

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7TH FEBRUARY 2017**

ADDRESS/LOCATION : **LAND AT ST ALDATES CHURCH, FINLAY ROAD, GLOUCESTER**

APPLICATION NO. & WARD : **14/00449/FUL
MATSON AND ROBINSWOOD**

EXPIRY DATE : **27TH FEBRUARY 2017 (AGREED TIME EXTENSION)**

APPLICANT : **ROOFTOP HOUSING GROUP LTD**

PROPOSAL : **DEMOLITION OF CHURCH HALL AND VICARAGE. PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 12 ONE AND TWO BEDROOM FLATS, 3 TWO BEDROOM HOUSES , 6 THREE BEDROOM HOUSES AND 2 TWO BEDROOM BUNGALOWS. NEW VEHICULAR ACCESS FROM RESERVOIR ROAD WITH ASSOCIATED PARKING. (REVISED PROPOSAL)**

REPORT BY : **JOANN MENEAUD**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to land surrounding St Aldates Church at the junction of Finlay Road and Reservoir Road. The site also includes the church hall fronting Reservoir Road and the former vicarage and its garden. To the south, the land adjoins the rear gardens of properties in Kingsley Road.
- 1.2 The Church is a Grade II* listed building, the church hall and the vicarage are not listed. There are a significant number of trees along each of the boundaries and also within the site, most of which are protected by tree preservation orders.
- 1.3 The application proposes the demolition of the hall and vicarage and the redevelopment of the site to provide an affordable housing scheme of 23 units comprising three 2 bedroom houses, six 3 bedroom houses, two 2 bedroom bungalows, six 1 bedroom flats and six 2 bedroom flats. The existing access

road is to be re-aligned and will continue to serve as an access to the church and its car park and also to the new development.

2.0 RELEVANT PLANNING HISTORY

2.1 No recent planning history other than applications for works to trees.

3.0 PLANNING POLICIES

3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

Central Government Guidance - National Planning Policy Framework

3.2 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, 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 the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF includes relevant policy on promoting sustainable transport, including the statement that development should only be prevented on transport grounds, when the residual cumulative impacts of development are severe.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand upon the National Planning Policy Framework.

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

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

3.5 From the Second Stage Deposit Plan the following policies are relevant:

B.10 – Trees and hedgerows on development sites

FRP.6 – Surface water run-off

FRP.10 – Noise

FRP.11 – Pollution

BE.1 – Scale, massing and height

BE.2 – Views and skyline

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.8 – Energy efficient development

BE.9 – Design criteria for large commercial development

BE.12 – Landscape schemes

BE.15 – Provision of open space in major development

BE.17 – Design criteria for large scale residential development

BE.18 – Vehicular circulation and parking in new residential development

BE.21 – Safeguarding of amenity

BE.22 – Alterations to and development within the curtilage of Listed Buildings

BE.23 – Development Affecting the Setting of Listed Buildings

BE.31 – Preserving sites of archaeological interest

BE.32 – Archaeological assessment

BE.34 – Presumption in favour of preserving archaeology

BE.36 – Preservation in situ

BE.37 – Recording and preserving archaeology

TR.9 – Parking standards

TR.31 – Road safety

TR.33 – Providing for cyclists/pedestrians

H.4 – Housing proposals on unallocated sites

H.7 – Housing density and layout

H.8 – Housing mix

H.15 – The provision of affordable housing

H.16 – Affordable housing mix, design and layout

H.18 – Lifetime homes

CS.1 – Protection of community facilities

3.6 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of full 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 The following policies in the Joint Core Strategy are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

SP1 - The need for new development
SP2 – Distribution of new development
SD1 – Presumption in favour of sustainable development
SD4 – Sustainable design and construction
SD5 – Design requirements
SD9 – Historic environment
SD10 – Biodiversity and geodiversity
SD11 – Residential development
SD12 – Housing mix and standards
SD13 – Affordable housing
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management
INF 4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery

- 3.8 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

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

However the City Plan is at a very early stage and therefore only limited weight can be attached to it.

- 3.9 All policies can be viewed at the relevant website address: - Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

These responses are on the basis of the amended plans – given the amendments to the original scheme, many of the original comments are no longer relevant.

4.1 Contamination Adviser

WRS have reviewed the available records for any potential contaminated land issues and I can confirm WRS have no adverse comments in this respect.

4.2 **Historic England**

We are conscious that through the application process there has been quite a large amount of work to re-design the flats, which is positive. Outstanding concerns still relate to the degree of separation between the church and the newly developed area. Could there be greater planting to separate this area and the church? Critically it is important that the development of this land is beneficial for the Grade II* church, ensuring its continued preservation. In this regard has there been discussion of Section 106 contributions to offset the impact on setting.

Recommendation - We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

4.3 **Environmental Protection Officer**

I have reviewed the amended noise assessment, dated 22nd November 2016, and would be comfortable for the recommendations within the report to be incorporated into the final design of the proposed buildings, with the view to achieve the recommended BS8233: 2014 noise levels internally. I would also accept the recommendations within the acoustic report detailing the shared amenity areas not exceeding a maximum of 55dB LAeq,T. Recommend approval subject to conditions and footnote being attached.

