

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **4th OCTOBER 2016**

ADDRESS/LOCATION : **NORVILLE OPTICAL CO LTD
PAUL STREET**

APPLICATION NO. & WARD : **16/00815/FUL
BARTON & TREDWORTH**

EXPIRY DATE : **5th OCTOBER 2016**

APPLICANT : **ROOFTOP HOUSING GROUP/
MARKEY CONSTRUCTION**

PROPOSAL : **DEMOLITION OF EXISTING BUILDINGS
AND CLEARANCE OF SITE, AND ERECTION
OF 63 AFFORDABLE HOMES INCLUDING
NEW VEHICULAR ACCESS**

REPORT BY : **ED BAKER**

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

1.0 SITE DESCRIPTION AND PROPOSAL

Description of the site

- 1.1 The site comprises a broadly rectangular shaped area of land extending to some 0.77 hectares ("ha"). It is located between Paul Street, Tarrington Road and Hatherley Road in Barton and Tredworth Ward.
- 1.2 The site is a redundant factory and was previously occupied by Norville Optical Company Limited, which manufactured optical frames. It is understood that the company vacated the site to another site in Gloucester in 2002 and has lain dormant ever since. In 2012, there was a fire which destroyed one of the buildings. The Norville company began manufacturing at the site in the late 19th Century and many of the buildings still standing on the site are of Victorian origin. They have now become dilapidated and in poor condition.
- 1.3 The site broadly falls in gradient from Tarrington Road from the south west towards the rear of the houses on Melbourne Street East to the south east. Next to Paul Street the fall is approximately 1.5 metres and adjacent Hatherley Road it is greater at around 2.5 metres.

- 1.4 The site is located within a built up area of predominantly orange brick Victorian terrace housing with some pockets of more modern residential development. The south west boundary of the site has a frontage with Tarrington Road. To the opposite side of Tarrington Road is Victorian terrace housing. The west corner of the site is next to the junction with Tarrington Road, Maldon Gardens, Ducie Street and Paul Street. Around this junction is a mixture of more modern and older housing.
- 1.5 The west boundary of the site has a frontage to Paul Street. To the opposite side of Paul Street is Tredworth Children's Centre, which comprises single storey portable buildings. To the north west are housing at the end of Moreton Street which links to Paul Street by way of pedestrian access only.
- 1.6 The north east boundary at the rear of the site backs onto the rear of Victorian terrace housing on Melbourne Street East. The Sud Brook is located between the site and these properties on Melbourne Street East. There is an "L" shaped piece of redundant land on the other side of the brook to the rear of Nos. 114 to 130 Melbourne Street East, which is in the control of the applicant. There are no proposals for this land.
- 1.7 The south east boundary of the site has a frontage to Hatherley Road. To the other side of Hatherley Road is a two storey block of flats, Nos. 1 to 9 Hatherley Road, which appear to have been built in the 1980s or 1990s. Next to these flats is a single storey rendered church building, *Church of God*, located on the junction with Tarrington Road.
- 1.8 Nos. 70 to 84 Melbourne Street East adjacent the north boundary of the site are Grade II Listed Buildings. Many of the existing former factory buildings on the site, which date back to the Victorian period, are considered by the Conservation Officer to be non-designated Heritage Assets because of their historical local interest.
- 1.9 The north east edge of the site along the Sud Brook is within Flood Zones 2 and 3 according to the Environment Agency maps.

Description of the proposal

- 1.10 The application seeks full planning permission for the demolition of the existing buildings, walls and structures on the site; its subsequent clearance; and the erection of 63 affordable homes including new vehicular accesses.
- 1.11 The proposal would comprise a mix of housing and apartments. The breakdown of the units is as follows:
 - 16 x 1 bedroom (2 person) apartments
 - 15 x 2 bedroom (3 person) apartments
 - 6 x 2 bedroom (4 person) apartments
 - 15 x 2 bedroom (3 person) houses
 - 4 x 2 bedroom (4 person) houses
 - 6 x 3 bedroom (5 person) houses

- 1 x 4 bedroom (6 person) (wheelchair accessible) house
- **Total – 63 homes (37 apartment and 26 houses)**

- 1.12 The layout of the scheme is designed around frontages with Paul Street, Tarrington Road and Hatherley Road. Two storey houses would front onto Paul Street with Plots 51 to 56 set behind parking to the front. On the corner of Paul Street with Tarrington Road there would be three storey block of apartments (Plots 45 to 55).
- 1.13 There would be a row of two storey terrace houses in three blocks set behind on-site parking fronting onto Tarrington Road. On the corner of Tarrington Road and Hatherley Street there would be a second three storey block of apartments. This would continue onto the frontage with Hatherley Street.
- 1.14 The principal access into the site would be adjacent the kink in Tarrington Road. This would serve 13 further homes (Plots 30 to 42) and also provide rear access to Plots 62 and 63. There would be secondary accesses off Paul Street to the apartment block on the corner of Paul Street and Tarrington Road; and off Hatherley Road to serve the apartment block next to it.
- 1.15 The joint applicant is a Housing Association (Registered Provider) and the proposal is for a 100% affordable housing scheme.
- 1.16 The proposal follows a previous application seeking planning permission for the erection of 50 homes at the site (14/01395/FUL). It became apparent to the applicant and Housing Association that the previous scheme was unviable and that the number of homes needed to be increased. This could not be done under the auspices of the previous application, hence the submission of the new application. The previous application was subsequently withdrawn.
- 1.17 The application is referred to the planning committee because of the scale of the development and because a Section 106 legal agreement is required to secure the proposal as a 100% affordable housing scheme.

2.0 PLANNING HISTORY

- 2.1 14/01395/FUL – planning application seeking permission for the demolition of existing buildings and erection of 45 affordable dwellings and 5 market houses, and the creation of five allotments; application withdrawn.

3.0 PLANNING POLICIES

- 3.1 This part of the report identifies local and national planning policies that are relevant to the consideration of the application and considers the weight that can be afforded to them.

Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*... due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'
- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who presided over an appeal relating to land at the Peel Centre, St, Ann Way (13/00559/FUL), '*...its sheer age suggests it must be out of date...*' (par. 11 of the Inspector's report).
- 3.5 The 1983 Local Plan is out-of-date and superseded by the National Planning Policy Framework and relevant local planning policy.

National Planning Policy Framework

- 3.6 The National Planning Policy Framework ("NPPF") published in March 2012 is a material consideration of considerable importance. It sets out the Government's planning policies for England and how these should be applied.
- 3.7 Annex 1 of the NPPF provides advice on the weight that should be afforded to adopted Local Plans that pre-date the NPPF, and emerging Local Plans.
- 3.8 Guidance on how to interpret the NPPF is provided by the online National Planning Practice Guidance ("NPPG").
- 3.9 Paragraph 14 of the NPPF says that: '*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...*

...For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.'*

- 3.10 Section 6 of the NPPF, *Delivering a wide choice of quality homes*, provides national policy on how to deal with proposals for housing. Other sections of the NPPF also apply and are referred to in this report where relevant.

Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

- 3.11 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (“JCS”) and Gloucester City Plan (“City Plan”).
- 3.12 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.
- 3.13 Paragraph 216 of the NPPF states that weight can be given 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 NPPF.
- 3.14 The JCS is part way through the Examination process and the Inspector published her Interim Report in May 2016. However, a number of proposed modifications will be made to the policies in the plan. The legal advice that the Council has received is that the JCS can be given limited weight at this time.

