officer is satisfied that the mitigation proposed would ensure that new residents are not subject to unacceptable levels of noise but does still require that further testing is undertaken prior to occupation of the houses to ensure that the mitigation has been successful. This can be secured by an appropriate planning condition.

Drainage and flood risk

- 6.33 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 and requires the use of sustainable drainage systems.
- 6.34 The drainage proposals comprise a SuDS system and includes the creation of balancing ponds adjacent to the watercourse (which is a tributary to the Sud brook) that runs across the full width of the site, from the western to the eastern boundary, together with two swales to be constructed within the linear open space proposed in the centre of the site. The ponds are designed to hold surface water and control the flow of water before discharge. Additionally, some underground tanks are proposed to be installed to also store surface water.
- 6.35 The Council's Drainage Adviser was originally concerned with the design and form of the balancing ponds particularly in relation to the their steep slopes and engineered appearance, the resulting increase in ground levels around the watercourse and the fact that the ponds were to be elevated above ground level and therefore bunded (if the bunded area was to fail, this would result in significant flood risk). The drainage proposals have been subject to considerable discussion and amendment since the original submission. The scheme now proposes one less balancing pond (so three in total) and more underground storage, which results in more usable open space within the central area adjacent to the Sud Brook tributary. Additionally, the ponds have been re-designed to reduce bunding, overall depths and steep slopes, and are now proposed with a more natural appearance.
- 6.36 Officers and the applicant have also met with the Environment Agency to secure further betterment through a reduction in flood risk downstream, and the applicant has now achieved this within their amended proposals. This is achieved through an increased level of water storage in the floodplain areas to either side of the watercourse, which in turn would result in slower/restricted flows into the downstream catchment, subsequently reducing flood risk further downstream the Sud Brook. Precise details of the culvert carrying the Sud Brook tributary beneath the new access road, and details of some in-channel flow restrictors can appropriately be dealt with by condition.
- 6.37 Foul water is proposed to be directed to a pumping station located on the open space to the northern end of the site adjacent to the eastern boundary and this would then be pumped to the public sewer network within Winnycroft Lane. Details of the pumping station have now been provided by the applicant and this includes a planting scheme which will help to screen its utilitarian appearance in the area of open space.
- 6.38 The Drainage Adviser now supports the drainage proposals stating that they provide suitable arrangements for the site itself and provide additional benefit in terms of the reduced flood risk along the Sud Brook.

Open Space, Recreation and Community Facilities

- 6.39 The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and

community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.

- 6.40 The principles of the layout are set by the outline permission and supporting documents, which clearly identify the proposed areas of open space and community use. Overall the scheme provides a high proportion of open space with a variety of uses.
- 6.41 A large area of open space is proposed to the northern side of the main access road at the entrance to the site. This runs back into the site, across to the eastern boundary and then links into the open space containing the balancing ponds running across the full width of the site along the route of the Sud Brook. A linear open space then runs from the bottom pond down to the community facilities and sports pitches to the southern tip of the land.
- 6.42 A small area of open space is proposed around the second access road and four other open space areas are scattered across the development, each providing an attractive setting to retained trees. The Open Space Adviser has suggested that some additional fencing was required to some of the open space area boundaries, to prevent vehicular access and parking. Amended plans have now been submitted to address this and a condition will be required to ensure that these are maintained and in place throughout the life of the development.
- 6.43 The scheme proposes an adult and a junior pitch to be located in the south western corner of the site and these are separated from the motorway by the three metre high noise bund. Five metre high ball stop fencing is proposed to the southern end of the pitches which is proposed to be sited to the front of the noise bund.
- 6.44 A play area is proposed adjacent to the junior pitch and includes six pieces of equipment, picnic benches and also includes a circular hard surfaced area for play. A smaller play area is proposed on the area of open space closest to the entrance of the site at Winnycroft Lane, providing five pieces of equipment and designed to cater for younger children. Changes to these areas have been made following the issues raised by the Open Space adviser and are now considered acceptable.
- 6.45 A multi-use games area (MUGA) is proposed on land between the junior pitch and the community building. This would be 800 square metres in area and enclosed by 2.1-metre-high fencing with goal ends increasing up to 3.1 metres. No lighting is proposed, and it would be in excess of 30 metres distant from the nearest residential boundary. This meets the relevant guidance and is considered acceptable in terms of residential amenity.
- 6.46 The attractive and mature trees within the existing field boundary are proposed to be retained and together with additional planting provide an attractive feature and screen between the housing and the sports and play facilities. However, in terms of community safety, there would still be some natural surveillance to the community building, car park and allotments from surrounding houses
- 6.47 The proposed community building is a requirement of the outline planning permission and the design parameters are set down within the Unilateral Undertaking. It is proposed to be sited to the southern end of the site close to the area of trees at the bottom of the pedestrian bridge over the M5 motorway.
- 6.48 The proposed building is just over 11 metres square, is single storey and is designed with a hipped roof to a total height of 6.4 metres. It provides two team changing areas, an officials changing area, a kitchen, store, a club/committee room, separate male and female toilets and a disabled toilet which is also directly accessible from outside (this is required by the Unilateral Undertaking and designed to also allow for use by allotment holders when the building is not open).

- 6.49 The building proposes two separate changing areas, to accommodate up to 14 people in each. Each changing room could accommodate a “home team” and an “away team” or accommodate male players or female players. There is one changing area for officials, which would not be gender specific.
- 6.50 The community building is provided with a car park of twenty-three spaces which would also serve the allotments and sports pitches. The car park has been increased in size from the original submission and some additional visitor parking provided on the nearby roads to cater for further parking demand for this community provision. It is also now proposed that lighting would be provided to the car park and a condition would be required to ensure that the lighting is in place before the car park is operational.
- 6.51 The Unilateral Undertaking does require the community building to provide some storage for the allotments. However, to provide closer and more convenient storage for the allotment holders, the applicant is proposing to install a shed within the allotment area instead. This allows for the storage within the building to be used solely by those using the building and sports pitches (ie for balls, nets, chairs etc). It is considered that this is an acceptable alternative, although it would require a formal variation to the Unilateral Undertaking.
- 6.52 The allotment area is proposed to the east of the community building between the housing and the motorway and complies with the requirements set down within the Unilateral Undertaking. The total area provided comprises 0.2 hectares and would provide two raised beds and 12 plots, eleven of which would be 125sqm in area, and one would be slightly larger. The area would be fenced with two entrance gates and laid out with a central access way with the plots positioned either side of the access way. A timber shed approximately 3 metres by 4.8 metres is to be sited close to the entrance and provide communal storage for allotment holders.
- 6.53 Further to the east of the allotments and close to the boundary with Mini Winney, a community orchard is proposed, and this would be planted with apple, pear and plum trees.
- 6.54 The applicant has advised that they are not intending to transfer any of the open space or community facilities to the City Council to maintain in the future, but propose to set up a management company to do so.
- 6.55 The comments and questions that have been raised by Sport England are noted. Some of these have been clarified and addressed through the submission of further information. The issue of female changing facilities was raised by Members at the April Planning Committee. The two changing rooms could be flexibly used and could accommodate either home or away teams or be gender specific, depending on the particular requirements and needs of the users at any given time.
- 6.56 Additionally, the community building was designed in accordance with the Sports England design advice for multi-use community buildings that was in place at the time of the assessment of the outline application. It is noted that a similar design/facility building is still promoted within the current Sports England design guidance, however this does not include any changing facilities for officials.
- 6.57 Officers consider that the community building has been designed to have some flexibility as to its future use and that the facilities to be provided should meet the needs of future users. As the parameters for the building are set by the outline permission and an indicative layout included within the Unilateral Undertaking, it would be outside of the remit of the reserved matters application to require any significant changes, additional facilities or provision within the building.