4.4 **Tree Officer**

Raises no objection. Whilst a high proportion of trees are being removed, the high value trees are being retained and adequate protection measures will be put in place to ensure that they are protected during the construction phase.

4.5 **Highway Authority**

Have requested further information relating to the detailed highway design

4.6 **Housing Strategy and Enabling Officer -**

1. Meeting Affordable housing Need in the City: The development will make a significant contribution to meeting housing need in the City. The Strategic Housing Market Assessment update 2013 identifies an annual net need of 1776 dwellings, there is a significant shortfall in affordable housing provision on many s106 sites due to viability arguments. The Council Housing Service is currently seeing increased costs related to homelessness. The delivery of this site will provide much needed affordable housing and represents a significant benefit.

2. House types proposed

Rooftop are proposing a range of house types and sizes that will reflect local need and also the constraints of the site.

3. Special Needs Housing

Two bungalows have been provided, the designs have been reviewed using building regulations discretionary standards category 2 and category 3 as a benchmark. The plan identifies the bungalows to be wheelchair accessible.

The design and access statement confirms all ground floor flats will meet the lifetime homes standards. This standard predates the discretionary category 2 accessible and adaptable homes standards as set out the 2015 Building regulations. It is recommended that updated standards are used wherever possible.

4. Design and Environmental Standards

The homes will comply with relevant homes and Communities grant standards, which is to be welcomed

5. Viability

Rooftop Housing requires Homes and Communities Agency grant funding in order to deliver the development.

4.7 **Urban Design Officer**

There have been discussions regarding this site for a number of years and we have seen various design approaches during that time. The submitted scheme is a good response to the site and the context. There have been considerable issues to overcome during the design stages and the result is a considered and modern development, which offers a range of property types and very good on-site open spaces, which include some very impressive existing mature trees.

I wouldn't normally accept exposed rear gardens in this type of layout, but in this case, having all of the gardens opening onto the main central open space is an integral part of the design, and could help to establish a sense of ownership and provide increased activity, which will improve security. The parking for the development is well considered, for example with type A houses having one space and the type B having two, with all of the parking for the houses being at the front. The apartments have a total of 15 spaces, for 12 flats, giving some leeway for possible visitor parking. The site access has been positioned very carefully after much debate, which allows the existing TPO tree to be retained and a single access to both the residential side of the site and the parking area for the church.

The architecture and overall style is modern but also fairly restrained, with the church and large walnut tree standing out as the main features. The design of the 2 and 3-storey apartment block places some of the accommodation within the large roof space and as much as possible, limits the taller element to the centre of the building, thereby mitigating overbearing and overshadowing impacts on adjacent residents.

Bin stores to the fronts of each property along Reservoir Road are a positive feature, as is the way in which parking has been broken up using proposed and existing trees and planting. There is only one suggested alteration which I would put forward. This is to include a few more bollards around the open space to prevent informal parking, just between each of the proposed T1 trees to the north and north-east of the walnut. The overall strategy is well-considered, with a formal line of bollards along the access route, which will also add to the character of the development.

Recommend a condition for external materials. A good quality type of brick, probably some kind of multi, with some texture, and coloured panels would be appropriate.

4.8 **Environmental Projects Officer**

A collection point will be required for the houses which front Reservoir Road. The bin store for the flats needs to be large enough to accommodate refuse and recycling bins. The access road will need to be wide enough to accommodate a 26 tonne vehicle, taking into account that residents may park on it if there are no restrictions.

4.9 **Conservation Officer**

These comments are based on both national and local policy guidance. One of the key dimensions of sustainability is protecting and enhancing our historic environment and conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraphs 126 to 141 are the core historic environment policies in chapter 12 of the NPPF

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development which affects a listed building or its setting, the local authority “*shall have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possess*”

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

The recently published draft Joint Core Strategy (draft November 2014), has been produced in partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, and sets out a planning framework for all three areas. Policy SD9 in the Joint Core Strategy concerns the historic environment.

St Aldates Church has recently been re-assessed by Historic England, this has resulted in the designation being upgraded from Grade II to Grade II*. The conclusion of this review determines that the church makes stunning use of an early English example of a hyper roof over the fan-shaped auditorium, creating a spacious interior full of light. This same attention to detail and strong design is seen throughout and is evident in the quality of the interior finishes. As arguably one of the best churches by Potter and Hare, therefore the upgrading to Grade II* is merited.

There have been numerous discussions regarding the development of this site and a number of amended schemes have been presented. Due to the review of the designated asset and up-grading to Grade II* great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting NPPF 132. The primary concern of this proposal is the negative impact upon the setting of St Aldates Church and the loss of the heritage assets within its curtilage.

Concerns have been raised previously in regards to the dominance of the proposed apartment block in views across the site, in particular in the winter where trees are bare, and the resultant impact of the scheme will be harmful to the setting of the designated heritage asset. Therefore, further planting of mature trees between the church and new development would be beneficial to assist in mitigating this issue.