Gloucester City Plan

- 3.15 The City Plan will sit underneath the JCS and provide locally specific site allocations and development management policies, within the strategic context of the JCS. To date, consultation has taken place on Part 1 of the City Plan, which sets out the context, strategy and key principles; and Part 2, which sets out a draft City Centre Strategy and looks at potential site opportunities. The next stage will be the publication of a Draft City Plan for public consultation. This will include an updated Part 1 and Part 2, along with a range of locally specific Development Management policies. The City Plan can be given no meaningful weight at this time.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.16 Regard is also had to the policies contained within the Gloucester Local Plan, Second Stage Deposit 2002 (“2002 Local Plan”). The 2002 Local Plan was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes.

- 3.17 However, the 2002 Local Plan was never subject to Examination and was never formally adopted. In this regard, the weight that can be given to the Local Plan is, therefore, limited. This view is supported by the Inspector presiding over Peel Centre appeal, who commented that: '*The Gloucester Local Plan did not progress beyond the Second Stage Deposit of 2002; while its policies were adopted for development control purposes, they cannot carry any significant weight.*' (par. 12 of the Inspector's report) This approach is, however, contradicted by other appeal decisions where Inspectors choose to give policies in the 2002 Local Plan reasonable weight.
- 3.18 The main body of this committee reports refers to policies in the 2002 Local Plan where they broadly accord with policies contained in the NPPF, and are applicable to the proposal.
- 3.19 The 1983 Local Plan, JCS, emerging City Plan and 2002 Local Plan can be viewed at the following website address:-
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy>. The NPPF and NPPG can be viewed at the Department of Community and Local Government website:-
<http://planningguidance.communities.gov.uk/>.

4.0 CONSULTATIONS

4.1 Highway Authority (Gloucestershire County Council)

No objection – subject to conditions.

Comments as follows:

- The site is approximately 1.5 km from the city centre with access to local services, facilities and public transport. Both infants and junior schools are a short distance from the site. Public transport is accessible from within 200 metres on the Tredworth Road with services connecting to the bus and rail station providing opportunity for onward sustainable travel. The available bus services operate regularly at peak hour providing scope for a modal shift away from the private car
- Without a speed survey, the required visibility is 2.4 m x 54 m to the nearside kerb edge. The proposed access onto Tarrington Road provides adequate visibility in this regard. Frontage access and parking spaces would have suitable visibility and provide 45 degrees pedestrian splays to ensure pedestrian safety
- There has been a recorded personal injury collision in the area of the development; however, no blame was attributed to the highway layout. There are no inherent highway safety concerns
- The main access road into the site would have a shared street. This is suitable. Pedestrian footways provide connection to existing provision
- The Highway Authority has undertaken a number of parking studies in the area. The studies determined an average car ownership figure of

one vehicle per dwelling. Allocated parking increases parking demand and the worst case scenario would be by 0.32 spaces per dwelling. This would increase the parking requirement at the site to 1.32 spaces per dwelling. This would displace cars onto the highway by as many as 17 - 20 vehicles. A parking survey has been undertaken to determine existing levels of on-street parking. The proposal would reduce the number of usable on-street parking spaces from 321 to 304 spaces. The peak parking occupancy was observed at 254 spaces. There would therefore be approximately 48 - 50 on-street parking spaces within 200 metres of the development to accommodate displacement

- The DCLG Residential Car Parking Research Document also considers parking provision based on the type, size, location and tenure of a dwelling. Based on the number of habitable rooms for each dwelling, the maximum recommended parking provision would be 63.5 spaces with additional capacity for visitor parking. The proposed level of parking therefore accords with DCLG document
- Furthermore, the document suggests that those who live in rented accommodation often own 0.5 few vehicles. A large proportion of the development is affordable housing, therefore, the scheme may have fewer vehicles associated with it
- The accessibility of the site is good with opportunity for public transport. This should also be taken into account when considering parking demand. The Highway Authority advises that the proposed development would provide sufficient levels of parking
- The proposed parking spaces are of sufficient size. The layout of the parking courts is acceptable. There is sufficient room for refuse vehicles to enter, turn and leave the site without conflict
- The scheme proposes 63 cycle storage spaces. These should be overlooked and secured
- The proposal would generate 30 peak morning trips and 36 peak afternoon trips based on TRICS survey. The proposal would not generate a significant number of trips and the impact of the development on the public highway would not be severe

The following planning conditions are recommended:

- Provision of the access
- Provision of parking and turning
- Requirement for a Construction Method Statement
- Estates road maintenance
- Provision of cycle storage
- Estates road requirements

4.2 Housing Team (Gloucester City Council)

Comments as follows:

- The proposal will make a substantial contribution to the City's housing needs and helps to compensate for other larger housing sites that have been unable to deliver affordable housing
- The applicant advises that the proposal will provide a mix of shared ownership and affordable rented unit. This needs to be confirmed because the right housing mix helps to create long term sustainability and community cohesion. It is not good practice to have such a large concentration of affordable housing in one development
- We would be supportive of a small number of open market houses on the site to assist viability and provide more community cohesion
- In terms of house types, there is a difference between what is being proposed and what the Strategic Housing Market Assessment ("SHMA") identifies in terms of need. In particular, that 63% of the development will be 2 bedroom properties in comparison with 37% in the 2031 tenure profile. The provision of 3 and 4 beds is below the proportion identified in the ideal tenure mix and has fallen in proportion to the previous application when they made up 22% and 4% of the scheme. Existing housing demand on the Housing Register Homeseeker Choice Based Letting Scheme again shows a higher proportion of need for larger family homes with almost 115 of those on the waiting list needing a home of four beds or more
- The application proposes two Category 3 Wheelchair Adapted homes and this is welcomed. Clarity on which homes will meet Building Regulations Part M Category 2 requirement is needed from the applicant. Along with the wheelchair (Category 3) compliant units this site represents a substantial opportunity to assist the Council in meeting the needs of those with limited mobility. A suitable proportion of the homes should meet the Council's lifetime homes requirements
- As with all schemes, the financial viability of the development is a key driver of mix and design. It is appreciated that that the applicant may be unable to achieve a mix that meets the SHMA profile perfectly and that this needs to be balanced against the overall benefits of the provision of a significant amount of affordable housing to meet the City's considerable housing need
- Our concerns about the density of the scheme have been expressed previously. The current location also does not indicate the exact location of the affordable home ownership on the site. Shared ownership should be pepper-potted across the site and this requirement should be set out in the Section 106 legal agreement
- The layout identifies two homes that accommodate wheelchair needs (Category 3). We have identified a family in need of a four bedroom wheelchair home and are in discussion with the applicant about whose housing needs the site could accommodate

- All ground floor flats should meet Building Regulation Part M Category 3 standard. The Council's current lifetime homes policies requires at least 15% of properties to meeting this standard across all tenures
- The developer should confirm how they intend to deal with energy sustainability now that the Code for Sustainable Homes is phased out
- The applicant will be using a grant allocation from the HCA in order to ensure that the development is viable. Without this grant allocation the development will not be viable. This is a critical issue in relation to the ability to provide other Section 106 contributions. The Local Planning Authority should be mindful of the planning gain delivered by this offer and be aware of the risk of losing this gain through the imposition of further contributions and or planning conditions, accepting always that certain contributions and conditions will be essential to make a development acceptable from a design perspective.

