GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: Planning

Date: 5th July 2022

Address/Location: Former Interbrew site, Eastern Avenue, Gloucester

Application No: 22/00014/FUL

Ward: Barnwood

Expiry Date: 18th March 2022

Applicant: Mr Tom Maltby

Development of site to create fourteen industrial units having Planning Use

Class E(g) (iii), B2 & B8 uses with ancillary offices, plus trade counter uses for

Units 9 to 14, carparking, service areas and soft landscaping along with

highways works to Chancel Close

Report by: Adam Smith

Proposal:

Appendices: Site location plan Proposed layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a broadly square site of 5.3ha, now cleared of buildings and formerly used as a distribution facility understood to be in association with the drinks industry between approximately 1994 and 2017, since when it has been vacant. There is a slight decline south to north across the wide span of the site of around 3.5m overall. The application site also includes parts of Chancel Close and Eastern Avenue.
- 1.2 To the immediately west are the railway lines, beyond which the 'Triangle park' development with the Morrisons store and car park, and commercial units, at the near side to the railway lines. To the south is Metz Way, which declines as it approaches the Eastern Avenue junction, with commercial units beyond. To the east is Eastern Avenue, beyond which are commercial and retail uses. There is an existing access, northbound, off Eastern Avenue onto the parallel feeder road, and access into the site off this feeder road. Southbound vehicles on Eastern Avenue can utilise the opening in the central reservation a little way south of the existing site entrance before the main crossroads, in order to turn and head northbound to the site access. To the north of the site is Chancel Close and commercial units accessed off it. There also appears to have been a layby-type access to the site off Chancel Close. Exiting vehicles would use the feeder road then rejoin the northbound Eastern Avenue. There is currently no right-turn (southbound) exit to Eastern Avenue from here.
- 1.3 The proposal is for a range of 14 buildings in three main parts, totalling a gross new floorspace of 23,333sqm, for use classes E(g)(iii) (industrial process), B2 (general industrial) and B8 (storage or distribution).
- 1.4 The development layout comprises of:

Two large adjoining buildings, Units 1 and 2, extending the full length of the site at the north western boundary backing onto the railway.

Unit 1 – comprising of a warehouse area at ground floor of 6000sqm. At first and second floor

there is office space of 520sqm. The roof plans show an area for a photovoltaic (PV) array. The unit would be 13.7m high to eaves, 17.1m to ridge. Facing materials are a variety of metal cladding.

Unit 2 – comprising of a warehouse area at ground floor of 8030sqm. At first and second floor there is office space of 520sqm. Again the roof plan shows a PV array. The unit height is as per unit 1, 13.7m high to eaves, 17.1m to ridge, with facing materials again a variety of metal cladding.

A single building, Unit 3, sited at the southern corner, next to the Metz Way/Eastern Avenue junction – comprising of a ground floor warehouse area of 3380sqm. At first floor there is office space of 350sqm. Again the building would have a PV array at roof. It would be 11m to eaves, 13.8m to ridge. Facing materials are a variety of metal cladding.

Two blocks facing each other at the eastern part of the site comprising of 11 smaller units;

Units 4-8 comprising of ground floor warehouse areas between 293 and 482sqm, each with a first floor office space between 46 and 102sqm. The block would be 8.2m to eaves, 9.5m to ridge. As per the other units a PV array is shown to roof with facing materials in a variety of metal cladding.

Units 9-14 backing onto Eastern Avenue comprising of ground floor warehouse areas between 267 and 364sqm. These do not have an office element. The block would be 8.6m to eaves, 9.7m to ridge, again designed with a variety of metal cladding externally.

- 1.5 In terms of levels the proposal would involve a general levelling-off of the current conditions, leading to an increase of approximately 1.8m at the northern end around unit 1. New soft landscaping including tree planting is proposed, set out in further detail below.
- 1.6 Vehicular access is proposed directly off Eastern Avenue (northbound and entry only), broadly in the position of the existing southernmost access. The feeder road would be removed. The footway would be re-aligned to retain a path along this frontage. Vehicular accesses are also proposed at the north edge, to Chancel Close.
- 1.7 The existing Chancel Close to Eastern Avenue feeder road junction would be substantially altered, proposing a signalised junction directly with Eastern Avenue. This is the same junction arrangement as approved in the previous permission for this site. 197 car parking spaces are proposed, 11 light good vehicles spaces, 21 motorcycle spaces, 25 disability spaces, and 74 cycle spaces.
- 1.8 The application is referred to the Committee because of the scale of floorspace proposed and the S106 agreement recommended.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
P/25/74	Change of use to distribution depot. Erection of office accommodation and layout of car parking.	Granted	09.10.1974
	Various historic applications relating to the use of the site as a distribution depot between 1974 and 1998.		
95/00095/FUL	Formation of additional car parking spaces with associated landscaping.	Granted	22.03.1995

96/00262/FUL	Extension to warehouse. Formation of lorry park, relocation of derv tanks and use of part of existing lorry park for open storage.	Granted	24.10.1996
98/00652/FUL	Alterations to facade of offices.	Granted	30.11.1998
13/01261/OUT	Redevelopment of existing warehousing and distribution site to provide Wholesale / Retail Warehouse Club (circa 13,025 square metres gross), creation of new signalised access and junction on Eastern Avenue, laying out of associated vehicle parking (circa 612 spaces) and associated servicing space, and servicing (outline application - means of access offered for consideration; appearance, landscaping, layout and scale reserved for future consideration)	Granted outline planning permission.	20.08.2014
18/01444/FUL	Demolition of vacant buildings and comprehensive redevelopment for employment units falling within Use Classes B1, B2 and B8 (totalling 9,574 sqm); a DIY retail warehouse within Use Class A1 (4,703 sqm); a 44 bedroom hotel within Use Class C1 with associated restaurant/pub within Use Class A3/A4 (2,018 sqm); and a drive-thru restaurant within Use Class A3/A5 (totalling 255 sqm); together with associated car parking, servicing and access; landscaping and all associated works	Granted subject to conditions and s106 agreement	17.9.2020

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:

- 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
- SD8 Historic Environment
- SD9 Biodiversity and geodiversity
- SD14 Health and environmental quality
- INF1 -Transport network
- INF2 Flood risk management
- INF3 Green Infrastructure
- INF4 Social and community Infrastructure
- INF6 Infrastructure delivery
- INF7 Developer contributions

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 219 of the NPPF states that '...due weight should be given to (existing policies) 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 hearing sessions for the examination of the pre-submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector's post hearing letter has been received. The letter provides the Inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required. The Main Modifications have now been published. The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

Relevant policies include:

- A1 Effective and efficient use of land and buildings
- B1 Employment and skills plan
- B2 Safeguarding employment sites and buildings
- B3 New employment development and intensification and improvements to existing employment land
- C1 Active design and accessibility
- C5 Air quality
- C7 Fall prevention from tall buildings
- D1 Historic environment
- D2 Non designated heritage assets
- D3 Recording and advancing understanding of heritage assets
- E1 Biodiversity and geodiversity
- E3 Green/blue infrastructure
- E4 Flooding, sustainable drainage, and wastewater
- E7 Trees, woodlands and hedgerows
- F1 Materials and finishes
- F2 Landscape and planting
- F3 Community safety
- F4 Gulls
- G1 Sustainable transport and parking
- G2 Cycling
- G3 Walking

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:

E.4 - Protecting Employment Land

3.7 Supplementary Planning Guidance/Documents

SuDS design guide
Designing safer places
Waste minimisation in development projects

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 **Highway Authority** raises no objection subject to conditions to secure; visibility splays, detailed drawings and implementation of off site improvement works, ensuring the means of access is provided prior to use commencing, a construction management plan, cycle parking, electric vehicle parking, provision of suitable accessible car parking spaces, active travel facilities, and approval and implementation of a Travel Plan; and a financial contribution to Travel Plan monitoring for 10 years (£10,000.00).
- 4.2 **Network Rail** raises no objection in principle but sets out their usual list of requirements for a developer to comply with in relation to boundary fencing, encroachment, works near the common boundary, etc.
- 4.3 The **Landscape consultant** raises no objection to the amended scheme subject to securing full landscape details by condition.
- 4.4 The **Tree Officer** objected, requesting more trees (to the original scheme prior to the amended scheme accepted by the Landscape consultant).
- 4.5 The **City Archaeologist** raises no objection.
- 4.6 The **Contaminated Land consultant** raises no objection subject to a condition to secure remediation works.
- 4.7 The **Drainage Officer** raises no objection subject to a condition to secure approval of the detailed design, maintenance and management of the drainage strategy.
- 4.8 The **Lead Local Flood Authority** raises no objection based on the updated drainage information.
- 4.9 **Severn Trent Water** raises no objection subject to conditions to secure approval of drainage plans for disposal of foul and surface water flows.
- 4.10 The **Environmental Health consultant** raises no objection on noise subject to a condition to control plant noise. On air quality the consultant raises no objection but recommends air quality mitigation measures are incorporated to minimise impact on air quality to secure electric vehicle charging, cycle parking, and low emission boilers.

- 4.11 The **Ecological consultant** raises no objection subject to conditions to secure the mitigation measures.
- 4.12 The **Economic Development Team** is supportive of the proposed development.
- 4.13 The **County Council Waste Team** requires a waste minimisation statement and consideration to alternative secondary and / or recycled aggregate use in construction.
- 4.14 The **Planning Policy Team** raises no objection but conditions are required to control the uses to maintain policy compliance.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press and site notices were published. No representations have been received.
- 5.3 The application can be viewed on: <u>View your planning applications Gloucester City Council</u> within the Barnwood ward.

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 regard to this application are as follows.
 - Principle
 - Design, layout and landscaping
 - Traffic and transport
 - Residential amenity
 - Drainage and flood risk
 - Ecology
 - Contaminated land
 - Sustainability
 - Waste minimisation
 - Economic considerations
 - Heritage

Given the large scale of the site an Environmental Impact Assessment screening opinion has been adopted, which concluded that an Environmental Statement was not required alongside the application.

6.5 **Principle**

The NPPF requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and promote and support the development of under-utilised buildings. Decisions should support development that makes efficient use of land. The NPPF also sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In relation to town centres it advises that decisions should support the role that they play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Authorities should apply a sequential test to applications for main town centre uses not in an existing centre or in accordance with an up to date plan.

- Policies SP1 and SP2 of the JCS set out a requirement for a minimum of 192ha of B class employment land to supports new jobs, with only part of it on strategic allocations. JCS Policy SP2 seeks to focus development in the JCS area at Gloucester and Cheltenham. Policy SD1 supports employment-related development for the redevelopment of land already in employment use, for the development of new employment land within the City, and where it allows the growth or expansion of existing businesses. Policy SD2 deals with retail and city centres and sets out the City Centre boundary and sequential test approach for main town centre uses.
- Policy B2 of the Main Modifications City seeks to safeguard employment sites and buildings for offices, research and development, light industrial, general industrial and storage and distribution uses and resists changes to alternative uses unless specified criteria are met. Policy B3 sets out that proposals for new offices, research and development, light industrial, general industrial and storage and distribution uses and/or to intensify the use of existing employment sites will be supported where criteria are met relating to traffic impact, provision of satisfactory access, avoiding significant adverse impacts on the amenity of neighbouring uses, the scale and design is compatible with the character of the location, not resulting in unacceptable adverse environmental impacts, and provision is made for waste collection. Policy A1 requires development to make effective and efficient use of land and buildings. Policy E4 of the 2002 Second Deposit Local Plan seeks to resist loss of employment land in general unless criteria are met relating to the land having limited potential for employment, and demonstrating that an alternative use offers greater potential benefit to the community.

6.8 Main town centre uses

Main town centre uses, as defined in the NPPF, include offices and retail. The previous approved scheme for this site allowed main town centre uses at this location in respect of the DIY warehouse retail, hotel, and restaurant, subject to certain conditions on their operation. The current application does not apply for any main town centre uses and no sequential or impact test is necessary. Offices are not explicitly applied for but are shown on the submitted plans as component parts of the overall floorspace of several units. It is accepted that these offices as shown are ancillary to the main use of the units. The application form references trade counter uses for units 9-14 and it is accepted that these can operate as a Class B8 storage and distribution use. Nevertheless given the operation of the use classes system and permitted development rights these matters of office and retail use are relevant to the consideration of the application.

6.9 Offices and retail are within Use Class E, as is the Class E, g, iii light industrial use that is applied for. As such, there could be the possibility of a change to retail and/or office use in future. These uses would then be outside designated centres and the site is not allocated for such uses. An extensive office use would also affect the traffic impact at peak hours which has not been tested at increased magnitudes. The application understandably does not provide a justification for these alternative uses, and in order to maintain policy compliance it would be necessary to prevent a change of use to office or retail within Class E. It is accepted that the trade counters referred to at units 9-14 could operate under Class B8, but it would be necessary to control their operation to that of a trade counter use by limiting the floorspace of each unit that could operate with a retail function, and limit that to Units 9-14 only, by condition. As this is a speculative scheme it would not be possible to obtain the proposed arrangement of operators to understand the nature and extent of any retail operation so a 20% limit on floorspace operating as the retail element is proposed similar to that imposed on similar schemes. With these controls in place it is considered that the proposal would comply with the above policy context as to main town centre uses.

6.10 **Employment use**

This is a substantial site understood to have been vacant since 2017 but last used for storage and distribution and therefore it provided an employment use. The current application follows the 2018 permission for office, industrial and storage/distribution (B1, B2 and B8), DIY retail warehouse (A1), hotel (C1) and restaurant (A3/A4) and drive through restaurant, and an earlier permission for a Costco-style retail warehouse club. No works other than demolition appear to have been undertaken pursuant to the previous permission although it is understood that the s278 highways agreement is progressing for the junction works that are the same in the previous permission as in the current application. The proposal would deliver more employment floorspace than the 2018 permission (23,333sqm compared to 9574sqm, not including the employment associated with the retail and hospitality uses).