The loss of the church hall and its replacement with terrace housing has also been amended to introduce a bungalow within the area of the church hall and this has been moved away from the Grade II* church, therefore reducing the awkward relationship between the new development and the designated heritage asset.

The current proposals include significant amendments to the apartment block which is also welcomed, previously concerns were raised that the terraced housing and apartment block did not relate with each other and appeared as two separate schemes. The revised proposal creates a unified development utilising the same character and materials and this is welcomed.

A further concern is the proposed quality of materials, throughout the discussions there has been an emphasis on high quality materials which are locally distinctive, this is critical for the scheme to be acceptable. This is due to its location in close proximity to a Grade II* designated heritage asset, therefore windows and doors should be a slim profile aluminium, natural roofing materials as slate and not concrete tiles, aluminium rainwater goods and the agreement of materials will be required pre-commencement.

Regarding the loss of the church hall and the vicarage to mitigate this issue, the replacement scheme will need to be of a high design quality and be an exemplar scheme to ensure that the scheme makes a positive contribution to local character and distinctiveness and also preserves the setting of the Grade II* church. The buildings proposed for demolition will also require building recording to be completed to a level 4 survey by RCHME Level 4, "Understanding Historic Buildings, a guide to good recording practice" Historic England 2016. Due to the loss of the buildings a lectern style interpretation board should be erected within the landscaping scheme which discusses the site history and the buildings associated which have been demolished.

Overall whilst there is some harm to the setting of the Grade II* designated heritage asset through the proposed development there are opportunities to mitigate this by providing a contribution to fund repairs to the Grade II* Church which is desperately required, together with additional landscaping and planting between the apartment block and the church. If these are actioned the scheme would be acceptable.

Therefore the scheme is acceptable subject to the following specific requirements being secured –

- A contribution to the repair and maintenance of the Grade II* designated heritage asset.
- Landscaping proposals should include an increased buffer of tree planting to screen the new development of the apartment buildings and the Grade II* church.
- Reuse of railings within the scheme from around the church hall.

I recommend conditions to ensure that the scheme is of a high quality and does not have detrimental impact on the designated heritage assets -

4.10 **Drainage Adviser**

Flood Risk At The Site

This application site is located in a Flood Zone 1 area, therefore no concerns about fluvial flood risk. The surface water flood maps do not indicate any significant risk in this regard on the site, but the adjacent roads do show a surface water flood risk. This is indicative of an overloaded surface water sewer network.

Impact Of The Development On Flood Risk Elsewhere

- i) Mitigation For Loss In Floodplain Storage Capacity

Not applicable as Flood Zone 1.

- ii) Surface Water Runoff Rates

The proposal involves discharging to the surface water sewer network at a rate of circa 50 l/s. This is considered extremely high for a development of this scale and nature.

It is understood that that the site is underlain by sands and gravels and therefore infiltration may be possible and would be the best option, Percolation tests should be carried out to prove the feasibility of infiltration as a means of surface water disposal.

If surface water disposal via a surface water sewer is required, then, as a minimum, the post-development discharge rate here should be at least 40% less than the pre-development runoff-rate, taking into account a 40% uplift on rainfall for climate change for the post-development calculations.

Further details are therefore required.

SuDS (inc water quality)

We would normally expect to see a better level of SuDS provision on a development of this scale, perhaps including raingardens and some shallow green space attenuation (for larger rainfall events).

It is particularly important that SuDs features are well designed and well integrated and further details are required.

From a water quality perspective, we expect to see a minimum of two robust treatment stages for all surface water runoff derived from vehicular areas. The existing plans show some vehicular areas with no water quality treatment.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through a press notice and the display of site notices. In addition, surrounding residential properties have been notified of the application in writing.

5.2 The original proposals generated over 60 letters of representations and in addition to the detailed concerns relating to planning issues, such as scale, parking access etc, the most quoted objection related to the loss of the community facility within the church hall. These previous comments are summarised below and can be accessed at the link provided at the end of section 5.

- It is unacceptable for the church hall to be demolished it is an important community facility
- The church hall has protection as an Asset of Community Value
- The church hall has not been used in recent years as it has been allowed to fall into disrepair and the owner has not maintained it.
- The church hall could be renovated and brought back into use
- The vicarage should be kept
- Would not want to see the church used as a community building
- The church should be used as the new community building
- This will cause further traffic in an area where the roads are already busy especially with vehicles queuing at Finlay Road roundabout, which affects residents ability to get in and out of their driveways and pedestrians trying to cross Reservoir Road.

- Will reduce parking availability on Reservoir Road and cause further congestion and impact on air quality
- Insufficient parking for the church.
- Would have an unacceptable impact upon St Aldates Church
- Scheme is too high density and represents overdevelopment of the site.
- The design of the buildings is out of keeping in the local area and particularly the flats as there are no other 3 storey building in the local area.
- Local residents will be overlooked, lose privacy, light and outlook and be subject to additional noise.
- My property will be affected by headlights from cars leaving the site.
- There should be an area for children to play
- The nearest school is already full and further residents will impact upon local services such as dentist and doctors.
- Providing social housing here is not acceptable
- There is a need for smaller two bedroom houses in the local area
- The removal of trees is not acceptable.
- Developing on this site will result in the loss of a green lung, important to the local area and to the detriment of local wildlife.

