



Gloucester City Council

Planning Committee

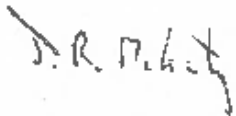
**Meeting: Tuesday, 6th September 2022 at 6.00 pm in North Warehouse,
The Docks, Gloucester, GL1 2EP**

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| Membership: | Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Conder, Dee, Finnegan, Melvin, Sawyer, Toleman and Tracey |
| Contact: | Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk |

AGENDA

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| 1. | APOLOGIES To receive any apologies for absence. |
| 2. | DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes. |
| 3. | MINUTES (Pages 7 - 14) To approve as a correct record the minutes of the meeting held on August 2 nd 2022. |
| 4. | LATE MATERIAL Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day before the meeting. Additional late material will be uploaded as a supplement on the Council's website on the day of the meeting, should further relevant representations be received thereafter. |
| 5. | FOMER CONTRACT CHEMICALS SITE, BRISTOL ROAD, GLOUCESTER - 22/00293/FUL (Pages 15 - 80) Application for determination: Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping. |
| 6. | 121 ELMLEAZE, GLOUCESTER, GL2 0LD - 22/00113/FUL (Pages 81 - 98) Application for determination: |

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| | Proposed 4 bedroom detached dwelling with associated access and parking. |
| 7. | MATSON RUGBY FOOTBALL CLUB, REDWELL ROAD, GLOUCESTER - 22/00652/FUL (Pages 99 - 110) Application for Determination: The erection of 6 floodlights on the existing sports field. |
| 8. | DELEGATED DECISIONS (Pages 111 - 112) To consider a schedule of applications determined under delegated powers during the month of July 2022. |
| 9. | DATE OF NEXT MEETING Tuesday October 4th, 2022 at Civic Suite, North Warehouse. |



Jon McGinty
Managing Director

Date of Publication: Friday, 26 August 2022

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

| <u>Interest</u> | <u>Prescribed description</u> |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged |
| Land | Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income. |
| Licences | Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer. |
| Corporate tenancies | Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest |
| Securities | Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with |

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
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HUMAN RIGHTS

In compiling the recommendations on the following reports we have given full consideration 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 applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

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PLANNING COMMITTEE

- MEETING** : Tuesday 2nd August 2022
- PRESENT** : Cllrs. Morgan (Chair), Bhaimia, J. Brown, D. Brown, Dee, Finnegan, Melvin, Sawyer, Toleman, Tracey and Hyman.

Officers in Attendance

Planning Development Manager.
Senior Planning Officer (x2).
Locum Planning Solicitor, One Legal.
Democratic and Electoral Services Officer.

Also in Attendance

Tetra Tech Noise Consultant.
Senior Planner, Lichfields.
Longlevens Football Club representative.
Longlevens Rugby Club representative (applicant).

- APOLOGIES** : Cllrs Taylor and Conder.

16. MINUTES

RESOLVED that: - the minutes of the meeting held on Tuesday 5th July 2022 were approved and signed as a correct record by the Chair.

17. DECLARATION OF INTEREST

Councillor Sawyer declared a non-prejudicial interest in agenda item 7 (Longlevens Rugby Club, Longlevens, Gloucester, 22/00248/FUL) owing to her position as ward Councillor for Longlevens.

18. LATE MATERIAL

There was no late material to circulate on this occasion.

19. FORMER CONTRACT CHEMICALS SITE, BRISTOL ROAD, GLOUCESTER – 22/00293/FUL

PLANNING COMMITTEE
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The Senior Planning Officer presented the report detailing an application for the erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping.

The Noise Consultant for Tetra Tech addressed the Committee in support of the application.

He argued that it should be granted for the following reasons:

- Numerous noise surveys had been undertaken during both daytime and nighttime, and all had returned assessments which were under statutory noise limits and within the criteria of Worcestershire Regulatory Services (WRS).
- WRS had been consulted and had not raised any objections to the proposal or the submitted noise survey.
- Avon Metals Ltd had objected to the application due to the 'Agent of Change' principle of the NPPF but, a freedom of information request had confirmed that no complaints regarding noise had been made (from nearby residential properties) regarding previous noise generating operations at Avon Metals.
- Avon Metals had sought a mitigation payment, however an independent assessment had confirmed that this was not required.
- It was likely that Bristol Road traffic would be the main source of noise in the area.

The Senior Planning Officer responded to Members' questions concerning the distance between the proposed development and the Avon Metals site, the purpose of the storage warehouse, the opening and closing times of Avon Metals Ltd and the storage warehouse, details of the s106 agreement, whether there were any concerns about contamination, refuse arrangements, landscaping, proposals for open space improvements and whether viability assessments were subject to any auditing or scrutiny as follows:

- In relation to the distance between the proposed development and Avon Metals, the Senior Planning Officer confirmed that the site boundary ran approximately 180 metres to the South of the existing Avon Metals site. He noted that there was a large storage unit located between the development site and Avon Metals and it was his assessment that this could largely block noise from the development site. He further noted that the main source of noise in the area was the traffic along Bristol Road, and that an assessment had been undertaken by Worcestershire Regulatory Services (WRS). The Noise Consultant confirmed that they were satisfied that the levels met the necessary criteria and no noise complaints had been made by occupiers of existing dwellings located the same distance from the Avon Metals site.
- The storage warehouse was used for commercial purposes relating to the hire of cars and other vehicles (B8 storage and distribution use).
- The operating times of both Avon Metals and the adjacent storage warehouse would have been assessed as part of the noise survey. It was anticipated that operating times would likely be broadly in line with office hours.

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- With regard to the s106 agreement, it was confirmed that approval would be subject to a provision of a £27k contribution for affordable housing. The Senior Planning Officer explained that a greater contribution had originally been requested, however the applicant had submitted a viability assessment which had been reviewed by an independent consultant, confirming that contributions towards open space and libraries would have made the development unviable. It was explained that as affordable housing was the primary concern of the local authority, that would take priority over any other contribution considerations.
- The wider site had been subject to remediation works and the independent consultant had not raised any objections or complaints about possible contamination. It was explained that this would be an issue which would be highlighted in the risk assessment that is to be secured under a planning condition and, if contamination was found, further remediation of the application site would be required.
- A refuse traffic plan had been submitted and it had been demonstrated on this plan that a refuse vehicle could enter the site and turn around successfully. The blocks of flats and dwellings all have accessible bin storage areas.
- There was a clause in the conditions relating to tree planting, and the finer details relating to this would be outlined in the discharge of the condition.
- The contributions towards open space, sport and recreational facilities would not be sought for viability reasons. The Senior Planning Officer explained that a viability assessment had concluded that in order for the scheme to be viable, there would only be £27k available for affordable housing and contributions. Since the council's priority was affordable housing provision, the other contributions had been dropped.
- In relation to viability assessments, it was confirmed that these assessments were not accepted at face value and were reviewed by an independent assessor. The Senior Planning Officer noted that there had been some back and forth between the consultants on the s106 contributions with the outcome of the review being that £27k was the amount available if the scheme was to be viable.

The Planning Development Manager responded to a question from a Member as to whether a site visit ought to have been undertaken as follows:

- If the Committee felt a site visit was essential, they had the option to request a site visit prior to the committee meeting.

Members' Debate

Councillor J. Brown stated that she was unable to support the application. She was concerned that a contribution of £27k was not enough to deliver the affordable housing required by the evolving Gloucester City Plan. She also felt the proposed development was too close in proximity to the commercial premises.

Councillor Bhaimia raised concerns that there might be implications on residents' health.

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Councillor Tracey noted that it was a large site and expressed the view that the area was ideal for a development of this kind, noting that there were small houses being built adjacent to the proposed development site

Councillor Hyman commented that £27k did not seem like a lot of money, however when all conditions were taken into consideration, he saw no planning reasons why the application should be refused.

The Chair moved and Councillor Tracey seconded the officer's recommendation:

RESOLVED that: -

Planning permission is granted subject to the conditions outlined in the report.

20. 11 NORTHGATE STREET, GLOUCESTER – 22/00384/FUL

The Senior Planning Officer presented the report detailing an application for a change of use from Class E to sui generis (betting office) with internal and external alterations.

The Senior Planning Officer explained that the application concerned a grade II listed building and fronted onto Northgate Street. She noted that the site was located in a primary shopping area and whilst the change of use away from retail would be regrettable, the proposal would bring a vacant historic building back into use.

The Senior Planner for Lichfields addressed the Committee in support of the application.

He argued that it should be granted for the following reasons:

- The application was in accordance with the statutory development plan and consistent with planning policy framework.
- The proposal met policy tests for change of use, including increased footfall in the area to generate income for local businesses.
- The unit was no longer considered suitable for A1 (retail) use as the vacant unit had been advertised since 2017 through marketing brochures and boards.
- No proposals had been received from ARC retail aside from Boyle Sports.
- The proposal was in line with policy SD2 concerning retail and city centres.
- The applicant had worked collaboratively with the local planning officers.
- The applicant had amended the initial plans to satisfy policy SD4 in the Joint Core Strategy, which requires the design of the development to be appropriate to the setting.
- Listed building and advertisement consent had been obtained since the application was submitted.
- In respect of concerns raised regarding the existing number of betting shops in Gloucester city centre, it was noted that the establishments had reduced from 7 to 5. Therefore, the proposal would reinstate one of the closures rather than adding an additional premises.

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- The change of use would contribute towards the economic development of the city, as the betting shop would create 3 full-time and 3 part-time jobs.

The Senior Planning Office responded to Members' questions concerning whether the proposal was based on the same site as a previous application considered by the Committee for a gaming centre, how children would be prevented from entering the establishment, why the signage had not been reviewed by a conservation officer, the location of betting shops in the city, whether the Licensing Committee could review the proposal, opening times, whether a license had been applied for and listed building considerations, including whether a statutory body had been approached, as follows:

- The gaming centre proposal which had previously been considered by the Committee related to a different site.
- Age restrictions at the premises would be a licensing matter.
- The signage review had since been resolved.
- There were two betting shops located on Westgate Street and two on Southgate. All betting shops had city centre locations.
- All gambling premises needed to adhere to the law and would need to apply for the appropriate license. This matter would be dealt with outside of the planning application process.
- In relation to the 8am-10pm operating times, the opening and closing times of surrounding properties had been taken into consideration and the proposed opening times would be in keeping with the area.
- The applicant would not apply for a license until planning permission was granted.
- The proposed works would not harm the listed building and it was noted that developing the unit would bring a historic building back into use. The Senior Planning Officer clarified that consultation had taken place with conservation officers and listed building consent had been obtained. She explained that a national authority would not be approached for an application of this scale.

