

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2 nd February 2021
Address/Location:	Rikenel Montpellier Gloucester GL1 1LY
Application No:	17/01127/FUL
Ward:	Westgate
Expiry Date:	04.10.2018
Extension of time	09.02.2021
Applicant:	Holmleigh Properties Limited
Proposal:	Demolition of existing day centre and erection of 3 storey building containing 12 number 1 bedroomed flats for adults with physical or learning disabilities
Report by:	Fiona Ristic
Appendices:	<ol style="list-style-type: none">1. Site Location2. Block plan3. Proposed Elevations4. Proposed Floor plans

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is the Rikenel Centre which is currently used by the applicant's adult care company as a day centre. The site is to the southeast of Montpellier. The application site is in separate ownership to the rest of the site which is an NHS health centre and is centred around Rikenel House. The Rikenel Centre has had a variety of uses from a youth club in the 1960's to a pharmacy, park manager offices, offices for the Health Centre and recently as a day centre. The existing single storey building is located within the Spa Conservation Area, but is late 20th Century. The building makes little contribution to the overall street scene, with no active frontage. The site is within the setting of Grade II listed North Villas and Spa Villas. The Environment Agency maps show that part of the site is flood zone 2, although topographical data shows that the area of proposed construction is flood zone 1.

1.2 Proposal

The use of the existing unit is reducing as the company are introducing an increased level of occupational welfare in their residential care homes. The proposal is to demolish the existing single storey day centre and construct a three storey building to contain 12 flats for adults with physical and learning difficulties (C2 use). There would also be a carers office in the building. This would be located on the first floor and would provide a permanent full-time carer who would rotate on a shift basis.

1.3 The applicant is offering 20% of the units as affordable housing. The units would be managed by a local Housing Association. The proposed external materials would be brickwork and render and tiles. There is a small amount of outside amenity space at the site measuring 33m². The applicant proposes that two of the flats would have this area of amenity space and 10 of the flats have no outside amenity space. In terms of cycle storage, the applicant has proposed to locate four lockable spaces under the stairs in the

main entrance on the ground floor and one space in the separate shared access to the other two ground floor flats. The site plan shows space for 12 wheelie bins for refuse.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00647/FUL	Siting of portable building.	Granted	09.04.2001
03/00760/CON	Demolition of non-listed building.	Granted Conservation Area consent	20.08.2003
99/00634/FUL	Extension to Health Centre (meeting room)	Granted	14.12.1999
44/101969/HIS T	P/326/70:- Change of use from youth centre to offices and layout of car parking areas.	No objection	29.04.1970

3.0 RELEVANT PLANNING HISTORY

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 include:

SP1 - The need for new development
 SP2 – Distribution of new development
 SD3 – Sustainable design and construction
 SD4 – Design requirements
 SD8 – Historic Environment
 SD10 – Residential development
 SD11 – Housing mix and standards
 SD12 – Affordable housing
 SD14 – Health and environmental quality
 INF1 –Transport network
 INF2 – Flood risk management
 INF7 – Developer contributions

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 Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A2 – Affordable housing
- A5 – Specialist housing
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- F6 – Nationally described space standards
- G1 – Sustainable transport

3.6 **Other Planning Policy Documents**

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. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

- BE.30a – Control of redevelopment in Conservation Areas

3.7 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 Highway Authority

The proposal would be for adults with learning difficulties and associated staff and would not be expected to result in a significant increase in vehicle trips impacting on the highway network. The TRICS analysis demonstrates that there would only be an estimated 22 two-way daily vehicle trips and 1-2 AM and 1-2 PM peak hour trips likely to be mostly associated with staff. The net increase would also be less considering the existing trip generation of the day centre.

The site is sustainably located in Gloucester City Centre within walking and cycling distance of city centre amenities as well as frequent bus and rail services throughout the city reducing reliance on private vehicle use. The associated parking demand will be expected to be low, with sufficient on and off-street parking provision within walking distance. A condition needs to be attached that restricts the use to dwellings for adults with physical and learning difficulties. In order to encourage sustainable travel in accordance with the National Planning Policy Framework and Joint Core Strategy a condition will be sought to provide 5 cycle parking spaces for use by staff and occupants.