6.11 The uses proposed would represent employment uses and would continue the employment use of an existing employment site in line with Policy B2, and would support the delivery of the employment floorspace set out in JCS policies SP1 and SP2. In relation to Policy SD1 criteria, the employment uses would take place within the City and would comply with that broad principle. It would represent redevelopment of land already in a traditional employment use. In relation to Policy B3, the traffic, design and amenity issues are dealt with later in the report but the policy gives in-principle support to the proposal subject to these. It is considered that the proposal complies with the above policy context in relation to the principle of employment use in this location.

6.12 Other 'in-principle' policies

Policy A1 of the City Plan is a general policy encompassing a range of criteria. It requires effective and efficient use of land and buildings which the proposals would deliver, and it would not prejudice the potential for comprehensive development of adjacent land. The scheme would be of suitable scale for the site although the design considerations of the building massing are considered further below. The criteria in respect the built environment and character of the locality, impact on amenity, parking, cycle and bin storage are considered later in the report. There is therefore no in-principle conflict with Policy A1 either.

6.13 Overall it is considered that subject to conditions the principle of the development is acceptable in this location within the City.

6.14 Design, layout and landscaping

The NPPF requires developments to be of high quality design and respond to local character integrating into the local environment. The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places.

- 6.15 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting. Design should establish a strong sense of place and have appropriate regard to the historic environment. Policy INF3 requires development to positively contribute to green infrastructure, also setting out that proposals that would impact on trees will need to include a justification for why this cannot be avoided and should incorporate mitigation for the loss. Policy A1 of the City Plan requires overall improvements to the built and natural environment, development to be of a suitable scale for the site and preserving the character of the area and appearance of the streetscene, and appropriate bin storage. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C7 seeks measures to help prevent suicide and accidental falls on buildings or structures over 12m in height. Policy E4 seeks to ensure no significant adverse impacts on existing trees, every opportunity is taken for appropriate new planting on sites, mitigation for any loss or harm to trees, and tree protection measures during development. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they complement local distinctiveness. Policy F2 requires high quality hard surfacing, boundary treatments and planting that are appropriate to the location, to incorporate existing natural features where possible, and ensure adequate space for trees to mature. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.
- 6.16 The surrounding area is industrial/commercial in character with lots of large floorplan functional buildings. By comparison with the approved 2018 scheme, the layout has some similarities with a block all along the railway edge of the site. At the Eastern Avenue frontage however the buildings are now proposed in locations up to towards the site edge rather than the retail unit car park, drive through and hotel/restaurant and associated garden towards the site edge in the approved 2018 scheme.
- 6.17 Units 1 and 2 at the rear/western part of the site would be 17.1m high to roof ridge, 13.7m to eaves. At the northern end this would appear higher in relation to surrounding land, given the proposed ground levels increase of around 1.8m in addition. Unit 3 at the south east corner closest to the Eastern Avenue/Metz Way crossroads would be 13.9m to ridge, 11m to eaves. Units 9-14 at the Eastern Avenue frontage further north would be 9.7m to ridge, 8.2m to eaves. As a comparison the existing buildings on the Unilever site have ridge heights of between 14 and 29.8m, while the Amazon storage and distribution building off the Barnwood Link Road (near the ten pin bowling centre) is 14.7m at maximum while its multi storey vehicle park has an eaves height of 11m and is 16.7m to the highest part of the structure. The 2018 permission meanwhile was for buildings between single storey and three storeys in height.

- 6.18 The proposed buildings would therefore be substantial in size and would be readily visible within the surroundings, from Eastern Avenue and Metz Way, from Triangle Park (e.g. Morrisons car park), and from the railway line. There would also be a significant difference in height compared to the adjacent commercial buildings to north; the section plans indicate approximately 12.4m higher in the case of unit 1 next to the buildings to north, at the rear/western part of the site. However this is considered one of the more appropriate areas within the City for large functional buildings and units 1 and 2, considering their siting at the rear of the site, would not cause significant harm to the character of the area. The trees alongside the Metz Way boundary at this rear part are probably around 11-12m tall and would provide screening.
- 6.19 The height difference between proposed and existing buildings would be less striking at the more prominent Eastern Avenue frontage with the section plans indicating that the proposed easternmost block (units 9-14) at the Eastern Avenue/Chancel Close frontage would be around 3-4m taller than the neighbouring building to north across Chancel Close where there is a significant separation distance between them. This height relationship is considered acceptable in design terms and would not harm the character of the area.
- 6.20 However having the rear elevation of the unit 9-14 block facing the Eastern Avenue frontage is an unfortunate arrangement for the appearance of the development and streetscene. This alters the approach taken in the approved 2018 scheme, which was designed to have active frontages to provide visual interest to the front of the site. It is acknowledged that the enhanced landscaping now included along this edge should serve to soften the appearance of the development slightly, although it is not extensive and would take several years to mature even in the proposed sporadic planting arrangement. This planting would enhance the appearance of the development somewhat but would not provide an extensive tree screen and the building would be remain highly visible along this frontage. The rear elevation is broken up somewhat with some cladding variation and translucent panels that could be lit from behind when in use in the dark, although it is not considered a high quality elevation when considering how prominent this frontage is. The applicant has made the point that utilities restrictions limit the options for planting to the extent that they have now offered, and it should also be noted that their design statement sets out that service areas have been designed to face inwards to ensure they are not visually and acoustically intrusive, and presumably this has led to the rear orientation to the site frontage. However, while the service yard would be largely hidden, the proposed layout still leads to a blank rear elevation of over 8m tall, across a 100m wide span close to the prominent Eastern Avenue edge of the site. Overall this siting and building design is considered a poor urban design response to the site and weighs against the application.
- 6.21 Similarly Unit 3 would be seen at the southern corner position closest to the main crossroads although the existing embankment and planting at Metz Way and the proposed additional landscaping should partially screen and soften the appearance of this building. Given the proposed 13.9m ridge height proposed it would still be prominent and there is a substantial expanse of blank elevation. The south east elevation of the unit facing Eastern Avenue is partly broken up by the office fenestration for roughly half this elevation and around the corner and a vertical 'zipper' feature in the blank section.
- 6.22 The proposed facing materials are mainly a variety of metal profiled cladding panels with some variation in dark and light grey colours. Some elevations are broken up with the use of the vertical 'zipper features' central translucent panels, plus contrasting panels to the main cladding. Window frames are proposed grey. Generally these are considered acceptable for this industrial unit scheme but approval of specific materials should be secured under condition.