- 6.58 It is therefore concluded that open space areas and community facilities comply with the requirements of the outline permission and Unilateral Undertaking and would provide for a good level of community facilities, both formal and informal recreation and an attractive setting to the adjoining residential development.

Trees

- 6.59 The development of the site would result in the loss of some trees and some field boundary hedges. This was detailed on the landscape masterplan submitted with the outline application and therefore the principle is established by that permission. There are 16 trees on the site protected by a Tree Preservation order and comprise oaks, ash and a field maple. All these trees are to be retained. There are a group of seven oaks and one field maple located towards the southern part of the site and their position between the housing and the sports area would provide a screen and attractive setting to the two areas. Additionally, the five oak trees located close to Winnycroft Lane are to be retained within areas of open space. The remaining protected oaks that are dotted across the site are also to be retained and the layout provides open space around them, an approach which is welcomed and gives appropriate space to these high quality and mature trees. A couple of the veteran oaks have typical characteristics of retainable deadwood and cavities which has benefits for wildlife and at Officers request the applicant is now proposing some fencing around the trees so as to restrict public access within the immediate vicinity of the trees. There is no objection to the other trees that are being removed given their value and/or condition (subject to the comments of the ecology adviser) and an appropriate amount of additional planting is proposed across the scheme.

Potential Impact from Sheep

- 6.60 The potential impacts from the free roaming sheep was a concern raised at April Committee. Officers have discussed this concern with the City Improvement Officer and he has advised that he is not aware of any complaints being made to the Council, within the last five years, regarding the presence of sheep in the area and any conflicts with the existing housing development.

The applicant has provided the following statement in relation to this issue:

- *“the replacement hedgerow planting to the site frontage (Winnycroft Lane) has been specified as a mix of transplants (typical small sized stock) and feathered stock (larger sized stock) to provide a strong robust boundary from day one in conjunction with the existing hedgerow. The hedgerow is also supported/strengthened by a 2 line wire supportive fence running through the centre of the hedge to provide additional protection from potential trampling/damage.*
- *Furthermore, with regard to damage by consumption of the planting by the sheep, by nature sheep will eat anything green but, importantly, are also regularly enclosed by native mixed species hedgerow like the hedgerows we have proposed to the site frontage. The use of hedging such as that proposed on this site reflects traditional boundary treatments used by farmers (if not using fencing etc).*
- *The on-plot landscaping consists of ornamental shrubs that sheep are unlikely to see as particularly ‘good eating’, and with the proximity to the houses themselves are unlikely to be massively attractive for the sheep to venture towards.*
- *Sheep like to graze so would be more inclined to chew on the grass and associated forbs rather than shrubs or hedgerows Barratt Homes may plant. They do like new shoots from trees but the new trees we have proposed to the site frontage have a 1.8-2m clear stem so the canopies will be out of reach.*
- *In summary, other than fencing all landscaped areas off which I would disagree with and suggest it would look very strange, our scheme offers a considered and robust landscape treatment to the site and its frontage. Should local sheep access the site they are more likely to graze beneath the existing trees than trample, eat or destroy the proposed landscaping scheme.”*

- 6.61 Officers have also discussed with the applicant whether formal measures should be provided to prevent sheep gaining access into the development. Ultimately this would require the installation a cattle grid at the main entrance to the site at the new roundabout, another cattle grid at the secondary access further along Winnycroft Lane, together with fencing and pedestrian gates to the pavements and footpath links along Winnycroft Lane. It is considered that such measures would not be practical, would create a negative and closed in feel to the development and would not assist in the integration of the new development into the existing community.
- 6.62 In this respect, Officers conclude that it is neither practical nor desirable to provide physical barriers to prevent the sheep accessing the development site and accept that the proposed hedge to Winnycroft Lane has been designed to be robust and “unappealing to the sheep”.

Ecology

- 6.63 The potential impact upon ecology was fully considered at the outline stage and the outline permission includes conditions requiring a site wide, and phase specific, ecological management plan including up to date surveys, details on how protected species will be safeguarded and proposals for habitat creation, enhancement and restoration. Information has been submitted by the Applicant to satisfy the ecology conditions and this will be dealt with separately from the current reserved matters application. The Council’s Ecological Advisor has been consulted on the current application and has reviewed the proposed layout. The Ecological Advisor is happy that the current proposed layout would not affect the developer’s ability to carry out the ecological mitigation being proposed and there is therefore no objection to the reserved matters application on ecological grounds.

Landscape Impact

- 6.64 The impact of the development upon the landscape character of the local area, and in particular the views to and from Robinswood Hill and the adjoining land to the east within the designated Area of Outstanding Natural Beauty were fully considered at the outline stage.
- 6.65 The provision of a buffer to the western edge and the location of the sports pitches providing a transition area between the adjoining open countryside and the built form of the new residential development were agreed principles, designed to reduce the visual impact of the development when viewed from the AONB and from Robinswood Hill. At that time the assessment also took account of new buildings on the site being of up to 3 stories, however the proposal only contains buildings up to 2 and half storeys and no three storey development is now proposed.
- 6.66 As the reserved matters details follow the principles set down at the outline stage and complies with the agreed parameters for the location of the built form and open space, and the overall mass and heights of buildings, Officers consider that the proposal is acceptable in terms of its scale and appearance in relation to the adjoining Area of Outstanding Natural Beauty.