5.3 The amended proposals have generated six representations and it is these representations that are summarised below:

- Increase in traffic in an already busy area used as a short cut for traffic trying to avoid the main roads.
- There is often traffic queuing outside the site at peak times – which affects crossing the road and accessing/exiting driveways
- Would cause difficulties for pedestrians trying to cross the road.
- A pedestrian crossing and bus stop should be provided.
- Increased demand for parking in an area where parking is already a problem.
- Staff from the school, park in this area.
- Traffic does not keep to the 30mph speed limit.
- Traffic turning out of the new junction and will cause headlights to shine into our lounge.
- Insufficient parking left for the church
- The access out of the church is difficult due to the its angle, the levels and parked cars, resulting in 2 accidents in the last two years and some near misses.
- The church hall should be kept. It could easily be improved.
- The new community hub would be a poor replacement in terms of poor substitute in terms of position, accessibility, parking, suitability, size and prominence in the community.
- This could be a great community asset but as its condition has worsened so has its use.
- A children's play area should be provided.

- A bat survey should be undertaken – suspect that the trees and church hall would be a prime habitat/roosting place for bats.
- Increase in noise in an area of already poor air quality with bad noise pollution.
- We have been told by our health professional that chest conditions will not improve while we live with this pollution.
- Reservoir Road floods at the bottom in heavy rainfall - this development will cause additional run off into Reservoir Road
- Loss of trees and green space.
- The trees on this site improve the air quality, which is much needed because of the traffic fumes. They are also an important visual amenity and a valuable sound barrier.
- Out of keeping with the area
- Overdevelopment of the site – too many dwellings and not enough parking
- Detrimental to the quality of life of existing residents.
- Overbearing
- Concerned that side windows in the flats will allow overlooking into adjacent property.
- The impact of the new building, so close to us, will cause loss of privacy.
- Precedent for further development

5.4 With the change to the proposals now including a financial contribution to provide a replacement community facility three letters of support have been submitted supporting the principal of such a replacement facility.

5.5 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=14/00449/FUL>

6.0 OFFICER OPINION

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

6.2 The application was originally submitted in April 2014. At that time it proposed three pairs of semi-detached houses and a terrace of three houses fronting onto Reservoir Road, a two storey building containing four flats on the corner of Reservoir Road and the access road into the site, together with a part two and part three storey building containing twelve flats towards the rear of the site running parallel to Finlay Road. It was proposed to demolish the vicarage and the church hall on the site.

- 6.3 The application attracted significant interest from local residents with over 60 letters of objection. One of the main reasons for objection was the loss of the church hall and the resulting loss of the community facility that it had provided. Concern had also been raised by Officers regarding the loss of the church hall and additionally the Conservation Officer and Historic England, raised significant concern at the harmful impact of the development (and particularly the flat buildings) upon the setting of the church.
- 6.4 Since the original submission the application has been subject to considerable discussion on all aspects of the scheme. The new proposals have been submitted to address the previous concerns. The general principles of the proposed development are similar but there are a number of changes.
- 6.5 The vicarage and the church hall are still to be demolished and the overall number of units has reduced from twenty five to twenty three. The scheme now proposes three pairs of semi-detached houses and a terrace of three houses fronting onto Reservoir Road, and a pair of semi-detached bungalows on the corner of Reservoir Road and the access road into the site. The flat building is still proposed towards the rear of the site, adjacent to Finlay Road but it has been completely redesigned in terms of its scale and external appearance. The applicant is also now proposing a financial contribution towards providing replacement community facilities as mitigation for the loss of the church hall on the site.

Principle of residential development

- 6.6 The NPPF states at paragraph 47 provisions to “boost significantly the supply of housing”. The NPPF further states at paragraph 49 that “housing applications should be considered in the context of the presumption in favour of sustainable development”. The NPPF requires that local authorities should be able to demonstrate a five year supply of housing land plus a buffer. For Gloucester, the buffer is 5% because of its past record of housing delivery (local authorities with persistent under delivery are required to provide a 20% buffer). The Council cannot currently demonstrate a five year supply of housing land as otherwise required to do so by paragraph 47 of the NPPF. The following issues are factors:

The JCS Inspector’s Interim Report recommends that the objectively assessed housing need for the JCS be uplifted by 5% from 33,500 new homes to 35,175 homes; and

The delivery of housing through the JCS is reliant on strategic housing sites coming forward on Greenbelt land. Such land is nationally protected and this strategy has not been formally endorsed through adoption of the JCS, which is anticipated in early 2017. The City Council’s adopted development plan dates from 1983 and this document does not have up to date allocations for new housing sites coming forward.

