

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **31ST MAY 2016**

ADDRESS/LOCATION : **FORMER KWIK SAVE
103 NORTHGATE STREET**

APPLICATION NO. & WARD : **16/00142/FUL
WESTGATE**

EXPIRY DATE : **3RD JUNE 2016**

APPLICANT : **ROOFTOP HOUSING GROUP LTD.**

PROPOSAL : **DEMOLITION OF EXISTING STRUCTURES.
ERECTION OF 95 RESIDENTIAL UNITS
(WITH ASSOCIATED COMMUNAL AREAS,
STORAGE AND PLANT) AND USE CLASS
A1 UNIT, WITH ASSOCIATED
LANDSCAPING (AMENDED DESCRIPTION)**

REPORT BY : **ED BAKER**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the site of the former Kwiksave, Nos. 103 to 111 Northgate Street. The site is located to the northern edge of the city centre and is contained by the inner ring road (Blackdog Way) on its east and north sides. The site also has partial frontages with Northgate Street to the south and Worcester Street to the west.
- 1.2 The site is approximately 0.5 hectares in size. It has a long frontage to Blackdog Way of around 120 metres. The frontages with Northgate Street and Worcester Street are much narrower at 23 metres and 40 metres respectively.
- 1.3 The site is within both the Worcester Street and London Road Conservation Areas. The site is also surrounded by a number of Listed Buildings, including:
- Roman Catholic Church of St. Peter – Grade II* Listed
 - Nos. 18, 20 and 22 Worcester Street – Grade II Listed
 - Nos. 25, 27 and 29 Worcester Street – Grade II Listed
 - Nos. 9 to 17 Worcester Street – Grade II Listed
 - 102 Northgate Street – Grade II Listed

- 1.4 The south part of the site is within an Area of Principal Archaeological Interest.
- 1.5 According to the Environment Agency flood maps, the majority of the site is within Flood Zone 1 (medium risk of flooding). However, the south and north western parts of the site are within Flood Zone 2 (medium risk).
- 1.6 Much of the site is or has been covered by buildings although some of these have since been demolished, including much of the building frontage onto Northgate Street. Northgate Street would have been the principal frontage to the site and is at the site's most southerly end. The premises then extend deep into the site, broadly parallel with Blackdog Way and Worcester Street, in a northerly direction. The northern part of the site has been cleared and is open. This is likely to be the area of the former service yard with vehicular access directly from the north end of Worcester Street.
- 1.7 The surrounding area has a mix of commercial and residential uses. As explained, the site has frontages with three principal roads: Northgate Street to the south; Worcester Street to the west; and Blackdog Way to the east and north. Northgate Street is characterised by shops, cafes and takeaways at ground floor with some residential above. No. 113 Northgate Street, which is located immediately adjacent the site next to the junction with Blackdog Way, has a food takeaway at ground floor. Opposite the Northgate Street frontage to the south is Spread Eagle Court, a block of residential flats.
- 1.8 Worcester Street has a range of shops, takeaways, restaurants, hair salons and estate agents at ground floor, with some residential uses above. There is also a car repair centre which is situated immediately next to the west boundary of the site. Also in this area is a service yard that serves some of the adjacent shops and commercial uses.
- 1.9 Blackdog Way is generally much sparser with St Peter's Church, hall and club buildings situated to the other side of the road to the east. Beyond these buildings, and further to the east and north, is the elevated railway line. Also to the north is the junction of Blackdog Way with Gouda Way and Kingsholm Road. There is a railway bridge over Kingsholm Road next to the junction.
- 1.10 Northgate Street and Worcester Street are historic streets, each with a distinct historic character. However, there are also a number of less sympathetic 1960s buildings, particularly at the junction of Northgate Street and the south end of Worcester Street. Some of the buildings are in reasonable condition and others less so. Aside from the historic St. Peters Church, the hall and club buildings on Blackdog Way are more modern and ordinary in appearance.
- 1.11 In terms of the scale of local buildings, most of the buildings on Northgate Street have three storeys although Spread Eagle Court to the opposite side of the site is a four storey building. The historic buildings on Worcester Street are almost exclusively three storeys. The unattractive 1960s buildings at the south end of Worcester Street at the junction with Northgate Street have two storeys. Conway House at the northern end of Worcester Street is a more modern building and has four storeys with its upper floor set further back.

Save for St. Peter's Church with its tall spire, the hall and club buildings on the opposite side of Blackdog Way are no more than two storeys.

- 1.12 The application seeks full planning permission to redevelop the site with 95 residential flats and 181 square metres of Class A1 retail. The retail floor space is envisaged as a sandwich bar/light café to give the building varied activity and provide a potential communal space for residents to congregate. The existing buildings on the site would be demolished and the site cleared. The redevelopment proposal is completely new build.
- 1.13 The development would be provided in two blocks. The principal block ("Block A" for the purposes of this report) would primarily be five storey and would face and run parallel to Blackdog Way. It would follow the curve of the inner relief road at the north end of the site and then return and extend into Worcester Street at the junction of Worcester Street with Blackdog Way. At this point the building would drop in height to four storeys.
- 1.14 The principal elevation to Block A that fronts onto Blackdog Way would be faced in brick with recessed multi-coloured gold cladding panels at higher level. At the rear, the building would principally be faced in render with some panelling and brick at lower levels. Windows would be grey aluminium onto Worcester Street and grey UPVC onto Blackdog Way. The building would have a single ply membrane roof.
- 1.15 Block B would have a similar architectural appearance to Block A. It would comprise four storeys with a Mansard roof. Its principal frontage would be onto Northgate Street, sitting between Nos. 101 and 113 Northgate Street. This frontage would principally be faced in red brick with grey brick and larger windows at ground floor. At the rear, the predominant material would be render with some cladding panels at the sides. Windows on the frontage to Northgate Street would be grey aluminium with the windows to the rear and sides UPVC. The building would have a single ply membrane roof.
- 1.16 Vehicular access to the site is currently from the north end of Worcester Street. This access would be retained and modified and would remain the only vehicle access to the site. It would serve both Blocks A and B. At the rear of the buildings there would be a total of 26 on-site parking spaces and covered storage for up to 96 bicycles. Pedestrian access to Block A would be from Worcester Street to the rear (there would be no pedestrian access to Block A from the front on Blackdog Way). Block B would have pedestrian access from Worcester Street and Northgate Street.
- 1.17 The applicant is a Registered Provider, Rooftop Housing Group Ltd, and this is a 100% affordable housing scheme. Block A would provide general needs and wheelchair accessible housing. Block B would provide young persons and "move on" accommodation.

1.18 The unit types are broken down as follows:

Block A (Units 1 to 81)

35 x 1 bed
41 x 2 bed
5 x 1 bed wheelchair accessible

Block B (Units 82 to 95)

12 x 1 bed
1 x 2 bed Move on accommodation
1 x 3 bed Move on accommodation

1.19 The tenure mix would be both social-rented and shared ownership, the ratio of which has yet to be decided.

1.20 The scheme has been amended following detailed discussions with officers. The main changes are:

- Increase in the number of units from 94 to 95
- Changes to the window design on the Blackdog Way elevation
- Reduction in the height of part of the building onto Worcester Street from 5 storeys to 4 storeys
- Re-design of the shopfront onto Worcester Street
- Design changes to the Worcester Street and Northgate Street elevations

1.21 These changes have been subject to re-consultation. Design discussions are on-going with the applicant and further amendments are expected. These outstanding design issues will be reported in more depth in the assessment section of this report.

1.22 The application has been submitted following some informal pre-application discussion with officers.

1.23 The application is referred to the planning committee because of the scale of the development and the regeneration implications for this part of the city.

2.0 RELEVANT PLANNING HISTORY

2.1 The site has the following relevant history.

2.2 15/00944/CONDIT – application to discharge conditions, undetermined.

2.3 15/00930/FUL – application for demolition of buildings, undetermined.

2.4 10/00769/FUL – planning permission granted in October 2010 for revised internal layout and additional level of accommodation to Blocks C, E, F and G of building granted planning permission under 10/00239/REP to create 119 apartments with 4 ground floor office, food and drink or retail units.

2.5 10/00239/REP – planning permission granted in July 2010 for erection of buildings comprising 98 apartments, with ground floor office, food and drink or retail units (renewal of planning permission 07/00134/FUL).