Heritage

- 6.67 The site forms part of the agricultural land associate with Winneycroft Farm. The farmhouse and adjoining buildings are Grade II Listed. This site is separated from the listed farm complex by the adjoining Mini Winney site, which completely surrounds the farm complex to the western side of Corncroft Lane.
- 6.68 As the reserved matters details follow the principles set down at the outline stage and complies with the agreed parameters for the location of the built form and open space, and the overall mass and heights of buildings, Officers consider that the proposal is acceptable in terms of its scale and appearance in relation to the listed farm complex. However, the Conservation Officer has raised concerns with the proposed materials and Officers share these concerns in relation

to the slate style roofing tile proposed to be used. As stated earlier in the report it is proposed that details of an alternative roof tile would be required by condition.

Conclusion

- 6.69 This reserved matters application has been considered in the context of the policies and guidance referred to above and to the parameters and requirements set by the outline planning permission and planning obligations.
- 6.70 In relation to design and layout matters, it is considered that the scheme as now proposed has addressed many of the concerns with the originally submitted layout. There would be close relationships between some properties; some gardens are small and of irregular shape. The proposed layout means that parking dominates the street scene in some areas and the slate style roof tile is not considered appropriate. However, Officers have concluded that, on balance, the detail of the design and layout is acceptable and appropriate materials could be secured by condition.
- 6.71 The proposed road layout is now considered acceptable from a highway safety viewpoint and parking provision is considered appropriate for both future residents, visitors and those using the community facilities.
- 6.72 The proposed footpath diversion routes provide acceptable alternatives and with the road and footpath layout and additional pedestrian links now proposed, would provide for good levels of permeability across and through the site, and to the adjoining site of Mini Winney.
- 6.73 The detailed proposals for the two sports pitches, play areas, community building, allotments and community orchard follow the requirements set by the outline permission, and would provide a good standard of facilities for future residents. The open spaces within the development would provide for informal recreation, benefit ecology and provide for an attractive setting to the houses. The retention of the best trees on site and new landscaping would also add to the setting of the overall development and benefit ecology.
- 6.74 The proposed measures to protect future occupants from noise are acceptable and would be subject to further testing prior to the occupation of the houses to ensure acceptable standards of living for new residents.
- 6.75 Drainage matters are now resolved, and the scheme would provide suitable arrangements for the site itself and provide additional benefit in terms of the reduced flood risk along the Sud Brook.
- 6.76 In conclusion, Officers consider that the scheme complies with the principles set by the outline permission and would provide a generally attractive future residential development, with good quality and varied open spaces of different character together with community provision to meet the needs of future residents. In light of the above, it is recommended that approval of the reserved matters should be granted.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

- 7.1 That **APPROVAL** be granted subject to the following conditions:

Condition 1

Notwithstanding the submitted plans the development hereby permitted shall be carried out in accordance with details of the verge build-outs between the footways and carriageways which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a suitable estate road arrangement is provided to minimise conflicts

between site road users in accordance with National Planning Policy Framework paragraph 108 and 110.

Condition 2

The forward visibility splays illustrated on plan 21099_02_010_002.1 Rev M shall be provided and maintained so as to provide clear visibility between 0.6 and 2.0m above the adjacent carriageway level except 10m forward visibility splays shall be extended to 18m.

Reason:

To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained 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 paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 3

The vehicular accesses hereby permitted shall not be brought into use until the visibility splays illustrated on plan 21099_02_010_002.1 Rev M extending from a X points back along the centre of the accesses to points on the nearer carriageway edge of the public road in both directions (the Y points) have been provided. 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 points and between 0.6m and 2.0m at the Y points above the adjacent carriageway level (except vertical features less than 500mm in diameter).

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained 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 paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 4

Notwithstanding the submitted plans, vertical features to frontage, side and rear beyond dwellings and rear gardens up to adjacent carriageways shall be no more than 1m in height, with the exception of plots 12, 17-20, 27,31, 38, 42-45, 49-52, 58, 61-63, 66, 83, 91-96, 87-100 107, 108, 110-113, 115-118, 126, 143, 146, 149, 150, 153-156, 159-162, 168, 173, 177, 180, 189, 196, 197, 202, 215, 220, 239, 261, 264, 269, 274, 278,-280, 287-291,298, 299, 303, 306, 310, 319, 321, 327, 330, 335, 347-349, 374, 379, 388, 391, 417-418 for which vertical features to frontage, side and rear beyond dwellings and rear gardens up to adjacent carriageways shall be restricted to no more than 600mm.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained 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 paragraphs 108 and 110 of the National Planning Policy Framework

Condition 5

The vehicle accesses hereby permitted shall not be brought into use until the pedestrian visibility splays generally illustrated on plan 21099_02_010_002.1 Rev M have been provided. The visibility splays so provided shall thereafter maintained so as to provide clear visibility at a height of between 600mm and 2m above the adjacent footway level or shared surface carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and 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 paragraphs 108 and 110 the National Planning Policy Framework.

Condition 6

Notwithstanding the submitted details no development above damp proof course level shall be carried out until details of the proposed roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed dwellings have an acceptable appearance in the interests of visual amenity.

Condition 7

Notwithstanding the submitted details, no development hereby approved shall be carried out until precise details of the proposed culvert carrying the Sud Brook beneath the proposed new access road shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure the development would have an acceptable impact on the water environment.

Condition 8

Notwithstanding the submitted details, no development hereby approved shall be carried out until precise details of the proposed in-channel flow-restrictors. The development shall be carried out in accordance with the details so approved.

