

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **3<sup>RD</sup> NOVEMBER 2015**

**ADDRESS/LOCATION** : **UNIT K, THE AQUARIUS CENTRE, EDISON CLOSE**

**APPLICATION NO. & WARD** : **15/00919/FUL  
QUEDGELEY FIELDCOURT**

**EXPIRY DATE** : **27<sup>TH</sup> OCTOBER 2015 (TIME EXTENSION  
AGREED UNTIL 5<sup>TH</sup> NOVEMBER 2015)**

**APPLICANT** : **MR GRAHAM HOWELL**

**PROPOSAL** : **ERECTION OF 1 NO. BUILDING WITH USE  
CLASS B1C/B8, ASSOCIATED LOADING  
AREA, CAR PARKING AND LANDSCAPED  
AREAS.**

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

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

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is a vacant plot located to the east of Edison Close within the Waterwells Business Park. The site is bounded by Gloucestershire Constabulary Headquarters car park to the southern corner with the snooker club to the east and existing and proposed commercial units to the north and west.
- 1.2 The application seeks full planning permission for the erection of a commercial building with a total gross internal floorspace of 1161 square metres and 14 car parking spaces. The proposed building includes loading areas in the side elevation adjacent to the boundary with the company's HQ building (Unit H) which will result in the relocation of 2 existing parking spaces to within the application site and 1 space within the existing car park for unit H.
- 1.3 It is intended that the unit would be occupied by Mount International United services (MIUS). The company sell, service and maintain a wide range of medical equipment including ultrasound scanners and X-Ray equipment. The company occupy the adjacent unit and require a large warehouse to store stock.

- 1.4 The building will be used primarily for storing stock of refurbished equipment and spare parts. It is also intended that the building will be used to carry out some light industrial work, such as stripping down old equipment for spare parts and servicing equipment returned by customers. The Company has advised that these operations will involve the use of a forklift truck to move heavy parts around the site and into storage racking and the use of standard hand tools to carry out the refurbishment processes.
- 1.5 Air conditioning will be required in the final test area to avoid the equipment overheating.
- 1.6 The unit has a dual pitched roof with a height of approximately 6.5 metres to eaves and 10 metres to the ridge. The proposed materials comprise of a combination of horizontal and vertical cladding with a brick plinth on two elevations.
- 1.7 The application forms indicate that the building would be in operation 24 hours a day 7 days a week.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 Waterwells Business Park was allocated for business use in the Interim Adoption Copy of the Additional Area Post 1991 Boundary Extension Local Plan (Policy E.1 (a)). This allocation was made following a recommendation by the Local Plan Inspector. The site is shown as an employment commitment in the First and Second Stage Deposit Local Plans (June 2001 and August 2002).
- 2.2 An outline planning application (95/00126/OUT) for the comprehensive development of land for Class B1, B2 and B8 employment with ancillary A1, A2 and A3 uses, open space, park and ride car park, landscaping, associated drainage and highway works was submitted on 22<sup>nd</sup> February 1995. All matters were reserved for future consideration. Part of the outline application area fell within the area administered by Stroud District Council.
- 2.3 The application was subsequently amended to delete reference to Class B2 (general industrial) because of the range of uses allowed within the class and the desire that the development should be of a high visual quality. It was agreed at that time if a specific B2 use was proposed it would need to be justified and would be judged on its individual merits.
- 2.4 An outline planning application (01/00776/OUT) for the development of the former RMC site immediately south of Naas Lane for Class B1 business use (light industry and offices) and storage and distribution (B8) and a new distributor road was granted on 17<sup>th</sup> February 2004. It is on this part of the site that the current application relates to.
- 2.5 There have subsequently been various detailed applications and permissions for individual sites within the original business park and former RMC site, with many of the buildings now completed.