4.3 Planning Policy Officer

No objection – comments as follows.

- Our previous concerns regarding parking counts and conflict with the Supplementary Planning Document, *Designing Safer Places*, have been satisfactorily addressed.

4.4 Urban Design Officer

No objection – comments as follows.

'I fully support the latest design for this important site and recommend that it is granted planning permission.

The overall density and layout of the proposed development is acceptable and impacts within the scheme and relating to existing surrounding development have been mitigated or designed out as far as possible.

The proposals provide a range of unit types, ranging from 1-bed apartments up to 4-bed houses. Parking provision for the scheme is acceptable and the Tarrington Road parking is broken up with tree planting, with the parking areas for the two larger apartment blocks provided behind the blocks. All parking is overlooked and should function well.

The character and style of the proposed scheme aims to reference the industrial history and character of the site itself, rather than the more plain Victorian housing which surrounds the site. This approach will preserve the important and locally distinctive theme which exists and set the new development apart from the existing built forms surrounding the site.

The projecting pitched roof gables form one of the main themes and create a varied and interesting impression. Two different colours of brick are proposed, to add variety and to help define the projecting gable features along

Tarrington Road. Recessed brick panels are used mainly within the apartment blocks to reference the existing and traditional Victorian detailing found within and around the perimeter of the site. Large, square windows are used within the apartment blocks to directly reference the windows found within the large warehouse building adjoining Paul Street.

Projecting brick end detailing next to some of the windows and dark coloured timber cladding are used as detailing features, to add interest and variety. Large areas of glazing form an important part of the design, with smaller vertical side panels. This will help to enhance the modern but industrial character but also allow a greater level of natural light into the apartments and houses, which will also allow less restricted views into the public realm from within the living spaces.'

4.5 Conservation Officer

21st July 2016

Comments as follows:

- Detailed comments on this site were provided in relation to pre-application 14/00774/PREAPP and application 14/01395/FUL which was withdrawn. Although the site is not within a Conservation Area, the early industrial buildings on the site and boundary walls have local heritage value. Consideration is also required to the setting of designated heritage assets, the Gothic Cottages, a terrace of eight houses dating from 1855 that are situated on Melbourne Street East and are Grade II Listed
- A desk based assessment was commissioned for the previous application which set out the heritage value of the buildings and structures on the site which date back to 1885. This has not been included in the current application and is required as it forms part of the assessment of significance of the structures and the associated impact of the proposed development. The document should then be used to inform the design, massing and layout of the scheme
- The proposal is to clear the site and justification for the loss of the existing buildings was required in 2014. The loss of the buildings was agreed provided that the redevelopment retains the industrial character of the site. This can be supported by retaining or re-using the existing bricks to create boundary walls and using the same brick bond and pattern of recesses. The desk based assessment could be used to inform interpretation boards at the site to be secured by condition. This will help create a sense of place and community
- The principle of development is not objectionable. However, the scheme does require refinement to reflect the current industrial architectural character of the site. The prevailing character of Victorian terraces should be used as this is a strong vernacular, which can then be interpreted in a contemporary style

- There is a confusing mix of architectural styles across the scheme. Advice is provided on how the scheme could be re-designed. Windows should be large scale with a deep reveal matching the current warehouses. Brick recessed detailing should be added to areas of blank facades replicating the existing feature walls. Boundary walls should have recessed panels and brick bond to match the existing site enclosure. Bricks should be salvaged and re-used for this element
- Planning conditions are recommended in the event that planning permission is granted. These include a programme of recording the existing buildings and structures on the site; samples of all materials and hard landscaping; and the design, content and location of interpretation boards within the site.

22nd September 2016

No objection – comments as follows.

- There are no objections to the revised design
- A number of conditions are recommended, which are required to ensure that the scheme is a high quality development

Recommends the following conditions:

- Building recording prior to demolition
- Samples of all materials including landscaping details, bins and bike stores
- Door and window reveals and materials
- Detailing for brick boundary walls to include recessed brick panels to match the present boundary walls
- Details of interpretation boards for the site and their locations to be agreed
- Removal of PD rights for satellite dishes, cable only to be installed.

4.6 City Archaeologist

Comments as follows:

- I have reviewed the archaeological desk-based assessment submitted for this site. This assessment has concluded that:
 - There is a low to moderate potential for archaeological remains of Roman or medieval date to be present within the site;
 - There is a high potential for encountering buried remains associated with the former Hatherley Step works within the site;
 - Obviously there are some historic buildings associated with the Step Works surviving within the site at present.

- I agree with these conclusions – I would also add that, given the fact that the Sud Brook runs through the northern part of the site the potential for palaeo-channels containing archaeological or palaeo-environmental material cannot be discounted. Elsewhere in the district similar streams are located adjacent to deposits of peat and alluvium which can contain prehistoric material
- I am therefore concerned that the proposed development has the potential to adversely impact (damage or destroy) significant heritage assets. Planning conditions are therefore necessary.

4.7 Crime Prevention Design Advisor (Gloucestershire Constabulary)

Comments as follows:

- Planting should not restrict surveillance opportunities, assist in climbing or create hiding places. Landscaped areas will need to be managed
- Road edging should include off-road mitigation to prevent inappropriate access and parking
- The lighting plan should be designed to encompass the development and allow for seasonal variations within the planting scheme; thereby removing areas of deep shadow to reduce the fear of crime, along with opportunities of crime and Anti-Social Behaviour
- Parking must be sufficient for residents, correctly sized for modern cars and provision given for disability spaces. Walkways must be sufficient to allow wheelchairs/buggies/bins to be moved without damage to vehicles
- The communal entrances into any apartments should offer security, access control, CCTV, natural surveillance, tamper-proof mail delivery, external utility meter for each apartment
- Doors in recesses more than 600mm deep should be avoided
- It is recommended that the development is built to meet Secured by Design standards. (Doors and windows to be PAS 24:2012). Secured by Design is a police initiative, to encourage the building industry to adopt crime prevention measures in the design of developments.

4.8 Environment Agency

Comments as follows:

- The Environment Agency objected to the previous scheme, 14/01395/FUL. It is pleased that the current scheme seeks to address some of the concerns. However, further amendments are still required
- Flood risk – most of the previous concerns about flood risk have been addressed in the revised layout. These include complete reopening of the culverted sections of watercourse; and provision of unobstructed

access to the watercourse for most of its length. However, some further small adjustments are still required and an amended layout is needed

- Climate change – allowing for climate change, it is recommended that the floor levels for Plots 30 to 38 are set at 19.20 AOD(N) (the floor levels are currently above this)
- The Environment Agency has no objection in principle from a flood risk perspective, provided that the minor amendments are addressed
- Ecology – the proposal provides an opportunity to remove the existing weir within the Sud Brook which forms a major obstruction to fish and may also provide a benefit to flood risk by further increasing the watercourse capacity and reducing upstream water levels. Details of the treatment of the river bank on the site, though referred to in section 7.14 of the FRA, have not been expanded upon in any detail. Further information required in relation to the weir and river bank. we require more information on how the brook will be “naturalised” and whether there is anything more the scheme can do in relation to fish and the protection and enhancement of the watercourses and its habitat.
- The plans include a number of interventions that are likely to impact on the quality and ecological potential of the channel, bank and riparian corridor including proximity of the road and parking, proposed or existing retaining structures and potential ground raising. The impacts could be mitigated by a sympathetic treatment of the banks and corridor
- The ecological assessment does not give adequate consideration to the existing and potential value of the Sud brook corridor. The section on protected and notable species makes no mention of eels

Conditions are recommended to cover the following:

- Appropriate setting of floor levels
- Protection of watercourse access (i.e. no new buildings, structures, including gates, walls and fences, or raised ground levels within 5 metres of the top of bank of the Sud Brook along the boundary of the site, except at the ‘pinch point’ at the rear of plot 63).