- 6.7 In practice then, the City has a route to ensuring its 5 year supply but it is not formally in place yet. Paragraph 49 of the NPPF sets out that policies in

relation to 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 The proposals would provide a total of 23 units and a mix of house types comprising, flats, houses and bungalows. Additionally the scheme proposes solely affordable housing, which would assist in meeting identified housing need as well as contributing to the Councils housing land supply.
- 6.9 The five year land supply position is clearly important in considering applications for housing but it is not considered to be decisive in this case. Specific policies are not in this case resisting appropriate residential development of the site. Overall there is no objection to the principle of residential development on this site. The site lies within an existing residential area that has good access to public transport, shops and community facilities within the local area.
- 6.10 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, local planning authorities should grant planning permission unless specific policies in the NPPF indicate that development should be restricted. The Policies of the 1983 Plan are out of date. The site does however lie within the grounds of St Aldates Church, which is a designated heritage asset and therefore Paragraph 14 is not engaged and a normal planning balance applies in decision making. Assessment of other planning issues is undertaken below.

Design and Layout

- 6.11 The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Additionally development should provide for a mix of housing to create mixed and balanced communities and this principle is promoted within JCS policy SD12. Additionally policy SD11 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. Additional design requirements for new development are set down with policy SD5.
- 6.12 In the 2002 Plan policies including BE1, BE4, BE5, BE6, BE7, BE12, BE13, BE17, BE18, BE21, TR9, TR31, ST7, H7, H8, seek to ensure that new housing developments are of good design that is in keeping with its surroundings and follow accepted urban design principles in relation to scale, external appearance, layout, amenity and community safety.
- 6.13 All aspects of the design and layout have been subject to considerable discussion, as referred to earlier in the report, with significant changes being made to address identified concerns.
- 6.14 In looking at the design and character of the surrounding area, development to the eastern side of Reservoir Road and opposite the site, comprises

predominantly semi detached, brick built housing of two storeys, set well back from the road with parking to the front. To the southern end of the site, houses in Kingsley Road are also two storey, predominantly brick but some have timber boarding detailing and others are part rendered.

- 6.15 The proposed houses are designed as two storey, of brick construction with panelling detailing below the windows within the front elevation. Six are designed with a two storey projecting bay, to reflect the design of the existing housing across the road. The bungalows are designed as a corner building, predominantly brick but including elements of render and also incorporating projecting windows to the front elevations.
- 6.16 The flat block is designed part two and part three storey with an asymmetrical roof, steeply sloping to the front but with a shallower pitch to the rear. The front and rear elevations comprise a high proportion of glazing with some Juliet balconies to the front. The overall design has been led by the requirement to provide similar design characteristics to the new housing, to reflect the unusual steeply sloping design of the church and the requirement to have a lower height adjacent to the southern boundary.
- 6.17 I consider that the design and layout of the development proposed does reflect its surroundings and should have an acceptable appearance in the street scene. Further discussion regarding the assessment of the development in relation to the setting of the church follows.

Heritage Implications

- 6.18 The NPPF requires that in determining applications, Authorities should take account of;
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.19 Policies BE22, 23, 31, 32, 33, 34, 36 and 37 of the 2002 plan set down the criteria for assessing sites relating to listed buildings and with archaeological interest, together with the requirements for site evaluation and recording. JCS Policy SD9 stresses the importance of heritage assets and their contribution to local character and identity. Furthermore the policy requires that heritage assets and their settings are conserved and enhanced as appropriate to their significance.
- 6.20 St Aldates Church is a Grade II* Listed Building, recently upgraded from Grade II. It was built in the early 1960's and was designed by Potter and Hare. It was built to replace the temporary church built on the site in 1928 and which has, until very recent times been used as the church hall. The church is an unusual and striking modern design that is a prominent landmark in the local area. The official listing of the church, notes that the church hall, the

vicarage and railings to the boundary are all excluded from the designation and they are therefore not considered to be designated heritage assets.

- 6.21 Officers had originally asked the applicant to consider keeping the hall and vicarage and incorporating them into the new housing scheme, however the amended scheme proposes to demolish them both. However it is considered that the applicant has provided sufficient justification regarding the demolition of the buildings, in terms of the costs involved in refurbishment to an acceptable standard and the difficulties in designing a scheme around them, in that it would prejudice the comprehensive development of this site. Therefore there is no objection to their demolition, subject to appropriate historical recording. However the loss of the church hall raises additional issues relating to community provision, which are discussed later in this report.
- 6.22 The impact of the new development upon the setting of the grade II* church needs very careful consideration. In previous comments Historic England have stated that the “significant vantage point from which this church is viewed, is from the north. It is from this point that the structure rises up and joins with the spire to create the crescendo. This dramatic culmination of form is accentuated by the current green backdrop of trees and vegetation”. At that point in time, Historic England, were concerned that the development as then proposed, and particularly the flat block would “encroach to a significant degree upon this significant view” and would “detract from the architectural lines of the church”. A similar view was expressed by the Councils Conservation Officer that the development would have a significant adverse impact upon the church and its setting.
- 6.23 Since that time, and as discussed earlier in the report, amended plans have sought to address these concerns with principally, the removal of the two storey flat block proposed on the corner of Reservoir Road and the proposed siting of a pair of semi detached bungalows in this location. The low height of the bungalows sits comfortably with the lowest part of the church and the relatively simple design of the bungalows provides an element of visual interest at the entrance to the site, but does not detract from the prominence of the church. From all views, the bungalows will appear subservient to the church and provide an element of separation between the church and the proposed two storey houses. Additionally the larger flat block to the rear of the site is now of a much reduced scale and with the design incorporating two and three storey elements, has a less bulky appearance and incorporate design features that tie in with the proposed house designs.
- 6.24 Historic England state “*Outstanding concerns still relate to the degree of separation between the church and the newly developed area. Could there be greater planting to separate this area and the church?*” and this view is echoed by the Conservation Officer. Landscaping proposals are still being assessed however it would appear that there are limited opportunities for planting along the access road and where these do exist, would comprise low level hedge and shrub planting. However there is some scope for additional planting between the access road and the church (on the Diocese land) and