Members' Debate

Councillor Tracey raised concerns regarding unisex toilet provision and the 8am-10pm opening times. She noted that there were two churches in the area and raised concerns about bin provision and narrow pavements. She did not feel the proposed development was in keeping with the area.

Councillor Melvin expressed concern about increasing the number of betting shops in the city centre, noting that it was not the position of the council to support the establishment of gambling establishments. She also expressed the view that efforts to let the unit had been limited. Councillor Melvin commented that that the building was very attractive with a good location on Northgate Street, and she was concerned that the appearance of betting shops would not be in keeping with the area. She was also concerned about the message that granting permission might give to the public.

Councillor Hyman noted that his main concern was the listed building element of the application.

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The Chair stated that he had sympathy with Members' views but that he was mindful that that the Committee needed to deal with the application on planning grounds. He reminded Members that they needed to consider the application in front of them rather than any previous applications considered by the Committee.

The Chair moved and Councillor Tracey seconded the officer's recommendation.

Upon that motion being put to a vote and lost, Councillor Melvin moved, and Councillor Tracey seconded a motion to refuse the application based on the detrimental impact the granting of the application would have on a Grade II listed building, the negative impact the granting of application would have on the conservation area, and the loss of retail space.

RESOLVED that: - planning permission be refused due to the detrimental impact the granting of the application would have on a Grade II listed building, the negative impact the granting of application would have on the conservation area, and the loss of retail space.

21. LONGLEVENS RUGBY CLUB, LONGLEVENS, GLOUCESTER – 22/00248/FUL

The Senior Planning Officer presented the report detailing an application for a proposed extension and alteration to Longlevens Rugby Club clubhouse to include a new gym, larger ground floor lounge bar, addition of a balcony and bar area on the first floor, and an extension store and extended car parking area.

The Senior Planning Officer noted that Longlevens Rugby Club comprises buildings associated with the club, a car park area, playing fields and a recreational play area. She explained that the Longlevens Football Club building was immediately next to the Longlevens Rugby Club building and other surrounding developments included residential properties to the south, east, north and Milestone School to the west. She further noted that the proposal included a number of extensions and alterations to the existing clubhouse building.

A representative of Longlevens Football Club addressed the Committee in opposition of the application.

He objected on the following grounds:

- The proposal was not discussed with the football club beforehand.
- The gap between the proposed extension would leave just 1 metre space between the Longlevens Rugby Club and Longlevens Football Club's changing rooms, which would have safety implications for football club members accessing the changing rooms as the gap would reduce to 25cm when the door to the changing room was open.
- The club had met with the applicant to request that the proposed extension be amended to provide a gap of 2 metres, but the parties were unable to reach an agreement
- The club had looked into amending the angle of the changing room door to open inwards but had found this was unlikely to resolve the issue.

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- Longlevens Football Club already experienced issues with drainage due to root damage from nearby trees. There were concerns that the proposed rugby club extension would exasperate this further.
- Concerns had been raised regarding the proposed new tarmac car park and the implication that the rugby pitch would move further into the sports field and take up more space which was regularly used by the football club.
- The football club were in the process of applying for a lease which would allow them to make improvements to the pitches.

A representative of Longlevens Rugby Club (applicant) addressed the Committee in support of the application.

He argued that it should be granted for the following reasons:

- Access to the football club changing rooms was the main concern and the rugby club would argue that amending the changing room door to open inwards would resolve this problem.
- The football club had no legal right to use the door as it opened onto rugby club property.
- The rugby club had outgrown the facility and needed more space to meet the needs of its membership. It was noted that the rugby club accommodated over 250 players, including over 50 senior players, 30 walking rugby players and many mixed ability, girls, and women players. It was noted that at the moment, there were no changing facilities to meet the needs of women and girls, and this was one of the reasons the club needed to expand.
- A lift was needed to accommodate players of mixed ability.

The Senior Planning Officer responded to Members' questions concerning drainage, the space between the proposed extension and the football club's changing rooms, the purpose of the extension, whether the materials would match the existing building, tree loss and whether the proposal included an additional entrance as follows:

- Drainage was considered as a condition in the report, and existing drainage would be dealt with at the building regulation phase.
- The extension would retain a 1 metre gap alongside the building.
- The proposed extension would include a new gym, larger clubhouse bar space, a balcony and a bar area on the first floor. There was also lift provision in the plans.
- The proposal would use materials matching the existing building.
- The plans would include the loss of two trees which would be replaced by two additional trees to the south-east of the site.
- The proposal included one entrance.

The Planning Development Manager responded to a Member's question regarding disabled access to the football club's changing rooms as follows:

- The existing door would be unaffected but there would likely be implications for the space outside.

Members' Debate

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Councillor Finnegan commented that she liked the proposal.

Councillor Tracey also noted her support for the proposal but was concerned about the issues raised by Longlevens Football Club, particularly in relation to the changing room entrance and the prospect of the football club membership expanding in the future.

Councillor Melvin observed that the proposed extension as it stood would have an implication for Longlevens Football Club and raised concerns that the issue could cause a divide between Longlevens' football and rugby communities. She expressed a preference to allow more time for the parties to discuss the access arrangement and try to find a solution between themselves.

Councillor Melvin moved and Councillor Tracey seconded a motion to defer the application due to concerns regarding access arrangements, and to provide a further opportunity for the applicant and Longlevens Football Club to reach an agreement.

RESOLVED that: -

The application is deferred due to concerns regarding access arrangements, and to provide a further opportunity for the applicant and Longlevens Football Club to reach an agreement.

In response to an additional question from Councillor D. Brown after the final agenda item had been discussed as to when Members would start receiving a list of weekly planning applications again, the Planning Development Manager noted that weekly lists were available on the City Council's website but confirmed his understanding that the IT issues which halted the weekly lists to Members were close to being resolved.

22. DELEGATED DECISIONS

The schedule of applications determined under delegated powers during the month of July 2022 was noted.

RESOLVED that: - the schedule be noted.

23. DATE OF NEXT MEETING

Tuesday 6th September 2022

Time of commencement: 6.00 pm hours

Time of conclusion: 7.33 pm hours

Chair

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

| | |
|-------------------|--|
| Address/Location: | Former Contract Chemicals Site Bristol Road Gloucester GL2 5BX |
| Application No: | 22/00293/FUL |
| Ward: | Podsmead |
| Expiry Date: | 09.09.2022 |
| Proposal: | Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping. |
| Report by: | David Millinship Site Location Plan |

This application was presented at the August planning committee and members resolved to grant planning permission subject to conditions. The planning permission has not been issued as it transpired following the meeting that due to an administrative error the party objecting to the application were not notified that the application was going to planning committee and therefore they did not get the opportunity to speak at the planning committee. Consequently the decision was made to take the application back to the next available committee so that the objector would be able to speak at committee.

Following the August committee the objector has sent in an additional letter of representation which is attached as Appendix 1.

This report assesses the proposed development and provides a response to the additional letter of representation that has been received following the August committee. The Council's Noise consultant has reviewed the additional representation that has been received and has commented that nothing in the additional representation changes their view and their consultee response is unchanged.

The report which was presented to the August committee is attached as Appendix 2.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposed development site is located approximately 2km south of the city centre of Gloucester. It is to the south of Newark Road and spans from Bristol road to the west to Tuffley Crescent to the east. It is relatively level in gradient. To the north east and south east, the site abuts modern residential development that has relatively recently been constructed. To the south west the site then abuts land belong to SHB Hire Ltd, a commercial operator, with a specialist aluminium /alloys production plant, Avon Metals Limited then located some 170m further south west. To the north west the site abuts Bristol Road, which is elevated at this point. Directly to the north there is an existing watercourse and SuDs feature, which is within the applicant's ownership.
- 1.2 The site which is approximately 0.65ha in size, forms an irregular shaped area of land. It previously formed part of the Contract Chemical works site which has been demolished. The area has since undergone clearance and remedial work and is currently being temporarily used as part of the wider development's construction site.
- 1.3 Access to the proposal site would be via the residential estate roads that are currently

being completed, giving wider access to Bristol Road and Tuffley Crescent.

- 1.4 Outline planning permission was granted in 2013 (reference: 07/00474/OUT) for a Mixed use development comprising residential, employment (B1 and showroom) uses, public open space and remediation of the land with only access for determination at this stage. This covered the current application site (Former Contract Chemicals site) and was referred to as Site B.
- 1.5 At the same time another outline application was submitted, reference: 07/00472/OUT for a similar development on the neighbouring former Wellman Graham and St Gobain factory sites. It also was for a mixed-use development including residential, employment land, public open space and remediation, however it included a community building. Only access was for determination at this stage and this was shown on to Bristol Road and Tuffley Crescent. This site was referred to as site A and the application was approved in 2010.
- 1.6 A number of planning applications followed these outline permissions seeking both to vary the section 106 agreements and conditions to alter the financial contributions and the timescale for reserved matters submission. Since these outline permissions a single developer had purchased Sites A and B and sought to deliver the development comprehensively. Planning application reference 14/00861/FUL was submitted and approved in 2015. The alterations were for changes to the access and for employment land previously shown in both Sites A and B to now all be relocated to the southwestern corner of Site B. This area indicated for employment land now provides the site for this current planning application.
- 1.7 The reserved matters application reference 15/ 00287/REM in relation to the outline application 07/00474/OUT amended by 14/00861/FUL provided no reserved matters details for this part of the site. The time scale for doing so has now expired, so the application site no longer benefits from any planning permission.
- 1.8 With regard to planning application reference: 19/01094/FUL, the proposal in its original form showed a scheme of 14 houses and thirty flats. The thirty flats were shown within four separate three storey blocks and included both two and one bedroomed flats, while the houses are shown as two storey semi- detached or terraced properties and would have three bedrooms. The two blocks nearest to Bristol Road contain 2-bedroom units with 9 units in the southwestern block (Block J) and 6 units in the more north easterly block (Block H) . Moving southwards into the site the next block (Block G) would have contained 3 x 1bedroom units and 6 x 2-bedroom units while the most southerly block (Block F) was shown with 3 x 1-bedroom units and 3 x 2-bedroom units.
- 1.9 In terms of parking spaces all the flats were shown with one allocated space, while the houses would have had two spaces. Six visitor spaces were then also shown and cycle parking in the form of single storey additions to the Blocks G, H, and J. The cycle parking for Block F was shown in a separate single storey structure. Access to the development was shown via an estate road currently being built as part of the larger scheme to access on to Bristol Road and Tuffley Crescent.
- 1.10 After officers raised concerns regarding positioning of buildings, amount of amenity space for the flats, excessive amount of unbroken parking areas and positioning of parking spaces then amendments to the proposed scheme were made.
- 1.11 The revisions showed a scheme with 13 houses and thirty flats. The four houses in the northeastern corner of the site have been replaced by a block of flats, while the original block of flats, Block F set further into the site has been replaced by three terraced houses. All four proposed blocks of three storey flats would be located in the northern section of the

site towards Bristol Road. Viewing clockwise from the northwestern corner of the site, Block K contains 6 x 2-bedroom flats, then next Block J contains 9 x 2-bedroom flats, while Block G fronting the estate road contains 6 x 2-bedroom flats and 3 x 1-bedroom flats. Finally Block H would contain 6 x 2 bedroomed flats.