4.9 Lead Local Flood Authority (Gloucestershire County Council)

Objection – pending the submission of further information

- The site is mostly within Flood Zone 1; however, part of the site is within Flood Zones 2 and 3a. The site is not at significant risk from surface water flooding from outside the site and is not at risk of ground water flooding
- The proposed drainage strategy contains a lack of information and it is not therefore possible to assess it properly. The proposals have been presented as a concept design only. It is essential that sufficient details are provided as this is an application for full permission

- A number of technical concerns are raised including the discharge rate to the outflows; storage volume requirements; and SUDS maintenance

4.10 Drainage Officer

Comments as follows:

- The site is predominantly Flood Zone 1 but with some Flood Zone 2 and 3 areas. As a result the proposal needs to pass the Sequential Test. The Sequential Test is addressed by the applicant's Flood Risk Assessment. The Council's aspiration to regenerate this brownfield site can be taken into account. Furthermore, the layout of the scheme has been designed so that all buildings are within Flood Zone 1
- Finished floor levels are adequately above flood levels and there are dry access/egress routes
- The proposals would mitigate against the loss of flood storage
- Some technical information is missing and needs to be clarified
- The removal of the structure over the Sud Brook and the other watercourse improvements are welcome features

Recommends the following conditions:

- Requirement for the detailed design of the SUDS drainage and proposals for maintenance

4.11 Severn Trent Water

No objection – subject to conditions.

The following conditions are recommended:

- Submission of a foul and surface water drainage plan
- Implementation of the drainage plan
- The applicant is advised that there may be a public sewer within the site and they should investigate this
- Advice on the submission of a Building Regulations application.

(Officer response – Members are advised that the final two points are not planning conditions but advice that should be relayed to the applicant by means of advisory notes on the decision notice if permission is granted)

4.12 Environmental Health Officer

No objection – subject to conditions.

The following conditions are recommended:

- Requirement for an Environmental Management Scheme
- Restriction on hours for demolition and construction
- Restriction on hours for deliveries during demolition and construction
- No burning of materials/substances during construction

4.13 Contaminated Land Officer

Comments as follows:

- Records indicate that the proposed site has been in use for industrial purposes for a significant period of time. This was first identified by historical maps dated c.1902/03 and continued until recent times. As such the potential for contamination to be present across the site is a significant possibility

The following planning conditions are recommended:

- Compliance with contamination conditions
- Site characterisation
- Submission of remediation strategy
- Implementation of approved remediation scheme
- Reporting of unexpected contamination
- Long-term monitoring and maintenance

4.14 Local Education Authority (Gloucestershire County Council)

Comments as follows:

- The proposal will generate a need for additional pre-school places, primary school places and secondary school places. The proposal will also generate a need for library services
- There is no additional capacity at pre-school and secondary school level. Contributions will therefore be required for these and libraries
- The required contributions are set out below:
 - Pre-school – £36,789
 - Secondary school (Gloucester Academy) – £76,591
 - Libraries – £12,348

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised by way of press notice and the display of site notices. In addition, 69 neighbouring properties were directly notified of the applications in writing. At the time of writing this report, no representations have been received from members of the public.
- 5.2 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=16/00815/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:
- Housing supply
 - Transport sustainability
 - Affordable housing
 - Economic benefit
 - Access and parking
 - Urban design
 - Impact on Heritage Assets
 - Archaeology
 - Residential amenity
 - Viability
 - Public Open Space
 - Education
 - Flood risk and Drainage
 - Ecology
 - Conditions

Housing supply

- 6.4 The NPPF states that: '*Housing applications should be considered in the context of the presumption in favour of sustainable development.*' (par. 49).
- 6.5 The NPPF requires that local authorities should be able to demonstrate a five year supply of housing land plus a buffer (par. 47). For Gloucester, the buffer is 5% because of its past good record of housing delivery (local authorities with persistent under delivery are required to provide a 20% buffer).
- 6.6 The Planning Policy team advises that the Council cannot demonstrate a five year supply of housing land plus 5% buffer. Factors include the fact that the housing need for the JCS is still subject to debate with the JCS Inspector's Interim Report recommending that the objectively assessed housing need for the JCS is uplifted by 5% from 33,500 new homes to 35,175 homes. Moreover, the delivery of housing through the JCS is reliant on strategic housing sites coming forward in Greenbelt land. The JCS is some months away from adoption and this approach has not been ratified at this time. The City Council's Development Plan dates back to 1983 and it does not have an up-to-date Local Plan that commits new housing sites coming forward.
- 6.7 Policy 49 of the NPPF states that: '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*'
- 6.8 Members are advised that the policies contained in the statutory 1983 Local Plan are out-of-date. Policies contained in the 2002 Local Plan, which the Council adopted for development control purposes, can only be given limited weight for the reasons explained in paragraph 3.17 of this report. Irrespective, housing supply policies are out-of-date because the Council cannot demonstrate a five year supply of housing land.
- 6.9 Paragraph 14 of the NPPF clearly states that:
- 'Where the development plan is absent, silent or relevant policies are out-of-date [officer's emphasis], local planning authorities should grant permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits [officer's emphasis], when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.'*
- 6.10 The fact that the Council cannot demonstrate a five year supply of housing land should be given significant weight when the application is considered in the round. It is noteworthy that the site already contributes to the Council's housing supply figures, but even then the Council is unable to demonstrate five years of deliverable housing land plus 5% buffer.

- 6.11 In addition, the proposal satisfies a number of key sustainability indicators including that the site is previously developed land; that the proposal would make effective use of the site; and that it will help to regenerate the area. These factors should also be given weight.
- 6.12 There are no specific policies in the NPPF that indicate that development should be restricted. Therefore, in accordance with paragraph 14 of the NPPF, Members are advised that planning permission should **only be refused** where any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Members are advised to have this at the forefront of their minds when they consider the following issues.

Transport sustainability

- 6.13 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 reduce congestion on roads, lower pollution levels, and to promote more sustainable and healthy modes of transport such as walking and cycling.
- 6.14 The Government's *Manual For Streets* advises that walkable neighbourhoods have a range of facilities within 800 metres but recognise that this is not an upper limit and that walking offers the greatest potential to replace short car trips under 2 km, and cycling for distances less than 5 km. The site is within walking and cycling distance of a good range of facilities, services and amenities. Members will note that the Highway Authority does not have any concerns about the transport sustainability of the site.
- 6.15 The proposal is considered acceptable from a transport sustainability point of view, having regard to paragraphs 29, 32, 35 and 36 of the NPPF.

Affordable housing

- 6.16 The joint applicant is a Housing Association, 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.
- 6.17 Policy SD13 of the JCS submission sets a requirement for larger housing sites such as this to deliver 40% affordable housing. In this case, the scheme would provide 2.5 times the standard policy requirement.
- 6.18 The proposal would provide 63 units across a single site. It is not normally good practice to concentrate such a large amount of affordable housing in one area because of the desirability of creating mix and balanced communities. The previous application included a small element of market housing, however, it is understood that this has been removed from the present scheme on grounds of viability.