2.6 07/00134/FUL – planning permission granted in July 2007 for erection of buildings comprising 98 apartments, with ground floor office, food and drink or retail units.

2.7 The Local Planning Authority considers that development commenced in relation to planning permission 10/00769/FUL and that the permission remains extant.

3.0 PLANNING POLICIES

3.1 The statutory Development Plan for Gloucester remains the 1983 City of Gloucester Local Plan.

3.2 Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes. The National Planning Policy Framework (NPPF) published in March 2012 is also a material consideration.

3.3 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not necessarily be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.4 Policy contained in the National Planning Policy Guidance (NPPG) is explained and amplified by the online National Planning Policy Guidance.

3.3 The policies within the 1983 and the 2002 Local Plan remain a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policy is the most relevant:

ST.1	Sustainable Development
ST.4	Reducing Travel by Car and Promoting Other Means of Travel
ST.7	Urban Design Principles
ST.14	Developer Contributions
B.7	Protected Species
B.8	Non-identified Sites
B.10	Trees and Hedgerows on Development Sites
FRP.5	Maintenance of Water Courses
FRP.6	Surface Water Run-off
FRP.15	Contaminated Land
BE.1	Scale, Massing and Height
BE.2	Views and Skyline
BE.7	Architectural Design
BE.8	Energy Efficient Development
BE.12	Landscape Schemes

BE.14	Native Species
BE.21	Safeguarding Amenity
BE.23	Development Affecting the Setting of a Listed Building
BE.29	Development within Conservation Areas
BE.32	Areas of Principal Archaeological Interest
TR.31	Road Safety
H.15	Provision of Affordable Housing
H.16	Affordable Housing, Mix, Design and Layout
OS.2	Public Open Space Standard for New Development
OS.3	New Housing and Public Open Space
CS.11	Developer Contributions for Education

- 3.6 In terms of the emerging Development Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited: the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.7 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised local planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to:
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 3.8 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Communities and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

4.1 Highway Authority (Gloucestershire County Council)

Formal comments awaited – the Highway Authority has so far requested that the applicant provides details of the tracking of large refuse vehicle to demonstrate that it can enter and turn within the site. It has also queried the planning history of the site and its current use.

4.2 **Housing Officer**

Comments as follows (in relation to the scheme as original submitted):

- Pleased to see the substantial delivery of 94 new affordable homes
- Gloucester City's Housing team would have preferred a wider mix of house types on this scheme to include some larger homes meeting a fuller range of needs. However, this was not considered achievable for viability reasons
- The high density is off-set somewhat by both the provision of a high proportion of 35% shared equity units; young persons supported housing; homes for people aged over 55; and general needs properties
- The density and location of the site require a well-designed scheme, sensitive lettings plan and effective housing management service. These matters have been raised with the applicant and landlords
- The Design & Access statement does not specify the applicant's agreement to provide 5 x one bedroom units as Category M4(3) wheelchair user dwellings. We expect the full requirements of the Regulations to be met including access to the dwelling's and parking
- The Housing team has provided the applicant with general design and environmental advice. This has included expectation of care-ready (or Lifetime Homes equivalent housing); a useful amount of interior and exterior communal space throughout; inclusion of low energy and environmental features; "pepper potting" of non-Juliet balconies; and a retail/café unit. Further design advice continues to be offered
- No off-site contributions are required

4.3 **Conservation Officer**

Comments as follows:

'The site is located within both the Worcester Street Conservation Area and also the London Road Conservation Area. The site area has a mixed character and the townscape character appraisal map identifies the majority of the site as being of a negative quality, with a small area of positive open space and trees to the corner of Worcester Street and Black Dog Way. The Worcester Street and London Road Conservation Area Appraisals and Management Recommendations were both adopted in September 2007 as interim planning guidance.

As part of the application process the design has evolved to a contemporary development which sits comfortably within the street scene in terms of massing and materials. Due to the scale of the site there are two very distinct characters, London Road and Worcester Street. The elevations have been amended to reflect this local character by reducing the height of the block to Worcester Street to minimise its impact on the adjacent designated heritage assets and the Northgate Street elevation reflects the strong character with the introduction of glazing and panels to replicate that of ground floor shop frontage.

The proposed materials reflect the character of the area utilising brick and cladding as the main material form fronting onto Blackdog Way, Worcester Street and Northgate Street, render is proposed for the rear and modern materials for the roof. The revised designs are a positive step forward with the introduction of greater vertical emphasis to break up the massing of the block form along and the introduction of larger windows and recessed panels. Regarding the windows these should be slim profile aluminium frames which are recessed to 125mm to provide greater depth to the facades. The colour of the windows should match the rainwater goods and any railings proposed these should be aluminium and not plastic. Due to the site being located within a designated conservation area the redevelopment should be of a high quality using locally distinctive materials to reflect the character of the designated heritage assets within Worcester Street and surrounding areas of London Road.

The application has been subject to detailed application discussions, the current site is of negative value and the proposed contemporary scheme will contribute positively to the character of the area and the street scene, therefore the application is acceptable. There will be a number of detailed conditions required to ensure that the final built scheme meets the high quality of design expected due to its location therefore all materials will need to be agreed in the form of a sample palette and all flues, vents, meter boxes, cables and aerials should be hidden from main elevations.'

4.4 **City Archaeologist**

Final comments awaited – see assessment section of the report

4.5 **Urban Design Officer**

Comments as follows:

'In terms of final comments, the following are summary points on the overall scheme design.

The height and scale of the majority of the development at 5 storeys is appropriate within its setting, given the very limited impacts on existing surrounding properties and the physical character of the majority of the Eastern side of the site being inner ring road and raised railway line. The heights drop down to 4-storeys adjacent to the existing properties along Worcester Street and Northgate Street, both with their top floors set back to limit their visual impact.

The massing of the development forms a perimeter block which defines the public realm on each side, with parking and amenity space positioned within the inner courtyard of the block. This forms a barrier between the noise generated by the inner ring road and creates a positive living environment, with a large number of properties facing this courtyard with a SW aspect. Long stretches or circulation corridor spaces are positioned on the ring road side which will further limit the impact on residents.

There is a good mix of unit types within the development, with slightly more 2-bed apartments than 1-bed apartments, which provides for a more sustainable and adaptable living environment.

Materials used within the design include brick and render as the main facing materials, with coloured cladding panels used to help break down the long Eastern elevation and as a detail to add interest and variety. Although an exact range of materials has not been decided, the principles upon which the design is based are positive and will allow a high quality design to emerge at the next detailed stage of the process.

The architectural approach to the design, which sees the stronger and harder edge on the outer brick and clad elevations, and the more comfortable rendered inner courtyard elevations, forms a positive contrast which creates two distinct characters. Randomly sited balconies on the courtyard elevations add to the sense of the residential quality of the development and large windows are used throughout, allowing good natural light into the apartments and views to the surrounding area.

Overall, the fundamental and detailed design elements of this development are very positive and the proposals will help to regenerate a significant site within the historic core of the city.'

4.6 **Civic Trust**

Comments as follows:

- The panel welcomes further plans to re-develop Gloucester's most festering brownfield site, but regrets that the plans still do not include the crucial corner site at Northgate Street/Blackdog Way
- Archaeological conditions must be complied with in full because of the site's historic importance
- The window design of the new building on the Northgate frontage in the Conservation Area needs adjusting to line up with the windows of the surviving buildings either side
- The ground floor windows to Northgate Street are not appropriate. The street level windows should reflect the proportions of the other shop fronts with a higher ratio of glass to wall. The walls should be brick and not a render finish
- The panel likes the random pattern of the "city wall" frontage to Blackdog Way, subject to details of the window type being approved
- Ownership of the London Plane tree – the most significant tree on the site – should be established as it is crucial to the landscape scheme
- Responsibility for maintenance of the "ditch" along the Blackdog Way frontage needs to be established if it is not to become full of rubbish and an eyesore at this very prominent site.

4.7 **Tree Officer**

Objection – the arboricultural report provided with the application does not justify removal of the London Plane tree on the corner of Blackdog Way and Worcester Street. The tree is suitable for retention.