- 1.12 The houses in the revised proposal are shown all set out in rows to the south of the site. Nine would be provided in three terraces of 3 dwellings and four dwellings would be provided in two sets of semi-detached dwellings. Car and cycle parking is shown at the same ratio as previously for flats and dwellings, although visitor car parking has been reduced to three spaces.
- 1.13 This current application has been submitted due to the fact that the details of application reference 19/01094/FUL are stuck on the Council's server and unobtainable. The only difference between the two applications is that the 3-bedroom house types (on 12 plots- 1 to 10, 12 and 13) has been replaced by a new house type HT966 (3 bed 4-person house).

2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 07/00472/OUT | Mixed use development comprising residential (231 units), employment (B1 and showroom) and D1 (community building) uses together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site A] | GOP | 17.09,2010 |
| 07/00474/OUT | Mixed use development comprising residential (upto 109 units), employment (B1 and showroom) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B] | GOP | 13.06.2013 |
| 14/00861/FUL | Variation of Condition nos. 4, 19, 23 and 29 of planning permission no. 07/00474/OUT (as a result of Sites A & B being brought forward as a comprehensive development). [Site B] | G3Y | 23.02.2015 |
| 15/00286/REM | Reserved matters scheme for 172 residential dwellings with associated open space and landscaping (Site A). | AR | 04.12.2015 |
| 15/00287/REM | Reserved matters scheme of 86 residential dwellings with associated open space and landscaping. (Site B) | AR | 04.12.2015 |
| 12/01029/FUL | Variation to conditions 2, 3 and 4 of permission ref. 07/00472/OUT, changing the periods for submission of Reserved | GOP | 23.01.2013 |

| | | | |
|--------------|--|----------------|------------|
| | Matters from 5 to 3 years and for Commencement of Development thereafter from 3 to 1 year, and to substitute the originally submitted illustrative masterplan with a land use parameters plan. | | |
| 12/01032/MOD | Variation of Section 106 Legal Agreement under planning permission 07/00472/OUT to vary the financial contributions associated with the development. | SEC106 | 23.01.2013 |
| 14/00952/NMA | Non material amendment to outline planning permission ref: 07/00474/OUT, to revise the description of development to read: Mixed use development comprising residential (up to 109 units), employment B1(Business) and D1 (non-residential institution) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative master plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B]. | NOS96 | 07.10.2014 |
| 20/00796/FUL | Variation of Condition1 - Approved Drawings on permission reference: 15/00287/REM for the proposed resiting of Block E with minor amendments to ground floor layout, external appearance, introduction of windows and alterations to parking /landscape area | AR | 05.07.2021 |
| 19/01094/FUL | Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping. | Not determined | |

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 (NPPG)

3.3 Development Plan

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

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;
- SD6 – Landscape;
- SD9 – Biodiversity and geodiversity;
- SD10 – Residential development;
- SD11 – Housing mix and standards;

SD12 – Affordable housing;
SD14 – Health and environmental quality;
INF1 – Transport network;
INF2 – Flood risk management;
INF3 – Green Infrastructure;
INF4 – Social and community Infrastructure;
INF6 – Infrastructure delivery;
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 (GCP)**

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;
A6 – Accessible and adaptable homes;
C1 – Active design and accessibility;
E2 – Biodiversity and geodiversity;
E5 – Green infrastructure: Building with nature;
E6 – Flooding, sustainable drainage, and wastewater;
E8 – Development affecting Cotswold Beechwoods Special Area of Conservation;
F1 – Materials and finishes;
F2 – Landscape and planting;
F3 – Community safety;
F4 – Gulls;
F6 – Nationally described space standards;
G1 – Sustainable transport;
G2 – Charging infrastructure for electric vehicles.

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 **weight**: :

OS.2 – Public Open Space Standard for New Residential Development
OS.3 – New housing and open space
OS.7 – New areas of Public open space
A.1 – New housing and allotments

- 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 – Previous scheme 19/01094/FUL**

No objection to the revised plans, subject to conditions on any planning permission for the submission of details for satisfactorily laying out the estate road, a construction management plan and an extension of the existing travel plan to include this development.

4.2 **Natural England – Previous scheme 19/01094/FUL**

The application site is within the zone of influence of sites afforded protection under the Conservation of Habitats and Species Regulations 2017. These sites being Cotswolds Beechwoods Special Area of Conservation (SAC), Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA.)

- 4.3 The Local Planning Authority as a competent authority under the provisions of the Habitat Regulations should have regard for any potential impacts on these sites.

4.4 **Landscape Adviser – Previous scheme 19/01094/FUL**

The amended layout is an improvement to the previously submitted scheme. Better amenity space is shown around the blocks of flats, the proposed car parking layout is shown using less space and a couple more trees are proposed. There should however be more planting shown on the western and south eastern borders.

4.5 **Ecology Adviser**

A walk over of Alney Island Local Nature Reserve and alternative local public open spaces such as the Gloucester-Sharpness canal and Robinswood Hill Country Park was carried out. Following this review it was concluded that likely significant effects upon the Cotswolds Beechwoods Special Area of Conservation (SAC) , Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) are unlikely to occur as a result of the proposed development or in combination with other developments.

- 4.6 It is recommended that any approval does include conditions for the submission of a Ecology Management Plan ,a Home Owners Pack identifying the alternative public open spaces to take pressure off the SPA, for the scattered shrub to be removed outside bird nesting season and for precautionary measures for badgers. Natural England should also be consulted on the contents and conclusions of the report.

4.7 **Contaminated Land Adviser – Previous scheme 19/01094/FUL**

It is recognised that the proposal is part of the wider Former Contract Chemicals development site that has been cleared of infrastructure and been subject to a level of remediation. However, conditions on any approval would be required to cover protection from ground gases and checks on the potential import of soil.

4.8 **Drainage Adviser – Previous scheme 19/01094/FUL**

The Local Lead Planning Authority confirm that they have no objection to the proposal. They state that water control through the two proposed basins means that plots 1 – 5 would not have an impact on surface water discharging under Bristol Road and further downstream of here. They note that there is control on surface water for the rest of the site and that water would be stored within permeable paving, which would also provide some water quality management benefits.

4.9 It is recommended though that a SuDs Management and Maintenance Plan be a condition of any approval.

4.10 **Environmental Protection Consultant – Worcestershire Regulatory Services (WRS)**

Air Quality – WRS

4.11 Given the distance from the roadside and the level of indicative concentrations of nitrogen dioxide at the nearest monitoring locations, the air quality here is considered to be acceptable for the proposed development. It is recommended that standard air quality mitigation measures such as electrical vehicle charging points, secure cycle parking etc should form conditions on any approval to alleviate pollution creep in the area and to encourage the uptake of sustainable modes of transport.

Noise – WRS

4.12 WRS considers that the submitted noise assessment to be representative of the noise climate at the proposed development site.

4.13 However, WRS have concerns that in granting planning permission for this residential development, the future development / evolution of the Avon Metals site may be restricted and / or the amenity of future residents may be compromised.

4.14 WRS acknowledges that the site has not been specifically allocated for residential development and had previously commented that intervening B1 / Retail Use between Avon Metals and the proposed development site would have been preferable.

4.15 In terms of the of the proposed glazing and ventilation strategy, if the planning application is granted, the applicant should provide a plot by plot specification and their acoustic consultants should confirm that the chosen product(s) will meet or exceed the noise reduction levels detailed within the submitted noise assessment.

4.16 In light of the additional representation received from the objector following the August committee WRS were re-consulted and have stated the following, *'I can confirm that I have reviewed the objection document from Avon Metals and that WRS have no further comments to make in terms of noise from the Avon Metals site impacting future residents of the proposed development.'*

Economic Growth and Strategic Planning – Previous scheme 19/01094/FUL

4.17 The proposal is for 43 dwellings of which 40 are qualifying dwellings for education. This number of dwellings would be expected to generate an additional demand for 6.80 secondary (11-16) places. The Gloucester Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary (11-16) contribution of £131,321.60 towards the provision of these places

4.18 The nearest library to the application site, and the library most likely to be used by residents of the new development, is Quedgeley library. The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling.

A financial contribution of £8,428 is therefore required to make this application acceptable in planning terms

Housing Strategy and Enabling Officer – Previous scheme 19/01094/FUL

- 4.19 There is a substantial need for housing and in particular affordable housing in the City and County as a whole. The accompanying information for this proposal states that the proposal will not be delivering any affordable housing due to viability issues and this needs to be tested thoroughly via an independent viability assessor. If no affordable housing is delivered, then further strain is put on the existing housing stock.
- 4.20 The proposal should also ensure that the dwellings all accord with the Nationally Designated Space Standards while the emerging City Plan, Policy A6, also requires 50% category M4 (2) standard accommodation.

Urban Design Adviser – Previous scheme 19/01094/FUL

- 4.21 No objection to the revised proposal, but materials need to be conditioned on any approval.

Open Space and Playing Pitch Adviser – Revised Proposal

- 4.22 As no open space is proposed on site, then an off-site calculation generates the following, for improvements to existing open spaces nearby

£147,000 for Formal Sport Provision
£54,000 for Formal Play Provision
£19,000 for General POS Improvements
£220,000 in Total

- 4.23 These off site contributions should be spent on improving the facilities at the existing public open spaces :-
Formal Sport - The Oval , Tuffley Park, Gloucester Athletic Club,
Formal Play – The two new play sites on Contracts Chemicals /St Gobain site , Milton Avenue play area , Scott Avenue play area , the Lannett play area ,
General Improvements – At any of the above sites

Archaeologist

- 4.24 Due to the previous site remediation works, archaeological remains are unlikely to have survived. Therefore, no comments to make.

Severn Trent Water

- 4.25 No objection subject to a condition on any permission for submission of details of foul and surface water drainage.

