

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning  
Date: | May 1<sup>st</sup> 2018  
Address/Location: | Public Convenience, St Johns Lane, Gloucester  
Application No: | 18/00055/FUL  
Ward: | Westgate  
Expiry Date: | 21.03.2018  
Extension of time: | 14.05.2018

Applicant: | Mr Ismail Ryman

Proposal: | Change of use from public convenience to single 1 bed dwelling. External changes include new fenestration, insulation and external treatments and erection of boundary treatment and bin store.

Report by: | Fiona Ristic

Appendices: | Site Plan – plsi 1A  
Floor plans - plsi1A  
Elevations – ple1  
Bin store plan -plb1  
Location plan - plloc1A  
This application has come before the planning committee as the applicant is an employee of the City Council

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south-east of St. Johns Lane. The property is a former public convenience which has been vacant for many years. The site is located in the Central Conservation Area.
- 1.2 The proposal is for the change of use of the property from a public convenience to a single 1 bed dwelling. The external changes include new fenestration in the front elevation, insulation and external treatments. There will also be the erection of boundary treatment in terms of railings and a bin store in the front area. There was a previous consent for a community farm shop and café at the site which has not progressed (granted 2014). The interior of the building was cleared for this use but no external changes took place.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00440/FUL	Renovation and redevelopment of Existing Building, Existing Public Convenience to be converted into a community farm shop (change of use to A1) and cafe (A3), Erection of new Glazed frontage looking out to St Johns Lane, Remedial Work to adjacent party wall (amended description)	Granted	24.06.2014

### 3.0 **RELEVANT PLANNING POLICY**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

#### 3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

#### 3.3 **Development Plan**

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS (Main Modifications) include:

SD3 – Sustainable design and construction

SD4 – Design requirements

SD8 – Historic Environment

SD10 – Residential development

SD11 – Housing mix and standards

SD14 – Health and environmental quality

INF1 –Transport network

#### 3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the 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.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

#### 3.5 **Emerging Development Plan**

##### **Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 216 of the NPPF.

#### 3.6 **Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

#### 3.7 **Supplementary Planning Guidance/Documents**

City Centre Conservation Area Appraisal

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

## 4.0 CONSULTATIONS

### 4.1 City Centre Improvement Officer (Environmental Protection)

- Directly adjacent and attached to the building is metal hinged gates accessing the rear of Yorkshire Bank. This access is used for parking by the employees. Above the rear access to this commercial unit, approx. 10-15 metres away, is situated a bank of 6 air handling units. St Johns Lane has restricted access to motor vehicles albeit there may be delivery vehicles using the rear access of the Yorkshire Bank at points during the day. Other than cleaning operatives the bank would not be accessed or open to the public prior to 08:00hrs and not after 18:00hrs Monday – Saturday.
- There are no concerns resulting from noise generated by road traffic materially affecting any future occupants of this proposal or the use of the surrounding commercial units adversely affecting the proposed use.
- The 6 air handling plant units when under load may be audible within the proposed use. The impact can be reduced by imposing a condition to prevent any openings on the façade facing the delivery access ramp. The existing vent on this façade should be removed and remaining hole made good so as to maintain the integrity of the elevation.
- The use of the metal gates that are attached to the building may give rise to noise within the proposed development. To minimise any impact a condition requesting a scheme to be submitted to introduce elevated levels of insulation to the internal walls should be put on the permission.

### 4.2 Conservation Officer 31/01/2018

- There are no objections to the proposed residential conversion, St Johns Lane has seen a number of conversions and this will add to the vibrancy of the area through increased residents in the city centre.
- Note that railings are proposed for the enclosure of the site and provide some privacy, the bin should be enclosed as this will ensure that the bin is in a safe environment and not rattling around the frontage.
- Materials should be high quality. The windows and doors should be aluminium due to the City Council conservation area location. Cast iron rainwater goods and a lime render is welcomed, I would recommend an off white to ensure that the character of the conservation area is preserved.
- The application accords with the local conservation area policy guidelines and national policies and is acceptable subject to a condition requesting samples of external materials.