4.8 **Landscape Architect**

Comments as follows:

- Concerned about the removal of the London Plane tree.. Ownership of the tree should be established
- Other significant trees are proposed to be removed along Blackdog Way. A detailed tree survey should be provided

The proposal attracts the following open space requirements:

- On-site requirement for 0.6 ha of public open space; or
- 100% off-site contribution of £309k (£216k for sport, £44k for play and £49k general open space)

4.9 **Environment Agency**

Comments as follows:

- The site lies within Flood Zones 1 and 2 from the River Twyver
- The proposal will increase the flood risk vulnerability of the use of the site from *less vulnerable* to *more vulnerable*. However, such proposals are deemed appropriate as set out in table 3 of sub-section 25 within the Flood and Coastal Change section of the NPPG
- It is for the Local Planning Authority to decide whether the sequential test is passed
- The River Twyver runs in a culvert within the site along its east edge next to Blackdog Way. Future day-night options should be considered
- We are pleased that the new building line has been set back further from the alignment of the existing culvert. The culvert should be clearly shown on the approved plans and a section drawing should be provided showing the relationship of the building (including foundations) in relation to the culvert. We would like to see further details of the boundary fencing adjacent the culvert – this should be secured by means of a planning condition
- Provision will be made to allow Environment Agency vehicular access through the site to the nearest culvert access cover. Unobstructed access should be retained for the lifetime of the development
- Any works in, under, over or within 8 metres of the River Twyver culvert may require a formal permit from the Environment Agency
- There is no objection to the proposed development layout.

4.10 **Lead Local Flood Authority (Gloucestershire County Council)**

Objection – the application is supported by insufficient information. The following further information is required:

- Surface water run-off rates resulting in at least 40% betterment across all relevant return periods
- Soil condition tests to demonstrate that the site is suitable for infiltration
- Evidence of contamination investigation and measures to be taken to counteract possible contamination
- Evidence of consent that may be required from the Environment Agency for storm water connection into the River Twyver culvert
- Distribution layout or percentage of catchment area and run-off to each outfall (i.e. River Twyver culvert), sewer and porous paved areas
- It is advised that consent is required to connect the new catchment run-off to combined sewer.

4.11 **Drainage Officer**

Objection – insufficient information has been provided:

- The Flood Risk Assessment is deficient (officer comment – this response was provided prior to the applicant's submission of a full Flood Risk Assessment)
- No information on surface water run-off rates has been submitted. The discharge rate (100 year plus climate change event) should be a minimum of 40% less than the pre-development discharge rate
- Information should include:- pre and post development methods of surface water run-off disposal including connection points; pre and post development (positively drained) impermeable areas; pre and post development surface water discharge rates; proposed attenuation method and volume calculations; method of flow control; and outline layout plan showing how the requirements can be achieved
- SuDS – as a minimum, two robust treatment stages for surface water run-off from vehicular areas. Permeable paving is usually a useful inclusion in terms of helping to address water quality objectives
- Drainage should take full account of archaeological constraints
- Culvert – the River Twyver runs through a culvert below the site. According to Environment Agency guidelines, where practicable, culverted watercourses should be restored to open channel. More information is required from the applicant on this point
- A new CCTV survey showing the entire clear length of the culvert is required (previous surveys were obstructed by debris)
- The Environment Agency should be consulted since the site is within 20 metres of a main river (the culverted River Twyver)
- As the proposal is Major development, the Lead Local Flood Authority (Gloucestershire County Council) should also be consulted

Further comments are provided as follows:

- The site is within Flood Zone 2 which is an area at medium risk of flooding. The applicant must demonstrate that there are no sequentially preferable sites that are at less risk of flooding. Although the applicant's assessment of the sequential test is brief, all matters considered, the proposal is deemed to pass the sequential test. The fact that the Council has aspirations to redevelop this brownfield site and is on the list of strategic housing sites are major factors in this consideration
- Compensation for loss of flood plain storage is unlikely to apply as the site is not within Flood Zone 3 which is an area at high risk of flooding.

4.12 **Severn Trent Water**

No objection – subject to the following conditions:

- Scheme for foul and surface water drainage to be provided
- Implementation of the drainage scheme prior to occupation
- Advise that there may be a public sewer located within the site
- Advice in relation to the submission of an application for Building Regulation approval

(Officer comment – the final two points are advisory notes and not planning conditions)

4.13 **Environmental Health Officer**

No objection – subject to the following conditions:

During construction

- Restriction on hours during construction
- Submission and implementation of an Environmental Management Scheme during construction
- No burning of materials/substances

Class A3 café/restaurant

- Extraction flues to be a minimum of 1 metre above roof eaves
- Submission and implementation of an odour and fume control scheme
- Restriction on opening hours
- Restriction on hours for deliveries

Residential

- Implementation in accordance with the recommendations of the applicant's environmental noise report
- Noise testing prior to occupation to ensure that the recommendations of the environmental noise report are sufficient

- Submission and implementation of an external lighting scheme
- Submission and implementation of refuse and recycling scheme

General

- Noise assessment to ensure that noise levels are not exceeded

4.14 **Contaminated Land Services**

Comment as follows:

- The historic use of the site renders the site susceptible to potential contamination. These uses include use of the site as a tannery and later as garages with storage tanks
- A previous survey carried out in the early 2000s identified elevated levels of heavy metals and hydrocarbons in soils, the presence of ground gas, and asbestos was noted in the fabric of buildings

The following planning conditions are therefore recommended:

- Site characterisation
- Submission of a remediation strategy
- Implementation of approved remediation strategy
- Reporting of unexpected contamination
- Long-term monitoring and maintenance

4.15 **Local Education Authority (Gloucestershire County Council)**

The proposal will unlikely attract a contribution towards school education because the LEA's policy has been, up until recently, not to seek education contributions from flatted schemes.

A scheme for 95 flats would be unlikely to generate many school aged children, based on GCC research. Schemes assessed since April 2016 will be assessed for the impact of child yield within flats, which although low, can lead to a growth in child numbers. For a 95 unit scheme, we would expect there to be 5 children aged 0-18 yielded. Split across the education sectors (pre-school, primary, secondary and 16-18 years), the total contribution would have been £66,031.

The only requirement is a library contribution of £196 per flat (i.e. £196 x 95 = £18,620). It is presumed that the applicant's viability study might demonstrate that the library contribution cannot be provided.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through a press notice and the display of site notices. In addition, 10 properties have been notified of the application in writing. One representation has been received, summarised as follows:

- The proposed parking provision at one space 4 units is not realistic. On-street parking on Worcester Street is already oversubscribed
- Underground parking should be provided
- The access between Halfords and Trutex needs addressing. There is no provision for a fence or wall between this area and the development. This could create an unofficial shortcut to Worcester Street, using the private service areas for parking, and pedestrian and vehicular access. The service areas are already oversubscribed
- The large tree at the junction of Blackdog Way and Worcester Street should be retained; it is unclear if this will be the case.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00142/FUL>

6.0 OFFICER OPINION

Legislative background

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

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

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

6.3 Members are advised that the main issues relevant to consideration of this planning application are as follows:

- Whether this is sustainable location in principle for new housing
- Housing supply
- Affordable housing
- Timing of the project
- Regeneration
- Economic benefit

- Impact on the character and appearance of the Conservation Area
- Impact on the setting of adjacent Listed Buildings
- Trees
- Archaeology
- Impact on neighbouring property and residential amenity
- Access and parking
- Flood risk
- Drainage
- Contamination
- Ecology
- Local finance considerations
- Planning obligations and viability

Whether this is a sustainable location in principle for new housing

- 6.4 The planning system seeks to promote development in sustainable locations with good access to shops, services, jobs and public transport. The objective is to reduce car usage so as to lower congestion on roads; reduce pollution levels; and promote more sustainable and healthy modes of transport such as walking and cycling.
- 6.5 The site is located to the north edge of the city centre and is a highly sustainable location for new housing. The site is within short walking distance of the city centre and primary shopping frontages. It is also a short distance from the railway station and new bus station. The site benefits from especially good access to shops, services, jobs and public transport. It provides good opportunities for travel other than by the private car.
- 6.6 The proposal would make very effective use of previously developed land with the density of the scheme being around 190 dwellings per hectare.
- 6.7 In these regards, the site is considered to be a highly sustainable and desirable location for new housing from a planning point of view. Moreover, there is an extant planning permission for 119 flats on the site (10/00769/FUL). The principle of development of the site is therefore already established. The proposal is considered to comply with Policies STR.1 and STR.4 of the 2002 Local Plan.