- 6.23 The PV panel proposal is shown to whole roof slopes at its greatest potential extent and as such would likely be a prominent part of the buildings. Precise details have not been provided but they are proposed as standard PV panels fixed to the roof cladding. It is considered that these are likely to be acceptable in terms of visual impact within this location, and sustainable merits are to be supported. Nevertheless precise details of their appearance should be required by condition.
- 6.24 The application confirms level access to all ground floor entrances. Wheelchair accessible parking bays would be provided close to main entrances. External surfaces would be specified to facilitate easy and safe access. No roof access is available so fall prevention measures are not considered necessary. Refuse storage provision is set out on the plans to the front of the blocks, off the internal access roads. The Highway Authority has advised that the internal layout is sufficient for all types of service/refuse vehicles to navigate the site.
- 6.25 There are some trees around the periphery of the site and a Tree Survey has been submitted. The majority of trees are on the south western Metz Way boundary, and there are some specimens at the site egde. The best specimens are category B trees at the Metz Way embankment and at the northern corner on the railway corridor. These would be retained.
- 6.26 As noted earlier, the landscaping proposal has been improved during the application. Tree planting is proposed sporadically along the Eastern Avenue frontage along with native hedge on the Eastern Avenue side of the units 9-14 block. Some tree planting is also proposed within and around some of the car parks. The Council's landscaping consultant is now satisfied with the landscaping proposals. As mentioned, the applicant has asserted that they are severely restricted in the number of trees and extent of hedges that can be planted along this frontage as there are existing underground services for the wider area, ranging from high voltage electricity, medium pressure gas and a water main each of which have easement zones in which trees cannot be planted. They also have visibility requirements and height restrictions to take into account relative to the road junctions. Overall in the context of the constraints the landscaping proposal is considered acceptable subject to securing its implementation and maintenance and tree protection measures by condition.
- 6.27 Due to the siting and design of the Eastern Avenue frontage of the development the proposal would conflict with the above policy context, causing a modest amount of harm given the character of the locality.

6.28 Traffic and transport

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 and sets out that permission will be granted only where the impact of development is not considered to be severe. Policy G1 of the emerging City Plan supports improvements to the sustainable transport network and sets out parking standards including for adequate provision for plug in charging. Policy G2 seeks to protect cycle lanes and paths, encourages new routes and improved cycle security, and requires safe and secures access by cycle to new development. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. It reinforces pedestrians being at the top of the road user hierarchy. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

- 6.29 The NPPF 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.
- 6.30 Eastern Avenue is a three lane dual carriageway, subject to a 40mph speed limit. The signalised crossroads junction with Metz Way is nearby to the south (approximately 110m south of the existing site access) and the signalised junction with York Road approximately 220m to the north of the site access. Further north along Eastern Avenue the Walls roundabout leads to the connections to Barnwood Road and Corinium Avenue with onward connection to the M5 beyond.
- 6.31 The site has good connectivity with cycle and pedestrian links through the local area. The closest bus stops are on Metz Way to the south east (no. 8 Gloucester to Brockworth service, 20m frequency Mon-Sat). The railway station is approximately 1.7km from the site and can be accessed via the bus service.
- 6.32 The scheme includes proposals to improve the pedestrian and cycle environment on the site frontage by closing the existing service road, providing a wider (3m) shared footway/cycleway along the site frontage, reducing the crossing width across the site access and providing an improved alignment (the current wide access allows for fast speeds entering the feeder road off Eastern Avenue). The Highway Authority has confirmed this is designed to operate safely.
- 6.33 Footways are provided around the units in general, however there is a long stretch of the development fronting units 1 and 2 which does not have pedestrian facilities given the frontage is open to allow HGV access. Given this and potential conflicts there is the need to provide a strategy within in the site to protect vulnerable road users which should be secured by condition.
- As above, the existing Chancel Close/service road junction would be replaced by an all-movement signalised junction connecting Chancel Close directly to Eastern Avenue. This is the same arrangement as in the approved 2018 application. It would open the central reservation and allow right-turn movements into the site approaching southbound, and exiting the site to head southbound. It would also serve to improve pedestrian and cyclist connectivity across Eastern Avenue in this vicinity (between the York Road and the Metz Way crossings) through the provision of a pedestrian crossing at the new junction. The proposed in-only access off Eastern Avenue further south is also as per the arrangement in the 2018 application. Swept paths have been provided to show that the design is suitable and compliant visibility splays can be achieved. The Highway Authority is satisfied with the proposed access arrangements.

6.35 Traffic generation and impact

The application uses the 2018 approved application as a comparison for an acceptable impact. Traffic generation for the 2018 application was:

AM peak 87 arrivals 52 departures, 139 total movements

PM peak 94 arrivals 116 departures, 210 total movements

Traffic generation for the proposed development is; AM peak 83 arrivals 34 departures, 117 total movements PM peak 35 arrivals 85 departures, 120 total movements

There would be a net reduction in peak hours traffic movements compared to the previously approved scheme. The number of weekend movements would also significantly reduce from the previous scheme; notably the retail, hotel and restaurant uses in that scheme are no longer proposed.

The Transport Assessment concludes that the development's impact on the operation of the local highway network would not be severe. The Highway Authority views the proposal as a de-intensification of use and is therefore welcomed. Site Management and Construction Management Plans would be needed under conditions to minimise impact.

6.36 Travel Plan measures

Given the employment use at the scale proposed a Travel Plan and contribution for its monitoring is required. A contribution via s106 for £10,000 for 10 years Travel Plan monitoring is sought and is as per that secured with the 2018 permission. A Framework Travel Plan has been submitted with the application. This would cover the range of uses and plots in the scheme, and it would be for occupiers to produce detailed Travel Plans with the overall objective to reduce percentage of occupants travelling by car with a 10% modal shift reduction target in car use for employees.

6.37 **Parking**

Parking provision has been based on TRICS data to derive demand and the provision in the application meets and slightly exceeds that calculated demand. 197 car parking spaces with 28% electric vehicle charging spaces and 8% disabled parking is proposed, and 74 cycle spaces. The Highway Authority is satisfied that parking provision is above the minimum standards and there are no concerns about overspill.

6.38 Railway infrastructure

The site borders the railway line corridor and needs to be considered in terms of any related impact. Network Rail raises no in–principle objection but sets out their usual asset protection requirements for preventing impacts on their infrastructure which they recommend that the applicant actions should permission be granted. The applicant has written to acknowledge all of Network Rail's requirements. Specific requirements confirmed are - the existing 2.4m metal palisade fence to the railway boundary is shown to be retained, and all buildings are at least 2m from the fence. The proposed drainage system does not include attenuation ponds or soakaways close to the railway boundary. Furthermore there is no tree planting to the rail boundary and their landscape architect has confirmed that the smaller planting in this area are species permitted by Network Rail and would be maintained as hedges. On this basis there are no railway infrastructure safety concerns. Given the point raised about lighting interference with drivers by Network Rail it is recommended that approval of any external lighting scheme is secured by condition.

