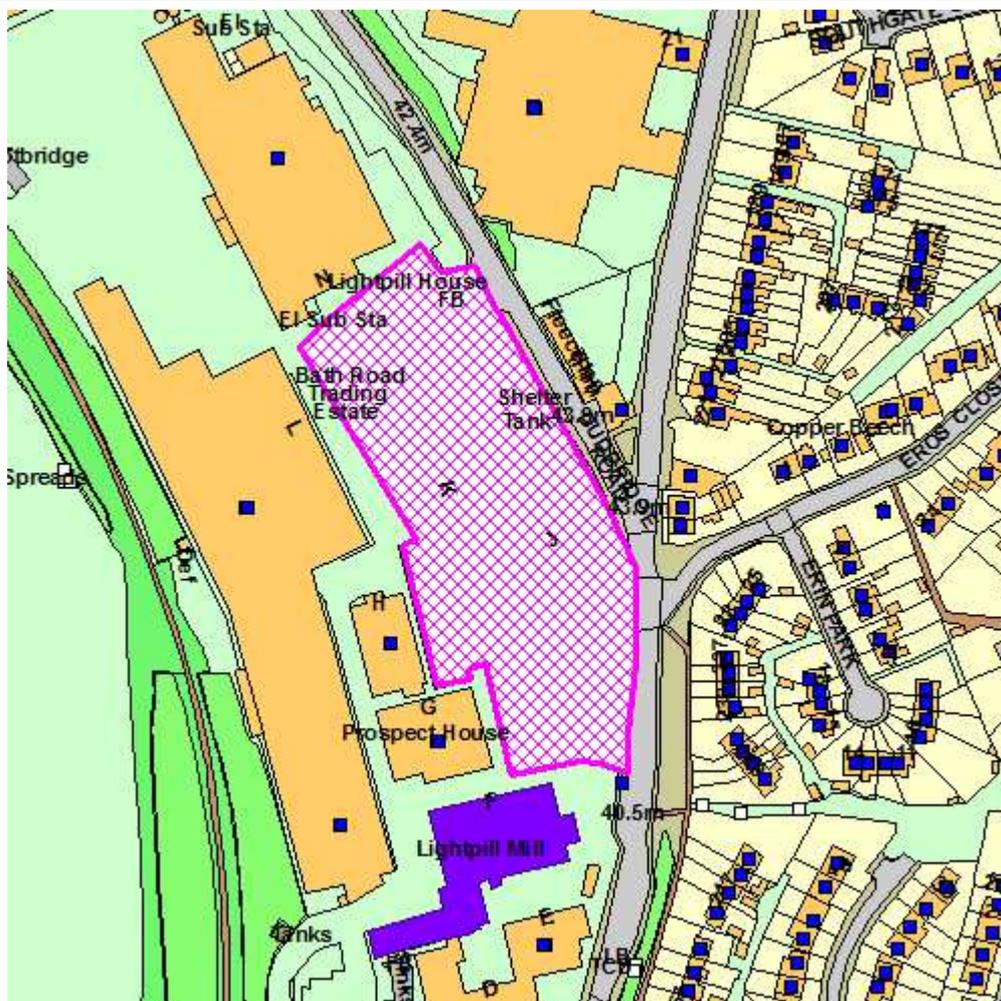




## Development Control Committee Schedule 29/11/2016

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.16/1023/FUL
<b>Site No.</b>	PP-04911807
<b>Site Address</b>	Bath Road Trading Estate, Bath Road, Stroud, Gloucestershire
<b>Town/Parish</b>	Rodborough Parish Council
<b>Grid Reference</b>	383956,203940
<b>Application Type</b>	Full Planning Permission
<b>Proposal</b>	The demolition of existing buildings and the erection of a Class A1 foodstore (1,918 sq m gross floor area) with associated access, car parking and landscaping.



<b>Applicant's Details</b>	Aldi, Stores, Limited C/O Agent
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## Development Control Committee Schedule 29/11/2016

<b>Agent's Details</b>	Planning Potential 13-14 Orchard Street, Bristol, BS1 5EH, ,
<b>Case Officer</b>	John Chaplin
<b>Application Validated</b>	12.05.2016
	<b>RECOMMENDATION</b>
<b>Recommended Decision</b>	<b>Resolve to Grant Permission</b>
<b>Subject to the following conditions:</b>	<ol style="list-style-type: none"><li>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</li><li>The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:  Site Location Plan of 06/05/2016 Plan number = 130085 P(1)01  Site Plan Proposed of 16/09/2016 Plan number = 130085 P(1)03 B  Proposed floor plan of 06/05/2016 Plan number = 130085 P(1)04  Roof plan of 06/05/2016 Plan number = 130085 P(1)05  Proposed Elevations of 06/05/2016 Plan number = 130085 P(1)06  Section of 06/05/2016 Plan number = 130085 P(1)07 Plan number = 130085 P(1)08 Plan number = 130085 P(1)09  Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</li></ol>



## Development Control Committee Schedule 29/11/2016

3. No development comprising the erection of the building hereby permitted shall take place until samples of all materials (includes walling, roofing and joinery details) to be used in the construction of the external surfaces of the buildings have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved samples.

Reason:

In order to ensure a sympathetic form of development within the conservation area in accordance with Policy ES10 of the adopted Stroud District Local Plan, November 2015.

4. No development comprising the erection of the building hereby permitted shall take place until details of a scheme of soft landscaping for the site have been submitted to and approved by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area in accordance with Policies CP14 and ES10 of the adopted Stroud District Local Plan, November 2015.

5. The approved landscaping scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planting shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless otherwise approved by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area in accordance with Policies CP14 and ES10 of the adopted Stroud District Local Plan, November 2015.

6. No more than 1,254sq m total net retail sales area shall be provided on site.

Reason:

To limit the retail impact on the health of, vitality and viability and investment within nearby town and district centres in accordance with Policies CP12 and EI9 of the adopted Stroud District Local Plan, November 2015.



## Development Control Committee Schedule 29/11/2016

7. The development shall be carried out in accordance with the approved plans and at no time shall there be sub-division of approved building into individual units.

Reason:

To limit the retail impact on the health of, vitality and viability and investment within nearby town and district centres in accordance with Policies CP12 and EI9 of the adopted Stroud District Local Plan, November 2015.

8. No more than 20% of the net tradable floorspace (251sq m) shall be used for the sale of comparison goods.

Reason:

To limit the retail impact on the health of, vitality and viability and investment within nearby town and district centres in accordance with Policies CP12 and EI9 of the adopted Stroud District Local Plan, November 2015.