Housing supply

- 6.8 The NPPF states that: '*Housing applications should be considered in the context of the presumption in favour of sustainable development.*' (par. 49).
- 6.9 Local Planning Authorities are required to demonstrate a five year supply of housing land. As of 25th April 2016, the Council is able to demonstrate a five year housing land supply.
- 6.10 Even still, the proposal would make a significant contribution to the Council's five year land supply and this should be given some weight.

Affordable housing

- 6.11 The applicant is a Registered Provider, which provides and manages affordable housing. The proposal is for a 100% affordable housing scheme. There is a significant demand for affordable housing in Gloucester and the proposal will help meet some of that need.
- 6.12 The scheme comprises two main components. Block A would provide 81 one and two bed flats, with the tenure divided between affordable rented and shared ownership. It is envisaged that the proportion of shared ownership in Block A would be between 30% and 70% of the flats. Five of the flats within Block A would be wheelchair accessible. These requirements can be secured by way of a Section 106 legal agreement.
- 6.13 Block B would provide 14 supported young person's accommodation, including two "move on" units, which would be occupied by young people in transition between supported care and independent living. The young person's accommodation would be provided in partnership with Solon Housing Association and managed by the applicant.
- 6.14 The scheme has been developed in close consultation with the Council's Housing team. Originally, it was envisaged that a significant proportion of the flats in Block A would be allocated to over 55 year olds. It is understood that there is a significant number of older people living in larger and poorer quality properties in the city. The intention was that the proposal would provide smaller accommodation for that demographic to allow them to downsize if they wanted; and move into more affordable and bespoke low energy accommodation. This would free up the vacated under-used accommodation, perhaps for first time buyers and younger people who might be more able to invest in and upgrade the houses. In effect, the proposal would provide opportunity for the existing older person housing stock to be recycled.
- 6.15 However, following the receipt of specialist advice, the applicant has doubts about the market appetite for over 55s downsizing to the smaller non-care accommodation proposed by the application. The applicant believes that this market is untested and it does not give them sufficient certainty to be able to finance the scheme. They therefore propose that the whole of Block A is available to general needs affordable housing, but with consideration given to a "first refusal" mechanism for the over 55s.
- 6.16 The Housing team considers that there is strong national and local justification for providing over 55s accommodation and wishes the applicant to maintain their original commitment to provide a significant proportion of the proposed accommodation for this purpose. Clearly, a balance needs to be struck between ensuring a financially viable scheme and best meeting the affordable housing needs of the city. Discussions between the applicant and Housing team are on-going on this issue and will inform negotiations on the Section 106 legal agreement that would secure the development as affordable housing, if planning permission is granted. However, it is considered that the provision of over 55s accommodation should not necessarily be a prerequisite

to planning permission being granted. If a suitable level of over 55s accommodation cannot be agreed then it is considered that this would not be a valid reason to refuse planning permission.

- 6.17 In summary, the proposal would provide much needed affordable housing for the city, including an element of young person's accommodation for especially vulnerable members of the community. These are very important material considerations that should be given significant weight.
- 6.18 The proposal is considered acceptable having regard to Policies H.15 and H.16 of the 2002 Local Plan.

Timing of the project

6.19 The proposal is receiving funding from the Homes and Communities Agency ("HCA") as part of the National Housing Programme 2015-18. The HCA funding is essential to the viability of the scheme and is dependent on the following conditions being met:

- That the scheme will be 100% affordable housing;
- Inclusion of affordable rented and shared ownership tenures; and
- Practical completion of the project by March 2018.

6.20 The applicant says that the final condition imposes severe time pressures on both the pre-construction and contract period. Any slippage from the current programme may result in scheme delays which would put the entire funding stream at jeopardy and could prevent the proposal commencing altogether.

6.21 The applicant states that a successful decision at the May committee meeting would enable their appointed contractor to immediately commence work on securing the pre-demolition condition discharges order to meet the required start on site target date of August as agreed with its funders.

6.22 Members will note from this report that there are a number of outstanding matters that have yet to be resolved in relation to this planning application. However, those items largely relate to technical and detail matters. The scheme is considered fundamentally acceptable, particularly bearing in mind the potentially significant housing and regeneration benefits that it will have, as explained elsewhere. This is why the planning application is brought before members now with officers seeking delegated authority to resolve outstanding matters following the submission of further information by the applicant. Officers have been working extremely closely with the applicant and their agent, and are confident that these matters will be successfully concluded.

Regeneration

6.23 The site is understood to have been dormant for many years. It is run down and something of an eye sore. The site is positioned in a prominent location next to Blackdog Way, Northgate Street and Worcester Street, and is passed by a considerable number of vehicles and pedestrians each day.

- 6.24 The site detracts from the character and appearance of the two Conservation Areas that it straddles. It currently has “missing” frontages onto both Worcester Street and Northgate Street. The site currently leaves a “gaping hole” in what is otherwise a continuous built frontage on Northgate Street.
- 6.25 The proposal provides significant opportunities to regenerate the site and this arguably neglected northern periphery of the city centre. Gloucester is one of twenty areas across England that has been given “Housing Zone” status by central government. These areas receive grant funding to help accelerate the delivery of housing on often difficult brownfield sites. Gloucester has a considerable amount of untapped previously developed land in and around the city centre, including Blackfriars, Kings Quarter and the application site.
- 6.26 The site is identified as one of the key sites within the Housing Zone. It would form part of a wider regeneration programme that includes redevelopment of the bus station, enhancement of the railway station and redevelopment of Kings Quarter with a mixed use development scheme. The application site is within easy reach of each and would create significant additional footfall in the city centre, therefore supporting existing businesses, including those commercial premises on Worcester Street and Northgate Street.
- 6.27 The proposal would play an important role in the regeneration of the north part of the city centre and in these regards is welcomed. The proposal is considered acceptable having regard to Policy ST.1 of the 2002 Local Plan.

Economic benefit

- 6.28 The NPPF says that Local Planning Authorities should give significant weight to economic growth and prosperity. It has been mentioned that the proposal would result in significant increased footfall in the city centre, increasing spend. The proposal would also assist the regeneration of this part of the city. In addition, the proposal would support the construction industry during the build programme. These are important material considerations that add to the the case for granting of planning permission.
- 6.29 The proposal is considered acceptable having regard to Policy ST.1 of the 2002 Local Plan.

Impact on the character and appearance of the Conservation Area

- 6.30 The site straddles both the Worcester Street and London Road Conservation Areas. The statutory test for considering proposals in a Conservation Area is that development must either preserve or enhance its character or appearance.
- 6.31 The design of the scheme has been subject to significant scrutiny from both the Conservation Officer and Urban Design Officer. There have been lengthy discussions with the applicant’s design team, including various design meetings, and the plans have been subject to a number of revisions.

Members will note that both the Conservation Officer and Urban Design Officer consider the scheme to be very positive.

- 6.32 Block A forms the main part of the scheme and is a substantial building of between five and four storeys in height. Its main frontage would be onto the inner relief road (Blackdog Way). It also has a partial frontage to Worcester Street to the west. There is precedent for a very large building on the site with planning permission having previously been granted for a substantial flatted scheme (07/00134/FUL, 10/00239/REP and 10/00769/FUL). Permission 10/00769/FUL remains extant and is an important material consideration when comparing the impacts of the current scheme.
- 6.33 The previous planning permission 10/00769/FUL was for an even larger building of 119 flats with a six storey central element alongside Blackdog Way, flanked by five storeys on either side. The massing of the building onto Worcester Street was also similar, stepping down from five storeys to four storeys and then three storeys next to Nos. 18, 20 and 22 Worcester Street (the current proposal steps down from five storeys to four storeys in this location).
- 6.34 It is considered that the site can accommodate such a tall building because of its position next to the inner relief road. Furthermore, the street scene section of Blackdog Way shows that the five storey height of the building is similar to the height of Spread Eagle Court located to the south side of Northgate Street. It is also not substantially taller than the immediately adjacent buildings on the north side of Northgate Street. The site is partly seen in context to the substantial retaining wall of the elevated railway to the other side of Blackdog Way. At the north end of the site, the building would be slightly higher but comparable with Conway House on the opposite side of Worcester Street.
- 6.35 The architectural treatment of the Block A is significantly different – and appreciably better – than the previous scheme, overall. In comparison to the current proposal, the elevation of the previous scheme onto Blackdog Way was arguably muddled. The new proposal is considered much more successful. The design of the proposed building is modern with clean lines. The majority of the building will be faced in brickwork, but part of the upper floors are recessed and panel clad, which successfully reduces the massing of the building whilst providing visual interest.
- 6.36 Even still, there is a significant brick façade onto Blackdog Way and the architect has sought to provide relief to this through the use of recessing and articulation of the elevation. The architect has indicated that a recess of 90mm can be achieved. Officers consider this to be the minimum depth of reveal that would be acceptable – anything less will make the recessing less noticeable and would make this substantial elevation blander. This point is crucial because the expected depth of reveal on the Greyfriars development in the city was not achieved and the design of that scheme is the poorer for it. A planning condition is recommended to ensure the appropriate design detail of the recessing.