6.39 Highways conclusions:

In conclusion, subject to conditions and the financial contribution, the proposal would not cause an unacceptable impact on highway or railway safety or a severe impact on congestion, and would comply with the above policy context.

6.40 Residential amenity / environmental health

The NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. 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.

- 6.41 Policy C5 of the emerging City Plan requires major developments to demonstrate compliance with EU limit values and achieve national objectives for air pollutants. It also seeks to avoid building configurations that inhibit pollution dispersal, minimise public exposure to pollution sources, use green infrastructure to absorb pollutants, provide infrastructure that promotes transport modes with low air quality impacts, and control dust and emissions from construction operation and demolition. Furthermore Policy A1 of the City Plan includes criteria on the living conditions of neighbouring occupiers or future residents.
- The nearest residential occupants to the site are in York Road to the north east on the other side of Eastern Avenue, around 110m from the edge of the site where buildings would be constructed. There are also residential properties fronting Eastern Avenue to the south, in the Ayland Gardens area of Barton to the south west, and around Blinkhorns Bridge Lane to the north. These are all at least 200m from the site with a variety of buildings, roads and rail lines between. Given the separation distances involved, the buildings would not cause any harm to residential amenities by their physical presence in terms of overshadowing, overbearing impacts or the like. No concerns have been raised by other nearby occupants and no significant harms appear to be likely.

6.43 **Noise**

A noise report has been submitted and sets out that the noise environment is unsurprisingly heavily influenced by the road network. HGV movement impact has been considered, including reversing alarms. It concludes that predicted noise levels from the development at the nearest dwellings would be significantly below the existing ambient and background noise climate and consequently unlikely to noticeable. Proposals for plant associated with the buildings are not yet known, so cumulative plant noise limits are set out in order to preserve acceptable noise levels. The report notes that noise control measures may be required to achieve these levels so it is recommended that the matter be controlled by condition.

Opening/operating hours are also unknown because the proposals are speculative at present. The Council's environmental health consultant has confirmed that a restriction on operating hours is not necessary based on the data in order to protect amenity. However the consultant does suggest a control measure to preserve this level by condition such that the main doors of all units are kept closed other than for ingress and egress between 11pm and 7am.

6.45 Furthermore it is recommended that external storage is prevented by condition. It is mentioned in the report recommendations, and the report does not consider associated external vehicle movements – forklifts, etc.

6.46 Air Quality

An air quality report has been submitted. The closest Air Quality Management Area (AQMA) is at Barton Street and is 0.7km west of the site. There have been no exceedances of the air quality objectives at monitoring locations in the vicinity in recent years. Road traffic emissions associated with the development have been modelled and the impact of pollutant concentrations is predicted to be 'not significant' in line with guidance at any of the sensitive receptor locations in the assessment (the houses and nursery along Eastern Avenue). Demolition and construction impacts have also been assessed; there is a high risk of dust soiling impacts, and mitigation is proposed to address this. Provided mitigation measures are implemented the residual impacts are considered to be not significant. As such it is recommended that dust management during construction is secured and can be provided as part of the construction management plan under condition.

6.47 **Lighting**

Lighting is referred to in the application as being proposed to the car parking and service areas via spotlights on buildings. Given the distance to residential properties, this would not be harmful to residential amenity. The specific arrangement is not provided however and given the concerns raised by Network Rail as above it is recommended that the detail is dealt with under condition.

6.48 Overall, subject to conditions the proposal complies with the above policy context.

6.49 Drainage and flood risk

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. Policy E4 of the emerging City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, and maintaining a buffer strip for maintenance and ecology.

- 6.50 By reference to the Environmental Agency (EA) map the vast majority of the site is in flood zone 1. Flood zone 2 is indicated to encroach slightly at the northern edge of the site with flood zone 3 at the very northern edge of the site including part of Chancel Close. The applicant's Flood Risk Assessment notes that a small part of the site is in flood zone 2 but only to Chancel Close and outside the proposed development area. The flood zoning is associated with Wotton Brook which is beyond the site further to the north.
- Detailed on site topographical surveys are often used to refine the mapped flood zonings. In relation to the sequential test, the 2018 permission already concluded that the topographical survey levels appear to show the Flood Zone 2 area outside the site in Chancel Close. Redevelopment of this brownfield site that is in need of regeneration has already been accepted in this regard. As such there is a site-specific need for its redevelopment. A sequential approach has also been taken in relation to the layout and flood risk with the buildings proposed in the lower risk flood zone 1 area. While Chancel Close is in a higher risk area the site frontage onto Eastern Avenue is entirely flood zone 1 and so provides an exit for occupants in a flood event.

- 6.52 Surface water drainage is proposed to the mains sewer in Chancel Close. Attenuation tanks are proposed in the circulation areas of the site with flow control to limit the outfall. The proposals and outfall rates have been amended in response to consultee observations, and are now accepted. Approval of the detailed scheme would be required by condition. The proposals would not impact on flood risk elsewhere.
- 6.53 The proposal has also been amended to address water quality requirements with petrol interceptors within the trafficked areas and downstream defender units upstream of the final connection for an additional stage of treatment. Provided these are sized and maintained properly (this can be addressed under condition), consultees are satisfied with the amended arrangement which would address the risk of pollutant discharge to Wotton Brook in line with guidance.
- 6.54 Subject to conditions the proposal complies with the above policy context.

6.55 Land contamination

The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate, and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SD14 of the JCS requires that development does not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate as appropriate the investigation and remediation of any contamination.

- 6.56 There are potential contamination sources from the last use of the site and the mapping data indicates potential previous contaminating uses also. A Ground Investigation Report has been submitted, this is the report associated with the 2018 scheme but no changes have occurred. The previous assessment indicates that a remediation strategy would be necessary and was accepted as an approach. Given the proposed development may not employ the identical remediation strategy and targets to that from the 2018 proposal, it is recommended that the full standard contaminated land condition is applied to any permission, which would ensure that a bespoke remediation strategy is drawn up and implemented.
- 6.57 Subject to this condition the proposal would comply with the above policy context.

6.58 Ecology

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan Policy E1 requires the conservation of biodiversity and providing net gains. Policy E3 requires contribution to the provision, protection and enhancement of green/blue infrastructure, commensurate to the proposal. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy F4 covers measures to deal with gull roosting, nesting and damage.

- An ecological impact assessment has been submitted. The site is predominantly hardstanding but there is some vegetation in the periphery providing opportunities for certain species. Some potential impacts are possible but mitigation measures are proposed including in relation to habitat removal, design of the lighting scheme, and there being no tree removal. Five bird boxes are proposed as mitigation for habitat clearance to re-provide nesting opportunities, and two bat boxes proposed to enhance the site for roosting bats. Habitats along the railway corridor would be retained, and additional wildflower grassland to the north east and south west boundaries and new native hedgerows are proposed, to compensate for loss of cleared vegetation. The report calculates a 6% net biodiversity gain from the proposals (corresponding to 'significant net gain' within the BREEAM criteria). These mitigation measures and the specific details of the ecology enhancements should be secured by condition.
- 6.60 The mitigation measures are considered to be appropriate and the enhancements are welcome. Although the proposed planting is limited it would represent an enhancement to the site and no harm would arise that could not be mitigated.
- 6.61 Subject to conditions the proposal would comply with the above policy context.