### **3.0 PLANNING POLICIES**

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 From the Second Stage Deposit Plan the following policy is the most relevant:
- Policy FRP.9 (Light Pollution)
  - Policy FRP.10 (Noise)
  - Policy FRP.15 (Contaminated Land)
  - Policy BE.1 (Scale Massing and Height)
  - Policy BE.6 (Access for All)
  - Policy BE.21 (Safeguarding of Amenity)
  - Policy TR.9 (Parking Standards)
  - Policy TR.12 (Cycle Standards)
  - Policy E.4 (Protecting Employment Land)
- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20<sup>th</sup> November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan

- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

4.1 **Gloucestershire County Council (Highways)** – No highway objections subject to conditions.

4.2 **Quedgeley Parish Council** – No objection.

4.3 **Severn Trent Water** – No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of plans for the disposal of surface water and foul sewage.

4.4 **Worcestershire Regulatory Services (Contaminated Land advisors)** - The proposed site is located on a former landfill site known to be producing landfill gas. It is therefore recommended that a condition is applied to any planning permission in order that the risks posed from contamination are appropriately investigated and addressed.

4.5 **Environmental Health Officer** – Raised some concerns regarding potential noise issues as a result of the proposed air conditioning equipment, deliveries to site, use of a fork lift and proposed stripping down/refurbishment of equipment. The access for the unit will be facing residential properties on Naas Lane. Have concerns in relation to any lighting to be used on the building during deliveries. Consider that the issues can be resolved by conditions.

#### **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the display of a site notice. In addition 6 properties have been notified of the application in writing.

5.2 No letters of representation have been received.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00919/FUL>

## **6.0 OFFICER OPINION**

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

### Siting and Design of the Building

- 6.2 The proposed scale and design of the building is comparable to the surrounding commercial units on adjacent sites. The front elevation and south eastern side elevation include a red brick plinth with white and grey cladding above. The rear and north western are comprise of full height vertical cladding. The guttering and downpipes will be blue.

### Use

- 6.3 Outline planning permission was granted for use of the wider land for Class B1 business use (light industry and offices) and B8 (storage and distribution) and these uses are therefore considered acceptable.

### Residential Amenity

- 6.4 The proposed building would be located some 100 metres from the front boundary of the closest residential property in Naas Lane. There are also existing commercial buildings between the application site and the residential properties in Naas Lane. The application proposes unrestricted working hours for the unit.

- 6.5 The Environmental Health Officer has recommended a number of conditions including those to limit noise levels, to control the hours for the loading/unloading of service and delivery vehicles, lighting and opening of the roller shutter doors. Given the distances involved, the nature of the use and the intervening buildings, it is not considered that the proposal will result on any significant adverse impact on the amenity of the occupiers of residential properties in Naas Lane. On this basis and subject to the conditions recommended by the Environmental Health Officer, it is not considered necessary to restrict the proposed hours of operation for this site.

### Parking and Highway Issues

- 6.6 The application site adjoins a currently un-adopted minor industrial cul-de-sac. Edison Close is accessed via the Class 4 Telford Way and Waterwells Drive with adequate accessibility within a comfortable walking distance ensuring the development is accessible by alternative means.

### **Access**

- 6.7 The unit involves the formation of two access points. The proposed north western access is approximately 17 metres in width and serves the loading area and small area of parking. The second access is approximately 7 metres in width and provides access to the main entrance and is shared between users.

### **Visibility**

- 6.8 The two accesses supply adequate visibility commensurate with the Design guidance target speed for a minor industrial road.

### **Parking**

- 6.9 The application proposes 14 car parking spaces. Gloucestershire does not currently have parking standards and proposals are assessed against paragraph 39 of the NPPF. The proposal also involves the relocation of 3 existing spaces between unit H and proposed unit K. These spaces have been mitigated for within the proposed development.
- 6.10 Although parking standards are no longer applied as a guide the full occupation of the unit as a B1(c) use would require 23 spaces and full B8 use 12 spaces. Given the location of the site and its accessibility by sustainable transport methods, together with the inclusion of secure cycle storage facilities to encourage alternative non-car based travel methods, the parking provision is deemed acceptable by the Highway Authority.
- 6.11 The service yard has sufficient space to accommodate a large 16.5 metre articulated vehicle. An articulated vehicle can adequately turn in the existing turning area on Edison Close and reverse a short distance into the service yard. Any delay to the free flow of the highway will not be significant.