9. The premises shall not be open for customer business between the hours of 2200 and 0800 hours on Monday to Saturday and 1700 and 1000 on Sundays.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to limit the retail impact of the scheme in accordance with Policies ES3 and EI9 of the adopted Stroud District Local Plan, November 2015.

10. No development shall take place, including any works of demolition, until a Construction Method Statement for all phases of the development has been submitted to, and approved by the Local Planning Authority. The approved Statement shall be adhered to throughout the phases and construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities, which shall be used by every lorry and van prior to leaving the site on every occasion;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction and demolition works;



## Development Control Committee Schedule 29/11/2016

viii. provide details of the site access during the construction period.

**Reason:**

To protect the amenity of the locality, especially for people living and/or working nearby, and reduce the potential impact on the public highway in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

11. No development shall take place until a scheme of external lighting has been submitted to and approved by the Local Planning Authority. The submitted scheme shall include full details as to the location, design, hours of illumination and lux of all external lighting including security lighting. No other external lighting of any description shall be erected on the site unless in accordance with the approved lighting scheme.

**Reason:**

In order to safeguard the amenities of the occupiers of the surrounding properties and to ensure a sympathetic form of development in accordance with Policies ES3 and ES10 of the adopted Stroud District Local Plan, November 2015.

12. The level of noise from fixed plant at the site shall not exceed 43 dB LAr,1 hr as measured or determined at the external boundary of any residential property between the hours of 07:00 to 23:00. The LAr (Rating Level) shall be calculated in accordance with British Standard 4142:2014.

**Reason:**

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

13. The level of noise from fixed plant at the site shall not exceed 37 dB LAr,15 min as measured or determined at the external boundary of any residential property between the hours of 23:00 to 07:00. The LAr (Rating Level) shall be calculated in accordance with British Standard 4142:2014.

**Reason:**

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.



## Development Control Committee Schedule 29/11/2016

14. The development hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority.

The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:-

1. A Phase I site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.

2. If identified as required by the above approved Phase 1 site investigation report, a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.

3. If identified as required by the above approved Phase II intrusive investigation report, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:-

4. Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.

5. A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall



## Development Control Committee Schedule 29/11/2016

be included, together with the necessary documentation detailing what waste materials have been removed from the site.

For further details as to how to comply with this condition, please contact Katie Larner, Senior Contaminated Land Officer – tel: (01453) 754469.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 120.

15. Finished Floor levels should be set no lower than 38.80 metres Above Ordnance Datum (600mm above the predicted 1 in 100 year flood level including an allowance for climate change) unless otherwise approved by the local Planning Authority.

Reason:

To protect the development from flood risk for the lifetime of the development.

16. There shall be no raising of ground levels within that part of the site liable to flood as defined by the level of 38.00m AOD(N) as shown on the topographic survey drawing 130085 P(1)02 submitted on 6 May 2016.

Reason:

To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

17. Prior to commencement of development, evidence of Severn Trent Water company consent, sufficient to accommodate the maximum permitted discharge rate, shall be submitted to and approved by the Local Planning Authority. If the proposed rate of discharge is not accepted by the water company, an alternative drainage strategy shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

Reason:

To prevent an increased risk of flooding in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.



## Development Control Committee Schedule 29/11/2016

18. Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. It is important to confirm dimensions and depth of proposed tank to the Local Planning Authority once discharge rate is agreed by Severn Trent. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

**Reason:**

To prevent an increased risk of flooding in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

19. No development shall take place until a SUDS maintenance plan for all SUDS/attenuation features and associated pipework, in accordance with The SuDS manual (CIRIA, C753), has been submitted to and approved by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the approved terms and conditions.

**Reason:**

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

20. Before any of works of demolition hereby approved is carried out, written documentation showing that the Contract for the full re-development of the site in compliance with planning permission, S.16/1023/FUL has been let and the date of commencement of work under that contract, [that shall be within 2 months of the date of submission of the written documentation] shall be submitted to and approved by the Local Planning Authority.

**Reason:**

To ensure that there is no unnecessary delay in replacing the demolished buildings and to safeguard the character and appearance of the Conservation Area in accordance with Policy ES10 of the adopted Stroud District Local Plan, November 2015.



## Development Control Committee Schedule 29/11/2016

	<p>Informatives:</p> <ol style="list-style-type: none"> <li>1. Article 35 (2) Statement - Pre-application discussions took place on this project, and the case officer has during the application been in regular contact with the agent and the community, acting in a positive and proactive manner. Dialogue and negotiations have included the design, ecological, retail and highways issues and result in the improvements in the scheme.</li> <li>2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.</li> </ol>
	<b>CONSULTEES</b>
<b>Comments Received</b>	<p>Archaeology Dept (E) Mr David Lesser Flood Resilience Land Drainage Natural England (E) Historic England SW Environmental Health (E) Contaminated Land Officer (E) Arboricultural Officer (E) Stroud Town Council Stonehouse Town Council Nailsworth Town Council Cainscross Parish Council Planning Strategy Manager (E) Parish / Town The Environment Agency (E) Karen Colbourn Stroud Town Council</p>
<b>Not Yet Received</b>	<p>Development Coordination (E)</p>



## Development Control Committee Schedule 29/11/2016

### CONTRIBUTORS

### OFFICER'S REPORT

#### UPDATE FOR THE 29th NOVEMBER DCC

This application was deferred from the October 25th DCC to look at the employment implications. Various plans showing the extent of occupied buildings, the condition of buildings and the extent of demolition have been requested and are expected very soon.

Officers have also had ongoing discussions with GCC Highways.

#### HIGHWAYS

The unresolved highways issues related to the highway capacity at the nearby junctions and the assessment of the pedestrian crossing impact.

The Dudbridge Road/Bath Road junction is a known constraint on the existing local highway network and has very limited opportunity for improvement. The proposed development would have limited impact on the junction in the weekday peak hours due to the low net trip rate of the development compared to the existing use of the application site as light industrial use. The resultant modelling has estimated an increase in queues on Dudbridge Road of approximately 6 vehicles in the evening peak, there is also likely to be a reduction in the morning peak however the exact number has not been quantified.

The relative impact of the development would be higher during the Saturday peak due to the high demand for the proposed development at this time combined with the low level of vehicle trips associated with the existing industrial use. The submitted modelling shows that the impact of development traffic would take the junction from just under theoretical capacity to just over resulting in an increased in queued vehicles on Dudbridge Road of approximately 7 vehicles. Potential mitigation options have been requested by GCC that would highlight the presence of the junction to vehicles on the Bath Road.

The pedestrian crossing options may also have a secondary benefit of breaking traffic flows and allowing vehicles to exit the junction.