**27/02/2018** – Following the bin store details, No further comments previously agreed as acceptable

### 4.3 Housing

No comments other than the combined living room/bedroom and kitchen should be a minimum of 13m<sup>2</sup> and it must be adequately ventilated. – *The proposed space will be above 13m<sup>2</sup>*

#### 4.4 Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

#### 4.5 Highways

The applicant proposes no vehicular access to the highway and Pedestrian access to be retained as existing. I do not deem it unreasonable to request the applicant to provide safe and secure cycle storage in accordance with N.P.P.F and MfGs 9.38, this can be secured in way of condition.

I recommend that no highway objection be raised subject to a condition requesting details of secure and covered cycle storage facilities for a minimum of 1 bicycle.

#### 4.6 Civic Trust

Acceptable. the satisfactory capping of the parapet walls will be vital to this scheme. Likewise the adjoining wall of TK Maxx needs attention to improve its appearance. *Response – The wall of TK Maxx is outside the applicant's ownership.*

#### 5.0 PUBLICITY AND REPRESENTATIONS

5.1 12 Neighbouring properties were notified and press and site notices were published.

5.2 No letters were received.

5.3 The full content of all correspondence on this application can be viewed on:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 6.0 OFFICER OPINION

### 6.1 ***Legislative background***

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

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

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

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design and layout
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Economic considerations
- Impact on Conservation Area

### 6.5 ***Principle***

The NPPF at Paragraph 47 requires local planning authorities to demonstrate a 5 Year Housing Land Supply against the relevant housing requirement. Paragraph 49 states that 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. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

6.6 For the period 1 April 2017 to 31 March 2022, Gloucester can demonstrate at least 5.8 years of housing land supply (as set out in paragraph 97 of the JCS Inspector's report). This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.

6.7 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply. As the proposal is within the central Conservation Area, it must also be assessed in terms of impact on the Conservation Area (Policy SD.8). The proposal would involve the reuse of a vacant building in the Conservation Area and improve activity and surveillance in this part of St Johns Lane. There are already a variety of conversions in this part of St John's Lane and the Former Citizen building opposite has approval for flats.

6.8 As the site is located within the built up area of the city, the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

6.9 ***Design, Layout and Landscaping***

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. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.

- 6.10 The proposal reuses a vacant building in the Conservation Area. The proposed design involves minimal alteration to the building in terms of new openings. This will minimize the noise transfer into the building. The building would be rendered in an off white lime render and have aluminium windows. There would be new black painted railings at the front of the property which provide a small area of private space and this would contain the bin store. It is considered that the design would appear minimalist and modern and would improve the appearance of this part of the Conservation Area. The new glazing in the front elevation would improve surveillance on St John's Lane.

6.11 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network

- 6.12 The site does not contain any off street parking. However, the site is very centrally located and easily accessible to a range of facilities and to public transport. Given the relatively small size of forecourt and that the applicant already proposes a bin store, it is not considered that a cycle store would be appropriate as along with the bin store would look cluttered in the Conservation Area. Given the sustainable location there is no objection to the proposal in terms of highways.

6.13 ***Residential amenity***

Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

- 6.14 The proposed unit would have a living room, bedroom and WC with a high level window for the kitchen and front windows for the living room and WC. The proposal provides an acceptable layout in terms of amenity. There would be a bin store and small enclosed forecourt at the front. In terms of noise, the applicant proposed to fill in a small existing vent hole on the south-west elevation facing the car-park. There is a small high level window to the kitchen which is existing and will remain and the applicant will add additional glazing to the front elevation. Environmental Health have acknowledged the background noise in the area and that the blocking up of the side vent will reduce the noise from nearby air conditioning and the car park gates. They suggest a condition for details of insulation to be submitted to minimize the impact of noise from the nearby gates and air conditioning. A second condition is also recommended that ensures that no new openings are formed in the south-west side elevation facing the neighbouring access ramp.

6.15 ***Drainage and flood risk***

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.16 The site is in flood zone 1 and already accessed by mains sewer. Severn Trent Water have no objections to the proposals and do not require a drainage condition to be applied. There are therefore no drainage issues with the proposal.

6.17 ***Economic considerations***

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

6.18 ***Impact on Conservation Area***

The proposal will reuse a currently vacant building in the Conservation Area which will result in an improvement to the visual appearance of the building and will increase activity and surveillance in this part of the Conservation Area. The proposed black railings will improve the streetscape and give the building a sense of enclosure. It is considered that the proposal complies with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that where an area is designated as a conservation area "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area".