- 6.19 Within the ambit of affordable housing, there are different tenure types and it will be important to ensure an appropriate balance between social rented and intermediate housing (low cost, shared ownership). Thought should also be given to how these tenure types are distributed throughout the site. These important matters of detail should be dealt with as part of the Section 106 legal agreement, which will secure the development as affordable housing, and in consultation with the Council's Housing Officer. The legal agreement should also secure an appropriate mix of Category 2 (adaptable homes) and Category 3 (wheelchair user) properties.
- 6.20 The scheme includes a high proportion of one and two bedroom properties, disproportionately so in terms of need. However, this has been driven by serious concerns about the viability of the site with a greater number of units supporting the viability of the scheme overall. As the Housing Officer points out, as for all schemes, the financial viability of the development is a key driver of mix and design. It is appreciated that that the applicant may be unable to achieve a mix that meets the housing needs profile perfectly and that this must be balanced against the overall benefits of the provision of a significant amount of affordable housing to meet the City's considerable housing need. The applicant will be using a grant allocation from the Homes and Communities Agency in order to ensure that the development is viable. Without this grant allocation the development would not be viable.
- 6.21 In conclusion, the proposed development would make a substantial contribution to Gloucester's housing need and would help to compensate for other larger housing sites that have been unable to deliver affordable housing. The delivery of this amount of affordable housing is a very important material consideration which should be given significant weight when the application is considered by Members in the round. The proposal is considered acceptable having regard to Policy SD13 of the JCS.

Economic benefit

- 6.22 The NPPF states that '*...significant weight should be placed on the need to support economic growth through the planning system.*' (paragraph 19)
- 6.23 The proposed development would have some economic benefit, particularly in supporting the construction industry during the build. The provision of housing also has a positive economic impact in terms of supplying housing for the workforce. However, the residential use of the development is such that there would be no significant on-going economic benefits. The economic benefits of the development should therefore be given limited weight in the round.
- 6.24 It should also be taken into account that the proposal would result in the loss of employment land. Policy E.4 of the 2002 Local Plan seeks to protect employment land from redevelopment to other uses. As stated previously, significant weight cannot be given to the 2002 Local Plan. Moreover, it is arguable that Policy E.4 could be considered a housing supply policy because it would restrict housing on the site. Local housing policies are out-of-date because the Council cannot demonstrate a five year land supply. Regard is

also had to the fact that the site has been redundant for some time; would probably require substantial investment to bring it back into viable employment use; that it is located in the midst of a residential area where large-scale employment uses might not be appropriate; the considerable regeneration benefits of the scheme; and that it will delivery of much needed affordable housing. Taking these factors into account, it is considered that the loss of employment land is acceptable.

Access and parking

- 6.25 The planning application has been assessed by Gloucestershire County Council as the Highway Authority.
- 6.26 The Highway Authority advises that the means of access to the site is safe and suitable. The required visibility can be provided. The main access road into the site would have a shared street, which is acceptable. The development would not generate a significant amount of traffic; around 30 peak morning trips and 36 peak afternoon trips based on TRICS survey. Paragraph 32 of the NPPF says that: '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*' The Highway Authority advises that the impact of the development on the public highway would not be severe.
- 6.27 One of the main challenges of the development is to ensure that appropriate levels of parking are provided. The scheme would provide 62 parking spaces within the development itself, including two visitor spaces. The applicant has identified 12 further on-street parking spaces: four on Hatherley Road in front of the apartment block; five on Tarrington Road; and three on Paul Street. This equates to a total of 74 parking spaces proposed by the application.
- 6.28 The Highway Authority has provided a detailed analysis of the issue of parking. It says that it has undertaken a number of parking studies in the area. The studies determined an average car ownership figure of one vehicle per dwelling. Allocated parking increases parking demand and the worst case scenario would be by 0.32 spaces per dwelling. This would increase the parking requirement at the site to 1.32 spaces per dwelling. The effect would displace cars onto the highway by as many as 17 - 20 vehicles.
- 6.29 The applicant has provided a parking survey at the request of the Highway Authority. The objective of the survey is to assess existing levels of on-street parking. The proposal would reduce the number of usable on-street parking spaces from 321 to 304 spaces. The peak parking occupancy was observed at 254 spaces. This means that at peak times there would be approximately 50 on-street parking spaces within 200 metres of the development to accommodate displacement. This is in addition to the 62 on-site parking spaces provided by the development.
- 6.30 The DCLG Residential Car Parking Research Document considers parking requirements based on the type, size, location and tenure of a dwelling. Based on the number of habitable rooms for each dwelling, the maximum

recommended parking provision would be 63.5 spaces with additional capacity for visitor parking. The Highway Authority advises that the proposed level of parking therefore accords with DCLG advice.

- 6.31 Furthermore, the Document suggests that those who live in rented accommodation often own 0.5 fewer vehicles. Since a proportion of the proposed housing will be rented accommodation, the scheme may have fewer vehicles associated with it.
- 6.32 The Highway Authority advises that the accessibility of the site is good with opportunity for public transport. This should also be taken into account when considering parking demand.
- 6.33 In conclusion, the Highway Authority advises that the proposed development would provide sufficient levels of car parking. The scheme proposes 63 cycle spaces, which will further promote sustainable travel. Cycle storage should be physically covered and secured by condition.
- 6.34 In view of the advice from the Highway Authority, and having regard to Policy TR.31 of the 2002 Local Plan, the proposal is considered acceptable in terms of its transport impacts.

Urban Design

- 6.35 The application site is a large and important site locally. It appears that it has not been actively occupied for a number of years and some of the buildings at the site have fallen into disrepair. The proposal provides a very good opportunity to redevelop and regenerate the site.
- 6.36 Detailed discussions about redevelopment of the site have been on-going since 2014, initially as pre-application discussions and then through the submission of a planning application for 50 homes (14/01395/FUL). Officers were very critical of the design approach taken to the previous application, particularly with regard to the architectural and elevational treatments, which were considered very plain and non-distinctive. There were extensive design negotiations on the previous application, informed by the Urban Design Officer, Conservation Officer and Planning Officer. The applicant then needed to significantly increase the number of units at the site on grounds of viability and this resulted in the previous application being withdrawn and the current application submitted for 63 homes rather than 50 homes.
- 6.37 Discussions about the design of the scheme are on-going at the time of writing of this committee report; however, very good progress has been made. It was established early in the negotiations several months ago that it would be a very good idea for the new housing to retain an industrial character, as a reference to the historical use of the site. As mentioned, the industrial use of the site dates back to around the late 19th Century and the buildings on the site are of local historic interest. The Conservation Officer considers that these buildings and structures are non-designated Heritage Assets which are afforded some importance by the NPPF. The buildings have been subject to

initial recording and the Conservation Officer advises that their removal is acceptable, provided that redevelopment is appropriate and retains an industrial character; that the buildings are subject to more detailed recording before their demolition; and that interpretation boards should be erected to provide information about the previous use of the site and the buildings.