The impact of the development on the `Golden Cross` traffic lighted junction of Bath Road, Walkley Hill and Dudbridge Hill has also been considered by GCC Highways using junction modelling software. GCC Highways are satisfied with the level of impact of the development on this junction in the weekday peak hours. However, the assessment of the Saturday peaks hours shows that the practical reserve capacity (PRC) of the junction would be reduced from approximately 11% to approximately 2% in 2019 with the development scenario. Having given this further examination this includes some background traffic growth unrelated to the development. The County Highways Officers therefore consider that this level of impact would not be considered severe in terms of paragraph 32 of the NPPF and Policy CP13 of the Stroud District Local Plan.

Following discussions regarding the pedestrian crossing options, the agent is currently undertaking the assessment and design of a pedestrian crossing solution for Bath Road



## Development Control Committee Schedule 29/11/2016

close to the site access. This will also be subject to a Road Safety Audit. Once this information has been provided further comment/technical assessment from GCC Highways will be reported to Members.

### **RETAIL IMPACT**

As outlined below, Officers have sought the specialist independent advice of our retail consultant to assist in the assessment and provide a robust conclusion to the consideration of this issue. Without repeating what's below, with this advice Officers suggest that retail impact would not be a robust reason for refusal.

Members, Parish/Town Councils and local residents have concerns about the impact on jobs in the existing town centres like Stroud, Nailsworth and Stonehouse. However, the direct correlation between the negative impact on existing centres and jobs is difficult to quantify. The impact will depend upon a range of variables such as rental values, car parking costs and the national economic situation. It will vary according to the type of goods too; some businesses will have stronger and/or more reliable turnovers than others. The research does follow the established assessment techniques are in accordance with national Planning Policy Guidance (NPPG) and shows that the total negative impact will be limited.

Comparison goods (special purchases non-food like clothes, electricals etc.) provides a limited impact from existing centres, Stroud town centre -0.7%, Nailsworth -0.4% and Stonehouse town centre -0.2% of predicted turnover by 2020.

Given the nature of the proposal the majority of the impact come from convenience goods (frequent purchases like bread, milk etc.). Whilst there is an impact the majority of this comes from the larger existing supermarkets eg -8.5% from Sainsbury's Dudbridge store and -8.3% from Tesco Stratford Rd store which are out of the town centre and not protected by the town centre policy.

A larger part of the retained turnover and impact of the proposed store would be provided from claw-back or leakage of spending from outside the district. In particular Aldi and Lidl have a very strong presence throughout Gloucester including Bristol Road and Quedgeley.

The total impact would be limited eg Stroud -1%, Stonehouse -2% and Nailsworth -1%. This is the solus (individual) impact of this proposed store. These levels of impact are lower than the consented scheme at Avocet.

The difference in the various predicated figures that Members noted last committee is appreciated. A direct comparison or combination is not appropriate given that they indicate different scenarios and slightly different data/prices predictions eg the individual (this proposal only) and including the Avocet (Dudbridge Road) commitment/permission. However, consideration of the cumulative impact is required by paragraph 26 of the NPPF.

The vast majority of the impact comes from the Avocet (Dudbridge Road) commitment as a mainstream retailer eg Morrison. There will be an element of cross-competition with customers using this proposal instead of the Avocet (Dudbridge Road) commitment, which is increased if a discount foodstore occupies the site, however, there would still be a cumulative



## **Development Control Committee Schedule 29/11/2016**

impact on the existing centres/stores. The adverse impact is appreciated but given that the majority of this is convenience sector and is mainly on the larger stores the overall impact on the town centre health and investment will not be so severe either individually or cumulatively to fail the policy test of the NPPF which outlines that applications should only be refused on retail impact if there is a 'significant adverse' impact to town centre vitality and viability and investment.

The proposed scheme is considered acceptable in sequential and retail impact terms.

### **THE DANIELS PROPOSAL**

As discussed at the last committee meeting a new outline application for the redevelopment of the Daniels Industrial Estate has been submitted and is still at an early stage of consideration (S.16/2152/OUT). The scheme seeks to provide a mixed use redevelopment comprising a new foodstore, retail unit and up to 50 residential dwellings.

This site is located in a close proximity to the application site and has similar characteristics being no better connected or more accessible given that it is also an out-of-centre site and is considered to be sequential neutral. The Daniels site has a history of highway objections and the last supermarket proposal was not supported.

The proposal involving Aldi is a full application and they are specifically named as the operator. The application was submitted in May.. The current Daniels proposal is in outline with no details of the provider with the application being relatively new still undergoing consultation and consideration.

It is therefore considered that it would be unjustifiable to delay determination of this application for the Daniels proposal.

### **EMPLOYMENT**

As previous outlined and discussed the site is within the Bath Road Trading Estate which is protected employment land. The Trading Estate as a whole is protected for employment B class uses by Policy E11.

However, our own Employment Land Study (2013) whilst retaining the bulk of the Trading Estate, as this proposal does, also outlined that vacant land should be considered for retail uses if there is the demand. This would allow a greater density of employment also encouraged by Core Policy CP11 which highlights the opportunities and benefits of enabling development to facilitate this improvement. The scheme will provide both a financial investment and physical improvement to the Trading Estate which will facilitate other regeneration of empty and aging units and parts of the Trading Estate.

In addition, against a Local Plan employment land requirement of 58 hectares of B class uses, as at 1 April 2016 in the Council's Employment Land Availability Study, the identified land supply in Stroud District was 73 hectares, a surplus of 15 hectares.

Paragraph 22 of the NPPF is also relevant and seeks to avoid long term protection of site for employment use where there is no reasonable prospect of the site being used for that



## Development Control Committee Schedule 29/11/2016

purpose. This requires a degree of flexibility and that allocations should be regularly reviewed with applications being treated on their own merits and the relative need of different land uses to support sustainable local communities.

The Planning Strategy Manager advises:

*“Core Policy CP11 safeguards existing employment sites unless new proposals intensify the employment use of the site, supported by enabling development and subject to detailed criteria. Bath Road Industrial Estate is identified as a key employment site in Delivery Policy EI1, where B Class uses will be retained and redevelopment for alternative uses or changes of use from employment use will not be permitted.”*

*The Estate was surveyed as part of the Employment Land Study (2013) which recommended to “retain the bulk of the land as a local employment area for B1/B2/B8 uses. Any vacant/poorly used land should be considered for retail uses, reflecting the identified demand.”*

*The proposal would involve the redevelopment of 1.03 ha of the Estate, which totals 3.34 ha in area. The existing site is partly vacant and the proposal envisages relocation of the existing Stroud Auctions elsewhere within the Estate. Whilst retail uses would be strictly contrary to Policy EI1, the development would bring approximately 50 new local jobs, thereby intensifying employment uses on the site. The proposal would also appear to be broadly in accordance with the recommendations set out in the Employment Land Study.”*

*I would add that as at 1 April 2016, against a Local Plan employment land requirement of 58 hectares of B class uses, the identified land supply in Stroud District was 73 hectares, a surplus of 15 hectares.*

*In conclusion, the proposal is not in strict accordance with Policy EI1 of the Local Plan but the evidence base and land supply are material considerations that may justify a contrary decision.*

*In terms of retail matters, my original policy comments identified that in order to satisfy retail policy requirements, the applicants needed to 1/ demonstrate that there are no sequentially preferable sites available; and 2/ demonstrate that impacts on town centres are not significantly adverse. At that time, expert retail advice was recommended and I am content to rely on this expert advice to confirm whether or not the proposal conforms with retail policy set out in the Local Plan”.*

These comments from the Planning Strategy Manager suggest that the principle of retail use could be regarded as acceptable. Officers have also had discussions with the applicant.