- 6.37 The character of Worcester Street is very different, being smaller scale and containing many traditional period buildings. Like the previously approved scheme, the building reduces in scale onto Worcester Street. Nos. 18 to 22 Worcester Street immediately adjacent the site to the south are Grade II Listed Buildings. Block A steps down to four storeys next to these buildings – whilst this is a storey higher than Nos. 18 to 22, the top storey of Block A is recessed and panel clad to mimic the mansard roof of Nos. 18 to 22. It is considered that this design approach works and ensures that the massing and form of the building relates well with nearby buildings on Worcester Street.
- 6.38 The design language of the proposed scheme is modern throughout, whereas the previous scheme had a more traditional architectural treatment onto Worcester Street. Nevertheless, it is felt that the proposed scheme works because whilst it is modern, it demonstrates the vertical character and proportions of the more traditional buildings on Worcester Street. The proposal avoids a pastiche approach and will more openly demonstrate the design evolution of this part of the city.
- 6.39 The same is true of the architectural approach to Block B, which immediately fronts onto Northgate Street, another historic street. Block B would sit between Nos. 101 and 113 Northgate Street and would fill in the current conspicuous and unattractive void in the street scene. The front elevation of Block B would continue the modern theme, but is slightly more refined which is befitting of its position on Northgate Street. This elevation would also be finished in brick, which is the predominant material in the area, although the ground floor will be faced in purple/grey brick to echo the shopfronts that characterise the ground floor of this side of Northgate Street. The ground floor windows are also larger to reflect this style, and the design of the ground floor is subject to on-going discussions with officers to secure further refinement.
- 6.40 The rear of Blocks A and B do not present themselves to the street or public highway, and are largely screened from public view. The rear of both blocks will be finished in render with some panel cladding, giving them a distinct character and feel from the front of the buildings. The overall affect is much lighter and more domestic in character, which is appropriate given that the larger Block A will itself be accessed from the rear.
- 6.41 In contrast, the elevations onto Worcester Street, Northgate Street and Blackdog Way are more “solid” and “traditional”, albeit in a contemporary way. It could be argued that the Blackdog Way elevation is particularly austere and heavy. However, having discussed the design approach to this elevation with the architect in some depth, it is evident that this is an appropriate solution. This elevation presents itself onto Blackdog Way, which is part of the very busy inner relief road. The road is heavily trafficked and subject to noise, vibration and pollution from the many vehicles that use it. Block A presents a very solid and protective façade to the inner relief road, that would safeguard and protect the residents living within it. The elevation also mimics the design of an ancient city wall, protecting the city from the outside world. In this regard, there are parallels with Gloucester’s past as an historic Roman city. It is obvious that facing this elevation in other materials such as render would be

inappropriate because of the amount of dirt and pollution from passing traffic which would make maintenance very difficult and result in a poorly kept and unattractive facade.

- 6.42 It will be crucial to the success of the scheme to ensure that the final materials, especially the facing brick materials, are of appropriate quality. The final choice of materials can be dealt with by means of planning conditions. However, it is considered necessary for the applicant to provide a “mood board” of materials before permission is granted, in order that the Local Planning Authority can be satisfied with the principle of the material selection.
- 6.43 Other detailed design issues that still need to be resolved prior to the issuing of planning permission include:
- 2D and 3D drawings showing typical sections through window, brick recess, downpipe and cladding features – for the Blackdog Way, Worcester Street and Northgate Street elevations;
 - Confirmation of the depth of window and door reveals for the various parts of the scheme including 90mm recesses;
 - RAL colour for the external window frames, window returns, external doors, downpipes, rainwater goods and ground floor panelling on Northgate Street and Worcester Street;
 - Material and profile (square) for downpipes and rainwater goods (also confirmation of colour – see above point);
 - Final photomontages;
 - Updated physical model;
 - Removal of railings and lowering of wall adjacent Blackdog Way;
 - Confirmation of brick wall and its height onto the yard on the west boundary of the site; and
 - Refinement of the design of Block A next to Worcester Street and the ground floor of Block B fronting onto Northgate Street.
- 6.44 Overall, it is considered that the proposal is a very good positive design solution for the site. The building would be high quality and attractive in its own right. The architect has ensured that the design of the building responds well to its context, in terms of massing, form and architectural treatment. The design of the scheme is considered justified. The proposal would result in a significant enhancement of the character and appearance of the two Conservation Areas in which it lays. There will also be likely knock on regeneration benefits whereby the schemes gives rise to increased investment of other existing buildings in the area. The proposal would have a very positive impact on the Conservation Areas and local built environment. It is considered to accord with Policies ST.7, BE.1, BE.2, BE.7 and BE.29 of the 2002 Local Plan.

Impact on the setting of adjacent Listed Buildings

- 6.45 As mentioned, there are a number of Listed Buildings adjacent the site on Blackdog Way/London Road (Church of St. Peter), Worcester Street and Northgate Street. The massing, height, form and design of the proposed

building have been well thought out as described. Particular regard has been had to the impact of the proposal on the setting of Nos. 18, 20 and 22 Worcester Street, which are Grade II Listed Buildings located immediately adjacent the site's frontage onto Worcester Street. As has been explained, the massing of Block A has been reduced next to these buildings so that its height and proportions are comparable. The adjacent part of Block A is given vertical emphasis and recessed tall but narrow windows to mimic the fenestration of Nos. 18 to 22. The overall effect works well and it is considered that the setting of these Listed Buildings would be preserved.

- 6.46 It is considered that the proposal would safeguard the setting of adjacent Listed Buildings and the proposal is deemed to accord with Policy BE.23 of the 2002 Local Plan.

Trees

- 6.47 There is one tree of particular importance within the site – the London Plane tree on the corner of Blackdog Way and Worcester Street. This tree is just inside the site at its northern end. The Tree Officer advises that this tree has important amenity value and believes that it should be retained.
- 6.48 The applicant suggests that retention of the London Plan tree would require reconfiguration of the footprint of Block A, which cannot be achieved without reducing habitable space. The applicant also considers that the removal of the tree, when considered alongside the proposed landscaping improvement works in the verge alongside Blackdog Way, is on balanced justified since they believe there will be significant betterment to the area.
- 6.49 However, the Tree Officer advises that the applicant has not to date justified removal of the London Plane tree and considers it likely that the tree can co-exist with the development if its crown is reduced. The applicant has been asked for the question of the retention of the tree to be properly considered by its arboriculturalist. The recommendation of this report is therefore subject to satisfactorily resolution of this issue, which may or may not result in the removal of the tree depending on the persuasive evidence and consideration of the benefits of the development in the round.

Archaeology

- 6.50 The site is partly within an Area of Principal Archaeological Interest and has significant potential for archaeological remains. The applicant has yet to formally submit a report on archaeological impacts, although the applicant's archaeological consultants have been in on-going discussions with the City Archaeologist about the scheme.
- 6.51 The proposal involves the raising of the site levels by around 1 metre. This would be achieved through the importation of soil and materials. The reason for raising levels is to minimise impact on archaeology. The applicant is concerned that if the site levels were lower, the Local Planning Authority might require an archaeological watching brief and other archaeology related

conditions that could increase construction costs and result in delays (the applicant says that the scheme is marginally viable and there are severe time constraints on implementation of the scheme – this is referred to under the ‘Committed sums and viability’ and ‘Timing of the project’ parts of this report).

- 6.52 The City Archaeologist has indicated that they are broadly happy with the scheme, but they do need to see the applicant’s final report on archaeological impacts as well as details of the foundation design. The applicant is also finalising their proposals for drainage of the site, the design of which may have archaeological implications. The drainage scheme will also need to be assessed from an archaeological point of views.
- 6.53 These matters remain outstanding and so it is the recommendation of this report that delegated authority is given to officers to approve the application subject to satisfactory resolution of these archaeological issues.