to the side of the hammer head at the boundary of the two sites and this is currently being examined.

- 6.25 It is also noted that Historic England refer to S106 obligations and the Conservation Officer refers to a contribution to the repair and maintenance of the Church. Views on this have been sought from Gloucester Diocese who have stated that the PCC are responsible for the upkeep of the church and there is a five yearly inspection that would identify the works required to the building. If the building were to be closed, then the ownership requirements fall to the Diocese Board of Finance who would likely seek a buyer willing to take it on and there would be a requirement for any buyer to demonstrate their ability to maintain the building. Therefore the Diocese do not consider that there is a need or justification to require such a contribution and if required would affect their ability to contribute to a replacement community facility. As the Diocese have control of, and are responsible for the building, I accept their views on this matter.
- 6.26 The site does have some potential for archaeology and an initial desk base assessment has been provided. The City Archaeologist is satisfied with the contents of the report and acknowledges that providing any further assessment at this stage is not feasible. Therefore a condition requiring a programme of archaeological evaluation, including trial trenching, prior to the commencement of the development will be required and the possible also a watching brief or excavation may also be required.
- 6.27 In terms of the overall assessment of the development upon heritage impacts and the required assessment set down in the NPPF, the Conservation Officer identifies less than substantial harm to the significance of the heritage assets. Under para 134 of the NPPF, this level of harm should be weighed against the public benefits of the proposal. I acknowledge that in this case the proposal affects a grade II* heritage asset and therefore greater weight should be given to the asset's conservation. In my view, the substantial public benefits of the scheme comprising the provision of 100% affordable housing with a mix of dwelling sizes and types to meet identified housing need, together with the commitment to provide a financial contribution as mitigation for the loss of the community facility, outweigh the less than substantial harm identified.
- 6.28 The requirements of sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 are taken into overall consideration, as are the heritage policies from the 2002 Plan and the JCS and it is considered that the proposals are acceptable in terms of the impact upon the heritage assets.

Affordable Housing

- 6.29 The NPPF states that where Local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. It also states that local authorities should identify the size, type and tenure of housing that is required, by reflecting local demand.

- 6.30 Policies H15 and H16 set out the requirements for affordable housing within the 2002 plan. They require an overall target of 40% affordable housing (subject to site and market conditions), generally provided on site but in exceptional circumstances off site provision may be acceptable. The affordable housing should be provided across the development site and provide a range of house sizes to meet local need.

Policy SD13 of the JCS relates to the provision of affordable housing, policy INF 7 relates to infrastructure delivery and policy INF8 advises on viability.

- 6.31 The application proposes a totally affordable housing scheme, providing dwellings of different types and sizes. This is a significant public benefit of the scheme, which is to be welcomed and will make a valuable contribution to meeting identified housing need. The requirement for the housing to remain affordable will be a requirement of the S106 agreement.
- 6.32 Supporting financial information submitted with the application states that grant funding is required to enable the scheme to come forward. In these circumstances other S106 requirements that may normally be required on a housing development of this size such as education, library, sports or play facilities have not been requested and could not be paid without further public subsidy.
- 6.33 However issues relating to replacement community provision, as a result of the loss of existing hall, are dealt with below.

Community Facilities

- 6.34 Policy CS1 within the 2002 Plan seeks to protect existing community facilities and states that where such facilities are to be lost through re-development proposals that new or alternative facilities should be provided unless it can be established that there is a surplus of community facilities and there is no interest from another community group. Policy INF5 within the JCS has similar aims, seeking replacement community facilities.
- 6.35 Paragraph 70 of the NPPF also recognises the importance of community facilities and the role that planning has to fulfil.