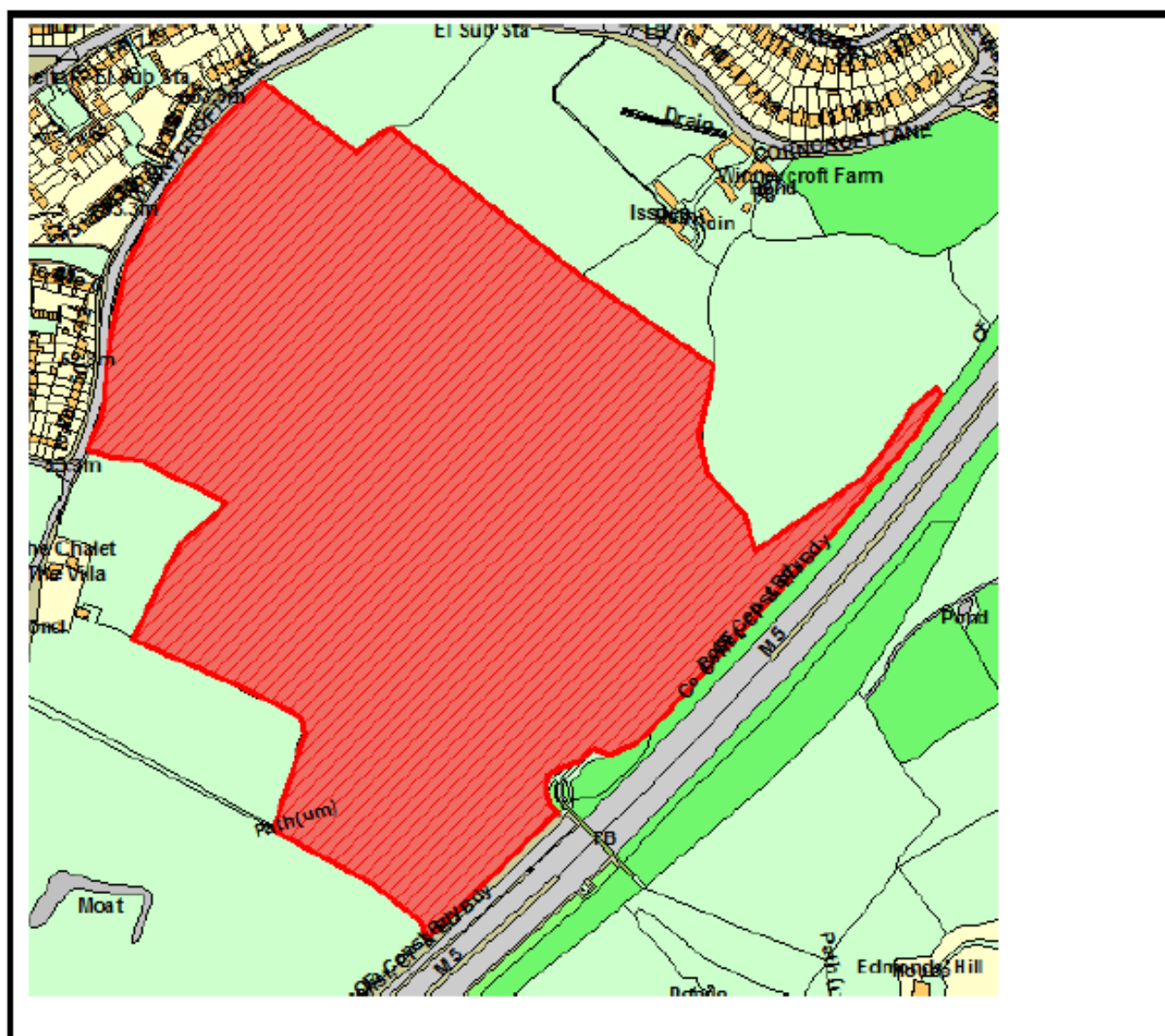
Person to Contact: Joann Meneaud (396787)