6.62 Sustainability

The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. It expects developments to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. The parking criteria in Policy G1 of the emerging City Plan requires parking to a level and design appropriate to local context including the need to ensure adequate provision of spaces for charging plug in and other ultra low emissions vehicles.

- 6.63 The development proposes a BREEAM 'excellent' rating which is welcomed. An Energy Statement has been submitted as well as the BREEAM pre-assessment setting out the elements contributing to the targeted excellent rating. The plans indicate PV array areas across most of the buildings, this is in association with the proposal's intention to meet a 10% renewables contribution through these.
- There are therefore some commitments to sustainability measures which is welcome. The City Plan encourages an appropriate level of charging spaces, and the NPPF and JCS also encourage provision of electric vehicle charging facilities and these should be secured by condition. Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3.

6.65 Waste minimisation

The NPPF sets out that sustainable development has an environmental objective that includes minimising waste. The saved Gloucestershire Waste Local Plan Policy 36 relates to waste minimisation and requires developments to include a scheme for sustainable management of waste generated from the scheme during construction and occupation.

The BREEAM assessment indicates a high points-score on the waste elements including resource efficiency and diversion from landfill. A waste minimisation statement could address specific points raised by the County Council relating to the use of the demolished material on site and other site materials, as well as the normal measures of reducing waste in construction. Subject to securing detailed measures for waste minimisation by condition, the proposal is considered to comply with the above policy context.

6.67 Economic considerations

The NPPF sets out that significant weight should be placed on the need to support economic growth and productivity. Policy B1 of the City plan requires an Employment and Skills Plan for commercial development of 1000sqm or more, to identify opportunities for the employment and skills development of local people through the development.

- The proposals would support economic growth with the provision of a substantial amount of employment floorspace. The application estimates 200 FTE proposed employees from the development, and the Economic Development team considers this a reasonable estimate. It is noted that this could be higher given that the Transport Assessment refers to the HCA employment density guide whereby based on a light industrial use of the total floorspace, 496 employees are calculated (although the lower employment rates for B8 storage and distribution use, for which the application would also provide, is likely to mean a lower figure in reality). In either respect, the development is likely to lead to a significant number of employment opportunities. The Economic Development team also reports that there are numerous firms in the city currently frustrated by the shortage in availability of industrial space and they consider that this proposal would meet much of that demand. They also consider it a suitable location for the development and with good road access.
- 6.69 The construction phase would also support employment opportunities in the short term and therefore the proposal would have some economic benefit. An employment and skills plan has not been provided with the application and should be secured by condition.
- 6.70 Therefore the proposal would have significant 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 weight to the case for granting permission.

6.71 **Heritage**

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, it states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if 'substantial harm' or 'less than substantial harm' to a designated heritage asset are identified. Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged. Policy D1 of the emerging City Plan reflects the guidance in the NPPF and JCS in respect of designated heritage assets. Policy D2 sets out criteria for dealing with non designated assets. Policy D3 sets out requirements for recording and understanding the significance of assets where revealed, altered or damaged during proposals.

6.72 There are no designated heritage assets close to the site. The site is within an area of potential archaeological interest but has previously been investigated through trial trenching and no concerns are raised with the proposed development. Overall no harm would be caused to heritage assets and the proposal complies with the above policy context.

6.73 Legal agreement heads of terms

The Travel Plan monitoring is the only issue needing to be addressed by legal agreement. The terms are;

Financial contribution to monitoring of the Travel Plan. £10,000.00 to fund monitoring for 10 years.

6.74 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposals would lead to significant economic benefits. Subject to conditions and completion of the legal agreement, the proposal is considered to be consistent with the policies and guidance in terms of the principle of development, traffic and transport, residential amenity/environmental health, drainage and flood risk, land contamination, ecology, sustainability, waste minimisation, and heritage. These are neutral factors in the conclusion. There are also some negative design aspects that are an environmental disbenefit of modest significance and this weighs against the proposal. The character and appearance of the area is acknowledged in respect of the overall impact of this design concern.

The substantial economic benefits are considered to outweigh the harm in relation to design in this case. As such on balance the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER

7.1 That planning permission is **GRANTED** subject to;

completion of a legal agreement to secure a financial contribution for Travel Plan monitoring as at paragraph 6.73 of the report;

and;

the following conditions:

7.2 Condition 1

The development hereby permitted shall be begun before the expiration of 3 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 drawings on the following plans except where otherwise required by conditions of this permission:

Site location plan ref. 21078-PL1001 Rev. 00

Proposed site plan ref. 21078-PL1003 Rev. 07

Site block plan ref. 21078-PL1004 Rev. 03

Unit 1 GA Ground floor plan ref. 21078-PL1011 Rev. 01

Unit 1 GA GF main entrance, FF and SF office plan ref. 21078-PL1012 Rev. 01

Unit 1GA roof plan alternative PV layout ref. 21078-PL1113 Rev. 00

Unit 1 Elevations ref. 21078-PL1014 Rev. 02

Unit 2 GA Ground floor plan ref. 21078-PL1021 Rev. 01

Unit 2 GA GF Main entrance, FF and SF office plan ref. 21078-PL1022 Rev. 01

Unit 2 GA roof plan alternative PV layout ref. 21078-PL1123 Rev. 00

Unit 2 Elevations ref. 21078-PL1L1024 Rev. 02

Unit 3 GA Ground floor plan ref. 21078-PL1031 Rev. 02

Unit 3 GA, GF Main entrance & FF office plan ref. 21078-PL1032 Rev. 02

Unit 3 Proposed GA roof plan alternative PV layout ref. PL1133 Rev. 01

Unit 3 Elevations ref. 21078-PL1034 Rev. 04

Unit 4 to 8 GA Ground & first floor plan ref. 21078-PL1041 Rev. 01

Unit 4 to 8 GA roof plan alternative PV layout ref. 21078-PL1143 Rev. 00

Unit 4 to 8 Elevations ref. 21078-PL1044 Rev. 03

Unit 9 to 14 GA Ground floor plan ref. 21078-PL1091 Rev. 03

Unit 9 to 14 GA Roof plan alternative PV layout ref. 21078-PL1193 Rev. 00

Unit 9 to 14 Elevations ref. 21078-PL1094 Rev. 03

Proposed site sections A-A and B-B ref. 21078-PL1203 Rev. 01 Proposed site sections C-C and D-D ref. 21078-PL1204 Rev. 01

Proposed fence line ref. 21078-PL1005 Rev. 03

Planting plan ref. 21-135-P-03 Rev. C

Reason

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

Condition 3

Notwithstanding the submitted details, construction of the following elements of the development shall take place only in accordance with specifications and samples of their appearance, as well as scaled elevations showing their use across the building, that have been submitted to and approved in writing by the Local Planning Authority in advance:

- All facing materials to walls of buildings and new structures within service yards/car parks;
- Cladding to roofs:
- New window and door framing / curtain wall glazing;

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the area.