6.19 ***Conclusion***

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours, impact on the Conservation Area and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

6.20 ***Human Rights Act***

In compiling the recommendation full consideration has been given to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters warrant any different action to that recommended

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is GRANTED subject to the following conditions;

7.2 **Condition 1**

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

**Reason**

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2**

The development hereby permitted shall be carried out in accordance with the application form, Site Plan – pls1 1A, Floor plans - pls1A, Proposed Elevations – ple1, Bin store plan -plb1, And Location plan - plloc1A received by the Local Planning Authority on 18th April 2018 as well

as any other conditions attached to this permission.

**Reason**

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Joint Core Strategy (2017).

**Condition 3**

No external development shall take place until details or samples of materials to be used externally including window and door design details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

To ensure that the materials harmonise with the surroundings in accordance with policies SD.4 and SD.8 of the JCS (2017).

**Condition 4**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, shall be erected other than those expressly authorised by this permission. Additionally no doors or windows shall be constructed in the south-west elevation of the building and the existing vent hole shall be blocked up and made good before the building is occupied.

**Reason**

Given the constrained nature of the site and in order to protect the residential amenity of the property in terms of noise in accordance with policy SD.14 of the JCS (2017).

**Condition 6**

Before construction commences details of the proposed method of insulation shall be submitted to and approved in writing by the Local Planning Authority. This shall be installed before the building is occupied and retained as approved in perpetuity.

**Reason**

In order to protect the residential amenity of the property in terms of noise in accordance with policy SD.14 of the JCS (2017). These details are required upfront as they are fundamental to the conversion.

**Condition 7**

The proposed railings and bin store shown on drawing numbers plele1A (railings) and plb1 (bin store) shall be constructed in accordance with the approved details before the building is occupied and shall be retained in perpetuity.

**Reason**

In the interests of the amenity of the occupier and the character of the Conservation Area in accordance with policies SD.8 and SD.14 of the JCS (2017)

**Note 1**

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

**Note 2**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice,

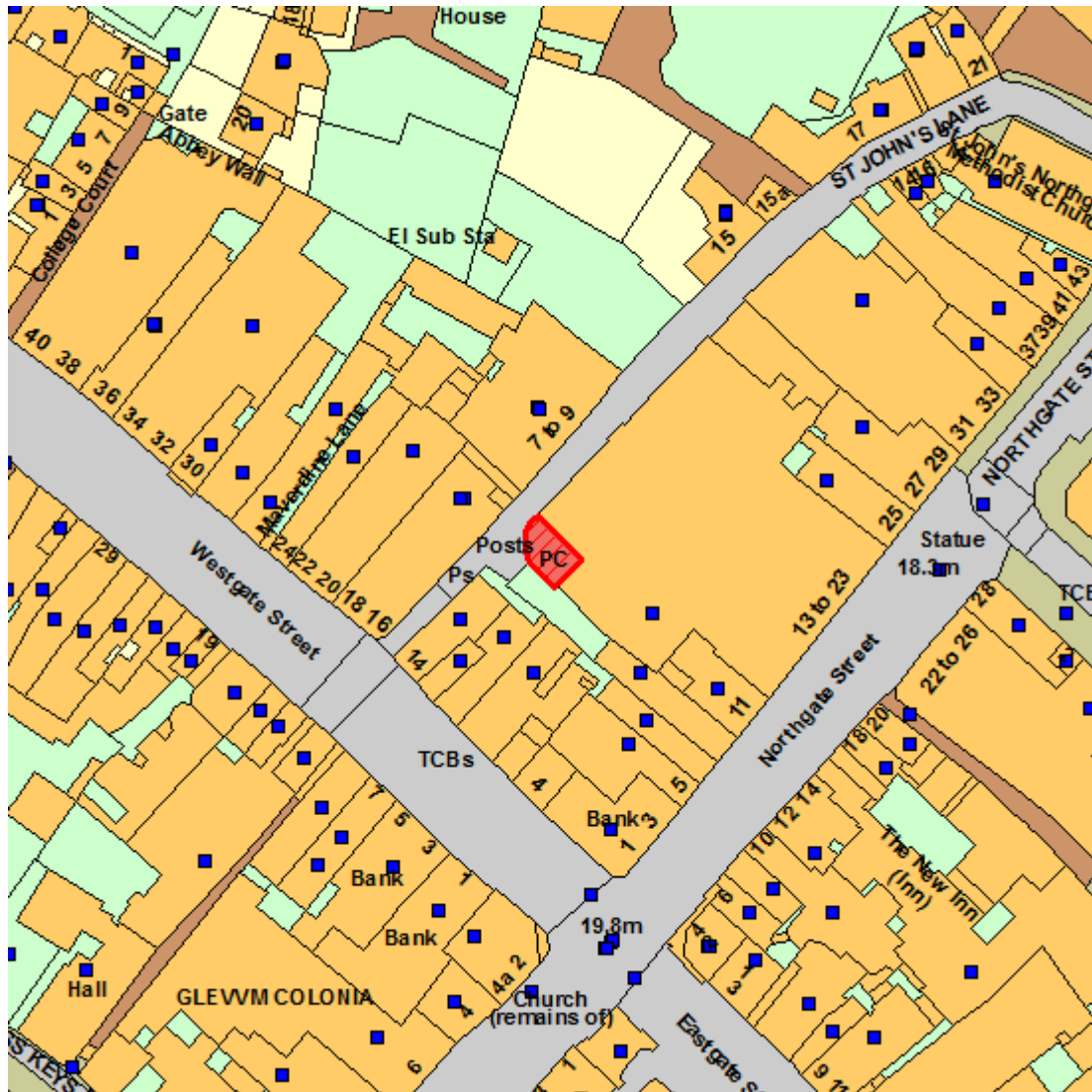
publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