Impact on neighbouring property and residential amenity

- 6.54 There are three main areas of consideration in relation to this issue. Firstly, the impact of the proposal on surrounding property. Secondly, the impact of surrounding property on the development. Thirdly, the impact of the inner relief road on the proposal.

Impact on existing property

- 6.55 The surrounding area includes a mix of residential and commercial uses. Whilst Block A is a significant sized building, its impact on adjacent property will be limited. On the east side of the site is Blackdog Way, which is wide dual carriageway. Block A would be set back from the inner relief road by about 8 metres which is not an insubstantial distance. St. Peter’s Church, a club and community buildings are located on the opposite side of Blackdog Way, but given their distance and useage, the proposal would not give rise to unacceptable impacts on those buildings.
- 6.56 On the south side of the site, Block B would reinstate the frontage between Nos. 101 and 113 Northgate Street. No discernible impacts on those adjacent properties or the buildings opposite are identified.
- 6.57 In relation to Worcester Street, Block A would have a typical face to face street relationship with the buildings opposite. Block A also follows the building line and typical building depths of the existing buildings on Worcester Street to the immediate south. The facing gable of No. 22 Worcester Street is blank and there would be no harmful impact on these adjacent buildings.

Impacts from existing property

- 6.58 As mentioned, the site is surrounded by a mix of residential and commercial uses. The commercial uses include a car repair garage, service yard of adjacent commercial premises and various shops, restaurants and cafés to the west; and a food takeaway at No. 113 Northgate Street.

- 6.59 The application is accompanied by a noise report. Noise monitoring has been undertaken at the site which has identified noise sources from the commercial premises and Blackdog Way to the east. The noise report makes various recommendations on the attenuation of noise impacts. These include upgraded windows in the proposed flats. The Environmental Health Officer agrees with the recommendations of the noise report and advises that these should be secured as a condition to the planning permission.
- 6.60 There is also potential for odour impact from the food takeaway and No. 113 Northgate Street. The Environmental Health Officer advises that they are comfortable with this relationship given that there have been no historic complaints about odour from the premises, that there is evidence that an extraction system is in place, and that statutory nuisance powers are available to the Council if there were ever any issues in this respect.

Impact from the inner relief road

- 6.61 The applicant's noise report deals with road noise from Blackdog Way. Recommendations are made to ensure that the windows facing Blackdog Way are upgraded. A planning condition is recommended accordingly.

Planning conditions

- 6.62 The Environmental Health Officer has suggested planning conditions in the event that planning permission is granted. These are in the main recommended by this report. The exceptions are conditions relating to the Class A3 café/restaurant use. This use is no longer proposed and the proposal is for a Class A1 retail unit instead. This could be used as a sandwich bar or light café, but not for the preparation of food which might otherwise give rise to unacceptable impacts that would have warranted the conditions that the Environmental Health Officer originally recommended.

Conclusion

- 6.63 It is considered that the proposal would have no harmful impacts on neighbouring property, such as overlooking, overbearing, loss of light and outlook. It is noteworthy that there have been no objections to the application from adjacent residents (other than the single representation where no address was given).
- 6.64 Subject to conditions, the proposal would not give rise to harmful amenity conflicts with adjacent property or land uses. The proposal is considered to comply with Policy BE.21 of the Local Plan.

Access and parking

- 6.65 The Highway Authority has yet to formally comment on the proposal. The Highway Authority has asked the applicant to provide details of the tracking of

a large refuse vehicle to demonstrate that it can enter and turn within the site. This information has yet to be provided.

- 6.66 Vehicular access to the site would be by via the existing site entrance on Worcester Street, albeit the access would be modified. The access would serve the rear courtyards of both Block A and Block B, which would contain 26 parking spaces and space for bicycle storage. This level of parking is considered acceptable given the very sustainable location of the site and the opportunities for travel other than by means of the private car.
- 6.67 Pedestrian access to Block A would be from Worcester Street. Pedestrian access to Block B would be from Worcester Street and Northgate Street.
- 6.68 There are no obvious highway impediments to the scheme; particularly given the previous planning permission was for an ever larger scheme and had similar access arrangements to the current proposal. However, it is important that the Highway Authority's views on the proposal are known and so the recommendation of this report is subject to the Highway Authority's advice and any outstanding issues being resolved.
- 6.69 Assuming that the proposal satisfies the requirements of the Highway Authority, the proposal would be considered acceptable having regard to Policy TR.31 of the 2002 Local Plan.

Flood risk

- 6.70 The majority of the site is located within Flood Zone 1 (low risk of flooding), however, the southern close to Northgate Street and north western part next to Worcester Street are within Flood Zone 2 (medium risk).
- 6.71 The Sequential Test set out in the NPPG and NPPF applies. This requires development to be steered to areas at least risk of flooding first. If an applicant can demonstrate that land within Flood Zone 1 is not available to accommodate the development, then sites within Flood Zone 2 may be considered. If land within Flood Zone 2 is not available then sites within Flood Zone 3 may be considered.
- 6.72 Paragraph 033 of the NPPG states that: '*When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.*'
- 6.73 In this case, it is considered that the area of search should be limited to the application site itself. This is because the site is identified by the Council as an important regeneration site and in order to bring the site forward the area of search should be adapted accordingly. This approach is supported by the Council's Drainage Officer. The Sequential Test is considered to be passed.
- 6.74 Since the proposal is for Major development (the proposal is for 10 dwellings or greater), the applicant is required to submit a Flood Risk Assessment. The

fact that the site is partly within Flood Zone 2 also necessitates the need for a Flood Risk Assessment.

- 6.75 The Flood Risk Assessment ("FRA") provided with the application confirms that the proposed use of the site for flats falls within the "More vulnerable" classification for flood risk (as set out in Table 2: Flood Risk Vulnerability Classification in paragraph 066 of the NPPG). This classification of the existing land use is "Less Vulnerable".
- 6.76 Table 3: Flood risk vulnerability and flood zone 'compatibility' in paragraph 067 of the NPPG confirms that "More vulnerable" development is compatible within Flood Zone 2.
- 6.77 The FRA estimates the Flood Zone 2 level to be 13.3 metres AOD. Minimum floor levels of both buildings will be 14.1 metres AOD giving a clearance of 800mm above the Flood Zone 2 level. However, at the entrance to the site off Worcester Street, ground levels are comparable with the Flood Zone 2 level at 13.310 metres above AOD. This means that the site entrance will be subject to shallow flooding during a Flood Zone 2 event.
- 6.78 However, the Drainage Officer is generally satisfied with the proposal and raises no objections in relation to flood risk.
- 6.79 The proposal is considered acceptable having regard to Policies FRP.5 and FRP.6 of the 2002 Local Plan.

Drainage

- 6.80 Whilst flood risk may have been found to be acceptable, both the Lead Local Flood Authority ("LLFA") and Drainage Officer have objected to the application on drainage grounds.
- 6.81 Since this is a Major proposal, the applicant is required to submit a drainage strategy; however, an acceptable drainage strategy has not been submitted to date. The applicant originally proposed to use infiltration methods, but the Drainage Officer has advised that this type of drainage does not normally work in the area because of the high level of clay deposits. A definitive view on this will not be available until the applicant undertakes further sampling works.
- 6.82 The applicant says that they are unable to undertake further sampling works at this time because of the time and cost involved. A recent meeting between the applicant, Drainage Officer and Planning Officer resulted in an agreement whereby the applicant will design their drainage strategy using underground storage tanks, which is a more reliable solution. If later it is proved that an infiltration scheme can work following further sampling then the applicant could revert to that. The detail of the drainage scheme would be required to be submitted and approved by the Local Planning Authority by means of a planning condition. It remains necessary for the applicant to provide a satisfactory drainage strategy now before planning permission is granted.

- 6.83 The recommendation of this report is therefore subject to the submission of a satisfactory drainage strategy and the outstanding concerns raised by the LLFA and Drainage Officer being appropriately addressed.

Contamination

- 6.84 There are historic records that the site was used as a tannery and as a garage with underground tanks. Asbestos is also known to be present in the some of the buildings on the site. The site therefore has potential to be contaminated.
- 6.85 The Local Planning Authority receives its contamination advice from Worcestershire Regulatory Services (“WRS”). WRS advises that planning conditions should be imposed to satisfactorily deal with potential contamination of the land. These conditions and are recommended by this report. The proposal is considered acceptable having regard to Policy FRP.15 of the 2002 Local Plan.