Recommend no objection subject to the following conditions;

1. Permitted development restricted to the proposed residential use for adults with physical or learning difficulties unless a new application is made in writing to the Local Planning Authority and approved for a change in proposed use.
2. Details of cycle storage for 5 bicycles
3. Construction management condition
4. Bin storage to be supplied as per plans and maintained

4.2 Conservation Officer

The proposed development site is located with the Spa Conservation Area. The existing Rikenel building does not make any architectural or aesthetic contribution to this part of the conservation area and a replacement building could add value and be an enhancement to character the conservation area. However, although the proposal has gone through a number of changes in order to design an acceptable proposal, a satisfactory conclusion has not been reached. The proposal is neither a good pastiche or a wholly modern design.

It has not been possible to secure amendments to reduce the footprint on the plot or adjust the width of the proposed building to respect more formal Georgian proportions. The site is small, and the proposed development is extended tight on to the boundaries of the plot with little scope for visual enhancement or amenity space for the benefit of the residents who will use the building as well as for the overall enhancement of the Conservation Area. The current proposal is overdevelopment of the site, and the design lacks sensitivity in relation to its surroundings. The proposal would also be likely to affect the setting of nearby listed buildings. It is considered that the proposal, by virtue of its design, would neither preserve nor enhance the character and appearance of the Spa Road Conservation Area, and would cause less-than-substantial harm to the conservation area. Recommend refusal unless it is considered that the less than substantial harm is outweighed by the public benefits.

4.3 Severn Trent Water

No objections to the proposals, subject to the inclusion of a condition requesting drainage

details.

4.4 **Urban Design (August 2018)**

The site is located within the conservation area. No objection to the principle of this development, however as this is a conservation area the character and appearance of the proposed building should be of a high quality and seek to improve and enhance the existing situation. There is no merit in retaining the original building. The existing building is hard up against the pavement and this allows for no defensible space for future occupiers on the ground floor. If the building is a pastiche style, this must be done authentically. The size and proportion of windows should be looked at, more should be made of the entrance and fine details such as the depth of the window reveals will be important. Alterations are needed to improve this proposal.

4.5 **Archaeology**

This site is located in an area historically known as the 'Rignall Stile' This area, along with the adjacent 'Gaudy Green' just to the west, was the focus of much of the fighting and entrenching during the siege of Gloucester in 1643. The surrounding area has previously produced some good evidence for earthworks associated with the siege. More generally archaeological remains of prehistoric, Roman and medieval date have been quite commonly recovered from the surrounding area. Given this archaeological background concerned that groundworks associated with the proposed development have the potential to damage or destroy heritage assets of archaeological interest. Therefore, it is recommended that the following conditions be attached if permission is granted.

Conditions

1. Report with results of a programme of archaeological evaluation for that area submitted to and approved in writing by the local planning authority.

2. Written scheme of investigation, including a timetable for the investigation, shall be submitted to and approved by the local planning authority in writing.

3. The programme of archaeological work approved under Condition 3 shall subsequently be implemented and development within the site.

4.6 **Civic Trust**

This prominent site near the Park can take a large, three storey building, but this is not it. Further negotiations are needed to produce an acceptable design, if an opportunity is not to be missed to replace a negative building with something that enhances the Conservation Area.

4.7 **County Council Commissioning**

Learning Disabilities commissioners do have concerns both about the location of the proposed accommodation, which is not suitable for potentially very vulnerable individuals, and about the County Council's ability to fill the service. Currently there is not a pressing need for this number of units in central Gloucester (unless the accommodation specification is suited to those with very complex needs and behaviours that challenge, which this does not). The design generally isn't very flexible.

Holmleigh Care currently have a high percentage of the County Council area packages and placements and the County Council would be concerned that a new development, if not filled by Gloucestershire, will result in more out of area placements. This is Nationally agreed across commissioners to carry additional risks to individuals (who are placed away from their social and family network with less frequent visits from the placing authority than if they were in county) but also to add pressure to services e.g. health (GP's, CLDTs etc.)

The Housing Association has since withdrawn, following advice and guidance issued by the regulator, they may proceed at a later date but at present there is no formal partnership.

4.8 **City Council Housing Officer** – Support the comments of the County Council Commissioning officer.

4.9 **Environment Agency**

The site is located in flood zone 2. As such the Sequential Test and a Flood Risk Assessment (FRA) are necessary. The Flood Risk report summarises that based on the levels provided and the topographical survey, that the site is actually Flood Zone 1. The application would therefore be dealt with by Standing Advice.

4.10 **Drainage Officer**

Flood Risk At The Site

Environment Agency flood maps show a small amount of flood zone 2 area on the north and south fringes of the site. The applicant has submitted a Flood Risk Assessment that compares modelled flood levels (adjusted for cc) to the ground levels at the site. Based on the levels submitted, they have concluded that the site is in fact wholly within flood zone 1.