The proposed scheme is located on part of the Trading Estate and only redevelops 1.03 ha. Lightpill House the tower has been empty for many years, K1, K1C K2/3, K4B and K4A are also empty. Out of the total floor space affected 55,340 sq ft only 10,566 sq ft are currently occupied. This includes SMP Sheet Metal, Stockyard Vintage Ltd and Stroud Auctions.



## Development Control Committee Schedule 29/11/2016

Stroud Auctions (3,610 sq ft) is already a sui generis use which does not provide traditional B use class employment. The agent and landlord have confirmed they are in discussions regarding relocating within the estate.

The agent and landlord have also been in discussions with SMP Sheet Metal (2,945 sq ft) to assist in relocation. To this end the landlord has offered to extend their contract to allow further time for this to take place. However, the contractual position does have to be appreciated that the landlord can and has served notice to ask them to leave.

Stockyard Vintage Ltd occupies a small unit (4,011 sq ft). Assistance and consideration of other units within the estate has been offered by the Landlord but has not been taken up or raised as an issue. Officers are not aware of objections or comments from this business that they are finding it hard to relocate.

The proposed store will provide 50 jobs, this is based on similar stores of this size operated by the applicant. The potential number of jobs created by the investment in the wider Trading Estate is harder to quantify but also has to be acknowledged as a benefit.

As discussed elsewhere in the report a balancing exercise is required to maintain the employment land status but also demonstrating a flexible approach as required by national planning guidance. On face value the proposal would be contrary to Policy EI1 as the proposal does not provide B class use employment, however, the evidence base, land supply and situation at the Trading Estate are material considerations that justify a decision on the face of it contrary to the Local Plan but supported by paragraph 22 of the NPPF.

Whilst the impacts on SMP Metal and the other 2 existing businesses are appreciated, proactive assistance and dialogue has been offered with options to relocate within the Trading Estate.

Therefore, Officers consider, following advice from strategy colleagues, that an appropriate level of flexibility is provided within the Local Plan to support the proposal. Employment opportunities are provided on the site and the regeneration and investment in the Trading Estate will not undermine the overall employment status of the allocation or the Local Plan employment strategy as a whole. The negative impact on the existing businesses, mitigated to a degree by the assistance, does not outweigh the wider employment benefits of the scheme.

It is therefore recommended that Members **'RESOLVE TO GRANT PERMISSION'** subject to GCC Highways formal advice.

### ***The report to the 25th October DCC meeting follows:***

This application was called to Planning Committee (DCC) for consideration by Rodborough Parish Council.



## **Development Control Committee Schedule 29/11/2016**

### **SITE**

The application site is 1.03ha located within part of the Bath Road Trading Estate adjacent to the junction between the Dudbridge Road and Bath Road (A46). The site includes the current auction house building, the row of industrial buildings to the rear and the vacant 1960's office tower.

The remainder of Bath Road Trading Estate is made up of a mix of light industrial, office and warehouse space. With the site being approximately 1.5km from the defined town centre boundary, and within the Stroud Urban Area.

The site is within the Industrial Heritage Conservation Area and the grade II Listed Lightpill Mill which is part of the Trading Estate is located to the South of the site.

The site is located just outside the Cotswolds Area of Outstanding Natural Beauty but with the intervisibility of the steep Stroud Valleys the site is visible especially from Selsley and Rodborough Commons.

### **PROPOSAL**

The proposal is for a Class A1 foodstore (1,918 sq m gross floor area). ALDI are the applicant and the store has been designed to meet the particular needs of a deep discounter, which has a different business model compared, with main stream larger supermarkets like a Sainsbury or Asda.

The proposed building has a mono pitched overhanging roof which drops away from Dudbridge Road. The main customer facing elevation (South) has a large amount of glazing and a canopy with the other elevations mainly broken up by different colour cladding.

The scheme includes a car park and landscaping. Alterations to the access shared with the Bath Road Industrial Estate are also part of the proposal. Demolition of the existing buildings on the site is also included.

### **REVISED DETAILS**

Additional ecology, noise and air quality information/assessments submitted.

The retail sequential test as updated.

Further revised highway and layout details are anticipated to be submitted shortly which will take account of the GCC Highway comments and consolidate other minor alterations.

### **MATERIALS**

Walls: Grey and silver cladding, Terracotta rainscreen cladding, Dark grey brick plinth.

Roof: Grey composite panels

Fenestration: Grey powder coated aluminium

### **RELEVANT PLANNING HISTORY**

There is an extensive planning history that relates to the wider industrial site but has limited relevance to this proposal.



## Development Control Committee Schedule 29/11/2016

Other supermarket site/scheme update.  
Brunsdons Yard S.15/2590/FUL Pending  
Brunsdons Yard S.13/1498/FUL Appeal withdrawn

Daniels 4. S.16/2152/OUT Pending  
Daniels 3. S.15/1517/FUL Withdrawn  
Daniels 2. S.14/1905/FUL Refused  
Daniels 1. S.13/2284/FUL Appeal withdrawn

Avocet S.14/0677/FUL Approved

### **CONSULTATION RESPONSES**

Full details of all statutory consultations and public representations are available to view on the electronic planning file. A summary of the consultation responses and public representations also appears below.

Rodborough Parish Council: Nether support or object -

While appreciating ALDI's own pre-application consultation showed most respondents to be in favour of this proposal, Rodborough Parish Council would wish to express the following concerns:

- Displacement and disruption of long established businesses and the ability of any that will have to move to re-locate their heavy plant
- The effects on a highly skilled workforce with the potential loss of said skilled jobs caused by the displacement of businesses
- Traffic congestion and safe access from the estate onto the A46
- The Parish Council believes that if this development is granted, it is essential that the highly dangerous A46 Dudbridge Road/A46 Bath Road junction is re-prioritised and safety concerns addressed

Stroud Town Council: Supports Stroud District Council's policy of only 1 further out of town supermarket and no more.