County Council – Minerals and Waste

- 4.26 No objection, subject to conditions on any approval requiring the submission of a detailed site waste management plan and for details of the recycling of waste generated during occupation.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published.
- 5.2 One objection to the proposal was received (maintained following each revision of the scheme). Summarised as follows:
- The proposal is fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial neighbours' (Avon Metals) operations;

- It has also been suggested that the methodology and proposed mitigation measures of the submitted noise survey have not properly taken into account the noise from the adjacent industrial sites.

5.3 Following the August committee the objector has sent in an additional letter of representation which is attached as Appendix 1.

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, layout and landscaping;
- Affordable Housing;
- Traffic and transport;
- Residential amenity;
- Drainage and flood risk;
- Open Space, Recreation, Education and Community Facilities;
- 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)

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 (2021) 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..).'

At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

- 6.6 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.
- 6.7 As the site is located within the built up area of the city, the principle of residential 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.
- 6.8 A concern has been raised that the proposal would involve the loss of employment land. The Local Planning Authority are of the opinion however that the land currently has 'nil' use. The reasons being that the former Contract Chemical industrial development on the site is now long gone and there is no current industrial operation on this area of land, which only forms a small part of the original industrial site. The site also does not benefit from any commercial allocation within any extant plan, while the reserved matter application reference 15/00287/REM did not include the details for the commercial element proposed for this site under the outline application reference : 07/00747/OUT amended by application reference: 14/00861/FUL The time limit for the submission of this element of the reserved matters has now expired, so the site does not benefit from any planning permission.

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 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. These design aspirations are also reflected in the emerging City Plan.

- 6.10 In terms of design the proposal is seen to recognise that this development would be part of the larger residential development that is currently being built out on these old former industrial sites. The two storey dwellings and three storey blocks of flats would be similar to those already constructed in terms of scale and appearance. These being well proportioned units of quite simple design with relatively steep pitched roofs , then utilising features such as gables and bay windows where the building is in a prominent position such as a corner plot or to add interest and break up the larger elevations on the blocks of flats. Juliette balconies are further shown as a feature on the flats.
- 6.11 Council officers had concerns with the original design in that the proposed blocks of flats did not relate well to each other in terms of potential overlooking, that the amenity space was poorly laid out and that 'unbroken' substantial areas of hardstanding were shown provided for car parking.
- 6.12 A revision was subsequently made to the scheme. The revised proposal is considered to be a better layout with the four blocks of flats set around a loosely formed 'courtyard' , enabling them to relate better to each other in terms of potential overlooking between occupiers and allowing them to be provided with a greater amount of usable amenity space. The scaling of the development is also seen to work better with the three storey blocks located towards Bristol road and the two storey house set behind within the larger general residential estate area. Previously the more north easterly of the two frontage blocks, Block H, did not relate well to either the Bristol road street scene or the surrounding

residential development. It's re orientation as shown in the revised layout enables it to have one elevation clearly viewing north up Bristol Road and a second elevation that in conjunction with the front elevation of Block K ensures a stronger more continuous built frontage to Bristol Road. The larger blocks work well here as they would enable a Bristol Road street presence, even as the road rises at this point.

- 6.13 Whilst the car parking provision still includes areas with quite a number of spaces directly alongside each other ,overall the layouts are shown set out more efficiently, particularly the parking spaces for the flats, with just one court yard layout rather than two areas with subsequent access and manoeuvring space as previously shown
- 6.14 In terms of landscaping, the Council's landscaping consultant states that the amended layout is an improvement to the previously submitted scheme with better amenity space shown around the blocks of flats and more trees proposed. She does state that there should however be more planting shown on the western and south eastern borders, which would be secured via condition on any approval.
- 6.15 In conclusion the proposal is considered to comply with policies SD4 and SD10 of the JCS as well as the NPPF (2021) in terms of general design, layout and landscaping.
- 6.16 **Affordable Housing**
The NPPF states that where local authorities have identified the need for affordable housing, polices 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.
- 6.17 Bullet point 9 of the Policy states that 'If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required ... '
- 6.18 In this case the applicant has submitted a viability appraisal to seek to demonstrate that there is insufficient viability in the scheme to provide affordable housing. This appraisal has been assessed by an independent party appointed by the Local Planning Authority to ensure proper scrutiny.
- 6.19 The Independent assessors concluded that the Residual Land Value of a 100% open market housing scheme, excluding s106 contributions, would be £149, 649, while the Benchmark land value was £122,490. Thereby leading to a surplus of £27,000 for affordable housing and s106 contributions.
- 6.20 As affordable housing is the priority concern to the Local Planning Authority, then any approval would be subject to a legal agreement for the provision of this £27,000 towards off site affordable housing provision.
- 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 proposed development is within a sustainable location just a couple of kilometres from the city centre of Gloucester. The nearest roadway, Bristol Road, has pavements on both sides of it and runs directly into the city centre. Bristol Road also has a dedicated cycle way running along it into the city centre as well as frequent buses into the centre. The nearest bus stops are on the junction of Newark road, approximately 60m north., and Tuffley Avenue, circa 140m north. The routes serving these stops provide frequent services to Gloucester city centre in the north and Quedgeley to the south.
- 6.23 The Transport Assessment (TA) that supported the Outline Planning Application reference: 07/00474/OUT, for the wider development remains the most up to date TA for this Bristol Road development site. It was based on calculations for 340 dwellings and B1/B2 use. To date 258 dwellings have been built out on the rest of the site, and with the proposed 43 dwellings, there would be 301 units. This is 39 less residential units than the TA was based on and no industrial floor space is now proposed. The Highway Authority are satisfied that transport movements to and from the site can be adequately accommodated, although request that any approval is conditioned so that the Travel Plan that covers the rest of the site is extended to include the proposal site.
- 6.24 The Highway Authority are also satisfied with the level of car and cycle parking provided for the development. In conclusion they have no objection, subject to conditions on any planning permission for the submission of details for satisfactorily laying out the estate road, a construction management plan and the already mentioned extension of the existing travel plan to include this development.
- 6.25 Residential amenity**
Paragraph 130 of the NPPF (2021) 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.
- 6.26 The proposal in its revised form now shows good distance relationships between the proposed blocks of flats with a minimum distance of 22.5 m between main windowed elevations of facing blocks. There is even 18.5 m shown as a minimum between the front elevations of Block G and the existing Block B across the street, where distances can normally be expected to be lower. There is a bank of windows shown in the north eastern end elevation of Block K, however the second floor window in the adjacent end elevation of Block J would be angled away to prevent overlooking. Distances between the main windowed elevations of the two storey houses would then be a minimum distance of 20 metres apart.
- 6.27 In terms of amenity space, the dwellings are all shown with rear gardens around 10m in length, while the occupiers of the blocks of flats would all now benefit from decent usable amenity space as per the revised scheme. There were concerns that some ground floor flats in the blocks nearest Bristol Road might incur loss of light due to the proximity of the banking, however the applicant has submitted sections to show there would be sufficient distance from bank to window. In the most sensitive position in the northern most section of the west facing elevation of Block J, the proposed flat here would benefit from windows in the north east elevation.
- 6.28 It is also confirmed that the air quality is satisfactory in the area and that all the properties would meet Nationally Designated Space Standards. With regards to the concerns of potential overlooking and loss of sunlight from the garden of a neighbouring residential. It should be noted that Block G would be some 18 - 20 m from the gardens of the nearest existing dwellings, which officers consider an acceptable distance to ensure loss of sunlight

and overlooking would not be material concerns.

- 6.29 Noise is a potential issue due to the location of the site, with the A Class main road of Bristol Road skirting the north-western site boundary and a commercial site (thought to be within B8 use) skirting the south-western site boundary. The applicant has submitted a Noise Survey that confirms the main source of noise is Bristol Road with less noise expected to be caused by the adjacent commercial land uses.
- 6.30 A scheme of mitigation has been outlined with the building facades directly adjacent to Bristol Road and the industrial units to the south west featuring enhanced glazing along with alternative ventilation which matches the performance of this glazing. Properties in all other areas will feature standard double glazing with all areas of the development site featuring alternative ventilation in order to meet both ventilation and internal ambient noise criteria. In accordance with the guidance provided in BS 4142, noise associated with industrial operations to the south have been assessed and mitigation measures outlined to reduce the effects of any noticeable or intrusive noise sources within proposed dwellings and as such there are not expected to be any 'significant adverse impacts' relating to noise. A condition can ensure the development is constructed in accordance with the proposed mitigation measures to ensure the development complies with the aims of JCS policies SD4 and SD14 and GCP policy A1.
- 6.31 The third-party objection is noted and raises concerns over the potential for the new housing to result in adverse impacts on the viability of continued industrial operations at adjacent sites (particularly at the Avon Metals site – approximately 175 m to the south-west of the application site). The objection has stated that the proposal is '*fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial neighbours' (Avon Metals) operations; noise impacts have not been properly assessed and would be unacceptable*'. It is stated that the proposal conflicts with the aims of NPPF paragraph 182 (as of July 2021 para.187) and, as a result, JCS policies SD14 and emerging GCP policy A1.
- 6.32 Paragraph 187 of the NPPF states the following:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 6.33 The 'agent of change' amendment to the NPPF (introduced in 2018) was brought about predominantly due to the implications of several cases where adverse impacts on existing licenced premises had arisen from new residential uses being permitted within adjacent buildings. This resulted in increased licencing restrictions, that in some cases meant the entertainment venues were no longer viable in their historic locations. This issue became particularly relevant in England following the Governments introduction of permitted development rights allowing the change of use of various types of commercial premises into residential use without the need for full planning permission to be sought.
- 6.34 The NPPF specifically points towards community and entertainment venues as these will often have social and cultural value that can be lost (in addition to economic/employment value) if inappropriate land uses are permitted in their locality. They are also the types of

noise generating premises that are often located in denser city centre locations where development in very close proximity to a site is more likely to occur. The NPPF does not specifically reference industrial sites, but there is a reasonable expectation that some consideration of the possible impact of a residential development on any type of commercial land use should be undertaken. The key considerations being whether a use could give rise to 'significant adverse effects' and, if so, whether mitigation can be provided against these effects.