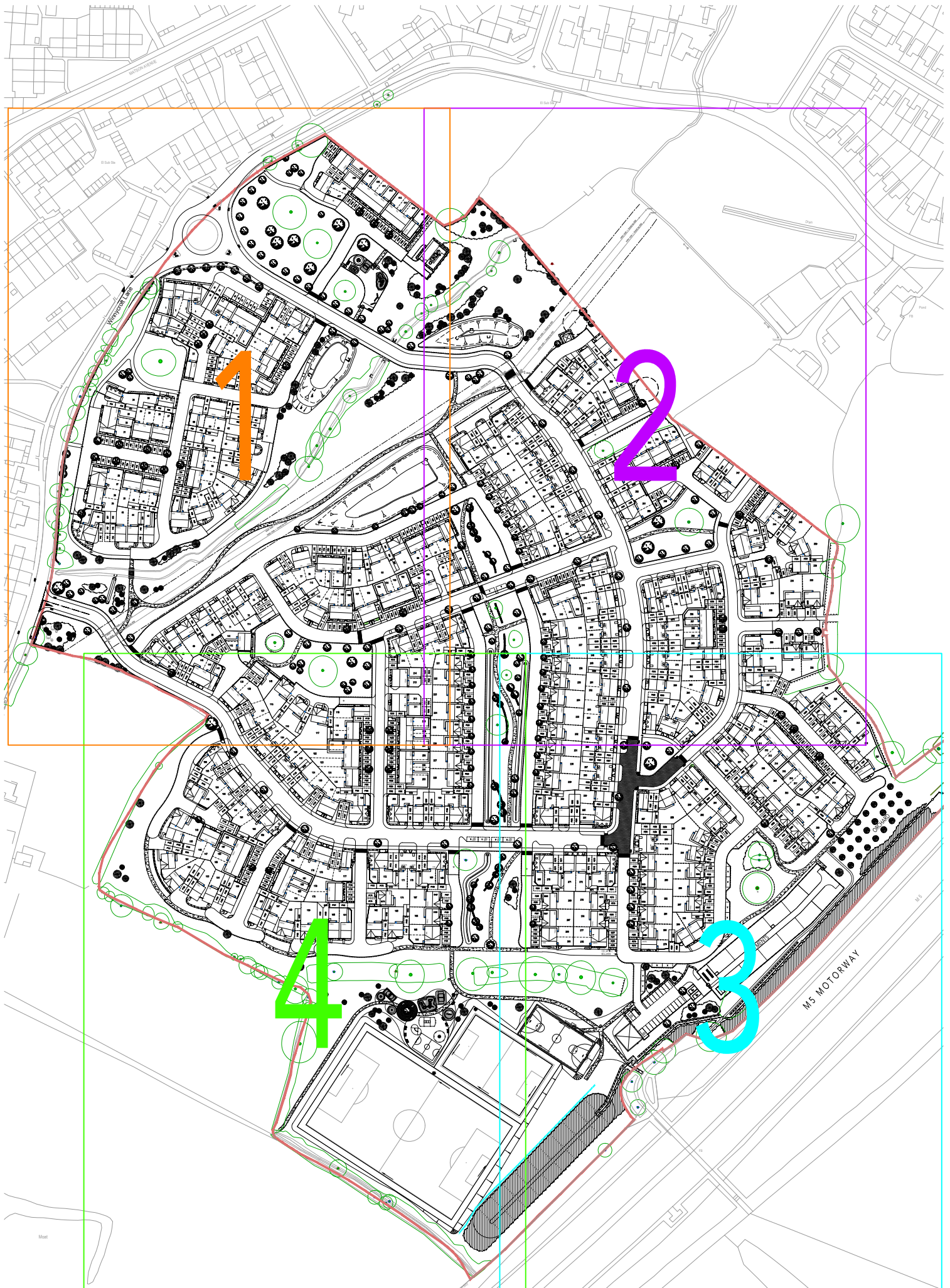


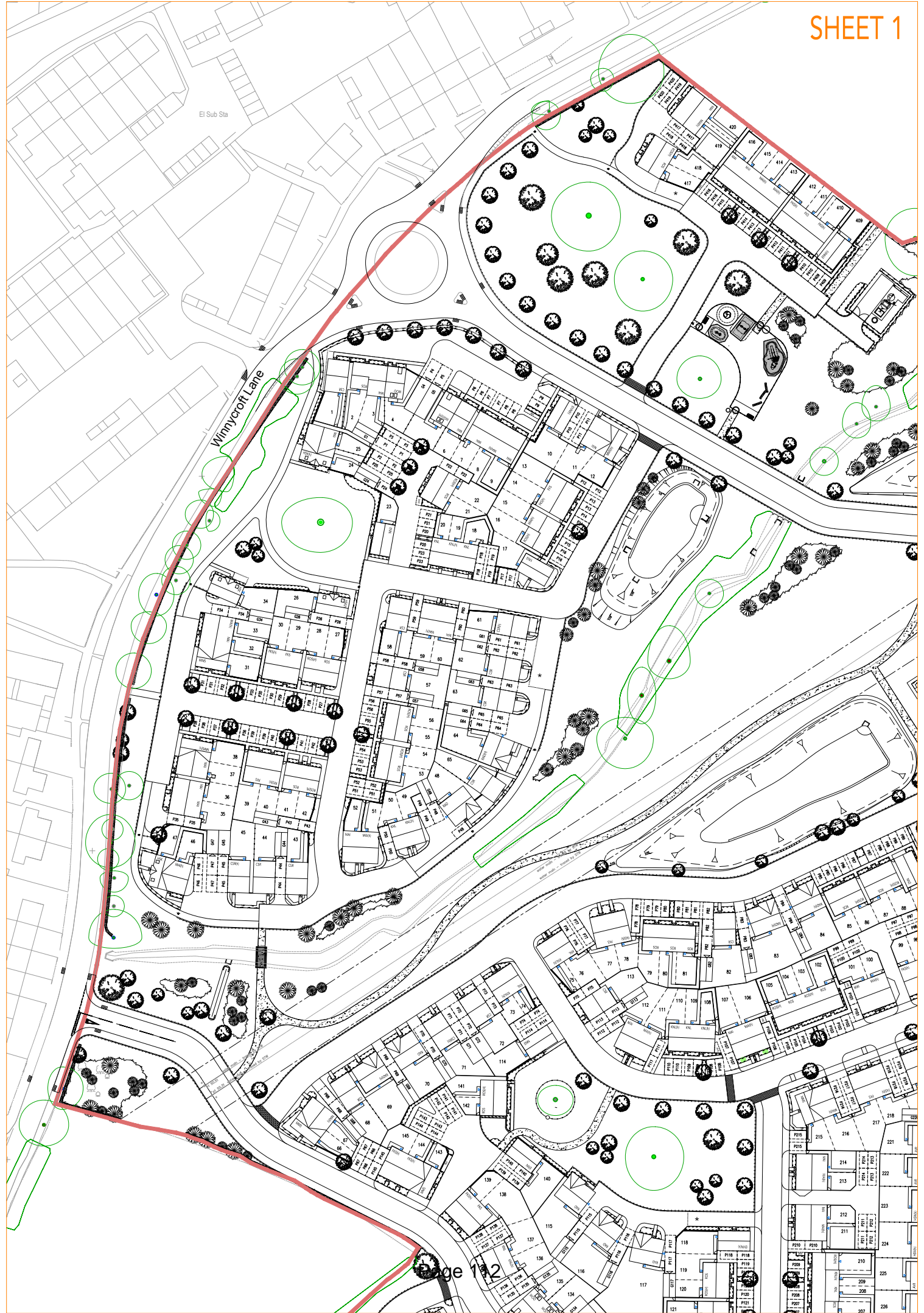
Planning Application: | 18/01141/REM

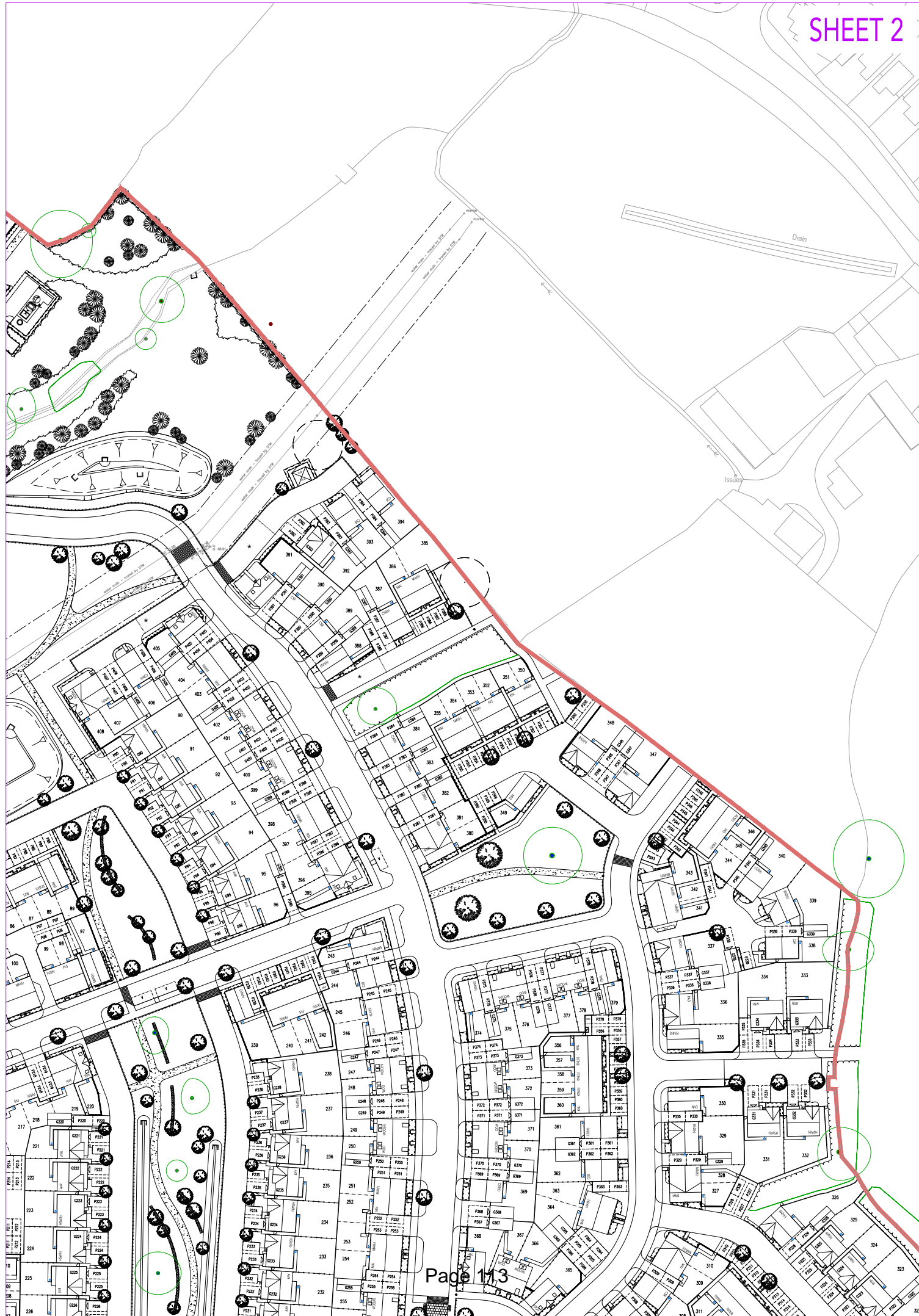
Address: | Land South Of Winneycroft
Farm, Winneycroft Lane/
Corncroft Lane, Gloucester
GL4 6BX

