

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 5th November 2019

ITEM 5 – 5-7 Park Road, Gloucester – 19/00296/FUL

Habitats Regulations Assessment

Since publication of the committee report a further draft Habitats Regulations Assessment 'Appropriate Assessment' has been produced by the Council's consultant and Natural England (NE) has been consulted.

Informal feedback has been received today from NE that there is no in-principle problem with the mitigation measures proposed in the Appropriate Assessment, but NE wishes to provide detailed feedback in writing to assist with the wording of the mitigation requirements.

The current recommendation provides for this matter to be dealt with under delegated powers.

No change is proposed to the Recommendation of the City Growth and Delivery Manager.

ITEM 6 – RAOB Social Club, 87-91 Southgate Street

Further comments from County Highways:

The applicant has demonstrated that there are a total of 100 on-street parking opportunities within the study area, including 53 on Brunswick Square, 24 on Spa Road, 15 on Southgate Street and 8 on Albion Street.

The Highway Authority agree with the applicant's findings that the occupancy of on-street parking within the catchment did not exceed 90% for any time period. Therefore, at least 10 spaces were vacant within 200 metres of the site at all times during the survey. Notably, up to 21 spaces were recorded as vacant after 1700 on both survey days.

As such the Highway Authority conclude that access to 28 permits associated with residential development will have an unacceptable impact on highway parking capacity. The controlled parking zone would have a deficit of parking opportunities within an acceptable distance of the proposed development and as there will be fewer parking opportunities than permits required. Therefore it is considered that the residual cumulative impacts would be severe i.e. parking on highway will be over-capacity.

To ensure that development in a sustainable location does not result in capacity impacts on the highway and parking it is necessary to secure through a Traffic Regulation Order the exclusion of the development to parking permits which would otherwise enable the development to secure 28 parking permits.

In the absence of a S106 to secure a contribution to cover the costs of variation to the controlled parking zone Traffic Regulation Order the development will have an unacceptable impact on the highway. Therefore the Highway Authority recommendation is that the application be refused due to conflicts with NPPF paragraphs:

- 108c (applications for development should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety
- 109 (unacceptable impacts on highway safety, can be cost effectively mitigated to an acceptable degree) and residual cumulative impacts on the road network would be severe).

Habitats Regulations Assessment

A further draft Habitats Regulations Assessment 'Appropriate Assessment' has been produced by the Council's consultant and Natural England (NE) has been consulted.

Informal feedback has been received today from NE that there is no in-principle problem with the mitigation measures proposed in the Appropriate Assessment, but NE wishes to provide detailed feedback in writing to assist with the wording of the mitigation requirements.

As the mitigation measures necessitate a financial contribution that would need to be secured by a s106 agreement, as this has not been completed, a further reason for refusal would be required, as follows:

3. In the absence of an appropriate planning obligation, the application does not provide for the mitigation measures necessary to ensure that there is no adverse effect on the integrity of the Cotswold Beechwoods and Severn Estuary international sites. The proposals therefore conflict with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (2017), Policies E2 and E8 of the Pre-Submission Gloucester City Plan 2011-2031 (2019), and the NPPF, and the Council as competent authority cannot conclude under the Habitats Regulations Assessment that there is no adverse effect on the integrity of the sites.

Following the latest responses from Natural England and the County Highways Authority it has not been possible to discuss the ecology/parking issues with the applicant. Because of this, and the possible implications that potential additional s106 obligations could have on the viability assessment, it is recommended that the application is DEFERRED to allow further discussions with the applicant, County Highways Authority and Natural England in respect of the highways and ecology issues and the consideration of any viability implications.

ITEM 7 – 20 Grafton Road - 19/00748/FUL

Supporting evidence and justification from applicant received by the Local Planning Authority on 22.10.2019

The applicant provided supporting evidence in support of the application. The document included justification of the proposal, a copy of submitted plans, letter of support from Paul James, letter of support and recommendations from highways, photographs of street scene, email of 6th February detailing potential options and email confirming preferred options.

The document included details of justification of the need of improved boundary treatment;

- To prevent unwanted and nuisance onlookers

- Security
- Safety

The document outlines the changes that have been made through the most recent scheme;

- Obscured height of boundary reduced from 2 metres to 1.6 metres
- Walls and railings proposed instead of fence. Wall would be constructed from red brick to be in keeping with the existing dwelling
- New wall complies with police recommendations
- Proposal takes account advice of planning officer

Justification of the proposal included;

- Height and design of the boundary is consistent with other properties – examples provided
- Style and height of 28 Cheltenham Road does not allow for required security
- Of the opinion that the solution provided delivers an attractive design and would also provide security for property
- Proposal has support from local councillors

Representation from Councillor Paul James

Councillor Paul James raised a representation in support of the proposal raising the following points;

- The applicant has gone out of his way to compromise and strike an appropriate balance between the impact on the streetscene and security of his family and property.
- There are a number of examples of boundary treatments in the vicinity of similar height, which do not detract from the streetscene.
- Hope the Committee will approve the plans, after having approved the associated garage and store in February, to enable the applicant to proceed with this project.

No change is proposed to the Recommendation of the City Growth and Delivery Manager.

ITEM 8 – 100 Eastern Avenue - 19/00750/FUL

Obscure glazing of windows

The officers report originally recommended a condition obscure glazing the first floor windows on the north side elevation due to concerns that the proposal would overlook the nursery to the north.

Following comments from the applicant and further consideration of the application, it is considered that the condition is not necessary and should be removed.

Air Quality and Noise Quality

Air Quality Assessment

The Environmental Health Officer's request for an Air Quality Assessment has been withdrawn and the Environmental Health Officer has confirmed that after reviewing national guidance in context to the site, whilst the proposed development is located in an area of poor air quality it would not be considered proportionate to require a full Air Quality Assessment.

Noise Assessment

The request for the noise assessment remains outstanding. The Environmental Health Officer has confirmed that irrespective of the modest proposal Eastern Avenue forms a major route, consequently It is important to consider sensitive development. The Environmental Health Officer has suggested that to simplify the process, a desk top study taking into account raw data presented in other relevant assessments would be sufficient. This will then give the applicant an understanding of the mitigation required to minimise impact from elevated RTN on Eastern Avenue.

Revised Recommendation of the City Growth and Delivery Manager: That authority is delegated to the city growth and delivery manager to grant planning permission subject to the conditions set out in the officer report and:

The receipt of a noise assessment and provision for any consequential conditions, required by the Environmental Health Officer, to ensure acceptable living conditions for the occupiers of the proposed dwelling.