- 6.35 In this particular case, the objection has been made in relation to the use of the Avon Metals site that is located approximately 175 m to the south-west of the application site. Operations at this site are mainly centred around manufacturing, processing and trading of non-ferrous and ferrous metals. The site includes buildings and open yard areas. It is not clear whether the site may (or may not) be in 24hr operation. It is reasonable to expect that the waste processing and manufacturing uses certainly generate noise of a level and character that has the potential to be audible at the application site but, the risk that the operations would give rise to 'significant adverse effects' on the future occupiers of the application site appears to be relatively low. The main source of noise affecting the application site has been identified as Bristol Road, that is a very busy main transport route into (and out of) the city centre. Noise from Bristol Road would occur over 24hrs.
- 6.36 The Avon Metals site is located a significant distance from application the site with a substantial existing storage building (that would act as an acoustic screen) and B8 storage yard occupying the intervening land. The wider commercial estate also features a number of industrial site uses (B8 and B2 uses) in much closer proximity to existing housing. The council's Env. Protection advisor has confirmed that no historic nuisance complaints from nearby residential properties have been made about any of the existing industrial businesses. As such, it is considered the potential for 'significant adverse effects' to occur is reasonably considered to be low.
- 6.37 It is possible that uses could change or intensify at the various neighbouring commercial sites in the future but, impacts from such changes are not possible to quantify and any material changes to uses in the commercial estate would possibly require planning permission, some form of site licence and/or an Environmental Permit. Indeed, several of the existing businesses (including Avon Metals) already operate under site licences and Environmental Permits and there is little evidence to expect that the proposed residential development would influence changes to these permits/licences that would be tantamount to 'unreasonable restrictions'. Should the Avon Metals site seek to expand into adjacent land any operations would be expected to comply with planning policies and environmental protection legislation in force at that time (and whatever mitigation may be necessary). There is no current compelling reason to consider that future development at the existing Avon Metals site (or possible expansion into the adjacent site) would be prevented as a result of this application proposal.
- 6.38 In any case, mitigation has been proposed within the submitted noise survey (in line with BS 4142) which can be secured by planning condition. The third-party objection has raised concern that the proposed mitigation would not be fit-for-purpose, but the use of enhanced glazing along with mechanical ventilation is an established technical solution to mitigate against noise and there has been no compelling evidence put forward by the third-party to suggest otherwise. Full technical details of the plot-by-plot mitigation measures can be secured by condition and it is therefore considered that suitable planning control can be secured in terms of noise.
- 6.39 On balance, it is not considered there is sufficient evidence to demonstrate that the proposed residential development would act as an 'agent of change' with any great potential for 'unreasonable restrictions' to be placed on the uses of neighbouring commercial sites.

- 6.40 As noted following the August committee the objector has sent in an additional letter of representation which is attached as Appendix 1. The following paragraphs set out a response to the additional points raised by the objector. For clarity the views of the objector are shown in **BLUE italic**.
- 6.41 *Our clients operate an established specialist alloy manufacturing business, providing significant local employment. The business premises includes modern furnaces and metal reprocessing facilities. It lies approximately 135 metres to the south-west of the Application site. Our client is deeply concerned regarding its ability to continue to operate those premises unfettered should the development which is the subject of the Application proceed, not least without incurring substantial costs which may render the business unviable in this location and which would result in substantial local job losses and significant economic losses to our client.*
- 6.42 Site ranges between 135 and 200 metres from Avon metals site with existing housing also located within 150m to the south-east and 90m to the north-west. Area is not considered to be purely industrial in character but has a mixture of industry, retail and housing.
- 6.43 *Our clients made a number of representations to the Application, including on 14 January 2020, 24 June 2020 and 20 January 2021, through PJS Development Solutions.*
- 6.44 The Local Planning Authority (LPA) has copies of all of these representations that have been reviewed by the case officer and the LPA's Noise Consultant at Worcestershire Regulatory Services (WRS). No objection to applicant's noise assessment by WRS and no substantial concerns over the impact of the residential development on Avon Metals has been raised by WRS. It is considered by WRS that a scheme of noise mitigation can be implemented at the site to ensure that noise levels are within acceptable limits and that no 'significant adverse impacts' on the amenities of future occupiers of the development would occur. It should be noted that existing housing is located a shorter distance to the north of the site and a similar distance to the south-east and there is no history of any noise complaints having been made.
- 6.45 *Noise – WRS. Worcestershire Regulatory Services (WRS) as a statutory consultee is noted as considering that the submitted noise assessment is representative of the noise climate at the proposed development site (paragraph 4.12). WRS is said to have “concerns that in granting planning permission ... the future development / evolution of the Avon Metals site may be restricted and / or the amenity of future residents may be compromised” (paragraph 4.13). WRS acknowledge that the site has not been allocated for residential development and had previously commented that intervening B1 / Retail Use between Avon Metals and the proposed development site would have been preferable (paragraph 4.14). If permission is granted, in terms of the proposed glazing and ventilation strategy, a “plot by plot specification” is sought and acoustic consultants should confirm that the product will “meet or exceed the noise reduction levels detailed within the submitted noise assessment”.*
- 6.46 WRS have raised no concerns subject to a scheme of noise mitigation being secured by a planning condition. Officers took this view into account and included condition 09 as follows:
- “No work above floor plate level shall be carried out until details of the glazing and ventilation measures and their sound reduction specifications for each proposed dwellings, to achieve 30 dB LAeq(1 hr), and 45 dB LAm_{ax}(15 min) in bedrooms at night (23:00 – 07:00) and 35 dB LAeq(1 hr) in living rooms during the day (07:00 – 23:00), have been submitted to and approved in writing by the Local Planning Authority . The works shall then all be carried out in accordance with these approved

details and retained as such for the duration of the development.”

- 6.47 *Avon Metals’ objection to the scheme is noted at paragraph 5.2 and summarised merely as “the proposal is fundamentally unacceptable as the proposed land use ... is wholly incompatible with its near industrial neighbours’ ... operations”; further, “it has also been suggested that the methodology and proposed mitigation measures of the submitted noise survey have not properly taken into account the noise from the adjacent industrial sites.” No details are given as to how the methodology and mitigation are considered to fall short of requirements, despite those being set out in our clients’ representations and associated expert noise reports. Those representations were not available to Committee. The hyperlink in paragraph 5.3 did not work, due to the Council’s ongoing IT failures.*
- 6.48 It is normal practise to summarise letters of objection in the officers report to committee and they are not repeated verbatim. The case officer is tasked to summarise objections and, if relevant, to provide further information within later assessment sections of the report. In this case, it is not considered there would have been sufficient benefit to members to include technical details submitted by the objector. The ongoing IT disruptions are acknowledged, but Members of the Committee are aware of these issues and are able to request full details to be provided by the case officer (or Planning Manager).
- 6.49 With regards to technical matters such as noise officers must also take into account the view of technical consultees. The views of a technical consultee must be assessed against planning policy and the ability to secure further information or works by using planning conditions. Complicated technical details are rarely reproduced within officer recommendation reports, many as they form the evidence base for the assessment and are considered by specialist technical consultees prior to the officer taking the views (of the technical consultee) into account within wider planning considerations (with any potential adverse impacts weighed against the merits of any given scheme).
- 6.50 *In the “Officer Opinion” suggestions, at paragraph 6.29, noise is identified as a potential issue due to the location of the Application site and the proximity of the A Class Bristol Road. Paragraph 6.29 also states that the applicant’s Noise Survey confirms that “less noise” is expected to be caused by the “adjacent commercial land uses” (i.e. less than the noise from Bristol Road). This does not explain the position regarding night-time noise (see below).*
- 6.51 *Paragraph 6.30 refers to a scheme of mitigation with “enhanced glazing along with alternative ventilation” for the facades directly adjacent to the industrial units to the southwest.*
- 6.52 *It is asserted that, in accordance with the guidance in BS4142, noise associated with the industrial operations has been assessed and mitigation measures outlined to “reduce the effects” of any noticeable or intrusive noise sources within dwellings. As such, the conclusion in paragraph 6.30 is that there are not expected to be any ‘significant adverse impacts’ relating to noise and the matter can be controlled by condition. There is no detailed explanation as to how the effects are “reduced” or to what level. There is no mention of what might happen if the windows are opened nor the use of external living space.*
- 6.53 Technical details of the scheme of mitigation are sought by condition 9 of the recommendation. It is not considered there is a need for these details to be agreed prior to the determination since there are likely to be various options that could be employed and (in all probabilities) a scheme can be agreed. If there was significant doubt that a scheme of noise mitigation could not be secured (and there is not any such doubt), details could be agreed prior to determination. In this case, it is not required that

- 6.54 *Paragraph 6.32 quotes what is known as the “agent of change principle” and notably that “Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed”.*
- 6.55 *Paragraphs 6.33 and 6.34 refer to the above as resulting from impact on licenced premises and state that the NPPF specifically points towards “community and entertainment venues” with “social and cultural value”. The Report states that the NPPF does not specifically reference industrial sites, but there is a reasonable expectation that some consideration of the possible impact of a residential development on any type of commercial land use should be undertaken, the key consideration being whether a use could give rise to “significant adverse effects” and, if so, whether mitigation can be provided. Of course, the relevant paragraph of the NPPF actually refers to “existing businesses”, which is not acknowledged.*
- 6.56 The officer has stated facts in relation to the background of the ‘agent of change’ principle and the wording of the NPPF (which does not specifically reference industrial sites). Since the ‘agent of change principle’ has been applied to this assessment it is not considered the objector has a complaint.
- 6.57 *The Avon Metals site is described at paragraph 6.35 as being “mainly centred around manufacturing, processing and trading of non-ferrous and ferrous metals. The site includes buildings and open yard areas. It is not clear whether the site may (or may not) be in 24hr operation.” It can be confirmed that the site is in 24-hour use and operation. This is a vital consideration in any assessment of noise impacts. The Council can and should have made itself aware of that position; it had in any event been noted by WRS.*
- 6.58 The case officer attempted to secure details of the Environmental Permit (EP) that Avon Metals is required to operate under (in order to establish what operations may be permitted and if any time restrictions on the permitted activities may be included within the EP. However, it was not possible to secure copy of the EP or to be able to 100% confirm (from other sources) exactly what operations may take place over a 24hr period. The submitted noise surveys address this and have been reviewed by WRS so have been factored into their response which has been used to ensure an appropriate condition was included within the recommendation (see above for condition details).
- 6.59 *Paragraph 6.35 goes on to state that “It is reasonable to expect that the waste processing and manufacturing uses certainly generate noise of a level and character that has the potential to be audible at the application site but, the risk that the operations would give rise to ‘significant adverse effects’ on the future occupiers of the application site appears to be relatively low.” Save as referred to below, the reasons for this conclusion are not specified and are set in a way that leaves doubt (“appears to be relatively low”). No information is given for members to consider as to how that doubt arises, particularly in the context of a clear objection by Avon Metals as to the methodology utilised, of which no detail is set out in the Report.*
- 6.60 *Paragraph 6.35 goes on to states that “the main source of noise affecting the application site has been identified as Bristol Road, that is a very busy main transport route into (and out of) the city centre. Noise from Bristol Road would occur over 24hrs.” As described below, this is not correct.*