Cainscross Parish Council: Would prefer to see any supermarket development at the Stroud Metals site at Dudbridge.

Stonehouse Town Council: Object - concern about the predicted impact of this development on the retail economy of Stonehouse. The cumulative impact of 14.21% for Stonehouse given in para. 6.44 in the Planning and Retail Statement submitted with the application is greater than the impact on other nearby towns or on other supermarkets within Stroud. If Stroud District Council consider a robust methodology has been used for the retail impact assessment, the negative impact on Stonehouse's economy should be an important consideration when determining the application.

Nailsworth Town Council: Object - Concerned about the traffic on the A46 and effect on road network. Believe the development would lead to a net loss of employment on this employment site. Concerned about loss of trade and therefore employment in Nailsworth.



## **Development Control Committee Schedule 29/11/2016**

A survey of local retailers and caterers carried out in the town in 2014 indicated that a 5% drop in local trade would lead to a loss of some 42 jobs, whilst a 10% drop would lead to a loss of 125 jobs. It is estimated that 40% of the jobs lost would be full-time posts.

Historic England: Recognise historic setting within IHCA and historic mill setting. Urge an attempt at a more bespoke design in appropriate materials with sensitive signage.

GCC Archaeology: I advise that I have checked the proposed development area against the County Historic Environment Record and there is no archaeology known at this location. In my view this development proposal has low potential to have an adverse impact on any significant archaeological remains. Therefore, I recommend that no archaeological investigation or recording should be required in connection with this development proposal.

Natural England: No objection

SDC consultant Ecologist: No objection

Environment Agency: No objection - Recommends conditions

GCC LLFA: No objection to the surface water management proposals recommends conditions

SDC Water Resource Engineer: Major application dealt with by GCC LLFA

GCC Highways: To be reported

SDC Environmental Health: Recommends conditions and informatives.

SDC Senior Contaminated Land Officer: Recommends full contaminated land condition.

Local Residents:

35 Support comments received

Reduce travelling to Gloucester, need for discounter, lower prices and great quality, create competition and choice, difference shopping experience, create jobs and employment.

Good reputation as an employer and pay good rate to their staff. Will not compete with Town Centre but other supermarkets.

Bring back into use a disused building. Removal of old and disused building will help the appearance. Investment in a brown field site. Stroud falling behind in its regeneration.

Traffic improvements to the A46 are a bonus.

21 Objection comments received

Force existing small businesses to relocate or close. Change the nature of the industrial estate to a retail park. Not compatible uses.

Access needed to other areas of the estate.

No need for another supermarket in Stroud. Retail impact on existing shops. Not in public interest.



## Development Control Committee Schedule 29/11/2016

Highway safety concerns, existing accident black spot with difficult junction/traffic problems from surrounding roads onto A46. Generate significant additional traffic. Overspill parking on local streets. Dangerous pedestrian access.

Noise and pollution from deliveries and traffic.

Ruin historic site

Make regeneration of Daniels Estate extremely difficult.

10 Comments received

Concern regarding highway safety and the access. Address existing companies parking and access.

Problems of increased public access to the estate.

Impact on demolition work.

Reduce travelling to Gloucester

Should consider empty brownfield site eg automolds

Impact on heritage

### REASONS FOR DECISION

The reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

### PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. The Local Plan has very recently been adopted and full weight should be given to its contents, in accordance with paragraphs 12 and 15 of the NPPF. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise.

Local Plan policies considered for this application include:

CP2 - Strategic growth and development locations

CP11 - New employment development

CP12 - Town centres and retails

CP14 - High quality sustainable development

EI1 - Key employment sites

EI9 - Floorspace thresholds for impact assessments

EI12 - Promoting transport choice and accessibility

ES3 - Maintaining quality of life within environmental limits

ES4 - Water resources, quality and flood risk

ES10 - Valuing our historic environment and assets

For the full content of the Stroud District Local Plan policies above together with the preamble text and associated supplementary planning documents are available to view on the Councils website [www.stroud.gov.uk/localplan](http://www.stroud.gov.uk/localplan)



## **Development Control Committee Schedule 29/11/2016**

The NPPF is a material consideration in planning decisions and was published on 27 March 2012. Due weight should be given to Local Plan policies according to the degree of consistency with the National Planning Policy Framework (NPPF). Paragraph 24, 26 and 27 are particularly relevant to the retail sequential and impact tests. Full details of the NPPF is available to view at

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Paragraphs 131, 132, and 137 highlight the historic environment and paragraph 134 protects historic assets from harm unless outweighed by other considerations. However this need to be considered alongside sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, which requires "special" consideration is given to the setting of listed buildings and conservation areas.

A Referendum relating to the adoption of the Stroud Town Centre Neighbourhood Development Plan was held on Thursday 18 August 2016. The result of this referendum shows the community endorsed the use of the NDP for determining planning applications as part of the development plan. Therefore, the NDP should now be given significant weight. Full Council will consider adoption of the NDP on 27th October 2016.

### **INTRODUCTION**

Assessment of the application gives rise to a number of areas for consideration:

- o The Retail Sequential and Impact Tests
- o Employment Protection and Opportunities
- o Highway implications
- o Design and Heritage Impact
- o Landscape Impact
- o Environmental Health
- o Ecological Impact
- o Hydrology and Flooding
- o Amenity.

### **RETAIL SEQUENTIAL ASSESSMENT**

It would be difficult, unreasonable and unenforceable to condition the precise type of retail operation. The size and nature of the store do suggest a "deep discounter, particularly as the applicant is Aldi themselves and not a third party.

Officers have also considered the impact if this was not a "deep discounter".

It is agreed that the application site is located in an out of a town centre location and given this location retail planning policy requires a retail sequential test. This should consider whether there are any suitable and available in-centre, edge-of-centre or more accessible and better connected out-of-centre sites within the catchment area of the proposed store that would be sequential preferable.

The agent has prepared a Planning & Retail Statement and following Officers request additional information and analysis has been submitted in the form of a Sequential Site



## **Development Control Committee Schedule 29/11/2016**

Update. Officers have considered these with the specialist assistance of the Council's retail consultant.

In terms of alternative sites the applicant has put forward and considered a range of sites both within centres and edge of centres including:

1. Cheapside Wharf;
2. Merrywalks;
3. Parliament Street/Church Street;
4. London Road;
5. The Market Tavern site;
6. Dudbridge Industrial Estate (Avocet);
7. Daniel's Industrial Estate; and
8. Brunsdon's Yard (Ryeford).