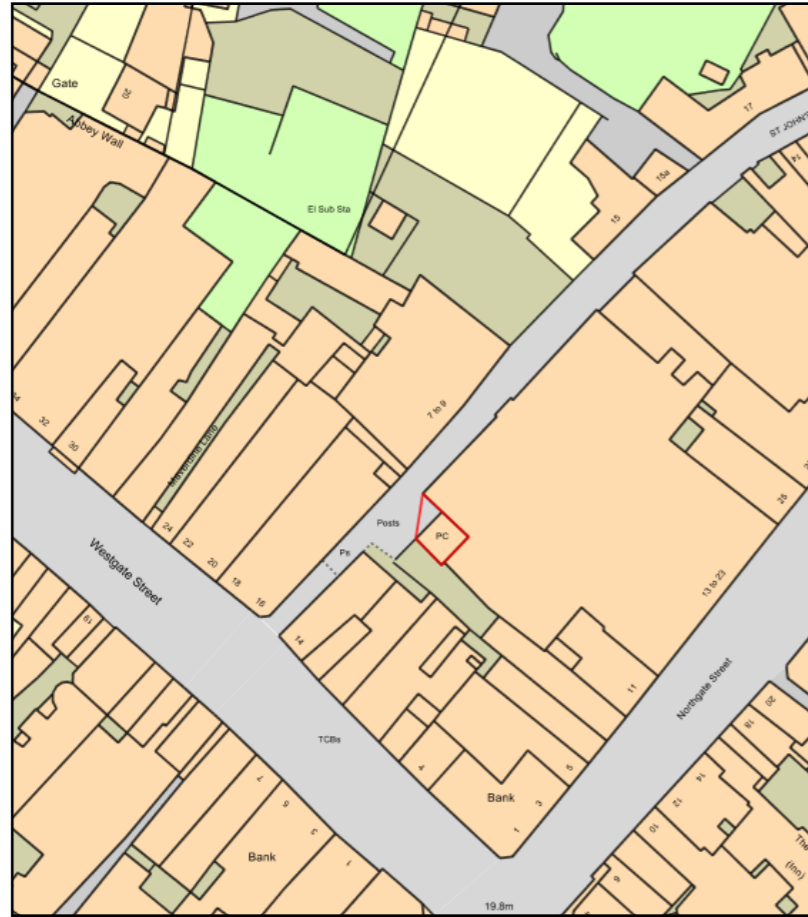
**Person to Contact:** Fiona Ristic (396716)