- 6.61 *Paragraph 6.36 asserts that the Avon Metals site is a “significant distance” from the application site with an intervening storage building that would act as an acoustic screen and B8 storage yard within the intervening land. The wider B2 and B8 commercial/industrial uses are referred to. However, WSP confirm that the acoustic screening does not assist by way of acoustic attenuation to some parts of the proposed development.*
- 6.62 *It is acknowledged that a very small section of the application site may be in a direct ‘line of sight’ to part of the Avon Metals site but, the separation distances between the rears of the buildings at Avon Metals and the application site range between 135 and 150 metres with a number of other industrial units in much closer proximity. It should also be noted that existing housing is located approximately 95 metres to the north-east (with no buildings or substantial screening within the intervening land) and approximately 150 metres to the south-west. The application site is an infill development, between an existing residential development (of approximately 250 homes) and a vehicle storage site (likely a B8 use).*
- 6.63 *It is stated that the Council’s “Env. Protection advisor has confirmed that no historic nuisance complaints from nearby residential properties have been made about any of the existing industrial businesses. As such, it is considered the potential for ‘significant adverse effects’ to occur is reasonably considered to be low.” This is also incorrect, as described below.*
- 6.64 *Reference is made (paragraph 6.37) to the fact that uses could change or intensify at the neighbouring sites, but that impacts from such changes are not possible to quantify and may require planning permission, site licence and/or an Environmental Permit. Indeed, businesses including Avon Metals are noted to already operate under site licences and Environmental Permits and there is noted to be little evidence to expect that the proposed residential development would influence changes to these permits/licences that would be tantamount to ‘unreasonable restrictions’. Should the Avon Metals site seek to expand into adjacent land any operations would be expected to comply with planning policies and environmental protection legislation in force at that time (and whatever mitigation may be necessary). It is concluded that there is no current compelling reason to consider that future development at the existing Avon Metals site (or possible expansion into the adjacent site) would be prevented as a result of this application proposal.*
- 6.65 *Paragraph 6.38 concludes that mitigation has been proposed within the submitted noise survey (in line with BS4142) which can be secured by planning condition. Whilst the Avon Metals objection is referred to, officers conclude that the use of enhanced glazing along with mechanical ventilation is an established technical solution to mitigate against noise (which can be secured by condition) and assert there has been no compelling evidence put forward by the third-party to suggest otherwise (no details of the Avon Metals’ representations being explained).*
- 6.66 *Officers do not consider “on balance” (although why the decision is “on balance” is not set out for members to consider) that there is sufficient evidence to demonstrate that the proposed residential development would not act as an ‘agent of change’ with any great potential for ‘unreasonable restrictions’ to be placed on the uses of neighbouring commercial sites (paragraph 6.39). Subject to the recommended conditions, officers conclude that the proposal is considered to comply with the aims of policy and the NPPF.*
- 6.67 *Nowhere in that assessment are the concerns of the statutory consultee referred to or explained, given they are the experts in noise.*
- 6.68 *Nowhere in that assessment are the concerns of Avon Metals or their noise consultants explained, despite the decision being “on balance”.*

- 6.69 The 'agent of change' principle is planning policy and has been assessed in line with the comments of WRS (as technical consultee). WRS had review both the applicant's noise survey(s) and the objectors concerns and has raised no objection to the determination of the application subject to conditions. WRS noted some concern over the potential impact of the residential development on future operations at Avon Metals and this has resulted in the case officer undertaking an assessment of the proposal in line with the planning policy advice of the NPPF.
- 6.70 A key part of the 'agent of change' policy is that:
- “Existing businesses and facilities should not have **unreasonable** restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a **significant adverse effect** on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.”
- 6.71 The assessment has concluded (taking into account the views of WRS) that, by permitting the residential development at this site, the LPA would not be putting the business at Avon Metals at any greater risk of 'unreasonable' restrictions being placed on them (over and above the existing situation) as it is not considered that future occupiers of the development would be put at risk of 'significant adverse effects' and the wider area is already in somewhat of a mixed use with existing housing (much more likely to be effected by intensified operations at the Avon Metals site) located much closer than the proposed development site. The LPA is also unable to secure mitigation at existing housing sites but, can secure an appropriate scheme of noise mitigation at the development site.
- 6.72 The 'balance' takes into account the existing situation versus the impacts (or lack thereof) expected to arise from the proposed development on the continued business operations at Avon Metals. The 'balance' also takes into account the views of the objector, the views of the technical consultee (WRS) and that character of the wider area (the fact that there is existing housing closer to Avon Metals site than the application site and that Avon Metals is not an isolated industrial use, other industrial units are located closer to nearby housing with no evidence of complaints).
- 6.73 The objector has stated that they wish to ensure that their business operations are 'unfettered'. Planning regulations (as well as a number of other streams of regulation) will apply to any future expansions the Avon Metals site. In planning terms, it is of note that industrial sites benefit from permitted development rights. Schedule 2, Part 7, Classes H and I, provide permitted development rights for a number of developments at industrial sites that would be exempt from the need for the LPA to consider noise or odour impacts. However, wider environmental protection legislation would still be required to be complied with as well as possible amendments to site licences and/or Environmental Permits. Officers do not accept that the objector has provided sufficient evidence to demonstrate that any 'unreasonable' restrictions would arise as a result of the LPA granting permission for this development.
- 6.74 In conclusion in respect of noise impact subject to the recommended conditions the proposal is considered to comply with the aims of JCS policies SD4 and SD14, GCP policy A1 and the NPPF.
- 6.75 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.

- 6.76 The site is in Flood Zone 1 and the Local Lead Flood Authority have no objection to the proposal, subject to a condition on any approval for a SuDs Management and Maintenance Plan.

6.77 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.

- 6.78 The Council's ecological consultant concluded that likely significant effects upon the Cotswolds Beechwoods Special Area of Conservation (SAC) , Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) would not occur as a result of the proposed development or in combination with other developments

- 6.79 They recommend that any approval includes conditions for the submission of a Ecology Management Plan, a Home Owners Pack identifying the alternative public open spaces to take pressure off the SPA, for the scattered shrubs to be removed outside bird nesting season and for precautionary measures for badgers.

6.80 Contaminated land

- 6.81 The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate investigation and remediation of any contamination.

The Council's contaminated land consultant notes that the wider Former Contract Chemicals development site that has been subject to some remediation and has no objection subject to conditions on any approval to cover protection from ground gases and checks on the potential import of soil, as well as the standard contaminated land conditions (phased risk assessment, remediation, verification etc.).

6.82 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.

- 6.83 The Council's Waste and Recycling team have raised no objection, subject to conditions on any approval requiring the submission of a detailed site waste management plan and for details of the recycling of waste generated during occupation.

6.84 Open Space, Recreation, Education and Community Facilities

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and

OS.7 of the 2002 Plan set out the council's requirements for open space.

6.85 Part 2 of Policy INF7 – Developer Contributions' states however that 'where there is a concern relating to the viability of the development , an independent viability assessment needs to be provided, funded by the developer and in proportion with the scale, nature and/ or context of the proposal. As indicated in paragraphs 6.12 to 6.14 of this report in relation to affordable housing, a viability assessment has been undertaken and the conclusion was that there is only £27,000 available for affordable housing and s106 contributions. The Council's priority is affordable housing and any approval of this application would be subject to a legal agreement to provide the £27,000 towards off site affordable housing. There is therefore no further value in the scheme for contributions towards open space, recreation, education or library facilities, and contributions would not be sought.

6.86 **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.

6.87 **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.

6.88 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 have been set out above.

6.89 **Affordable housing**

As set out above, the proposal for affordable housing is £27,000 financial contribution towards off-site provision to be secured by s.106 agreement.

6.90 **Conclusion**

6.91 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 and the local area. The development would positively contribute towards the provision of new housing within the city and provide some benefits in terms of employment and the economy.

6.92 The proposal is acceptable and accordingly it is recommended that planning permission is resolved to be granted, pending completion of a Section 106 agreement.

7.0 **RECOMMENDATION**

7.1 That planning permission is resolved to be **GRANTED** (subject to the following conditions),

pending completion of the required Section 106 agreement.

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

Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved drawing numbers/documents:

- 17137-GLOU-5-102 Rev.C – Refuse Vehicle Tracking;
- 17137-GLOU-5-200 Rev.F – Drainage Strategy;
- 17137-GLOU-5-SK001 – Surface Water Outfalls General Arrangement;
- BSCS-H-01-pe Rev.A – Refuse and Cycle Stores Flat Block H;
- BSCS-K-01-pe Rev.A – Refuse and Cycle Stores Flat Block K;
- FB-G-e1 Rev.C – Flat Block G Elevations Sheet 1 of 2;
- FB-G-e2 Rev.C – Flat Block G Elevations Sheet 2 of 2;
- FB-G-p1 Rev.C – Flat Block G Floor Plans Sheet 1 of 3;
- FB-G-p2 Rev.C – Flat Block G Floor Plans Sheet 2 of 3;
- FB-G-p3 Rev.C – Flat Block G Floor Plans Sheet 3 of 3;
- FB-H-e1 Rev.C – Flat Block H Elevations Sheet 1 of 2;
- FB-H-e2 Rev.C – Flat Block H Elevations Sheet 2 of 2;
- FB-H-p1 Rev.C – Flat Block H Floor Plans Sheet 1 of 2;
- FB-H-p2 Rev.C – Flat Block H Floor Plans Sheet 2 of 2;
- FB-J-e1 Rev.C – Flat Block J Elevations Sheet 1 of 2;
- FB-J-e2 Rev.C – Flat Block J Elevations Sheet 2 of 2;
- FB-J-p1 Rev.C – Flat Block J Floor Plans Sheet 1 of 3;
- FB-J-p2 Rev.C – Flat Block J Floor Plans Sheet 2 of 3;
- FB-J-p3 Rev.C – Flat Block J Floor Plans Sheet 3 of 3;
- FB-K-e1 Rev.C – Flat Block K Elevations Sheet 1 of 2;
- FB-K-e2 Rev.C – Flat Block K Elevations Sheet 2 of 2;
- FB-K-p1 Rev.C – Flat Block K Floor Plans Sheet 1 of 2;
- FB-K-p2 Rev.C – Flat Block K Floor Plans Sheet 2 of 2;
- HT.966.e Rev.A – House Type 966 Elevations;
- HT.966.p Rev.A – House Type 966 Floor Plans;
- DBML.01 Rev.D – Site Layout – Dwelling Boundary Materials Plan;
- LP.01 Rev.A – Location Plan;
- POS.01 Rev.B – Public Open Space Layout;
- SL.01 Rev.F – Site Layout;
- SS.01 Rev.C – Site Sections;
- P11-13.p.1 Rev. B – Plots 11-13 Floor Plan Sheet 1;
- P11-13.p.2 Rev. B – Plots 11-13 Floor Plan Sheet 2;
- P11-13.e.1 Rev. B – Plots 11-13 Elevations Sheet 1;
- P11-13.e.2 Rev. B – Plots 11-13 Elevations Sheet 2;
- P1-3_8-10.e Rev.C – Plots 1-3 and 8-10 Elevations;
- P1-3_8-10.p Rev.C – Plots 1-3 and 8-10 Floor Plans;
- SHED.01.pe Rev.A – Shed Floor Plan and Elevations.