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- *Ensure that established shops, facilities and services are able to develop and modernize in a way that is sustainable, and retained for the benefit of the community; and*

- *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

- 6.36 The existing church hall on site has for many years been used as a community building. However in recent years it has fallen into a poor state of repair and is not currently in use.
- 6.37 When originally submitted the application sought to demolish the church hall but did not propose any new community provision. This factor alone generated significant objection from the local community who sought to protect their community facilities. In addition the community nominated the church hall to be listed as an Asset of Community Value and their application was successful with formal listing being granted.
- 6.38 The purpose of a building being listed as an Asset of Community Value, is to enable local groups to be given time to come up with a bid for the asset when it is sold. The right to bid only applies when an asset's owner decides to dispose of it. There is no compulsion on the owner to sell it. The scheme does not give first refusal to the community group, and it is not a community right to buy the asset, just to bid. This means that the local community bid may not be the successful one.
- 6.39 The provision of replacement community facilities is therefore an important material consideration and one which has both national and local policy support. Without replacement facilities, the original application would have clearly been contrary to, and in conflict with those policy requirements.
- 6.40 Officers discussed a number of options with the applicant to try and achieve replacement facilities and this was one of the major reasons why the application was “put on hold”. Keeping the hall and refurbishing it or even providing a complete new building, would have been very costly and prejudiced the comprehensive redevelopment of the site and raised issues regarding future management. Seeking to enhance an existing community facility was the preferred option and discussions were commenced with the White City Community Group based at The Venture site, located at Northfield Road. Discussions are ongoing and well advanced and the group have now formally set up a Community Interest Company (CIC) with the sole aim of providing a new community centre for The White City Area. The Diocese, as the current owner of the land have committed to providing a financial contribution towards the construction of the new community centre. It is understood that this will amount to approximately £200,000 and will comprise the receipt from the sale of the land to Rooftop, minus the associated costs. This money will be required under a Section 106 agreement and is considered necessary to mitigate against the loss of the community facility following the re-development of the site.
- 6.41 I consider that the provision of a contribution towards a community facility will help mitigate this impact.

Noise

- 6.42 The site is affected by noise from traffic travelling along the surrounding road network and particularly Finlay Road. In accordance with guidance within the NPPF and the Noise Policy Statement for England, noise is a material consideration and decisions should ensure that noise does not create significant adverse impacts upon health and quality of life.
- 6.43 Policy FRP10 within the 2002 Plan states that planning permission should only be granted for developments in noisy locations where adequate mitigation, to reduce the noise levels, can be provided. Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires consideration of noise issues.
- 6.44 The applicant has undertaken a noise assessment with on site monitoring being undertaken at the boundary of the site at both Finlay Road and Reservoir Road. The applicant proposes noise mitigation comprising higher specification glazing to the front windows of the new properties facing Reservoir Road and to the rear elevation of the flat block facing Finlay Road. The Environmental Protection Officer is satisfied that this comprises suitable protection to achieve acceptable internal levels of noise for the new dwellings.

Access and Parking

- 6.45 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy TR31 of the 2002 Plan seeks to ensure that new proposals deal satisfactorily with highway safety issues.
- 6.46 Access into the development will be provided by a re-aligned access road from Reservoir Road leading through the site to a parking area in front of the flat block. Parking for the houses and one of the bungalows is provided to the front of them with access from Reservoir Road (16 spaces in total). The other bungalow has a parking space accessed from the new access road and there are a further 15 spaces to the rear to serve the flats and provide visitor parking. The road will also provide access to the church car park.
- 6.47 The technical detail of the access road alignment, the available visibility and the level of parking proposed, is currently being considered by the Highway Authority and Members will be updated at the meeting.

Trees

- 6.48 Guidance in the NPPF seeks to conserve and enhance the natural environment, promote biodiversity and protect wildlife. Similarly, Policies B7 and B.8 of the 2002 Plan and SD10 of the JCS, which encourage development to contribute positively to biodiversity and policy B10 requires the retention of important trees and hedgerows and compensatory replacement when this is not possible.

- 6.49 There are two Tree Preservation Orders relating to the site which protect over 60 trees of varying species and value, including ash, beech, sycamore, cherry, maple and poplar. Overall most of the trees located centrally within the site are to be felled, together with most along the Reservoir Road frontage and the Kingsley Road boundary. Most of the trees immediately adjacent to the Finlay Road boundary are to be retained. Of particular importance are the walnut tree set within the current rear garden of the vicarage and the Cedar of Lebanon located on Reservoir Road, both of these are identified as high value trees and both are to be retained. The Cedar of Lebanon is very prominent in the street scene in both long and shorter views along Reservoir Road. The Councils Tree Officer did raise some concern regarding the potential impact of the works to create the access road upon this tree. Further information has been submitted detailing the protection and method of completion of works around this tree and concludes that with these provisions in place, the tree should not suffer adverse consequences from the building works.
- 6.50 It should be noted that given the closeness of the flat block to trees along the Finlay Road boundary that the trees will impact upon light and views from these windows.
- 6.51 In conclusion I consider that whilst the loss of trees is regrettable it is necessary to ensure a comprehensive development of the site. The two best trees are to be retained and will continue to provide amenity benefit. Additional planting will also be undertaken. I therefore consider that the proposal is acceptable in terms of the impacts upon trees.