- 6.38 The existing buildings on the site are generally very distinctive and provide a good level of character. The applicant has chosen the large four storey warehouse building on Paul Street as a key design reference. This building is substantial and characterised by its strong roof pitch, parapet, buttresses and large square windows. Like most of the buildings, walls and structures on the site, it is finished in red/orange brick which is the predominant material in the area, also used in the large areas of Victorian housing in adjacent streets.
- 6.39 The warehouse building on Paul Street has directly influenced the design of the two large three-storey apartment blocks on the east and west ends of the site at either end of Tarrington Road. The design of the apartment is a modern interpretation of the Paul Street building and is considered a key design approach for the site. The design of the apartments has in turn influenced the design of the houses. Important design elements such as large, square shaped windows; prominent gable-end frontages; brick finishes; and timber cladding have been used to give the houses an “industrial” feel. The overall effect is simple but strong, and a direct and welcome reference to the industrial heritage of the application site.
- 6.40 The materials palette for the development is considered to be appropriate. The buildings will be faced in brick, which is the predominate material in the area. Two different red/orange brick materials are shown: one lighter and one darker to provide interest, variety and depth. A multi brick should be used. The windows will be slim line UPVC (details to be provided) finished in dark grey. This will help to give the development a more industrial and less domestic character. Prominent boundary treatment in the public realm will be brick walls, which is appropriate given the substantial existing brick walls at the site. The applicant has been asked to incorporate recess features in the boundary walls as a reference to the existing walls and structures.
- 6.41 A hard and soft landscaping scheme is expected to be provided as a planning condition. It will be important to ensure quality and variety in the hard surfaces such as the use of brick pavements or sets for the parking spaces; and different colours and material types for the shared streets within the development.
- 6.42 The scale and massing of the buildings is considered appropriate. The houses have two storeys which complement the predominant two storey form of the Victorian and more modern houses in the area. The two apartment blocks onto Hatherley Road/Tarrington Road; and Paul Street/Tarrington Road have three storeys with large steep roof pitches to reflect their warehouse form. There are existing large structures, including the remains of a substantial retaining wall, on Hatherley Road and historic images show a precedent for very large industrial buildings on this part of the site. Hatherley Road is itself wide and a large apartment block here is considered appropriate. The

apartment block on Paul Street/Tarrington Road is on the corner of the important junctions with Ducie Street and Maldon Gardens, which is relatively wide. The houses to the south are not on the back edge of the footway and are set further back. The early years centre to the west is also set back from the road. The site can accommodate a building of this massing in this location. The apartment block turns the corner of Tarrington Road and Paul Street well and will present strong roof gables to the south and west, providing an attractive vista of the new development.

- 6.43 The Crime Prevention Design Advisor offers no particular objections to the design and layout of the scheme. Their more detailed advice should be relayed to the applicant by way of an advice note on the decision notice.
- 6.44 In summary, it is considered that the application demonstrates good levels of design that provides an important and appropriate reference to the historic industrial use of the site and its buildings. Negotiations on the refinement of the design are still on-going as officers strive to achieve the best scheme possible, having regard to issues of viability. Delegated authority is sought for officers to finalise the design of the scheme. The proposal is considered acceptable having regard to Policy BE.7 of the 2002 Local Plan.

Impact on Heritage Assets

- 6.45 As mentioned, the existing buildings, walls and structures on the site are considered to be non-designated Heritage Assets because of their historic local importance. The buildings and structures have already been subject to initial recording and should planning permission be granted, a condition is recommended to require their detailed recording in accordance with best practice methods.
- 6.46 It has been demonstrated that the design of the scheme contains an appropriate industrial influence as requested by the Conservation Officer. The Conservation Officer has also sought interpretation boards at the site which would provide information for residents and the public about the site's heritage; this would be directly informed by the detailed recording work.
- 6.47 Nos. 70 to 84 Melbourne Street East to the north of the site is a terrace of Grade II Listed terrace houses of Gothic style. The existing large four storey warehouse building on Paul Street is located to the immediate south of those properties and over-dominates their setting at the rear. Earlier versions of the scheme (considered before the current application was submitted) included a substantial four storey replacement building in this location. The current layout shows two storey dwellings at the rear of the Listed Buildings, as well as open areas for landscaping and parking. The proposed development would therefore have a positive impact on the setting of the Listed Buildings.

Archaeology

- 6.48 The application is supported by an archaeological evaluation report. The City Archaeologist concurs with its findings. There is a low to moderate potential

for archaeological remains of Roman or medieval date to be present. However, there is a high potential for encountering buried remains associated with the former Hatherley Step works within the site. There are some historic buildings associated with the Step Works surviving within the site. In addition, given the fact that the Sud Brook runs through the northern part of the site, the potential for palaeo-channels containing archaeological or palaeo-environmental material cannot be discounted.

- 6.49 The proposed development therefore has the potential to adversely impact, damage or destroy significant heritage assets. Mitigation can be provided by planning conditions. These conditions are recommended in the event that planning permission is granted. It is considered that the proposal is acceptable having regard to Policies BE33 and BE34 of the 2002 Local Plan.

Residential amenity

Impact on the amenity of existing residents

- 6.50 The application site is surrounded by houses on all sides including on Tarrington Road to the south; Hatherley Road to the east; beyond the Sud Brook on Melburne Street East to the north; and on Ducie Street and Moreton Street to the west.
- 6.51 The development in the most part comprises two storeys and the separation between the houses on the outer perimeter of the site and existing properties is reflective of typical street to street relationships found in the area. The three storey blocks at either end of the site are reasonably large but their massing is appropriate and would not give rise to harmful impacts on neighbour amenity. Regard is had to the fact that there once was a very large industrial building where the apartments on Hatherley Road are to be located. The applicant has been asked to provide a series of street sections showing the relationship between the proposed buildings and existing houses, and this is expected to corroborate the satisfactory relationship between properties.
- 6.52 The relationship between Plots 30 to 32 on the north side and the rear gardens of the nearside properties, Nos. 108 to 114 Melbourne Street East, is a little tight at 11 metres, with the front of the houses looking towards the bottom of the neighbours' rear gardens. The applicant has been asked to consider this and has reduced the size of the first floor bedroom windows looking towards the rear gardens. On balance, the relationship is satisfactory.
- 6.53 It should be noted that no objections have been received from local residents including people who live next to the site.

Amenity issues within the development itself

- 6.54 The inter-relationship of new dwellings within the development is generally acceptable. Back to back distances between elevations is generally around 20 metres and elevation to garden distances of around 10 metres, which is a little short but acceptable.

- 6.55 The north west elevation of Plots 35 to 38, facing towards Plot 34, should have obscured glazed windows in the first floor bathroom and kitchen, to prevent direct overlooking of the rear garden of Plot 34. This can be secured by means of a planning condition.
- 6.56 The first floor rear bedroom windows of Plot 43 (Type M) would directly overlook the rear garden of Plot 39 at a distance of only 7 metres, whereas 10 metres would be the normal minimum. It would also overlook the rear garden of Plot 56 at a distance of 9 metres. The applicant has been asked to look at this relationship again and see if they can design-out the issues.
- 6.57 Plot 61, located to the south of Plot 62, would overshadow the rear garden of No. 62. However, the impact would not be on an existing property and the relationship is considered, on balance, acceptable.
- 6.58 In summary, it is considered that the proposed development would not give rise to significant or demonstrable harm to the residential amenity of existing property. Subject to some adjustments, the inter-relationship of properties within the development should be satisfactory. The proposal is considered acceptable, having regard to Policy BE.21 of the 2002 Local Plan.