Reason

For the avoidance of doubt and in the interests of proper planning.

Prior to commencement conditions

Condition 3

No development shall take place until an Ecology Management Plan (EMP) to include and confirm the following has been submitted to and approved in writing by the Local Planning Authority :

- Lighting required during construction work turned off at night so to not disturb badgers foraging;
- Trenches covered at the end of the working day;
- Any pipes covered or capped to prevent badgers gaining access;
- Any excavations (e.g. trenches or deep pits) within the construction site that need to be left open overnight provided with an escape ramp; and
- Confirmation that, if badgers or signs of sett excavation are encountered on site at any time during construction, the project ecologists to be contacted in the first instance;
- Details of bird and bat box installations;
- Details of Wildflower grassland;
- Details of Wetland planting;

The EMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats. All Ecological enhancements outlined in the EMP shall be implemented as recommended in the EMP and the number and location of ecological features to be installed shall be specified.

Reason

To enhance the ecological biodiversity of the site in accordance with the aims of policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E2 and E5 of the Gloucester City Plan.

Condition 4

Prior to the commencement of the development hereby approved, a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the written details of the CEMP shall include:

- a. Site access/egress;
- b. Staff/contractor facilities and travel arrangements;
- c. Dust mitigation;
- d. Noise and vibration mitigation;
- e. Mitigation of the impacts of lighting proposed for the construction phase;
- f. Measures for controlling leaks and spillages, managing silt and pollutants;
- g. Plans for the disposal and recycling of waste;

Thereafter, the construction phase of the development shall take place only in accordance with the details/recommendations of the approved CEMP.

Reason

To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance in accordance with the aims of policies INF1 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 5

No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of hard and soft landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason

In the interests of visual amenity, to ensure the development benefits from the inclusion of natural and to ensure some biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 6

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be based upon the principles as set out in the Flood Risk Assessment & Drainage Strategy Document Rev E prepared by Woods Hardwick Infrastructure LLP and must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality in accordance with the aims of policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy E6 of the Gloucester City Plan.

Condition 7

a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment should be undertaken to establish whether the proposed

development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning

Authority.

Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason

To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Construction Phase and Prior to Occupation

Condition 8

No work above floor plate level shall be carried out until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that materials are in keeping with the surrounding area and to provide for high quality design in accordance with the aims of policies SD3, SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1 and F1 of the Gloucester City Plan.

Condition 9

No work above floor plate level shall be carried out until details of the glazing and ventilation measures and their sound reduction specifications for each proposed dwellings, to achieve 30 dB LAeq(1 hr), and 45 dB LAm_{ax}(15 min) in bedrooms at night (23:00 – 07:00) and 35 dB LAeq(1 hr) in living rooms during the day (07:00 – 23:00), have been submitted to and approved in writing by the Local Planning Authority . The works shall then all be carried out in accordance with these approved details and retained as such for the duration of the development.

Reason

To provide a good residential environment for future occupiers of the development in accordance with the aims of policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1 and F1 of the Gloucester City Plan.

Condition 10

Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk

assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 11

No work above floor plate level shall be carried out until, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and secure ongoing biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 12

No work above floor plate level shall be carried out until a schedule of landscape maintenance for a period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule

Reason

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and secure ongoing biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 13

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the approved site plan with any gates situated at least 5 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained in that state thereafter.

Reason

In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic in accordance with the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and the NPPF.

Condition 14

The approved car parking and turning areas shall be constructed and marked out ready for use before occupation of the dwellings to which they relate. They shall then be retained solely for this use for the duration of the development. Details of electric vehicle charging facilities for each dwelling shall also be submitted to and approved in writing by the Local Planning Authority, and put in place for use before occupation of the dwelling for which the charging point has been provided, and then retained for the lifetime of the development.

Details of electric vehicle charging facility for the apartments shall be submitted to and approved in writing by the Local Planning Authority, and put in place for use before occupation of the dwelling for which the charging point has been provided, and then retained for the lifetime of the development.

Reason

In the interest of sustainable development, to ensure adequate parking provision on site, to accord with the NPPF and the aims of policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1 and G2 of the Gloucester City Plan.

Condition 15

The dwellinghouses hereby approved (plots 1 through to plot 13) shall not be occupied or brought into use until secure cycle parking provision has been installed for each plot in accordance with full written details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the approved details.

Reason

To ensure the development benefits from sufficient cycle parking provision and to encourage the use of sustainable modes of transport in accordance with the aims of policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1 and G4 of the Gloucester City Plan.

Condition 16

The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;

- objectives and targets for promoting sustainable travel,
- appointment and funding of a travel plan coordinator,
- details of an annual monitoring and review process, for the first two years of the development,
- means of funding of the travel plan, and;
- an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented and thereafter operated in accordance with the details and timetable therein.

Reason

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework, the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1, G3 and G4 of the Gloucester City Plan.

Condition 17

The cycle and refuse storage arrangements for the blocks of flats hereby approved shall be constructed and made available for use prior to occupation of the specific block of flats to which they relate in accordance with the approved details. They shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason

In the interest of sustainable development in accordance with the aims of policies SD3 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 18

No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason

To ensure development would not result in unacceptable risk of pollution or harm to the environment in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 19

No dwelling hereby permitted shall be occupied or brought into use until the boundary fences/walls have been constructed in accordance with full details that shall first be submitted to and approved in writing by the local planning authority. The scheme shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure adequate privacy for future occupiers of the development and in the interests of visual amenity in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Compliance conditions**Condition 19**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent

persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings

produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 20

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the noise climate and amenity of local residents in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 21

The development shall be carried out in accordance with approved Waste Minimisation and Management Plan by Woods Hardwick Planning Ltd and dated 20th November 2019.

Reason

To ensure the effective implementation of waste minimisation.

INFORMATIVE NOTES

Building Regulations

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.

NPPF

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.

Nesting Birds

Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Impact on the highway network during construction

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed

Person to Contact: David Millinship

Planning Application: | 22/00239/FUL

Address: | Former Contract Chemicals
Site Bristol Road Gloucester
GL2 5BX

Committee Date: |



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By Special Delivery

16 August 2022

Dear Sirs

Letter before claim: planning application reference 22/00293/FUL at Former Contract Chemicals Site, Bristol Road, Gloucester

We act for Avon Metals Limited in relation to their representations on the above planning application. We understand that the Council shortly intends to grant planning permission. The purpose of this letter is to put the Council on notice of our client's concerns and to ask that permission is not granted and the matter referred instead back to Planning Committee, with an appropriate recommendation to refuse permission.

Our clients operate an established specialist alloy manufacturing business, providing significant local employment. The business premises includes modern furnaces and metal reprocessing facilities. It lies approximately 135 metres to the south-west of the Application site. Our client is deeply concerned regarding its ability to continue to operate those premises unfettered should the development which is the subject of the Application proceed, not least without incurring substantial costs which may render the business unviable in this location and which would result in substantial local job losses and significant economic losses to our client.

1 PROPOSED CLAIM FOR JUDICIAL REVIEW

To Gloucester City Council, PO Box 3252, Gloucester GL1 9FW

2 THE CLAIMANT

Avon Metals Limited
Ashville Road, Gloucester, Gloucestershire GL2 5DA

3 THE DEFENDANT'S REFERENCE

Planning application reference: 22/00293/FUL.

Planning case officer: David Millinship, Senior Planning Officer, Gloucester City Council.

4 THE CLAIMANTS' LEGAL ADVISERS DEALING WITH THIS CLAIM

Claire Fallows
Partner
Charles Russell Speechlys LLP
5 Fleet Place, London EC4M 7RD

Email: Claire.Fallows@crsblaw.com
Tel: 020 7427 1046
Ref: CF/231491/00001

5 THE MATTER BEING CHALLENGED

Planning permission if granted by Gloucester City Council pursuant to application reference 22/00293/FUL (“**Application**”) for the erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping at the Former Contract Chemical Site, Bristol Road, Gloucester, following a Planning Committee meeting held on Tuesday 2 August 2022.

6 INTERESTED PARTIES

Matthew Homes Limited
Matthew House, 45 - 47 High Street, Potters Bar, Hertfordshire, EN6 5AW

7 THE ISSUE

7.1 Our clients made a number of representations to the Application, including on 14 January 2020, 24 June 2020 and 20 January 2021, through PJS Development Solutions.

7.2 The Report to Committee stated as follows:

7.2.1 Noise – WRS. Worcestershire Regulatory Services (WRS) as a statutory consultee is noted as considering that the submitted noise assessment is representative of the noise climate at the proposed development site (paragraph 4.12). WRS is said to have “concerns that in granting planning permission ... the future development / evolution of the Avon Metals site may be restricted and / or the amenity of future residents may be compromised” (paragraph 4.13). WRS acknowledge that the site has not been allocated for residential development and had previously commented that intervening B1 / Retail Use between Avon Metals and the proposed development site would have been preferable (paragraph 4.14). If permission is granted, in terms of the proposed glazing and ventilation strategy, a “plot by plot specification” is sought and acoustic consultants should confirm that the product will “meet or exceed the noise reduction levels detailed within the submitted noise assessment”.

7.2.2 Avon Metals’ objection to the scheme is noted at paragraph 5.2 and summarised merely as “the proposal is fundamentally unacceptable as the proposed land use ... is wholly incompatible with its near industrial neighbours’ ... operations”; further, “it has also been suggested that the methodology and proposed mitigation measures of the submitted noise survey have not properly taken into account the noise from the adjacent industrial sites.” No details are given as to how the methodology and mitigation are considered to fall short of requirements, despite those being set out in our clients’ representations and associated expert noise reports. Those representations were not available to Committee. The hyperlink in paragraph 5.3 did not work, due to the Council’s ongoing IT failures.