Flooding and drainage

- 6.52 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy FRP1a of the 2002 Plan also promotes the risk based approach and policy FRP6 requires the provision of appropriate surface water disposal.
- 6.53 Policy INF 3 of the JCS follows the principles set down within the NPPF in relation to applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.54 The proposal is considered acceptable in terms of flood risk at the site as it lies within Flood Zone 1.
- 6.55 As currently proposed the scheme seeks to discharge to the surface water network. Our Drainage Adviser raises concerns with this method and with the discharge rates stating that there are high risk areas in the vicinity of the development and therefore it is important that surface water run off is highly controlled. In this respect drainage proposals need to achieve a higher attenuation volume and incorporate additional SuDS to reduce the level and

rate of the surface water discharging from the site. This is being discussed with the applicant.

7.0 CONCLUSIONS

- 7.1 The development of this site raises a number of planning issues that require careful balancing. There has been considerable discussion and changes made to the proposals to seek to address the concerns originally made.
- 7.2 The site is located within an existing residential area with good access to public transport, shops and community facilities the vicinity. The scale and layout of the development together with the detailed design of the dwellings are acceptable, reflect local design characteristics in a modern form and should integrate well within the surrounding residential development. The detailed design of the access road is still to be fully assessed but it is not considered that there would be any principal issues that could not be addressed, to ensure safe and appropriate access to the site.
- 7.3 The site is subject to high levels of noise from the surrounding road network however mitigation is proposed to ensure that the new dwellings have satisfactory living conditions with noise levels within the dwellings being to acceptable standards. .
- 7.4 Many of the existing protected trees are to be felled and some additional planting is proposed to compensate for this. The two trees of the highest value, the walnut and the Cedar of Lebanon, are to be retained and the Cedar in particular, will continue to be a distinctive and attractive feature of the local street scene.
- 7.5 The applicant has provided adequate justification regarding the demolition of the church hall and the vicarage and it is accepted that to enable a comprehensive and feasible development to be brought forward, they cannot be retained.
- 7.6 The scheme proposes a solely affordable housing development providing a variety of dwelling units and sizes. This is a significant public and community benefit of the application, and one which should be afforded significant weight in the planning balance.
- 7.7 The commitment from the applicant to provide a financial contribution towards replacement community facilities is also a public and community benefit that arising from this development.
- 7.8 In terms of considering the acceptability of the proposed residential scheme in relation to the heritage assets, it is necessary to address the requirements set out in para 132 and 134 of the Framework. Para 132 confirms that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The church is Grade II* listed and this must be given significant

weight in the planning balance. Historic England and the Conservation Officer have suggested some additional planting to offset the impact the development upon the setting of the church and this is being considered but there are limited opportunities within the site itself but probably more scope to do so within the grounds remaining for the church and this is currently being explored further. The Conservation Officer also refers to a contribution to the repair and maintenance of the church. This has been discussed with the Diocese who do not see the need for any S106 obligations to secure funds for the repair and maintenance of the building given their responsibilities for the building, I accept their position on this.

- 7.9 In my view the applicant has sought to address the original concerns regarding the impact of the development upon the church and has done so in a positive manner, resulting in a much improved scheme. However it is also recognised that in most views, the built development will be seen in the context of the church and it is accepted that it will have some limited impact upon the setting of the church. Therefore I consider that the application is acceptable in terms of the tests required to be undertaken in relation to impacts of new development upon heritage assets.
- 7.10 Therefore my overall conclusion is that there will be some impact upon the setting of the church however this impact does not amount to substantial harm. Furthermore the impact has to be weighed against the public benefits of the scheme, which in this case comprises the provision of a 100% affordable housing development, which in my view represents a significant public benefit.
- 7.11 Therefore the balance of material considerations weighs in favour of granting planning permission, subject to conditions and a suitable legal agreement.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That subject to

- a) Assessment of the detail of the outstanding consultation response from the Highway Authority
- b) Resolution of the issue relating to the principles of the drainage proposals for the development
- c) Resolution of the issue relating to the provision of additional planting to provide further screening between the church and the new development
- d) Any new and substantive issues arising as a result of consultation being reviewed and appropriately dealt with by the Development Control Manager

and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following obligations:

- a) secure the development as 100% affordable housing and the retention of the units as affordable housing in perpetuity

- b) secure the financial contribution towards the replacement community facility

Together with appropriate conditions addressing necessary issues including, but not limited to, the following matters;

1. Commencement of development within 3 years
 2. Development in accordance with the approved plans
 3. Samples of all external materials and surfacing materials
 4. Details and implementation of boundary treatments
 5. Retention and reuse of existing railings
 6. Interpretation board on site
 7. Restriction on satellite dishes
 8. Details of existing and proposed levels
 9. Tree protection measures
 10. Landscaping details and implementation
 11. Archaeology watching brief
 12. Implementation of noise mitigation requirements
 13. Post construction noise testing
 14. Drainage details
 15. Restriction on new windows
 16. Restriction on working hours during construction
 17. Construction management plan
- Plus further conditions as necessary and following receipt of consultation responses

Decision:

Notes:

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Person to contact: Joann Meneaud
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14/00449/FUL

**St Aldate Church
Finlay Road
Gloucester
GL4 6TN**

Planning Committee 07.02.2017