In looking at these sites, the agent is requested to demonstrate a flexible approach to their requirements including the dissemination of floor space and parking requirements, in order to ensure that a robust investigation of these sites has taken place.

These sites have been considered by the LPA in the past during previous retail/supermarket applications and apart from the Market Tavern, which will be address later, Officers do not consider there are any additional sites. The implications arising out of recent Mansfield High Court judgement have also been highlighted and considered by the agent and the Council's retail consultant. In brief, this is a need to assess the proposed use and not the specifics of the identity of the intended retail occupier when applying the retail sequential assessment.

In relation to the Cheapside, Merrywalks and London Road sites, there have not been any material changes in circumstances from the previous assessments and, in any event, with the support of our retail consultant, Officers remain of the opinion that they are unsuitable for a foodstore development of the size proposed in this application even taking into account the NPPF requirement for flexibility in scale and format. Parts of these sites are identified in the Neighbourhood Plan for mixed use development, although none are identified for foodstore and are not either large enough or suitable for such a use.

The assessment of the Parliament Street/Church Street site has been re-visited given that it is now known that the Court element of the site is likely to become available in the short term (following the closure of the Court use). The Police Station and Court element of the Parliament Street/Church Street site is also identified for redevelopment in the Neighbourhood Plan and which includes retail uses. However, whilst part of this site is now available, and even assuming that the remainder could be made available, the format of the site and particularly its distinct change in levels makes it unsuitable for the proposed foodstore.

As noted above the other alternative site within Stroud town centre is the Market Tavern site. This site was promoted as a retail-led redevelopment, and was considered as part of the retail sequential assessment during the previous supermarket proposals in the April 2015. Part of the site has now been identified in the Neighbourhood Plan for mixed use development, although the amount of land allocated does not make it large enough to



## **Development Control Committee Schedule 29/11/2016**

accommodate this proposed development. Such a sized site is more likely to be useful for an immediate needs "corner shop" rather than more of a bulkier weekly shop.

Moreover, since the approval of the Dudbridge Road scheme and refusal of the other two proposals, the Market Tavern redevelopment proposals have not come forward. In any event, whilst the current proposal is smaller than the previously assessed supermarket schemes, Officers and our retail consultant still do not consider that it represents a suitable site for the proposed development even when flexibility in scale and format is taken into account. In particular, the shape, orientation and topography of the site do not lend themselves to a foodstore development which needs to be supported by some accessible customer parking provision.

The other sites included in the sequential site assessment exercise are all out-of-centre and comprise the other sites recently/currently promoted for retail development. At the time of considering the recent supermarket proposals, the LPA undertook an exercise to understand whether any of the three sites could be considered more accessible and better connected to nearby town centres. This was a requirement based upon the contents of paragraph 24 of the NPPF and that assessment considered accessibility between the sites and nearby town centres based upon different modes of transport.

This application does introduce a fourth out-of-centre site and whilst a detailed re-visit of this assessment has not been undertaken, Officers consider that a reasonable conclusion to draw is that the application site is not better connected or more accessible in relation to nearby town centres than the other three sites. Equally, it does not perform more poorly in relation to accessibility factors than the other sites. This is supported by our retail consultant on the basis of the site is located in close proximity to the Daniel's Industrial Estate site which would have characteristics that are likely to be equally applicable to this application site.

It is therefore considered that this proposal is considered to meet the provisions of the retail sequential test, as outlined in Policy CP12 of the Stroud Local Plan and paragraph 24 of the National Planning Policy Framework.

### **RETAIL IMPACT ASSESSMENT**

Local Plan Policy EI9 sets a local retail impact assessment threshold to ensure that full consideration is given to the scale of development and whether this would have any significant adverse impacts on an existing centre.

This is consistent with and supported by paragraph 26 of the NPPF and whilst the Local Plan sets an appropriate local threshold the NPPF notes that impact assessments should include an assessment of:

- o the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- o the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.



## **Development Control Committee Schedule 29/11/2016**

This planning policy basis and the out-of-town location means that the impact on the proposal on the health of, and investment within, town and local centres has to be assessed. Concerns have also been raised including from Stonehouse and Nailsworth Town Councils on the potential retail impact of the proposal on existing town centres.

The agent has submitted an assessment of these issues and in line with Officers instruction this has been independently reviewed by our retail consultant.

Our retail consultant has used the latest retail expenditure forecasts in their assessment and whilst they consider the agent's predicted trading performance for the proposal would result in an under-estimate of the trading impact of the store, this is only to a marginal extent.

Our retail consultant is also satisfied with the forecast trade diversion to the proposed store and whilst this does offer a robust assessment they have included within their assessment an individual impact of assessment (this store only and Dudbridge site not coming forward).

Our retail consultant assessment (table 1) indicates that around £0.16m of convenience goods expenditure could be diverted from stores in Stroud town centre, which will be spread across the different stores in the centre (although the highest amount of diversion will be from the Iceland). This will equate to a total impact of around 3% on the town centre's convenience goods sector. There will be similarly small levels of impact on the convenience goods sectors in Nailsworth (-1%) and Stonehouse (-4%) town centres. In Nailsworth, the large amount of diversion will come from the Morrisons store, whilst the Co-op on High Street will be the focus for the impact in Stonehouse town centre.

Outside of these nearby town centres, the assessment indicates that the diversion of convenience goods trade from other settlements in Stroud District will be comparatively low and with some diversion (£0.56m) from stores outside of the District. This level of diversion is, however, lower than assumed in the applicant's cumulative impact analysis but as they cannot be directly compared they are generally in line with each other.

Our retail consultant assessment (table 2) has also undertaken financial impact analysis for the comparison goods floorspace. Whilst this is only a small element of the proposed foodstore it still has a predicted turnover of £2.15m so requires analysis. Table 2 indicates that £0.8m of the £2.15m total turnover will be diverted from comparison goods stores across Stroud, with £0.6m (of the £0.8m) coming from town centre stores. Table 2 indicates that this will have a 1% impact 2020 trading levels in the town centre's comparison goods sector as a whole.

Of the remaining comparison goods turnover of the store, our retail consultant forecast that there will be small levels of diversion from other centres across Stroud District (e.g. Nailsworth at £0.1m), although a large part of this remaining turnover is likely to be drawn from centres further afield such as Cheltenham, Gloucester, Cirencester and stores across Bristol.



## Development Control Committee Schedule 29/11/2016

The impact on both convenience and comparison goods, ie the total retail impact is brought together in table 3 which is provided as **Appendix 1** to this report. This indicates the following total negative financial impacts for these three centres, Stroud 1%, Stonehouse 2% and Nailsworth 1%.