The locations of the flood data nodes have not been provided. Depending on how far from the site the flood nodes are, it is not always possible to directly apply those flood levels.

In this case however, as the EA flood maps only show a minimal area of flood zone 2, and the FFL is 300 mm above road level, I will accept that the development can be classified as being flood zone 1.

On this basis, the sequential test is not required. Similarly, the exception test does not need to be passed.

Impact On Flood Risk Elsewhere

- *Loss In Flood Plain Storage Volume*

This is not required because there is no build development proposed below the 100 year + cc flood level.

- *Surface Water Management*

For brownfield developments we typically require a minimum of a 40% reduction in surface water discharge rates. (policy E6 of the City Plan). Attenuation volumes should be calculated using a 40% uplift for climate change.

Previously the building was simply to be converted and so there was no strict requirement for SuDS. Now however, as the existing building is to be demolished and a new building erected, SuDS will be required, and the above requirement met.

Apply standard drainage condition including SuDS

5.0 **PUBLICITY AND REPRESENTATIONS**

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

- 5.2 2 letters of objection raising the following points on the original plans:
- Adhoc development - Support principle of redevelopment but concerned about adhoc redevelopment of only part of the larger site. Opportunity to build development which enhances Conservation Area.
- Materials – roofing described as tiles. Rest of roofing in area is slate. Need to demolish existing building and use red brick or render
- Windows – windows in the area are white, not conservation grey. The proposed proportions are not correct.
- Trees – need to retain the trees in the area.
- Storage – need storage for mobility scooters
- Access – no lift to the first floor or community space
- Letter of concern from NHS Trust** – Whilst they support the idea of supported living, number of concerns :
- Overbearing – Concerned that proposed building would be overbearing to NHS buildings adjoining the site.
- Access - If the side area between the main building and the site is closed would make it difficult to transport waste on the NHS site.
- Construction – How would the safety of users of the footpath be maintained? How would they construct the building without erecting scaffolding in valuable parking land? Construction deliveries may involve shutting the road. How can a site compound be erected in the current footprint?
- Parking – How would the proposed staff use the site with no parking provision?

2 letters of objection/comments received on amended plans:

Comprehensive development - What is overarching plan for whole site

Lack of car parking - both for staff and any residents that could drive. CPZ already oversubscribed.

Refuse- Where would the bin storage go, need to ensure that they are not left on pavement.

Noise – teenagers already loiter in the area at night, how would this affect the residents?

- 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, Built Heritage, layout and landscaping
- Affordable Housing
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Ecology
- Waste minimisation
- Economic considerations
- Planning obligations

6.5 ***Principle***

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. 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 The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF (2019) clarifies that: 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'

6.7 At the time of writing, the Council is not able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

6.8 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. The site is located in the Spa Conservation Area, so this must be weighed

up against the benefits of development when assessing the proposal.

- 6.9 As the site is located within the built up area of the city, the general principle of residential development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations, including heritage (policy SD.8) and flooding (policy INF.2) in the remaining sections of this report.
- 6.10 However, policy A5 of the pre-submission City plan (2019) deals with Specialist Housing which describes the housing proposed. Criteria 1 of this policy states that the proposal must be supported by evidence of demonstrable need for this form of housing in Gloucester City. The application has failed to demonstrate this need. Furthermore, the County Commissioning Group have confirmed that there is not currently a pressing need for this form of accommodation in the central area of Gloucester City. Therefore, the principle of this type of Specialist accommodation (C2 use) is not accepted and this needs to be weighed in the balance when assessing the application.
- 6.11 ***Design, Built Heritage, 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, Policy SD6 requires development to protect or enhance landscape character 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. These design aspirations are also reflected in the emerging City Plan.
- 6.12 Chapter 16 of the National Planning Policy Framework (2018) sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local 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'. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.13 Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should make a positive contribution to local character and distinctiveness and should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged. The emerging City Plan reflects this approach also.
- 6.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides 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*'.
- 6.15 This is a very shallow site located within the Spa Conservation Area. The conservation area is made up of Georgian semi-detached and terraced streets, with a strong emphasis on classical proportions. Some of the buildings in the wider area are listed as Grade II. This

street off Montpellier however, has been developed through the 1980s and 1990s with 1980s style pastiche to the west side of the street, with the building line up to the pavement edge.. The existing building on the site detracts from the Conservation Area and have a blank street frontage which is up against the pavement edge. This leads to no defensible space at the front of the building. The existing Rikenel building does not make any architectural or aesthetic contribution to this part of the conservation area and a replacement building could add value and be an enhancement to character the conservation area in this location.