Ecology

- 6.86 An ecological appraisal of the site was undertaken in September 2015. The report describes the site as having low ecological value, although it provides nesting opportunities for birds. The report therefore recommends that if demolition is to take place during the nesting season (late February to August) then the demolition works will need to be overseen by an ecologist.
- 6.87 According to the report, the southern part of the building has low potential to act as a bat roosting site. It recommends that one dedicated bat emergence survey is undertaken between May and August prior to any works taking place. None of the features that could potentially be used by bats for entering/exiting the building or for roosting should be modified or obstructed in any way.
- 6.88 The applicant’s ecologist reports that there appear to be no other obvious and immediate issues with regard to any other protected species. No further surveys for other species are recommended. If more than 12 months elapse between the original appraisal and development commencing, then a further appraisal should be undertaken.
- 6.89 It is recommended that the key recommendations set out in the ecological appraisal can be secured by means of planning conditions.
- 6.90 Having regard to the above, the proposal is considered to accord with the requirements of Policies B.7 and B.8 of the 2002 Local Plan.

Local finance considerations

- 6.91 Local finance considerations may be a material consideration. These include the award of monies from central government through the New Homes Bonus and increased Council Tax. However, no information has been provided in relation to local finance considerations, nor has it been sought. Local finance considerations are highly unlikely to be determining factors in the case of this

planning application and the principal material considerations for Members to assess relate to the land-use planning considerations discussed in this report.

Planning obligations and viability

- 6.92 A residential proposal of this scale would normally attract requirements for affordable housing provision, education contributions and open space provision/off-site contributions.
- 6.93 However, the applicant argues that the proposed scheme is borderline viable, being a 100% affordable housing scheme with substantial subsidy from the HCA. The applicant has submitted a viability report that confirms that the scheme is only possible through significant external and internal subsidy.
- 6.94 Since this is an affordable housing scheme, the requirements of Policy H.15 of the 2002 Local Plan that requires 40% of the houses to be delivered as affordable homes, is already satisfied. Indeed, the proposal would provide two and a half times the level of affordable housing that is required by this policy.
- 6.95 The LEA has confirmed that for flatted schemes such as this that have been assessed prior to April 2016, no education contribution is required. However, a library contribution of £18,620 would be necessary. Incidentally, if the scheme had been assessed from April 2016 onwards then according to the LEA, it would have attracted a £66,031 contribution towards education.
- 6.96 Turning to open space, the Landscape Architect advises that for the level of development proposed, the site should provide on-site provision of 0.6 ha. The site itself is only 0.5 ha and so this requirement is unfeasible. Even a reduced level of on-site provision would significantly impact on the layout, and consequently the viability, of the scheme. The alternative is for the applicant to pay an off-site contribution of £309k in lieu of on-site provision.
- 6.97 However, it is considered that the applicant has satisfactorily demonstrated that the proposal is only viable with external and internal subsidy and that it cannot reasonably afford to provide the commuted sums towards library provision or open space. The commuted sums identified for library and open space contributions cannot therefore reasonably be secured.
- 6.98 The Government places greater emphasis on development of brownfield sites (previously development). The NPPG contains specific guidance on this issue in relation to viability: '*...Local Planning Authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.*' (par. 026). It is considered that the need to regenerate the site, together with the delivery of a significant number of affordable homes, outweigh the requirement for the commuted sums.
- 6.99 Given that the delivery of affordable homes is one of the overriding factors, it is appropriate to secure the scheme as a 100% affordable housing scheme.

This is expected by the applicant and discussions have already commenced on the drafting of a Section 106 legal agreement to this effect.

6.100 The proposal is considered acceptable having regard to Policies ST.14, H.15, OS.2, OS.3 and CS.11 of the 2002 Local Plan.

7.0 CONCLUSION

7.1 The site is a highly sustainable location for high density housing, being within short walking distance of the city centre and its amenities. The proposal would make very effective use of previously developed land.

7.2 The proposal would make a significant contribution towards the Council's five year supply of housing land. The scheme would also provide much needed affordable housing.

7.3 The proposal would regenerate the site, which has lain dormant for many years and is arguably a visual eyesore. The proposal would have regeneration benefits for the northern part of the city centre.

7.4 The design of the scheme demonstrates high quality and is well conceived. The proposal would enhance the character and appearance of the Conservation Areas in which the site lays. The setting of nearby Listed Buildings would be protected.

7.5 The proposal would not give rise to harmful conflicts with adjacent property or nearby land-uses.

7.6 Outstanding issues relating to design detail, archaeology, retention of the London Plane tree, drainage and highways are likely to be resolved.

7.7 No harmful impacts have been identified that significantly and demonstrably outweigh the benefits of the proposal, namely benefits relating to the regeneration of the site, the delivery of much needed new housing including affordable housing, the enhancement of the Conservation Areas and the positive economic impact that the proposal will likely have.

7.8 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, and having regard to the relevant Development Plan policies set out earlier in the report and other relevant material considerations including paragraph 14 of the NPPF, the proposal is considered acceptable.

7.9 The proposal has also been considered with regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, which require special attention to be paid to the desirability of preserving nearby Listed Buildings and their setting, as well as preserving or enhancing the character or appearance of the Conservation Area.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That planning permission is granted with appropriate conditions; subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the development as affordable housing; and resolution of the outstanding matters listed below.
- 8.2 Delegated powers to be given to the Development Control Manager to prepare the required conditions and detailed wording of the legal agreement.

Outstanding matters that are required to be resolved:

- Design details
- Archaeology
- Whether the London Plane tree is to be retained
- Demonstration that new tree planting can take place on or around the culvert
- Drainage
- Highway matters

Draft planning conditions

STANDARD CONDITIONS

Condition 1

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

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

Condition 2

The development hereby permitted shall be carried out in accordance with the following approved drawing numbers:

Drawing numbers 4918-P-001A, 4918-P-100B, 4918-P-101A, 4918-P-200B, 4918-P-201B, 4918-P-202A, 4918-P-203A, 4918-P-204A, 4918-P-205A, 4918-P-206A, 4918-P-207A, 4918-P-208A, 4918-P-250, 4918-P-700A, 4918-P-701A, 4918-P-702A, 4918-P-750, 4918-P-751 and 4918-P-900 received on 30 March 2016

Drawing number 4198-P-600 received on 28 April 2016.

Drawing number 4198-P-601 received on 19 May 2016.

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

DESIGN CONDITIONS

Condition 3

Notwithstanding the submitted details, no external brick facing shall be constructed or applied unless in accordance with details and a sample panel, which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick facing materials.

The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 4

Notwithstanding the submitted details, no external panelling shall be constructed or applied unless in accordance with details and samples, which shall have first been submitted to and approved in writing by the Local Planning Authority.

The samples shall show the make, type, colour and texture of the render materials.

The details shall include the size and pattern of individual panels.

The external panelling shall be retained in accordance with the approved detail at all times.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 5

Notwithstanding the submitted details, no external render shall be constructed or applied unless in accordance with details and samples, which shall have first been submitted to and approved in writing by the Local Planning Authority.

The samples shall show the make, type, colour and texture of the render materials.

The external render shall be retained in accordance with the approved detail at all times.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 6

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recessing of the building facades, external windows and doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed section drawings. The development shall not be carried out unless in strict accordance with the details so approved.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 7

The external facing of the window and door reveals shall be finished in the same material, finish and colour as the materials on the façade where the windows and doors are placed (i.e. brick reveals for a brick outer façade; render next to render and cladding next cladding). The external facing of the window and door reveals shall be retained in accordance with the approved detail at all times.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 8

Notwithstanding the submitted details, no external windows or doors shall be installed unless in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority before they are installed. The details shall include scale drawings of the design and profile of the windows and doors, materials, finish and colour. The windows and doors shall be retained in accordance with the approved details at all times.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 9

All windows and doors on the east and north elevation of Block A (Units 1 to 81) facing towards Blackdog Way; the west elevation of Block A facing

towards Worcester Street; south gable of Block A adjacent No. 22 Worcester Street; and south elevation of Block B (Units 82 to 95) facing towards Northgate Street shall be of aluminum construction.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 10

No rainwater goods shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority before they are installed.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 11

The capping material applied to the main façade parapets shall not be installed unless the colour finish of the capping material has been first submitted to and approved in writing by the Local Planning Authority prior to installation. The capping material shall not be installed unless in accordance with the approved colour finish and shall be retained as such at all times.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 12

Notwithstanding the submitted details, no external boiler flues, pipes, extract vents or meter boxes shall be erected or installed unless in accordance with details that shall have first been submitted to and approved in writing before they are erected or installed.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 13

No satellite dishes shall be installed on a chimney, wall or roof slope of the buildings hereby approved that faces onto, and is visible from, a highway, without express planning permission from the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 14

No cable television shall be installed unless details of the external location of the cable television installation have been submitted to and agreed in writing by the Local Planning Authority. The cable television shall not be installed unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 15

None of the flats hereby approved shall be occupied unless seagull prevention measures have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent seagulls damaging the building, in the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7 and BE.29 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 16

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting of all new trees and shrubs; and a programme of implementation.