This overall impact levels are relatively small and, importantly, are below the levels of negative financial impact observed in relation to the Dudbridge/Avocet scheme, which pass the impact test (in relation to town centre vitality and viability) and was granted planning permission.

Therefore, with appropriate controls on the balance between convenience and comparison goods floorspace, individually our retail consultant has offered no clear reason in terms of financial impact why the LPA should reach a conclusion which is different to the Dudbridge Road proposal and refuse this application.

### Cumulative impact

There is also a need to consider the cumulative impact upon Stroud, Nailsworth and Stonehouse on the assumption that the Dudbridge Road/Avocet permission does go ahead either as a mainstream grocery retailer or by a discount grocery retailer (such as Lidl).

Bearing in mind this situation, we have considered whether this proposal would increase these levels of convenience and comparison goods impact upon Stroud, Stonehouse and Nailsworth town centres.

Bearing in mind the individual impacts associated with the proposal and the additional cross-competition which would be created between the possible new Bath Road and Dudbridge Road/Avocet stores, our retail consultant concludes that the impact levels on Stroud, Nailsworth and Stonehouse town centres of the approved scheme would not be increased by a Bath Road store. Therefore, whilst there may well be an adverse impact upon the health of nearby town centres, the scale of cumulative impact is not so great or severe as to classify it as having a significant adverse impact, which is the key test in paragraph 27 of the NPPF and Policy E19 of the Local Plan.

The other impact test is the need to assess the impact of the proposal on existing, committed and planned public and private sector investment in nearby town centres. In relation to planned and committed investment, we are not aware of any projects in Stonehouse and Nailsworth which would be materially affected by the Bath Road proposal. The only project in Stroud town centre (Market Tavern) which was actively considered during the recent assessment of the supermarket proposals has not been progressed over the past two years.

In relation to the impact of the proposal on existing investment in these three centres, it is noted the recent Dudbridge Road and nearby Daniel's Industrial Estate supermarket proposals did not raise any particular concerns over the impact of these proposals on existing investment in Stroud, Stonehouse and Nailsworth town centres. Bearing in mind the current proposal at Bath Road is smaller in scale, product range and financial impact than these proposals, it would appear an alternative conclusion in relation to the current proposal would be difficult to sustain.



## **Development Control Committee Schedule 29/11/2016**

Therefore, with suitable and robust controls via conditions the proposal, whilst there may be an adverse financial impact upon the convenience and comparison goods sectors in the nearby town centres of Stroud, Nailsworth and Stonehouse, the overall impact on town centre health and investment will not be significantly adverse when either this proposal is considered on an individual basis or cumulatively with the approved Dudbridge Road/Avocet supermarket. The scheme therefore does not conflict with the salient retail planning policies in the Local Plan or material policy considerations in the NPPF.

At time of writing the applicant for the Brundons Yard site is reconsidering the retail element of their proposal which is currently not in a position to be progressed. Whilst this is noted should this proposal get permission a further wider cumulative retail impact assessment would be required.

### **EMPLOYMENT PROTECTION & OPPORTUNITIES**

The application site forms part of the Bath Road Industrial Estate which is identified as a key employment site (EK25) which is afforded protection for traditional employment uses (B Class uses) under Policy EI1. Therefore redevelopment for alternative uses or changes of use from employment use should not be permitted unless material considerations indicate otherwise.

The estate was surveyed as part of the Employment Land Study (2013) which recommended to "retain the bulk of the land as a local employment area for B1/B2/B8 uses. Any vacant/poorly used land should be considered for retail uses, reflecting the identified demand."

The proposal would involve the redevelopment of 1.03 ha of the estate, which totals 3.34 ha in area. The existing site is partly vacant and the proposal envisages relocating the existing businesses elsewhere within the estate. Whilst retail uses would be strictly contrary to Policy EI1, the development would bring approximately 50 new local jobs, thereby intensifying employment uses on the site. The proposal would also appear to be broadly in accordance with the recommendations set out in the Employment Land Study.

The concerns regarding the displacement of the existing businesses are appreciated and have been raised with the agent. Following our discussions they have carried out further meetings and discussions with the existing businesses to address their concerns. They have also been working with representatives from the Bath Road Trading Estate to relocate any existing businesses, preferably within the estate, and are not aware of any businesses that would be forced to close.

Concerns about the relationship and compatibility of a foodstore within a trading estate have also been raised. The proposed foodstore is located to the front of the trading estate and subject to GCC Highways outstanding comments, it is considered there is adequate separation from the business and industrial uses within the rest of the trading estate. Access is maintained and the scheme would not require shoppers to proceed through the other parts of the estate.



## **Development Control Committee Schedule 29/11/2016**

The proposal therefore requires a balancing exercise to consider the proposed job creation and regeneration against the employment land status of the site. Given the above, Officers consider the overall employment land allocation would not be undermined by the scheme which would intensify the employment on this part of the estate.

### **HIGHWAY IMPLICATIONS**

A significant number of the representatives received have raised highway safety concerns with regard to the existing highway conditions and the additional traffic implications. There have been discussions with the agent, their highways consultant and GCC Highways. Whilst progress has been made a final recommendation from GCC Highways has not yet been received.

Particular areas of discussion relate to the capacity of the junction and A46 and the difference in traffic movements from the existing employment use and proposed foodstore, particularly on Saturday where the difference is greatest. Further survey work has taken place and the agent is in discussion with GCC Highways.

GCC Highways final comments and any subsequent amendments to the scheme will be reported and committee will be updated prior to the committee meeting.

### **DESIGN/IMPACT ON HERITAGE ASSETS**

The application site sits within the Industrial Heritage Conservation Area, significant due to the appreciation of the milling industry, the resulting transport infrastructure and the juxtaposition of industry against the natural environment.

The submitted Heritage Settings Assessment concludes that the character area of Lightpill Trading Estate represents a modern industrial context which will be unchanged by this development, and will therefore have a neutral impact on the Conservation Area. While the existing character of the Conservation Area minimises the impact that the development will have on its setting, the proposal does represent an opportunity to provide improvements and enhancements which has to be given special regard when considering the merits of the application.

Within the aforementioned heritage statement, it advises that the design of the new supermarket draws on the conventions of the modern architecture within the Conservation Area. Historic England do not feel that drawing on modern architecture is the correct approach for new development in a designated historic environment and consider this modern design pays no regard to the surrounding industrial mill vernacular, and therefore fails to make a positive contribution. Attempts have been made during the application and at pre-application stage for a more bespoke design that would integrate further into the historic mill context for example a saw-tooth roof form. It is acknowledged that the agent/applicant has entered into this dialogue and sort to address this within their design. Whilst this has not gone as far as would be desirable, consideration has to be given to the submitted scheme and the impact weighted against the benefits.