- 6.16 However, although the proposal has gone through a number of changes in order to design an acceptable proposal, a satisfactory conclusion has not been reached. The latest proposal is neither a good pastiche or a wholly modern design. The width of the proposal and the placement of windows result in a poor design which would look heavy. The proposed design has poor proportions in terms of window to wall ratios and poor window design. The amended plans do not reduce the footprint or adjust the width to give more formal Georgian proportions.. It is also considered that the proposed materials (render and tiles) would not complement the surroundings.
- 6.17 Furthermore, the site impacts on the setting of North Villas and Spa Villas both grade 2 listed. It is therefore considered that the proposal would be an overdevelopment of the site and would harm, the character of the Conservation Area and fail to preserve the setting of North Villas and Spa Villas The proposal would therefore be contrary to policies SD.8 and SD.4 of the JCS (2017).
- 6.18 *Footprint of the building*
The applicant originally proposed to retain the existing building and build above it. The Council objected to this proposal as the building would have been on the back edge of the pavement. The applicant now proposes to demolish the existing building and construct a new three storey detached building. Demolishing the existing building is beneficial as it allows for the new building to be set back from the pavement edge and therefore have some defensible space. However, the proposed design for the building would be a wide building taking up the majority of the site. This results in no onsite amenity space for 10 residents and a very small area (33m²) for 2 residents. The small remaining area of outside space also results in a small area for mobility scooter storage (only 2 can be accommodated on the site) and limited cycle storage in the building as there is insufficient space outside for bikes, mobility scooters and refuse. There is also only space for wheelie bins at the site and no space for recycling receptacles. As well as the poor outside space, the interior of the building does not provide a lift or have space for a spacious staff office. The small office would not be large enough for a kitchenette and settee etc. It is considered that the resulting design would be an overdevelopment of the site.
- 6.19 ***Affordable Housing***
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. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided. The emerging City Plan refers to a 25% affordable housing level. This application was submitted well in advance of this taking place. Given the stage of preparation of the Plan, in this particular case 20% is considered a reasonable position. The NPPF has lowered this threshold to 10 units. This site is for 12 units and therefore would be required to provide 20% on-site affordable housing.

6.20 The applicant has provided a Head of Terms for a S106 agreement for 20% affordable housing at the site. This would result in 3 of the units being affordable housing. The applicant has given no further information as to how this would operate in such a small scheme and alongside the proposed use of the property. Usually an off-site affordable housing contribution would be provided for a scheme of this nature. Although there are concerns about how the affordable housing element of the scheme would operate, as the applicant does propose the required affordable housing contribution it is not considered that this would form a reason for refusal of the application. Requests for an off-site contribution instead of on-site provision were not progressed as the scheme is recommended for refusal.

6.21 ***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

6.22 The application has not proposed any off-street parking. The application site is very shallow and there would be no room on the site for off street parking. The County Highway's Engineer has assessed the application and considers that given the central location of the site, its easy access to amenities and the low trip generation by staff, that the application would be acceptable in terms of highway safety.

6.23 The applicant has confirmed that it would be unlikely the residents would have bicycles and that the bicycle storage would be likely to be used by staff. The County Highways Officer has therefore accepted a condition for the 5 bicycle storage spaces shown on the plans by the applicant to be provided if the scheme was granted.

6.24 ***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.

6.25 The proposed building would overlook the car park of the NHS buildings at the rear. Given the detached location, it is not considered that the proposal would impact significantly on the amenity of any residential properties in the vicinity of the site. As the proposal would be set back from the pavement edge, it is not considered that the proposal would significantly affect the amenity of the properties across Spa Road.

6.26 Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed residential development. Paragraph 17 of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:

1. New housing should meet and where possible exceed appropriate minimum space standards.
2. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8

Given the proposed use of the development, the applicant has to abide by the minimum room sizes for this use to ensure that the property can be used by the County Council. However, it is considered that the rooms at the rear of the site would have poor outlook over a car park. Only 2 of the flats would have any outdoor amenity space. This would give a poor level of

amenity to 10 of the 12 flats. It is noted that there would be no lift in the building. The proposed carers office would be small and would not provide space for kitchenette/settee etc. This appears unsatisfactory given the shift pattern of the carers at the site. It is considered that the lack of outdoor space and setting for the building demonstrates that the proposal would be an overdevelopment of the site. This is further emphasised by the constrained location for the bike stores, bin stores and the low number of mobility scooters that can be accommodated on site. This overdevelopment therefore impacts on the amenity of future residents at the site and the proposal would be contrary to policy SD.14 of the JCS (2017).