Condition 4

Notwithstanding the submitted details, construction of any photovoltaic arrays to any building shall take place only in accordance with details of their appearance, mounting structure, and location across the building/s that have been submitted to and approved in writing by the Local Planning Authority in advance.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the area.

Condition 5

Notwithstanding the submitted details, any new boundary treatments or means of enclosure shall be implemented only in accordance with scaled drawings of their location, form, appearance and materials that shall first be submitted to and approved in writing by the Local Planning Authority. The existing fencing to the site boundary with rail infrastructure land shall be retained.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the area, and protect rail infrastructure.

Condition 6

Any premises used for Class E(g) (iii) industrial process (of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that specific use Class sub-category in any statutory instrument revoking and re-enacting that Order with or without modification) shall be used as such and for no other purpose (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

The site is within an out of centre location and no justification has been provided for alternative uses in respect of main town centre use policy or highways impacts.

Condition 7

Any trade counter use shall operate only from any of the units numbered 9-14 on plan ref. 21078-PL1003 Rev. 07 Proposed site plan and shall operate only as Use Class B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification. The retail sales and display area of any individual unit of units 9-14 shall at no time exceed 20% of the overall floor space of the unit and at all times shall remain ancillary to the main use of the unit for purposes within Use Class B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

To define the terms of this permission in accordance with the unit proposals set out in the application, and in order to protect the vitality and viability of existing centres.

Condition 8

No goods, plant, material or machinery shall be deposited or stored on the site except within the buildings hereby approved or such other areas as shall have been approved in writing by the Local Planning Authority.

Reason

To protect the character and amenities of the area.

Condition 9

Offices associated with the approved development shall be occupied solely for purposes ancillary to the uses hereby approved.

Reason

The site is within an out of centre location and no justification has been provided for alternative uses in respect of main town centre use policy or highways impacts.

Condition 10

Notwithstanding the submitted details, prior to commencement of any planting details of any soft landscaping including tree and ground level planting, (comprising of a scaled layout plan, planting specification including with respect to trees the size of specimen at the time of planting, tree pit details and any below ground mechanism to accommodate trees alongside utilities) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

Condition 11

The approved soft landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting and seeding season following the completion of the building works. The planting shall be maintained in accordance with the approved details for a period of 5 years following implementation. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

Condition 12

No development shall be commenced on the site nor shall any machinery or material be brought onto the site for the purpose of development until full details of adequate measures to protect trees on adjoining land have been submitted to and approved in writing by the Local Planning Authority, These shall include:

(a) Fencing. The protective fencing design must be to specifications provided in BS5837 2012 or subsequent revisions, unless agreed in writing with the Local Planning Authority. A

scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development.

(b) Tree Protection Zone (TPZ). The area around trees enclosed by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development to the external parts of the building that requiring scaffolding or other mobile or fixed access equipment.

Reason

To ensure adequate protection to existing trees and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity. This is required prior to commencement of development given the harm that may be caused by initial works.

Condition 13

The doors of all units shall be kept closed other than for ingress and egress (in which case they shall be immediately fully closed after the required movement) between 2300hours and 0700hours on consecutive days.

Reason

In the interests of the amenities of the area and highway safety.

Condition 14

The cumulative noise impact from any external plant / equipment associated with the development shall not exceed the day time and night time noise limits detailed in section 7.3 of the Hoare Lea Acoustics Report (REVISION 2 – 03 DECEMBER 2021) when assessed in terms of BS4142:2014+A1:2019.

Reason

To safeguard the amenities of the area.

Condition 15

Construction and demolition work and the delivery of materials shall only be carried out between 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

Reason

To safeguard the amenities of the area.

Condition 16

Prior to commencement of any development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

a. Site access/egress

- b. Staff/contractor facilities and parking
- c. Storage, loading and unloading areas for materials and plant
- d. Dust mitigation measures
- e. Noise and vibration mitigation measures

Development shall take place only in accordance with the approved CEMP.

Reason

To protect the environment and ecological assets.

These details are required pre-commencement due to the potential impacts of the first phase of works.

Condition 17

Site clearance and construction shall be undertaken in accordance with the mitigation measures set out in the Clarkson & Woods Ecological Impact Assessment December 2021.

Reason

To ensure proper provision is made to safeguard protected species and ecological interests.

Condition 18

Prior to commencement of any approved use, mitigation measures other than for the site clearance and construction outlined in the Clarkson & Woods Ecological Impact Assessment December 2021 and a scheme for biodiversity enhancement, including incorporation of permanent bat roosting features and measures such as nesting opportunities for birds shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented concurrently with the development or to any approved alternative timetable, and retained and maintained for their designed purpose, in accordance with the approved scheme. This shall include, but is not limited to, the following details:

- i. Plans showing locations and extent of all existing and proposed habitats and wildlife features;
- ii. Description, design or specification of the type of feature(s) or measure(s) to be undertaken:
- iii. Materials and construction to ensure long lifespan of the feature/measure;
- iv. When the features or measures will be installed and made available.

Reason

To provide mitigation and net gains for biodiversity.

Condition 19

Prior to the commencement of the use of a building hereby approved, a scheme of seagull mitigation measures for that building shall be implemented in full in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Any management measures comprised in the approved details shall be operated for the lifetime of the development.

Reason

To deal with gull nuisance issues in the interests of the amenities of the area.

Condition 20

Prior to the commencement of use of any building hereby approved, details of any external lighting proposed to the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include;

- a. Light fixture positions on a scaled layout plan;
- b. Light fixture manufacturer details, including details of any shields, cowls or blinds, and scaled elevations if a freestanding fixture;
- c. Light luminosity and colour;
- d. A scaled plan clearly showing light spill contours (Lux plan);
- e. An ecologist note that in conjunction with the submitted plans demonstrates that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, a drawing showing sensitive areas and/or dark corridor safeguarding areas, and methods to control lighting (e.g. timer operation, passive infrared sensor (PIR));
- f. Any other measures required to prevent impact on railway operations.

All external lighting shall only be installed in accordance with the specifications, locations and control measures set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason

To ensure proper provision is made to safeguard protected species and their habitats, safeguard railway safety, and in the interests of the amenity of the area.

Condition 21

No development that involves intrusive works to the ground or soft landscaping at ground level, other than site securing, archaeological works, or that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 3 below 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 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

2. 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 submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development that involves intrusive works to the ground or soft landscaping at ground level 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 (elsewhere referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

4. 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 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 above, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same, shall be submitted to and approved in writing by 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 submitted to and approved in writing by 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 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. This condition is required prior to intrusive works because there is potential for contamination to exist on the site.