Viability

- 6.59 The application is supported by an independent viability report. This confirms that viability of the scheme is dependent on significant external grant support from the Homes and Communities Agency ("HCA"). The amount of grant is in excess of £2 million. The applicant says that even then, the proposed development is only marginally viable. The earlier planning application for 50 homes was withdrawn because there were not enough houses to make the scheme financially stack up. The current proposal is increased to 63 homes.
- 6.60 The financial pressures on the scheme have had an effect on negotiations on the design. For example, officers expressed a strong preference for Plots 19 to 27 to each have a vertical gable fronting onto the road, which would have provided a stronger frontage to Tarrington Street. However, the applicant was concerned about the extra cost of the roof design and a compromise was therefore reached. Other areas of the design have also had to be negotiated including the size of the windows for the houses, which have been made smaller because of concerns about the extra cost of larger areas of glazing. Despite these changes, it is considered that the scheme still demonstrates good design, as explained under the "Urban Design" section of the report.
- 6.61 It must be remembered that when considering viability, the scheme far exceeds the policy requirements for the provision of affordable housing. The proposal would provide 63 affordable homes – two and a half times the requirement set by Policy SD13 of the JCS. The marginal viability of the scheme means that the proposal is unable to afford contributions to public open space and education. These issues are discussed in more depth in the following sections of the report.

6.62 The Government places great emphasis on development of brownfield sites (previously developed land). 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 additional planning obligations.

Public Open Space

6.63 Policies OS.2 and OS.3 of the 2002 Local Plan require new housing developments to provide equipped public open space. Policy OS.5 requires payments to the Council to cover the cost of maintenance of the open spaces.

6.64 The proposal would therefore normally require provision to be made for Public Open Space (“POS”) either on the site, or if this is not possible, off-site supported by financial contributions from the applicant. The viability of the scheme is marginal and it is not possible to provide POS within the site without losing valuable units. The development cannot afford to provide financial contributions for off-site provision.

6.65 The proposal fails to accord with Policies OS.2, OS.3 and OS.5 of the 2002 Local Plan in that provision is not being made for public open space. However, this must be seen in the round and weighed against the considerable benefits of the scheme. The inability for the development to provide POS is disappointing but Members are advised that this is far outweighed by the benefits of the scheme that include the delivery of much needed new affordable housing and the regeneration of the site. It is also noted that there is some open space provision within the area; St. James’ Park is located approximately 640 metres (0.4 miles) to the north of the application site and is within walking distance.

Education

6.66 The Local Education Authority (“LEA”) has been consulted. They advise that the proposal will generate a need for additional pre-school places, primary school places and secondary school places. It will also generate a need for library services. There is no additional capacity at pre-school and secondary school level. Therefore, financial contributions will be required.

6.67 The required contributions are set out below:

- Pre-school – £36,789
- Secondary school (Gloucester Academy) – £76,591
- Libraries – £12,348
- **Total – £125,728**

- 6.68 These sums are based on an estimated number of children that will live on the development and cost per child. The figure is based on an amount per qualifying dwelling, and excludes flats and one bedroom properties.
- 6.69 Like the delivery of POS, the scheme is unable to afford the education contributions. Once again, this must be balanced against the considerable benefits that the proposal will bring. Members are advised that the inability to provide financial contributions for education is outweighed by the considerable benefits of the scheme that include the delivery of much needed new affordable housing and the regeneration of the site.

Flood risk and Drainage

- 6.70 The majority of the site is located within Flood Zone 1 (low risk of flooding); however, the north part of the site next to the Sud Brook is within Flood Zone 2 (medium risk) and Flood Zone 3 (high 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 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. In addition, the layout of the scheme is such that none of the buildings fall within Flood Zones 2 or 3. The Sequential Test is considered to be passed.
- 6.74 Since the proposal is for Major development (i.e. for 10 dwellings or more), the applicant is required to submit a Flood Risk Assessment. The fact that the site is partly within Flood Zones 2 and 3 also triggers the requirement for a Flood Risk Assessment.
- 6.75 The Flood Risk Assessment ("FRA") provided with the application has been assessed by the Environment Agency, LLFA and Drainage Officer. The Environment Agency has identified the need for further minor alterations to the layout to improve access to the Sud Brook; and to adjust the floor levels of Plots 30 to 38. Subject to these changes, there are no objections in principle on flood risk grounds.

- 6.76 The Environment Agency has also sought amendments to the design of the modified watercourse and recommended the removal of the existing weir and measures to improve ecology. The applicant has since met with the Environment Agency to clarify the extent of the works to the watercourse; ecological issues; and the other issues identified by the Environment Agency. It is understood that the meeting was positive and a revised Flood Risk Assessment has been submitted. The Environment Agency is currently being consulted on the revised FRA. The recommendation of this report is therefore subject to the issues raised by the Environment Agency having been appropriately addressed.
- 6.77 Proposals for Major development also need to be supported by a drainage strategy that incorporates Sustainable Urban Drainage Systems ("SUDS"). SUDS seek to replicate natural surface water flow rates across land and should take account of climate change. The LLFA and Drainage Officer are concerned that there is insufficient levels of information provided with the drainage strategy; there are also a number of technical concerns. The applicant has been asked to address these issues and a revised drainage strategy has been submitted. The LLFA and Drainage Officer are currently being consulted and the recommendation of this report is subject to their concerns having been appropriately addressed.

Ecology

- 6.78 The application is supported by an ecological appraisal which was commissioned in October 2014. The appraisal's main findings are summarised below:
- The existing buildings on the site were surveyed for bats:
 - Building 1 – *'There is potential for the roofed section and side rooms to be used as night roosts or feeding roosts but no evidence such as droppings or feeding remains was found.'* (par. 3.15)
 - Building 2 – *'The interior was well lit through out with the exceptions of a small number of side rooms and former lavatories. The majority of these were used by pigeons and no evidence of bats was discovered to indicate that these rooms are used by bats for.... roosting.'* (par. 3.16)
 - Buildings 3 and 4 – *'These were not accessible but had no potential entry points for bats, which are therefore likely to be absent from these buildings.'*
 - Buildings 5 and 6 – *'This building is no longer present as such and only the external brick walls remain. A small number of gaps and missing bricks in these walls appear to provide suitable roosting sites for crevice-dwelling species such as pipistrelles. However, a close inspection of these found that they did not extend far into the walls no evidence of bats was found.'* (par. 3.18)
 - Opportunities for hibernating bats are therefore minimal. None of the trees on the site appeared to have any suitable features such as rot holes or split limbs that could be used by roosting bats.

- It is highly unlikely that water voles and otters are present
 - The potential for other protected species of mammals is negligible
 - Nesting birds – *‘GCER provided records of Red Kite, House Sparrow and Starling within 1 km of the site. Woodpigeon and Carrion Crows were recorded on site during the survey as well a number of Feral Pigeons using parts of Building 1 and Building 2. A nest containing three chicks was recorded on a ledge above the main stairwell in Building 2. Other potential nesting sites were present within this building in locations such as the top of old heating ducts and various other ledges and alcoves.’* (par. 3.26)
 - Reptiles are likely to be absent from the site
 - Amphibians are unlikely to be on the site
 - There is not much potential for rare invertebrate species
- 6.79 Overall, the ecological appraisal concluded that the site has low ecological value in terms of the habitats present. There is potential for protected species to occur including foraging bats and nesting birds.
- 6.80 The appraisal recommends that a nesting bird survey would be required if demolition works, or scrub and tree clearance were to take place during the nesting season from March to August.
- 6.81 Recommendations are also made for the protection of the watercourse on site as well as suggestions for possible ecological enhancement of the site as part of the proposed development.
- 6.82 Subject to appropriate conditions to secure the key recommendations set out in the ecological appraisal, and provided that the matters relating to ecology and the watercourse raised by the Environment Agency are addressed, the proposal is considered acceptable having to Policies B.7 and B.8 of the 2002 Local Plan.