The current scheme has a mono-pitched design and is functional in its appearance with the use of sheet cladding which is not uncommon in the IHCA and indeed is promoted in the



## **Development Control Committee Schedule 29/11/2016**

design guide. It is also positioned below the road level and other modern industrial buildings are located nearby. The removal of the modern unsightly office building onsite is also noted and has little merit in Conservation Area terms. The scheme does not result in the loss of a Listed building and the proposed building has been positioned away from the listed Lightpill Mill which opens up part of the site with the car park area.

Consequently the design is not felt to be inappropriate bearing the industrial nature of the IHCA especially in terms of the size of the buildings, its materials and its design.

### **LANDSCAPE**

Given the intervisibility of the Stroud Valleys the site is visible from various elevated viewpoints on the hillside above the site, including Selsley and others which are within the Cotswold AONB. However, the site is seen in conjunction with the existing trading estate and the wider extensive urban area which runs along the valley bottom and towards Stroud.

The proposal will reduce the number and amount of built form on the site, positioning the store to the north of the site and the car park and landscaping will create some openness. Therefore, it is considered the scheme will not significant harm the wider character and setting of the surrounding landscape or this part of the AONB.

The signage details will need careful consideration, particularly the position and any illumination to assess the impact on the historic setting and wider landscape including viewed from Rodborough and Selsley Commons. These details have not been submitted as part of this application and would require separate consent where the appropriateness can be considered.

### **ENVIRONMENTAL HEALTH**

Environmental Health initially raised concern about the impact of the development on local air quality and noise from the fixed plant and further details and assessments have been provided by the agent. With the appropriate mitigation including during the construction phase, the proposed development is unlikely to be adversely affected by, or have a significant impact on local air quality. The submitted assessment of noise from the proposed fixed plant equipment demonstrates that the highest predicted plant (rating) noise levels will be 18 dB daytime and 19 dB at night. These levels which can be controlled via condition are significantly below the existing background noise climate and are likely to avoid a significant adverse noise impact on local residents. The Environmental Protection Manager is satisfied with these conclusions.

The submitted Desk Study Assessment Report highlights the long term industrial use of the site and the risks of contamination recommending further investigation and development of a remedial strategy which our Senior Contaminated Land Officer agrees is required. A full contaminated land condition is therefore proposed.

The Environmental Protection Manager has highlighted the potential for anti-social behaviour issues in the car park area, particularly in the late evening and overnight. This has been discussed with the agent and whilst it is noted it is not considered a specific issue at this site.



## **Development Control Committee Schedule 29/11/2016**

If this does become an issue appropriate mitigation ie closing the car park area off outside the opening hours of the supermarket could be addressed by the management of the site.

### **ECOLOGY**

The site is largely covered by buildings and tarmac hardstanding and offers limited scope for natural habitats. However, the Stroud Valleys, including the Nailsworth Valley, support an assemblage of bats of national importance. The submitted Ecological Assessment sets out appropriate measures to protect the bats roosting on the proposed development site and compensate for the loss of the roost. Whilst the lighting could have an effect, the agent has confirmed that the applicant's proposed lighting strategy is to turn off external lighting outside opening hours when staff have left the site and use appropriate mitigation in sensitive areas. With the reduction in the build form and potentially longer existing lighting hours which could operate 24hrs this is considered an improvement on the current situation.

Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the Rodborough Common, Selsley Common and Minchinhampton Common SSSIs have been designated and is not likely to have a significant effect on the interest features for which Rodborough Common SAC has been classified.

More details are required on the proposed landscaping and the biodiversity enhancements, which can be provided via detailed landscaping plan. This along with the implementation and management of the other ecological mitigation and enhancements outlined in the submitted Ecological Assessment can be controlled via condition.

The Nailsworth Stream is an important habitat for wildlife in the Stroud Valleys, including European Protected Species such as bats and otters. It has been compromised by culverting in the past and its deculverting would be a significant ecological benefit. Whilst this is noted only a small part of the culvert crosses the corner of the site. The scheme does not preclude a wider future scheme it has not been required from this proposal.

### **HYDROLOGY AND FLOODING**

The Environment Agency are satisfied with the submitted Flood Risk Assessment (FRA) confirming there is no change in the current vulnerability classification 'less vulnerable' and that it is reasonable to assume that a level of 38.00m AOD (N) could be used to define the extent of Flood Zone 3 which results in the proposed development being in Flood Zone 1.

The Environment Agency highlight the latest guidance does require greater climate change resilience to be built into major projects, however, they recognise that the proposed store is substantially higher than the watercourse as shown on the ground level survey and that the site rises steeply towards Bath Road. Therefore, they are satisfied that there are no perceived issues with regards flooding affecting access to and from the new building, though some areas of car parking adjacent to the western boundary could be affected by shallow inundation in an extreme event should the culvert become surcharged.

The watercourse is also within a culvert and the reduction in the footprint of the built form also provides some accommodation. Therefore, it is reasonable to assume the additional climate change resilience would not materially impact the development and sufficient



## **Development Control Committee Schedule 29/11/2016**

information has been provided to inform the consideration of flood risk impacts. To built-in this resilience and mitigation the minimum level of the building and any changes to the rest of the site can be controlled via condition.

Following discussions and the submission of updated drainage details, GCC as Local Lead Flood Authority (LLFA) are also satisfied with the surface water management proposals for the site. However, detailed surface water attenuation/storage works, SUDS maintenance plan along with confirmation from Severn Trent that they can accommodate the maximum permitted discharge rate are still required via condition.

### **RESIDENTIAL AMENITY**

The proposed store is set within an industrial estate and with this surrounding existing use, the busy local road network and noise issues addressed above it is considered that the distance and local topography mean the proposal would not result in a material adverse effect on the residential amenities currently enjoyed by local residents.

### **PLANNING BALANCE & RECOMMENDATIONS**

As discussed above it is considered that the proposed scheme is acceptable in retail impact, hydrology, environmental and amenity terms. The balance is required with regard to the impact on the traditional B class employment land status of the site.

The proposed scheme could have provided a greater positive contribution to the character of the area but does not significantly harm the wider Conservation Area or setting of Listed Buildings.

Existing employment will be displaced from the site but can be generally safeguarded by being accommodated in other areas of the trading estate and being assisted in relocation. The scheme will provide approximately 50 new local jobs and is a significant investment and regeneration of this part of the estate. Whilst not a B class employment as required by the Local Plan Policy the overall employment land allocation is not undermined.

Therefore, whilst the highway implications of the scheme will be update to Members it is recommended to **'RESOLVE TO GRANT PERMISSION'** subject to GCC Highways advice.

### **HUMAN RIGHTS**

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.