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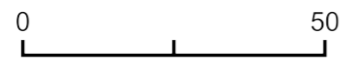
Address: | Public Convenience St Johns  
Lane Gloucester

Committee Date: | 01.05.2018



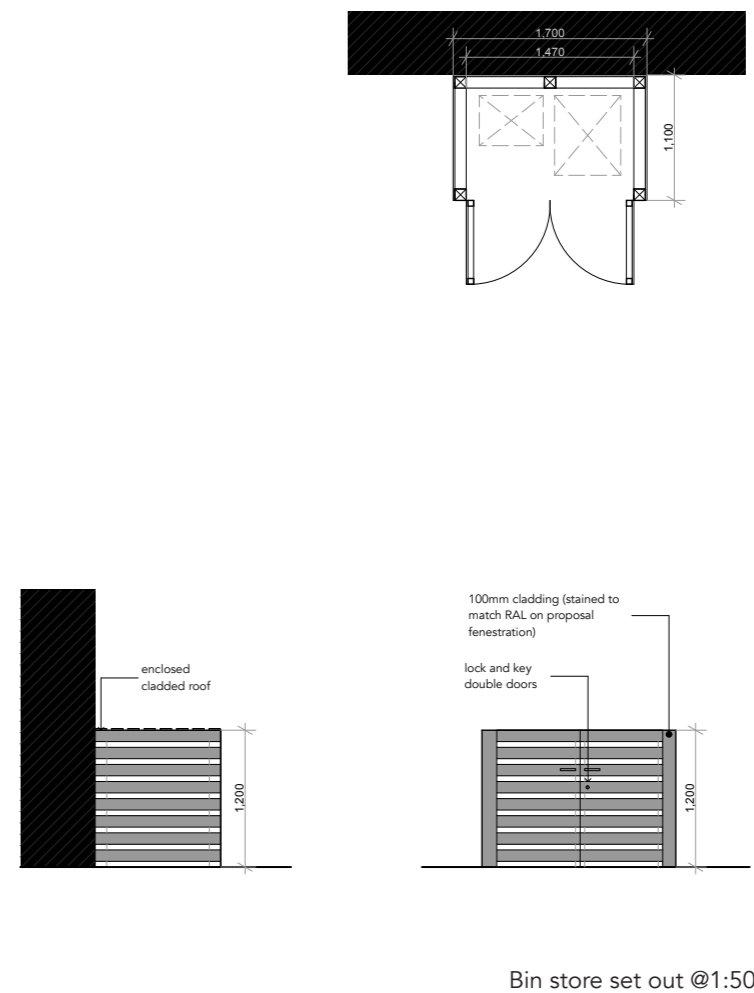
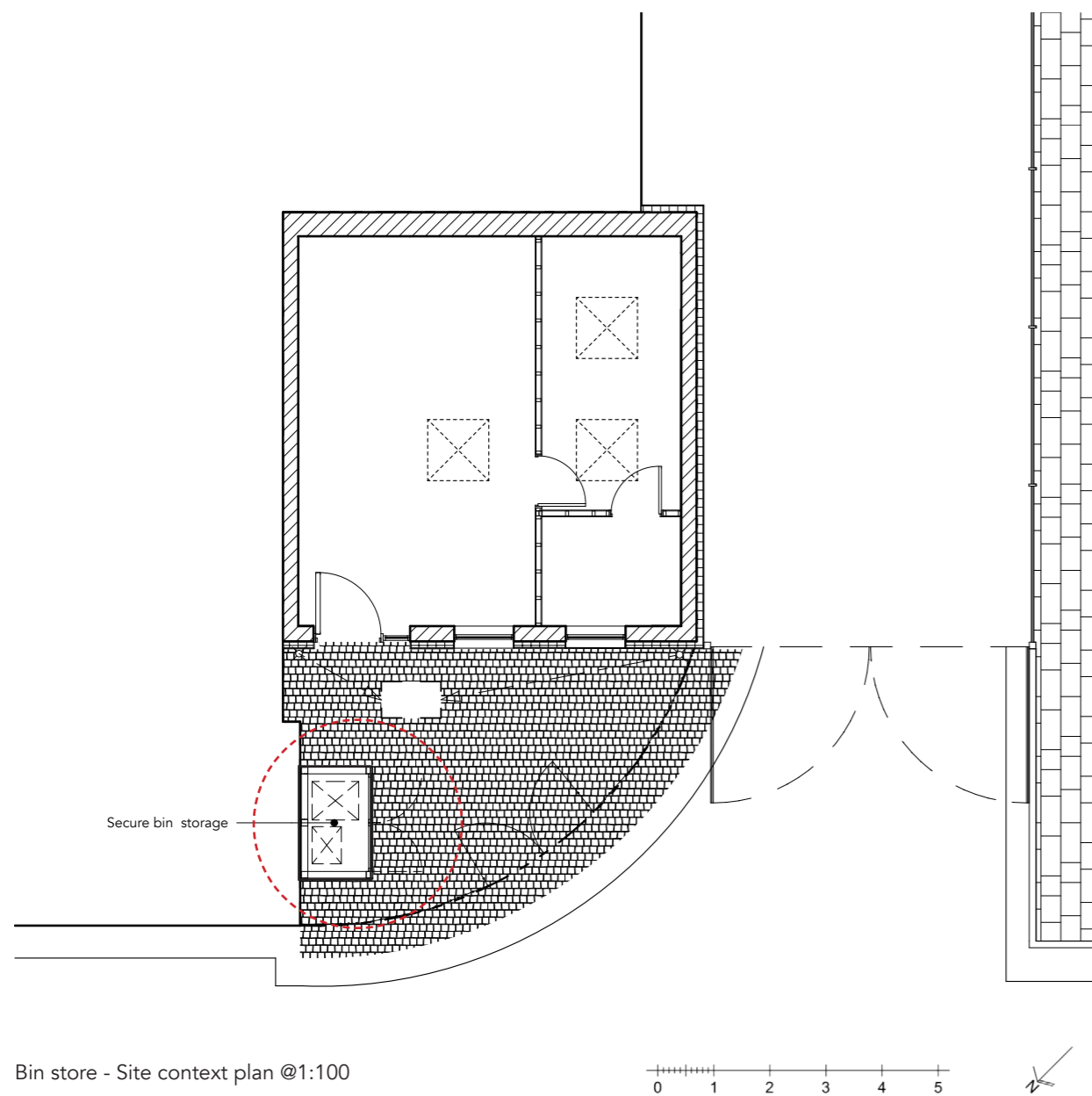