Conditions

- 6.83 Delegated authority is sought for officers to finalise the planning conditions. In accordance with best practice, this should be done in discussion with the applicant (paragraph 018 of the NPPG).

7.0 CONCLUSION

- 7.1 The statutory Development Plan for Gloucester remains the 1983 Local Plan, however, it is out-of-date. The Council has adopted the 2002 Local Plan development control purposes; however, it was never subject to formal Examination and was never formally adopted as a Development Plan. The 2002 Local Plan can therefore only be given limited weight.
- 7.2 The Council is unable to demonstrate a five year supply of housing land, which means that local housing policies are out of date. Paragraph 14 of the

NPPF is activated, which requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF taken as a whole.

- 7.3 The principal benefits of the proposal are the delivery of affordable housing, for which there is also a need and under supply; and the environmental improvement and regeneration of the site.
- 7.4 The site is a sustainable location for new housing with decent access to local services and amenities by means other than the private car, including walking and cycling. The site is previously developed and the proposal would make effective use of land, a scarce resource.
- 7.5 The development would not result in a significant increase in traffic and the impact of the proposal on the road network would not be severe. The means of access to the site would be safe and the proposal would not have a significant or demonstrable impact on highway safety. Sufficient levels of parking would be provided to serve the development, particularly given the type of housing and tenure.
- 7.6 The design of the scheme is good and provides a clear reference to the industrial heritage of the site. Interpretation boards will be provided so that residents and local people can learn about the history of the site.
- 7.7 The existing buildings and structures are considered non-designated Heritage Assets because of their historic local importance. These buildings will be properly recorded before their demolition. The proposed development would have a positive impact on the setting of the Listed Buildings on Melbourne Street East to the north of the site by removing a very large existing warehouse building that currently dominates their setting.
- 7.8 The proposal would not significantly or demonstrably harm the living conditions of nearby residents.
- 7.9 The scheme is unable to make contributions to education or provide POS but this is deemed acceptable given the considerable benefits of the proposal to the community which outweigh the non-provision of these items.
- 7.10 Matters relating to flood risk and drainage are currently being dealt with in consultation with the statutory consultees and the recommendation of this report is subject to these issues being appropriately addressed.
- 7.11 Subject to measures to be secured by conditions, the proposal would not demonstrably or significantly harm wildlife and ecology.
- 7.12 It is considered that any adverse impacts of the development are minor, and are neither significant nor demonstrable. They do not outweigh the considerable benefits of the proposal in providing much needed affordable housing and regeneration of the site. In accordance with paragraph 14 of the

National Planning Policy Framework, and having regard to policies in the 2002 Local Plan, JCS and other material considerations, the proposal is acceptable and planning permission should be granted.

- 7.13 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.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

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

- a) Receipt of street sections and other outstanding design information
- b) Re-examination of the design of Plots 39, 43 and 56 with a view to reducing overlooking of the rear gardens of Nos. 39 and 56;
- c) Continued refinement of the design of the buildings, which is part of the on-going negotiations to achieve the best design possible for the site, having regard to viability constraints; and
- d) Flood risk, drainage and ecological issues being satisfactorily addressed in consultation with the Environment Agency, LLFA and Drainage Officer.

- 8.2 The planning obligations to be secured by means of an agreement under Section 106 of the Town and Country Planning Act 1990 are:

1. Secure the development as 100% affordable housing including control over the type, size and tenure of affordable housing, energy standards, and other relevant requirements
2. Management of the SUDS, drainage and common parts of the site

PLANNING CONDITIONS

- 8.3 It is expected that the conditions will include (but not necessarily be limited to) the following:

Standard conditions

1. Commencement of development within 3 years
2. Identification of the approved plans and drawings.

Environmental protection conditions

3. Environmental Construction Management Plan.
4. Limit on hours for construction and deliveries.

Highway conditions

5. Construction of accesses, prior to other development.
6. Visibility splays at the main accesses to the site from the public highway
7. Visibility splays within the development.
8. Adoptable standard roads.
9. Arrangements for the future management of the roads.
10. Provide the parking and turning shown on the approved plans.
11. Provision of covered cycle storage.
12. Requirement for a Highways Construction Method Statement.

Drainage conditions

13. Requirement for details of the surface water drainage scheme that has been approved in principle (incorporating SUDS principles); and subsequent implementation.
14. Provisions for the maintenance of the drainage scheme.
15. Requirement for a detailed foul drainage scheme.

Heritage conditions

16. Recording of the buildings, walls and structures before their demolition.
17. Provision of heritage interpretation boards within the site.

Archaeological conditions

18. Programme of archaeological work in accordance with a written scheme of investigation (recording of all structures prior to demolition).
19. Programme of archaeological work in accordance with a written scheme of investigation (archaeological evaluation).

Design conditions

20. Detailed materials schedule.
21. Samples of facing, roofing and other relevant materials.
22. Minimum dimensions for the window and door reveals, and recess features
23. Details of the raised brick features adjacent selected windows.
24. Details of the porch canopies.
25. Colour finish of the windows, external doors and rainwater goods.
26. Details of boundary treatment including the detailing of the walls.
27. Details of hard surfaces.

Landscaping conditions

28. Hard and soft landscaping scheme.
29. Protection of trees and hedgerows during construction.

Flood risk and drainage conditions

30. Minimum floor levels.
31. Protection of the watercourse (no development within 5 metres of the top of the bank of the Sud Brook, except at the “pinch point” at the rear of Plot 63).
32. Requirement for a detailed drainage scheme incorporating SUDS.
33. Provision for maintenance of the drainage and SUDS features.
34. Submission of a scheme for foul drainage.

Contaminated land conditions

35. Compliance with contamination conditions
36. Site characterisation
37. Submission of remediation strategy
38. Implementation of approved remediation scheme
39. Reporting of unexpected contamination

40. Long-term monitoring and maintenance

Ecological conditions

41. Requirement for a bird survey before works are carried out during the bird nesting season (March to August).

42. Lighting proposals.

43. Provision of a scheme for roosting boxes.

Restriction on permitted development rights

44. First floor windows on the north west elevation (rear projection) of Plots 35 to 38 to be obscured glazed and non-opening up to 1.7 metres above floor level.

45. No satellite dishes on the front of houses.

NOTES

Note 1

Reference to the comments of the Crime Prevention Design Advisor.

Note 2

Reference to the comments of Severn Trent Water.

Note 3

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 4

The applicant/developer is advised that all crushers and screens that are to be used on site shall be accompanied by a Permit to Operate issued under the Environmental Permitting Regulations 2010.

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 layout of the scheme and architectural design of the buildings; drainage; ecological impacts; and the need for further information regarding the viability.

Decision:

Notes:

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

16/00815/FUL

Norville Optical Co Ltd
Paul Street
Gloucester
GL1 4NY

Planning Committee