6.27 ***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.

6.28 A small part of the site is located in flood zone 2. The applicant has provided a flood risk statement. This has demonstrated using topographical data that the site is flood zone 1. The Environment Agency has acknowledged this in their comments. There are no objections to the proposal from Severn Trent and the Council's drainage engineer, subject to a drainage condition. The applicant will need to ensure that betterment is achieved on site in terms of rainfall runoff. The proposal therefore complies with policy INF. 2 of the JCS (2017).

6.29 ***Ecology***

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains, and also a policy specifically restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation and the effects cannot be mitigated.

Given the proposed location and proposed occupiers of the building, it is not considered likely that the residents would travel to the Cotswold Beechwoods and therefore the applicant was not requested to undertake a Habitats Regulation Assessment. The area is currently all hard surfaced, The proposal includes 2 areas of private amenity space which would lead to a small improvement for ecology in the area. Overall, given the constrained nature of the site, the opportunities for ecological enhancement are limited.

6.30 ***Waste minimisation***

The County Council Waste Core Strategy requires a waste minimisation statement. Policy SD3 of the JCS requires major developments to be accompanied by a waste minimisation statement and expects development to incorporate the principles of waste minimisation.

6.31 The applicant has prepared a waste minimisation statement in accordance with policy SD.3. However, the onsite refuse provision only provides space for wheelie bins. There is no space on the site for recycling receptacles. The proposal would therefore be contrary to policy SD.4 of the JCS (2017) in terms of good design.

6.32 ***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.

6.33 **Planning Obligations**

Planning legislation and the NPPF provide that 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.

6.34 This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. The requirements for S106 contributions arising from the proposal are set out below.

6.35 **Affordable housing**

As set out above the proposal for affordable housing is: 20 percent on site contribution which would be 3 of the 12 units.

6.36 The applicant has agreed to the above contributions which will be delivered via a Section 106 agreement if the proposal was granted.

6.37 **Conclusion**

The application has been evaluated against the JCS, emerging Gloucester City Plan and the against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.38 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed positive weight in the planning balance. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. Compliance with some of the other principles of the NPPF have been demonstrated in terms of impacts on sustainable transport, drainage and impact on neighbouring properties. However, these matters do not represent benefits to the wider area, but demonstrate an absence of harm to which weight should be attributed neutrally.

6.39 Despite these benefits, there are significant adverse impacts of the scheme. The proposed development of a 3 storey building on this constrained site, is considered to be an overdevelopment of the site which would result in a poor standard of amenity for future occupiers. This would be contrary to policies SD.4, SD.8 and SD.14 of the Cheltenham and Tewkesbury Joint Core Strategy (2017). The design of the proposal would also fail to preserve the character of the Conservation Area and would fail to preserve the setting of North Villas and Spa Villas. The harm would be less-than-substantial, but would not be outweighed by any resultant public benefits. It is therefore considered that the proposal would be contrary to policies SD.4, SD.10 and SD. 8 of the Gloucester, Cheltenham and

Tewkesbury Joint Core Strategy (2017) and policy D1 of the Gloucester City Plan (pre-submission version) 2019.

It is therefore recommended that the application is refused.

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

7.1 That planning permission is REFUSED for the following reasons:

1. The current proposal, by virtue of the height, footprint and design, would neither preserve nor enhance the character and appearance of the Spa Road Conservation Area, nor sustain its significance as a designated heritage asset. The proposal would also harm the setting of North Villas and Spa Villas. The harm would be less-than-substantial, but would not be outweighed by any resultant public benefits, the proposal conflicts with paragraph 195/196 of the National Planning Policy Framework, and the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017 and policy D1 of the Gloucester City Plan (pre-submission version) 2019.
2. The proposal by virtue of its height and footprint, would be considered an overdevelopment of the site and would result in a poor outlook for future residents, no space for recycling receptacles and no amenity space for 10 flats therefore resulting in a poor level of amenity for future residents contrary to policy SD.14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017
3. The applicant has failed to demonstrate that there is a need for this type of specialist housing within Gloucester City Central area and therefore the proposal is contrary to policy A5 of the pre submission version of the Gloucester City Plan (2019)

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Committee Date: | 2nd February 2021