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Areas, having regard to Policies BE.7, BE.12 and BE.29 of the Gloucester

Local Plan, Second Stage Deposit 2002. Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

DRAINAGE AND FLOOD RISK CONDITIONS

Condition 17

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management. It shall also include an assessment of the hydrological and hydro geological context of the development.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Condition 18

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless details of a foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure appropriate drainage of the development, having regard to advice contained in the National Planning Policy Framework. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Condition 19

Notwithstanding the submitted details, none of the flats hereby approved shall be occupied unless details of the boundary fencing adjacent the River Twyver culvert have been submitted to and approved in writing by the Local Planning

Authority. The details shall include a programme for implementation of the erection of the boundary fencing. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure that the Environment Agency has appropriate access to the culvert, having regard to Policy FRP.5 of the Gloucester Local Plan, Second Stage Deposit 2002.

HIGHWAYS CONDITIONS

Condition 20

No development shall commence on site unless a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Highways Construction Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of highway safety, having regard to Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required up front because highway safety could be compromised at the outset of development.

Condition 21

The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to the provisions of the National Planning Policy Framework.

Condition 22

Notwithstanding the submitted details, none of the flats hereby approved shall be occupied unless covered bicycle storage has been constructed in

accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered bicycle storage shall at all times be retained in accordance with the approved details.

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TR.33 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 23

Notwithstanding the submitted details, none of the flats hereby approved shall occupied unless provision for covered bin and recycling storage has been made in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The bin and recycling storage shall be retained at all times in accordance with the approved details.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

ENVIRONMENTAL PROTECTION CONDITIONS

Condition 24

Notwithstanding the submitted details, none of the flats hereby approved shall be occupied unless design measures for mitigating the impacts of noise and vibration from the inner relief road to the east (Blackdog Way), adjacent commercial uses and other noise sources have been submitted to and approved in writing by the Local Planning Authority. The design measures shall ensure that the requirements of BS 8233:2014 (internal noise levels in all habitable rooms) can be achieved.

None of the flats shall be occupied unless the approved design measures have been implemented in full and shall be retained as such at all times.

Reason: To ensure satisfactory levels of amenity for occupants of the development in view of potential noise and vibration from the adjacent inner relief Road (Blackdog Way) and neighbouring commercial uses.

Condition 25

None of the flats hereby approved shall be occupied unless noise testing has been carried out by a professional and competent contractor in accordance with a written scheme that shall be first submitted to and approved in writing by the Local Planning Authority. The noise testing shall demonstrate whether the design measures required under condition 24 satisfy the recommendations set out in the Environmental Noise Report by Mach Acoustics dated 10th November 2015 (minor amendments). If the requirements are not satisfied then further mitigation measures shall be proposed.

None of the flats hereby approved shall be occupied until the results of the noise testing, including any further mitigation that may be required, have been submitted to and approved in writing by the Local Planning Authority. The flats may be occupied upon such approval by the Local Planning Authority or, if further mitigation is required, not until that further mitigation has been installed. The further mitigation shall be retained at all times.

Reason: To ensure satisfactory levels of amenity for occupants of the development in view of potential noise and vibration from the adjacent inner relief Road (Blackdog Way) and neighbouring commercial uses.

Condition 26

No development shall commence on site, including site clearance and demolition, until an Environmental Construction Method Statement (“ECMS”) has been submitted to and approved in writing by the Local Planning Authority. The ECMS shall:

- Identify measures to control the emission of dust and dirt during demolition/construction from site clearance, demolition and construction works;
- Provide details of external lighting of site and security compounds; and
- Identify measures for the storage of waste.

The works shall not be carried out unless in accordance with the approved ECMS.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002). Approval is required up front because construction activities have the potential to harm neighbour amenity from the outset.

Condition 27

None of the flats hereby approved shall be occupied unless an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed unless in accordance with the approved details.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 28

No construction related activities, including deliveries to or dispatched from the development, shall be undertaken outside the following hours:

Monday to Friday 0800 to 1800
Saturdays 0830 to 1300

No such construction related activities or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 29

There shall be no burning of materials/substances at the site during the construction phase.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

CONTAMINATED LAND CONDITIONS

Condition 30

Unless otherwise first agreed by the Local Planning Authority, no development shall commence on site until conditions 31 to 34 (inclusive) 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 condition 34 has been complied with in relation to that contamination.

Reason: To safeguard the development from contamination, having regard to Policy FRP.15 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 31 (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. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of 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,
 - archeological sites and ancient monuments;
- iii) An appraisal of remedial options, and proposal of the preferred option(s).

Reason: To safeguard the development from contamination, having regard to Policy FRP.15 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 32 (Submission of remediation strategy)

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

Reason: To safeguard the development from contamination, having regard to Policy FRP.15 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 33 (Implementation of approved remediation strategy)

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise first agreed in writing by the Local Planning Authority. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To safeguard the development from contamination, having regard to Policy FRP.15 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 34 (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 condition 31, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 32, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 33.

Reason: To safeguard the development from contamination, having regard to Policy FRP.15 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 35 (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 must be submitted to and approved in writing by the Local Planning Authority prior to occupation. The monitoring and maintenance scheme shall be implemented in accordance with the approved details. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

Reason: To safeguard the development from contamination, having regard to Policy FRP.15 of the Gloucester Local Plan, Second Stage Deposit 2002.

ECOLOGY CONDITIONS

Condition 36

If development is undertaken during the bird nesting season (i.e. between March and August inclusive in any calendar year), no works shall be undertaken (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless a scheme for ecological monitoring of the site clearance and demolition, including contingency plans for ecological impacts are identified during the monitoring, has been submitted to and approved in writing by the Local Planning Authority. No works shall be carried out unless in accordance with the approved scheme.

Reason: In the interests of safeguarding nesting birds, having regard to Policies B.7 and B.8 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because nesting birds may be harmed at the outset of the works.

Condition 37

No works shall be undertaken (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless a bat emergency survey of the buildings on the southern part of the site has been submitted to and approved in writing by the Local Planning Authority. The survey findings shall report ecological mitigation if required. No works shall be carried out unless in accordance with the approved details.

Reason: In the interests of safeguarding bats, having regard to Policies B.7 and B.8 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because bats may be harmed at the outset of the works.

Condition 38

If development does not commence before 30 September 2016, then no development or works shall be undertaken (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless an updated ecological appraisal of the site has been submitted to and approved in writing by the Local Planning Authority. No development or works shall be carried out unless in accordance with the approved details.

Reason: In the interests of safeguarding protected species, having regard to Policies B.7 and B.8 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because nesting birds may be harmed at the outset of the works.

NOTES

Note 1

This permission is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 that secures all 95 flats as affordable housing in perpetuity.

Note 2

A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.

Note 3

The applicant's 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 4

The applicant is advised that any works in, under, over or within 8 metres of the River Twyver culvert may require a formal permit from the Environment Agency. Further advice can be obtained from the Environment Agency regional office.

Note 5

Severn Trent Water advises that there may be a public sewer located within the application site and they encourage the applicant to investigate this. They advise that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact

Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

Note 6

Severn Trent Water further advises that when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has negotiated issues relating to the need for the development; viability; the design of the buildings; impact on the London Plane tree; archaeology; flood risk; drainage; and highways requirements.

Decision:

Notes:

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Person to contact: Ed Baker
(Tel: 396835.)

16/00142/FUL

Former Kwik Save
103 Northgate Street
Gloucester

Planning Committee 31.05.2016