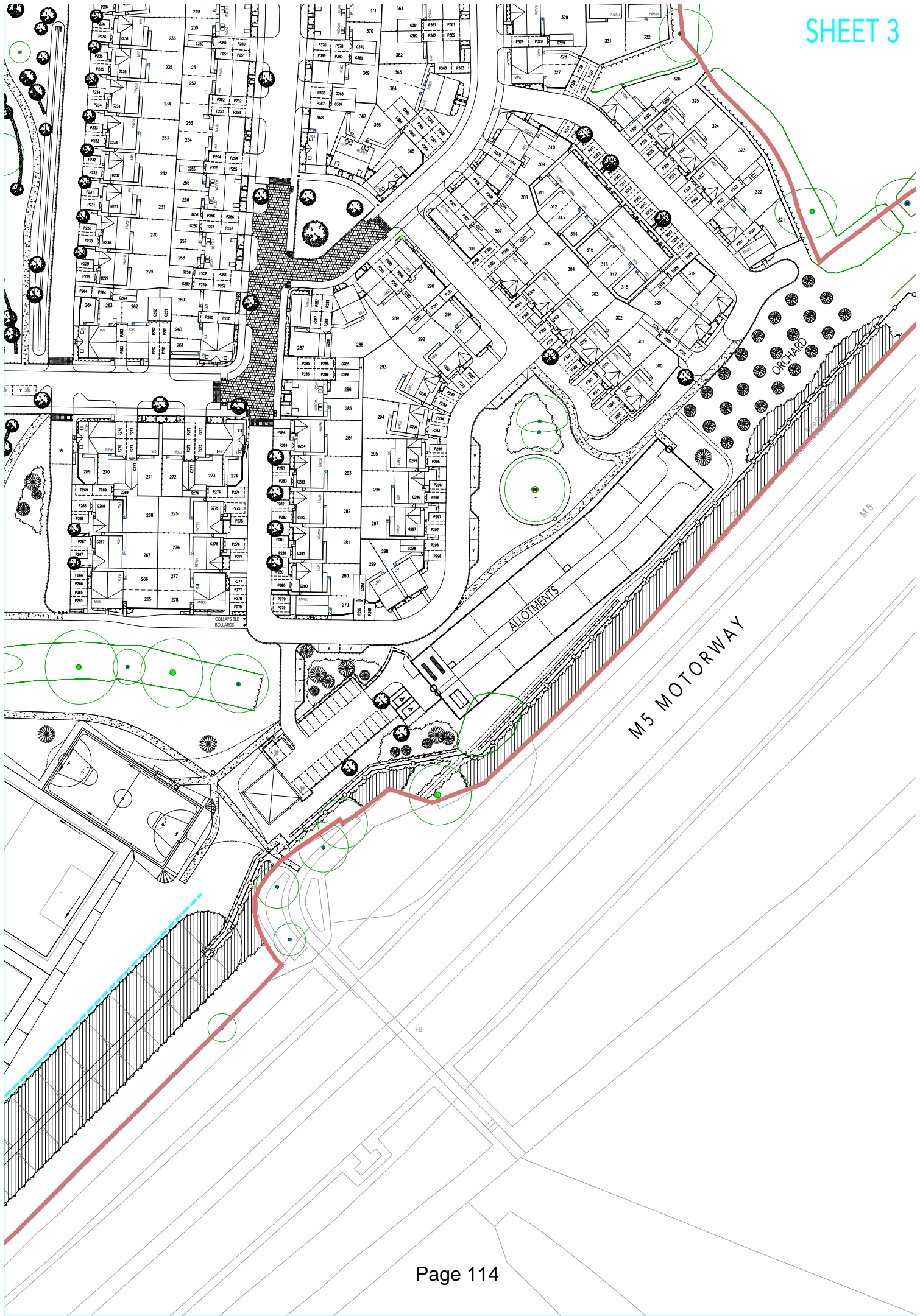
Committee Date: | 4th June 2019













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CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

4th June 2019

DELEGATED DECISIONS

1ST – 30th April 2019

**Development Services Group Manager,
Herbert Warehouse, The Docks, Gloucester**

Abbeydale

19/00102/FUL

SHANE.

3 Ashton Close Gloucester GL4 5BP

2 storey side extension to create enlarged dining area at ground floor and new bedroom suite at first floor

G3Y

01/04/2019

19/00185/ADV

FISHM

Unit 5 Glevum Shopping Centre Glevum Way Gloucester GL4 4BL

1 no. full width external fascia to shopfront. 1 no. double sided totem sign on Retail park perimeter

GFY

18/04/2019

Abbeymead

18/01490/FUL

SHANE.

4 Kingscote Drive Gloucester GL4 4XT

Single storey extension to provide summer room

G3Y

16/04/2019

Barnwood

19/00103/FUL

FISHM

4 Lilliesfield Avenue Gloucester GL3 3AQ

Proposed two storey side extension. Existing garage to be demolished and new structure rebuilt in its place. Proposed pitched roof to existing integral garage, with porch to the side. Amendment to permission 18/00902/FUL.

G3Y

01/04/2019

19/00133/FUL

ELENJ

27 The Larches Gloucester GL4 5WR

First floor extension above garage and link entrance. Revised application ref: 07/01251/FUL.