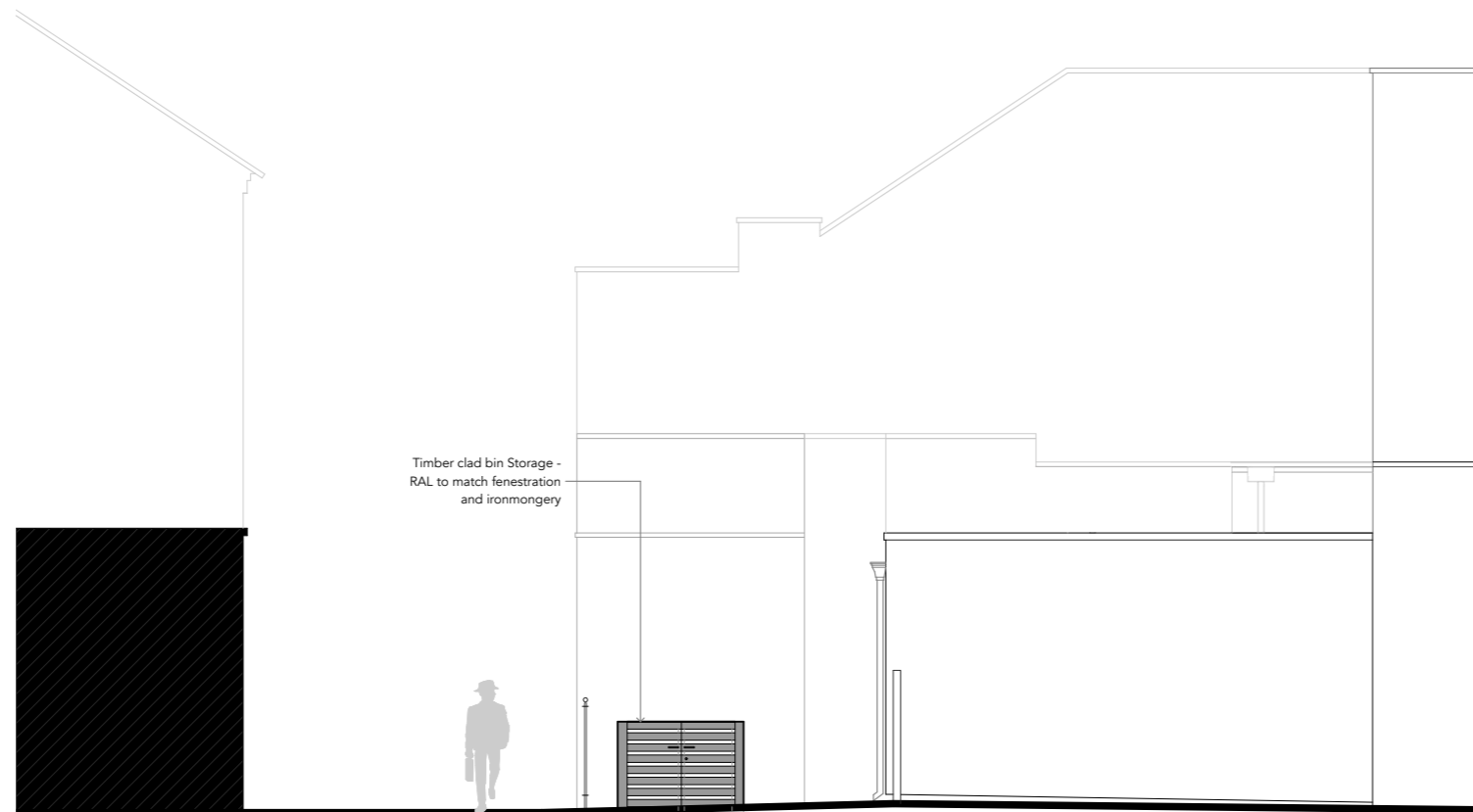
Location Plan 1:1250



Block Plan 1:500







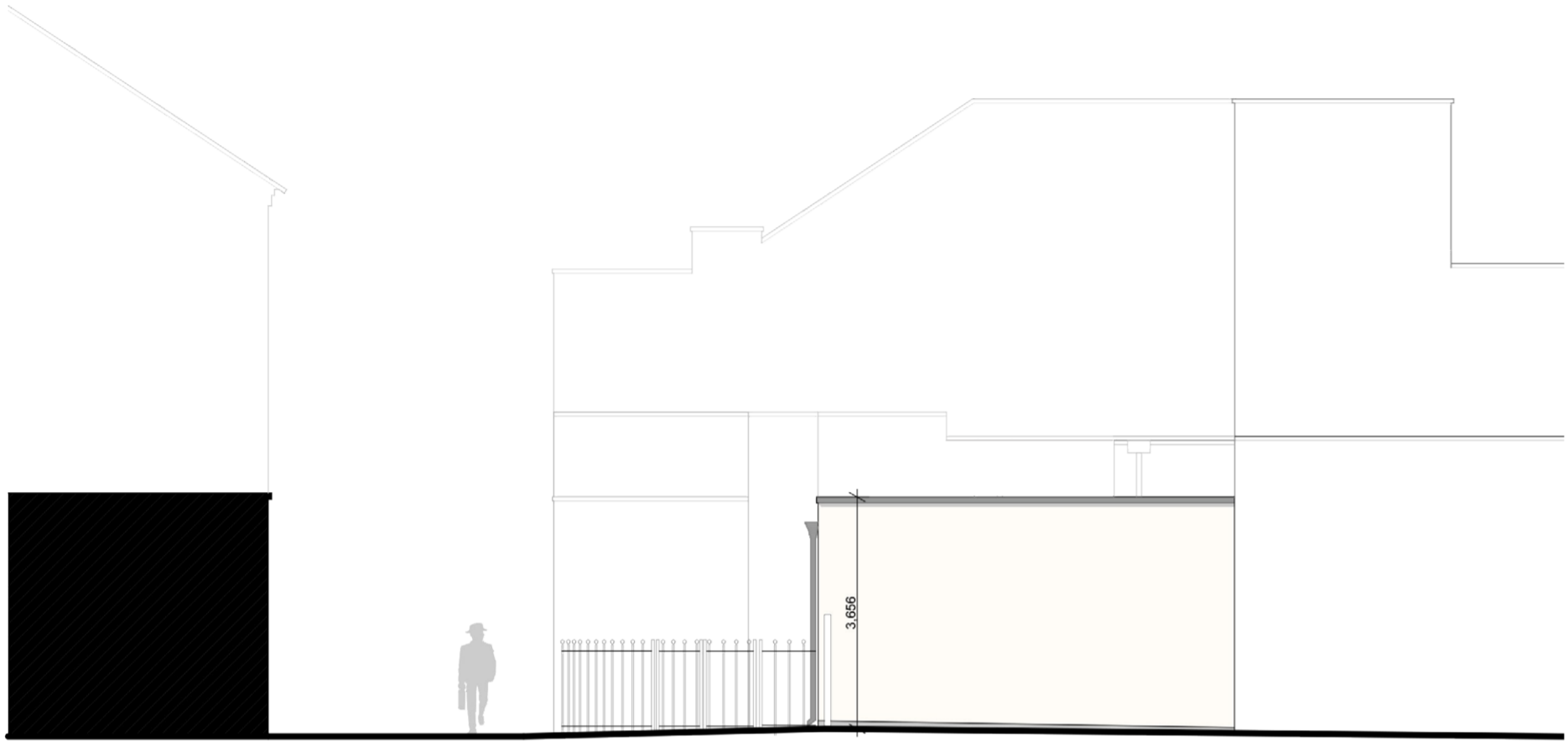