### **Vehicular Trip Generation**

- 6.12 The Highway Authority has undertaken a TRICS analysis to determine the expected trip generation for the unit. It is estimated that the unit would generate 45 daily vehicle trips with 4 trips per peak hour. The residual cumulative impact would not be regarded as severe and the Highway Authority raises no objection to the application subject to the inclusion of conditions.
- 6.13 No objection is raised by the Highway Authority subject to the inclusion of conditions.

## **7.0 CONCLUSION**

- 7.1 Overall and subject to conditions, the proposed use, design, scale and siting of the building is considered acceptable and it is not considered that the development would have any significant adverse impact on the occupiers of residential properties or on highway safety. The development is considered to be in accordance with the principles outlined in the NPPF and relevant policies in the Second Deposit City of Gloucester Local Plan (2002).

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

That planning permission is granted subject to the following conditions:

### Condition 1

The development hereby permitted shall be begun before the expiration of 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 approved drawing nos. 747/PL10a, PL11a, PL12a and PL13a received by the Local Planning Authority on 4<sup>th</sup> September 2015 and any other conditions attached to this planning permission.

### Reason

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

### Condition 3

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

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

### Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

### Condition 4

Noise generated from items of plant and equipment associated with this application, including vehicles that is an intrinsic part of the overall sound emanating from the premises, shall be controlled such that the rating level, in accordance with BS 4142:2014, measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing typical LA90 background level, with no tonal element to the plant.

### Reason

In order to protect the amenity of occupiers of nearby properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The up and over doors as indicated on drawing no. 747/PL13a received by the Local Planning Authority on 4<sup>th</sup> September 2015 shall remain closed at all times unless ingress or egress is required to the units.

Reason

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

Condition 6

The building shall not be occupied until details of a lighting scheme to illuminate the external areas of the application site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the lighting fixtures, their location on the site/on the buildings, and the extent of illumination. The scheme is also to include details on how the impact of how floodlights and external lighting will be minimised. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of crime prevention in accordance with Policy BE.5 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 7

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Condition 8

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

Reason

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

Condition 9

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be implemented in accordance with the approved details before the development is first brought into use.



### Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002). The details need to be submitted prior to the commencement of any works to ensure that the ability to implement a satisfactory drainage system is not compromised.

### Condition 10

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

### **B. Submission of Remediation Scheme**

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

### **C. Implementation of Approved Remediation Scheme**

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

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

### **D. Reporting of Unexpected Contamination**

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

A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

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

#### **E. Long Term Monitoring and Maintenance**

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

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

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

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition 11

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

#### Reason

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

#### Condition 12

The development hereby permitted shall not be brought into use until the vehicular access has been laid out and constructed in accordance with submitted drawing no. 7474/PL11a and maintained thereafter.

#### Reason

To reduce potential highway impact by ensuring the access is suitably laid out and constructed in accordance with Paragraph 35 of the NPPF.

Condition 13

The development hereby permitted shall not be brought into use until the vehicular parking facilities have been provided in accordance with the submitted plan drawing no. 7474/PL11a and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 35 of the National Planning Policy Framework.

Condition 14

The development hereby permitted shall not be brought into use until the secure and covered cycle storage facilities have been made available in accordance with submitted drawing no. 7474/PL11 and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the National Planning Policy Framework.

Condition 15

The proposed external materials to be used in the development hereby permitted shall be in accordance with the details indicated in the application forms and on the approved drawings, unless alternatives are submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development in accordance with Policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Statement of Positive and Proactive Engagement

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

Decision: .....

Notes: .....

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

**15/00919/FUL**

**Aquarius Centre  
Edison Close  
Quedgeley  
Gloucester**

**Planning Committee 03.11.2015**