Condition 22

Notwithstanding the submitted details, no development shall commence other than site securing, until a detailed design for the surface water drainage strategy presented in the Proposed Drainage Planning Strategy 21-038-CAN D00 Rev. P3, the Pollution mitigation report ref. 21-038-CAN dated 09/06/2022 and (except where superseded by the above mentioned documents) the I&L Consulting Ltd Flood Risk Assessment 21-038_Access Park, Gloucester 24th November 2021 has been submitted to and approved in writing by the Local Planning Authority. The submitted design must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and shall be fully operational before the development is first occupied for any of the uses hereby permitted.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding and to minimise the risk of pollution. It is important that these details are agreed prior to the commencement of intrusive development as such works on site could have implications for drainage, flood risk and water quality in the locality.

Condition 23

The development hereby permitted shall not be occupied for any of the uses hereby permitted until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason

To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

Condition 24

No development shall commence other than site securing or archaeological works until a Waste Minimisation Statement for the Construction Period has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include details of the types and volumes of construction waste likely to be generated and the existing demolition waste including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development shall be carried out in accordance with the approved Waste Minimisation Statement.

Reason

In the interests of waste minimisation. This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

Condition 25

The development hereby permitted shall not be occupied until an Employment and Skills Training Plan, tailored to the development, has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify opportunities for the employment and

skills development of local people during the construction and operational stages of the development. The development shall be subsequently carried out in accordance with this approved plan.

Reason

In the interests of delivering local employment and skills training opportunities.

Condition 26

No building on the development hereby permitted shall be occupied until the approved access works (including the signal controlled junction on Eastern Avenue, cycleways, carriageways, vehicular turning head/s and footways (with surfaces to surface course level); surface water drainage/disposal, and street lighting) have been completed in their entirety including ensuring provision of access from the nearest public highway to that building, and furthermore new junction signals linked with the Eastern Avenue/Metz Way and Eastern Avenue/York Road junctions have been completed in their entirety.

Reason

In the interest of highway safety; to ensure safe and suitable access has been provided for all people.

Condition 27

The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of the number of metres stated within Manual for Streets for the designated road speed in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason

In the interests of highway safety.

Condition 28

The development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

Condition 29

Prior to the occupation of any individual unit the cycle and bin storage facilities associated with it shall be made available for use in accordance with the approved plans (subject to any revisions approved pursuant to other conditions of this permission), and those facilities shall be maintained for the lifetime of the development.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up, and in the interests of the visual amenities of the area and avoid clutter on the highway.

Condition 30

No individual unit hereby approved shall be brought into use until electric vehicle charging points associated with that unit have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The proposal shall contain details of the number and location of all electric vehicle charging points and shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason

To encourage sustainable travel and healthy communities.

Condition 31

No development shall commence until a Construction Management Plan for highways matters has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition and construction period. The plan shall provide for:

- 24 hour emergency contact number;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Any temporary access/es to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles including a banksman if necessary;
- · Booking system for deliveries, etc.
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

In the interests of safe operation of the adopted highway during the demolition and construction phase of the development.

Condition 32

No building or use hereby permitted shall be occupied or use commenced until a Framework Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use and mechanisms for monitoring and review over the life of the development and timescales for implementation has been prepared, submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of each individual unit a Travel Plan for that unit, which shall be in general accordance with the Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plans shall be implemented in accordance with the provisions and timescale within them.

Reason

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

Condition 33

No individual unit hereby approved shall be brought into use until accessible car parking spaces associated with that unit have been provided in accordance with details showing their locations on scaled drawings that shall be submitted to and approved in writing by the Local Planning Authority in advance and thereafter shall be kept available for disabled users as approved. The overall provision for the development shall be at least 25 spaces.

Reason

To provide safe and suitable access for all users.

Condition 34

The development hereby approved shall not commence other than site securing until detailed drawings of the works comprising:

- Off street highway junction works;
- 3m wide pedestrian cycle way;
- New access arrangements;

have been submitted to and approved in writing by the Local Planning Authority; and no building shall be occupied until those works have been constructed in accordance with the approved details.

Reason

To ensure the safe and free flow of traffic onto the highway.

Condition 35

Neither Unit 1 nor 2 (as defined on Proposed site plan ref. 21078-PL1003 Rev. 07) shall be occupied until a Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures to protect vulnerable users in the vicinity of HGV movements. The development shall be operated at all times in accordance with the approved Site Management Plan.

Reason

To protected vulnerable users on the site.

Informatives:

Note

This permission is associated with a legal agreement dated XXX TBC XXX.

Note

The proposed development will require a Travel Plan. Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org.

Note

Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk.

Note

Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Note

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Note

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

Note

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note

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.

Informative note

The applicant must comply with the provisions of the demarcation agreement dated 21 February 1996 made between the British Railways Board and Railtrack PLC that benefit Network Rail's land and railway.

Person to Contact: Adam Smith (396702)



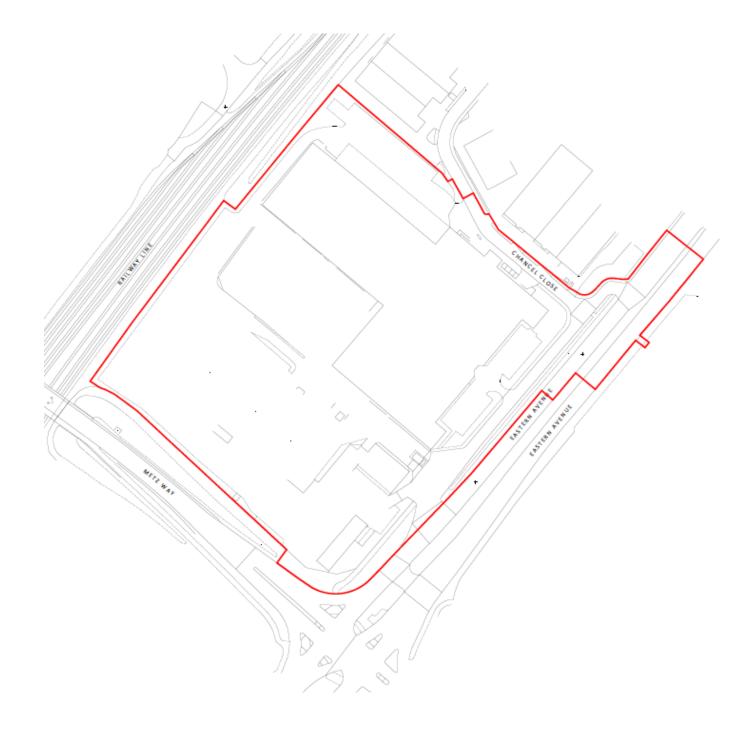
Planning Application: 22/00014/FUL

Address: Former Interbrew, Eastern

Avenue

Committee Date: | 5th July 2022

Appendix 1 - Site location plan



Appendix 2 - Proposed layout plan



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