West Elevation



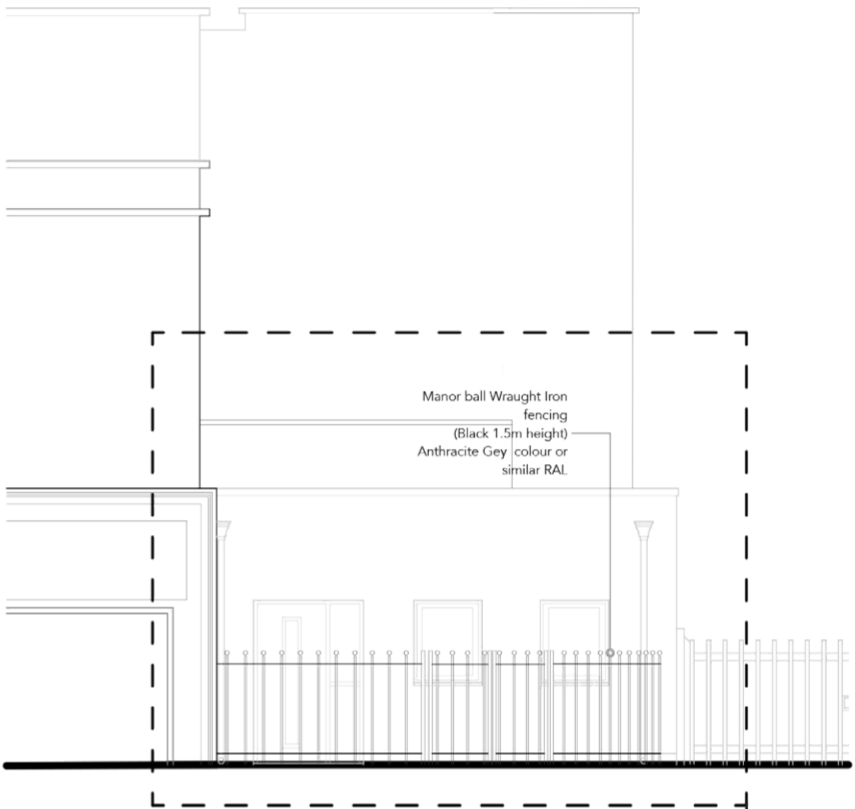
NW Elevation



West Elevation



NW Elevation with boundary railing



NW Elevation