GSC

08/04/2019

Barton & Tre

18/01050/CONDIT

RONM

Norville Optical Co Ltd Paul Street Gloucester GL1 4NY

Details submitted to discharge Condition 3 - Construction Method Statement,, 7- Future Maintenance of Proposed Streets, 9: - Cycle Storage Details, 13 - Detailed Scheme for the enhancement of the Sud Brook, 15 - Design, content and location of historic

ALDIS 09/04/2019

18/01355/LAW

SAMLA

8 Howard Street Gloucester GL1 4UR

Single storey rear extension.

LAW 23/04/2019

18/01460/PRIOR

FISHM

104 High Street Gloucester GL1 4TA

Prior approval for change of use from retail (A1) to dwelling (C3) including replacement of front window and door and internal alterations.

NRPR 09/04/2019

19/00194/FUL

ELENJ

45 Moreton Street Gloucester GL1 4NX

Single Storey side extension at rear

G3Y 24/04/2019

Coney Hill

18/00657/FUL

ELENJ

Land Adj To 117 Painswick Road Gloucester GL4 4PY

Proposed double garage.

REF 24/04/2019

19/00020/FUL

FEH

Screwfix Direct 22 - 23 Eastville Close Gloucester GL4 3SJ

Proposed freestanding pod unit (Use Class A1/A3) together with outdoor seating area and associated works at Eastern Avenue Trading Estate (revised plans)

G3Y

26/04/2019

Elmbridge

19/00112/CONDIT

CJR

Railway Triangle Site Metz Way Gloucester

Discharge of conditions 3 (SuDS Management and Maintenance Plan), 4(Exceedence Flow Routing), 8 (Ground Gas Assessment), 9(Landscaping), 11 (boundary treatments) and 13 (External Materials) on planning permission ref. 18/00267/FUL.

ALDIS

24/04/2019

19/00222/TPO

JJH

Cleeve House Horton Road Gloucester GL1 3PX

This application is to:- Fell two Norway Maple trees to near ground level as marked in photograph 1 in attached document and plan attached- Treat the stumps with herbicide to prevent regrowth- Two replacement trees are to be planted to mitigate the removal

TPDECS

16/04/2019

Grange

19/00105/FUL

ELENJ

59 Holmwood Drive Gloucester GL4 0PN

Proposed Single Storey Side and Rear Extension (Revised)

G3Y

01/04/2019

Hucclecote

19/00091/FUL GOULN
Lock Up Garages Colwell Avenue Gloucester
Erection of 5no. affordable bungalows with associated parking and landscaping.

PER 03/04/2019

19/00167/FUL ELENJ
18 Fircroft Close Gloucester GL3 3DW
New front and rear extensions.

G3Y 30/04/2019

19/00191/FUL FISHM
39B Churchdown Lane Gloucester GL3 3QH
Demolition of garage and porch. Erection of single storey extension and porch.

G3Y 24/04/2019

Kingsholm &

19/00203/CONDIT FISHM
52 Kingsholm Road Gloucester GL1 3BH
Discharge of condition 4 (Archaeology) of permission 18/01254/FUL

ALDIS 08/04/2019

19/00206/PDE FISHM
16 Estcourt Road Gloucester GL1 3LG
Single storey extension to the back of the property. To include removal of existing utility area (marked on plan) and construction of a flat roof (with light dome) extension.

ENOBJ 09/04/2019

19/00207/CONDIT ADAMS
St Nicholas House 47 London Road Gloucester GL1 3HF
Discharge of conditions

WDN 15/04/2019

Longlevens

18/01308/FUL

ELENJ

57 Estcourt Road Gloucester GL1 3LX

alteration to: 18/00385/FUL Alterations to the dormers and a pitched roof over extension

G3Y

10/04/2019

19/00113/FUL

ELENJ

25 Windermere Road Gloucester GL2 0LZ

Revision to: 18/00048/FUL Proposed Single Storey Side Extension

G3Y

01/04/2019

19/00145/FUL

ELENJ

75 Cheltenham Road Gloucester GL2 0JG

Proposed ground and first floor extension.

G3Y

09/04/2019

19/00160/FUL

ELENJ

51 Little Normans Gloucester GL2 0EH

conservatory to the rear of the property

GSC

16/04/2019

19/00176/FUL

ELENJ

80 Innsworth Lane Gloucester GL2 0DE

Remove part of existing garage and erect first floor/two storey extension at side, rear and front.

G3Y

16/04/2019

19/00179/CONDIT

ADAMS

University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW

Submission under Conditions 3 and 4 of 16/00945/REM - New footpath and extension of existing fence to rear of tennis centre

PADIS

10/04/2019

19/00183/FUL	ELENJ
25 Old Cheltenham Road Gloucester GL2 0AS	
Single storey side extension.	
G3Y	10/04/2019

Matson & Ro

18/01354/FUL	RHIAM
1 Larkham Close Gloucester GL4 6EN	
Erection of new bungalow.	
REF	05/04/2019

18/01480/FUL	FISHM
The Villa Winnycroft Lane Gloucester GL4 6EG	
Double storey side and rear extensions.	
G3Y	05/04/2019

19/00025/FUL	RHIAM
57 Myrtle Close Gloucester GL4 6YP	
Proposed two bedroom dwelling	
G3Y	29/04/2019

Moreland

19/00044/FUL	ELENJ
36 Churchill Road Gloucester GL1 5BS	
Proposed single storey rear extension. Dormers to rear elevation.	
GSC	16/04/2019

19/00230/PDE	ELENJ
2 Milo Place Gloucester GL1 5EG	
Single storey rear extension Depth 3.8m, Height 3.5m and eaves 2.4m	
ENOBJ	23/04/2019

Podsmead

19/00157/FUL

ELENJ

33 Tuffley Crescent Gloucester GL1 5ND

Demolish existing extension and build single storey extension.

G3Y

16/04/2019

Quedgeley Fi

18/01286/FUL

SHANE.

The Coach House (Plot 12) St James Close Quedgeley Gloucester

Demolition of existing dilapidated Coach House and construction of a new dwelling.

G3Y

11/04/2019

19/00042/FUL

ELENJ

6 Gosswood Corner Quedgeley Gloucester GL2 4WS

Single storey extension to rear and porch to front of property

G3Y

01/04/2019

19/00093/FUL

GOULN

Garages Rear Parklands Quedgeley Gloucester GL2 4PP

Erection of 3.no affordable bungalows with associated parking and landscaping.

G3Y

10/04/2019

19/00301/FUL

SHANE.

9 Giles Cox Quedgeley Gloucester GL2 4YL

Retrospective single storey front extension

G3Y

26/04/2019

Quedgeley S

19/00146/FUL

ELENJ

7 Blackthorn Gardens Quedgeley Gloucester GL2 4WG

rear single storey extension.

GSC

09/04/2019

19/00330/NMA

CJR

Greenways 77 Bristol Road Quedgeley Gloucester GL2 4NE

Non material amendment to plans approved under ref. 18/01031/FUL. Removal of composite cladding to side elevations on Blocks 1 and 2. Change in roof material from Kingspan insulated roof panels to slate tiles to Blocks 1 and 2. Insertion of 3 no. window

NOS96

29/04/2019

Tuffley

18/00511/REM

GOULN

Land South Of Grange Road Gloucester

Submission of the following reserved matters - layout, scale, appearance and landscaping detail for application reference 16/00165/OUT for the erection of 250 no. dwellings (use class C3) with associated infrastructure and open space as well as details

GSC

03/04/2019

18/01104/CONDIT

GOULN

Land South Of Grange Road Gloucester

Discharge of conditions 2 (reserved matters) , 10 (management of streets) , 12 (construction management plan), 13 (Acoustic barrier details), 14 (noise assessment), 15, (construction method statement) , 23 (drainage) , 24 (drainage) , 26 and 27 (a

ALDIS

09/04/2019

19/00006/FUL

FISHM

4 Ardmore Close Gloucester GL4 0BL

Raising of main roof to form additional attic room and single storey rear extension.

G3Y

10/04/2019

19/00089/FUL

FISHM

188 Reservoir Road Gloucester GL4 6SB

Demolition of garage. Erection of ancillary building. Single storey extensions. External works.

G3Y

09/04/2019

Westgate

18/00167/CONDIT

RONM

Land Adj Newark Farm Hempsted Lane Gloucester GL2 5JS

Discharge of Condition Nos 3 - Environmental Construction Method Statement ,8 - Pedestrian crossing point, ,10 -Management of streets ,12 - Fire Hydrants,,13 - Highways Construction Management Plan ,14 - SUDs Drainage ,15 - SUDs Maintenance ,16 - Foul

ALDIS

09/04/2019

18/00649/CONDIT

ADAMS

Land At Bakers Quay, Llanthony Wharf, And Monkmeadow Bounded By South

Discharge of condition 20 (ventilation and reduction of fumes and odours) of planning permission 16/00634/FUL.

REF

08/04/2019

18/01385/CONDIT

ADAMS

Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By Southg

Discharge of condition 73 (affordable housing scheme) of permission ref. 18/00685/FUL for the Monk Meadow phase

PADIS

25/04/2019

19/00121/FUL

ELENJ

9 St Swithuns Road Gloucester GL2 5LH

Double storey extension to side of dwelling with single storey extension to rear.

G3Y

26/04/2019

19/00135/FUL	ADAMS
Former Gloucester Prison Barrack Square Gloucester GL1 2JN	
Change of use from prison (Use Class C2a) to leisure use (Use Class D2).	
G3Y	29/04/2019
19/00137/FUL	ADAMS
Carluccios Gloucester Quays Designer Outlet St Ann Way Gloucester GL1 5S	
Partial demolition of existing building and erection of 3 storey building, creating 930 sqm of gross external office floorspace including 904 sqm at the first and second floor levels and 26 sqm at the ground floor level, external alterations to the existi	
G3Y	09/04/2019
19/00143/FUL	RHIAM
Pressweld 30 Spinnaker Road Gloucester GL2 5DG	
Revision of Planning Application reference 18/00884/FUL. Extension of factory building (B2 use) to provide additional workshop area	
G3Y	09/04/2019
19/00171/ADV	FISHM
ATS Euromaster Gavel Way Gloucester GL1 2UE	
5 no. part illuminated building signs. 1 no. non-illuminated building sign. 1 no. part illuminated totem sign.	
GFY	18/04/2019
19/00294/CONDIT	ADAMS
Block E Former Gloscat Brunswick Road Gloucester	
Discharge of Condition 21 (contamination remediation) of permission ref. 16/00930/FUL	
PADIS	02/04/2019
19/00317/CONDIT	
30 Brunswick Road Gloucester GL1 1JJ	
Discharge of conditions 3 of permission 18/00023/FUL (Change of use from office to 9 bed HMO)	
ALDIS	25/04/2019

19/00318/CONDIT

FEH

30 Brunswick Road Gloucester GL1 1JJ

Discharge of conditions 3 (archaeology) 4 (additional details) and 5 (bike storage) for permission 18/00212/FUL

PADIS 25/04/2019

19/00320/CONDIT

FEH

30 Brunswick Road Gloucester GL1 1JJ

Discharge of condition 3 (method statement, sound details, drainage and ventilation) of permission 18/00213/LBC

PADIS 08/04/2019

19/00321/CONDIT

FEH

30 Brunswick Road Gloucester GL1 1JJ

Discharge of condition 4 (additional details), 5 (chimney colour) and 6 (schedule of repair) of permission 18/00012/LBC

PADIS 08/04/2019

DECISION DESCRIPTIONS ABBREVIATIONS

AAPRZ:	Prior Approval Approved
ALDIS:	All Discharged
AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
ECREF:	PDE Refused - Commenced
ENOBJ:	No Objections
ENPDEZ:	PDE Decision – No objections
EOBJ:	PDE Decision - Objection
G3L:	Grant Listed Building Consent for a period of 3 Years
G3Y:	Grant Consent for a period of 3 Years
GA:	Grant Approval
GATCMZ:	Grant approval for telecommunications mast
GFY:	Grant Consent for a period of Five Years
GLB:	Grant Listed Building Consent
GLBGOS:	Grant Listed Building Consent subject to Government Office of South West clearance
GOP:	Grant Outline Permission
GOSG:	Government Office of South West Granted
GP:	Grant Permission
GSC:	Grant Subject to Conditions
GTY:	Grant Consent for a period of Two Years
GYO:	Grant Consent for a period of One Year
LAW:	Certificate of Law permitted
NOB:	No objections
NOS96:	No objection to a Section 96 application
NPW:	Not proceeded with
OBJ:	Objections to County Council
OBS:	Observations to County Council
PADIS:	Part Discharged
PER:	Permission for demolition
RAD:	Refuse advert consent
REF:	Refuse
REFLBC:	Refuse Listed Building Consent
REFREA:	Refuse
REFUSE:	Refuse
RET:	Returned
ROS96:	Raise objections to a Section 96 application
RPA:	Refuse Prior Approval
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TELPRI:	Telecommunications Prior Approval
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn

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