7.2.3 In the “Officer Opinion” suggestions, at paragraph 6.29, noise is identified as a potential issue due to the location of the Application site and the proximity of the A Class Bristol Road. Paragraph 6.29 also states that the applicant’s Noise Survey confirms that “less noise” is expected to be caused by the “adjacent commercial land uses” (i.e. less than the noise from Bristol Road). This does not explain the position regarding night-time noise (see below).

- 7.2.4 Paragraph 6.30 refers to a scheme of mitigation with “enhanced glazing along with alternative ventilation” for the facades directly adjacent to the industrial units to the south-west.
- 7.2.5 It is asserted that, in accordance with the guidance in BS4142, noise associated with the industrial operations has been assessed and mitigation measures outlined to “reduce the effects” of any noticeable or intrusive noise sources within dwellings. As such, the conclusion in paragraph 6.30 is that there are not expected to be any ‘significant adverse impacts’ relating to noise and the matter can be controlled by condition. There is no detailed explanation as to how the effects are “reduced” or to what level. There is no mention of what might happen if the windows are opened nor the use of external living space.
- 7.2.6 The Avon Metals objection is acknowledged in paragraph 6.31 and summarised as being that the proposal is “fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial ... operations; noise impacts have not been properly assessed and would be unacceptable”; further that the proposal conflicts with the aims of NPPF paragraph 182 (July 2021 para.187) and, as a result, JCS policies SD14 and emerging GCP policy A1. No detail is given and, as noted above, the full representations were not available to Committee.
- 7.2.7 Paragraph 6.32 quotes what is known as the “agent of change principle” and notably that “Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed”.
- 7.2.8 Paragraphs 6.33 and 6.34 refer to the above as resulting from impact on licenced premises and state that the NPPF specifically points towards “community and entertainment venues” with “social and cultural value”. The Report states that the NPPF does not specifically reference industrial sites, but there is a reasonable expectation that some consideration of the possible impact of a residential development on any type of commercial land use should be undertaken, the key consideration being whether a use could give rise to “significant adverse effects” and, if so, whether mitigation can be provided. Of course, the relevant paragraph of the NPPF actually refers to “existing businesses”, which is not acknowledged.
- 7.2.9 The Avon Metals site is described at paragraph 6.35 as being “mainly centred around manufacturing, processing and trading of non-ferrous and ferrous metals. The site includes buildings and open yard areas. It is not clear whether the site may (or may not) be in 24hr operation.” It can be confirmed that the site is in 24-hour use and operation. This is a vital consideration in any assessment of noise impacts. The Council can and should have made itself aware of that position; it had in any event been noted by WRS.
- 7.2.10 Paragraph 6.35 goes on to state that “It is reasonable to expect that the waste processing and manufacturing uses certainly generate noise of a level and character that has the potential to be audible at the application site but, the risk that the operations would give rise to ‘significant adverse effects’ on the future occupiers of the application site appears to be relatively low.” Save as referred to below, the reasons for this conclusion are not specified and are set in a way that leaves doubt (“appears to be relatively low”). No information is given for members to consider as to how that doubt arises, particularly in the context of a clear objection by Avon Metals as to the methodology utilised, of which no detail is set out in the Report.

- 7.2.11 Paragraph 6.35 goes on to states that “the main source of noise affecting the application site has been identified as Bristol Road, that is a very busy main transport route into (and out of) the city centre. Noise from Bristol Road would occur over 24hrs.” As described below, this is not correct.
- 7.2.12 Paragraph 6.36 asserts that the Avon Metals site is a “significant distance” from the application site with an intervening storage building that would act as an acoustic screen and B8 storage yard within the intervening land. The wider B2 and B8 commercial / industrial uses are referred to. However, WSP confirm that the acoustic screening does not assist by way of acoustic attenuation to some parts of the proposed development.
- 7.2.13 It is stated that the Council’s “Env. Protection advisor has confirmed that no historic nuisance complaints from nearby residential properties have been made about any of the existing industrial businesses. As such, it is considered the potential for ‘significant adverse effects’ to occur is reasonably considered to be low.” This is also incorrect, as described below.
- 7.2.14 Reference is made (paragraph 6.37) to the fact that uses could change or intensify at the neighbouring sites, but that impacts from such changes are not possible to quantify and may require planning permission, site licence and/or an Environmental Permit. Indeed, businesses including Avon Metals are noted to already operate under site licences and Environmental Permits and there is noted to be little evidence to expect that the proposed residential development would influence changes to these permits/licences that would be tantamount to ‘unreasonable restrictions’. Should the Avon Metals site seek to expand into adjacent land any operations would be expected to comply with planning policies and environmental protection legislation in force at that time (and whatever mitigation may be necessary). It is concluded that there is no current compelling reason to consider that future development at the existing Avon Metals site (or possible expansion into the adjacent site) would be prevented as a result of this application proposal.
- 7.2.15 Paragraph 6.38 concludes that mitigation has been proposed within the submitted noise survey (in line with BS4142) which can be secured by planning condition. Whilst the Avon Metals objection is referred to, officers conclude that the use of enhanced glazing along with mechanical ventilation is an established technical solution to mitigate against noise (which can be secured by condition) and assert there has been no compelling evidence put forward by the third-party to suggest otherwise (no details of the Avon Metals’ representations being explained).
- 7.2.16 Officers do not consider “on balance” (although why the decision is “on balance” is not set out for members to consider) that there is sufficient evidence to demonstrate that the proposed residential development would act as an ‘agent of change’ with any great potential for ‘unreasonable restrictions’ to be placed on the uses of neighbouring commercial sites (paragraph 6.39). Subject to the recommended conditions, officers conclude that the proposal is considered to comply with the aims of policy and the NPPF.
- 7.3 Nowhere in that assessment are the concerns of the statutory consultee referred to or explained, given they are the experts in noise.
- 7.4 Nowhere in that assessment are the concerns of Avon Metals or their noise consultants explained, despite the decision being “on balance”.
- 7.5 Of course, the issue is compounded as Avon Metals were not invited to make oral representations to Committee, despite their letters of objection backed up by technical, expert assessments. The

Statement of Community Involvement confirms that public speaking is allowed at Committee. The Council's own "Guide to Public Speaking at Planning Committees" states that "members of the public have the opportunity to speak at Committee to state their views, either supporting or opposing specific proposals". Further, "all "interested parties" are advised when an application is going to Planning Committee, approximately a week before the committee meeting." This was not done.

7.6 The Minutes of the meeting show that the applicant's noise consultant did indeed speak at Committee. The Minutes state that the noise consultant asserted:

7.6.1 numerous noise surveys had been undertaken during both day time and night time and all had returned assessments under statutory noise limits and within WRS criteria;

7.6.2 WRS had not raised any objections to the proposal;

7.6.3 Avon Metals had objected due to the "Agent of Change" principle, but a freedom of information request had confirmed that no complaints regarding noise had been made.

7.7 The Senior Planning Officer is noted to have confirmed the following of relevance:

7.7.1 That there was a large storage unit between the development and it was "his assessment" (not being a noise expert) that Avon Metals "could largely block noise from the development site". It is assumed this was meant to refer to blocking noise from the Avon Metals site, although it is not clear. As above, WSP have confirmed that the intervening building does not provide acoustic attenuation to all parts of the proposed development.

7.7.2 That the Noise Consultant confirmed that they were satisfied that the levels met the necessary criteria and no noise complaints had been made by occupiers of existing dwellings located the same distance from the Avon Metals site. As noted above and below, this was incorrect.

7.7.3 That the operating times of both Avon Metals and the adjacent storage warehouse would have been assessed as part of the noise survey. It was anticipated that operating times would likely be broadly in line with office hours. As noted above, this was incorrect. The site is a 24-hour operation.

7.8 Officers should have checked the factual position with Avon Metals. The key concerns of our client are summarised below:

7.8.1 There have been numerous noise complaints relating to activities at the Avon Metals facility. Some complaints were received by Avon Metals via the Council and further detail is available from Avon Metals, including the associated costs incurred in addressing those complaints. We understand that this is confirmed in WRS's undated review of the first WYG noise assessment report, which included a section on historic complaints that were investigated by the Council's environmental health department over several years, and notes that significant investment was subsequently made by Avon Metals to make acoustic improvements in response to those complaints.

7.8.2 The Avon Metals facility is a 24-hour operation. This is confirmed in the WRS review of the first WYG noise assessment report. The submitted and reviewed noise assessment work is grounded on an assessment of both daytime and night-time noise, confirming at numerous points that there is operational noise from Avon Metals during the night-time period. The position on night-time noise is not properly addressed in the above officer assessment.

- 7.8.3 It is not correct that the dominant source of noise is Bristol Road with less noise expected to be caused by the adjacent commercial land. The applicants' noise assessment work prepared by WYG states "The dominant noise sources found in the area include: road traffic noise from Bristol Road and Cole Avenue, and plant noise from the adjacent manufacturing plant.". We understand that the WRS review of the first WYG noise assessment also confirms that: "During the course of a night-time as the road traffic dies down on the Bristol Road AML [Avon Metals Ltd] becomes the most identifiable noise in the area".
- 7.8.4 Reliance is placed on mitigation. Mitigation only works if the windows are closed, and there does not appear to be anything proposed to prevent residents who may be affected by noise from opening those windows – and thereafter submitting complaints. That is particularly likely to be the case during the night. The likelihood of complaints arising from users of outdoor amenity space is also not addressed. These are also fundamental policy matters in respect of the amenity of future occupiers - NPPF paragraph 130(f) requires that a high standard of amenity is secured for future users, which the report does not address.
- 7.8.5 There is no commitment to warning future residents of the site of the noisy environment that they are proposing to move into including at night. No reference is made to Government guidance on Noise (which specifically addresses how planning can manage potential noise impacts in new development). Paragraph 9 states that "It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints." An "information pack" regarding the 24-hour operations was not sought.
- 7.8.6 Officers rely on the submitted noise assessment, which our client's noise consultants WSP consider to be flawed for several reasons, including methodological errors, as well as accuracy and suitability issues. A noise assessment fully compliant with BS 4142 would have resulted in the identification of a significant noise effect. These concerns were simply not before Committee and the details of Avon Metals' representations were not available.
- 7.8.7 Paragraph 9 of the Government guidance "Noise" makes it clear that the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses are permitted to carry out, even if they are not occurring at the time of the application being made. An assessment of any such current and other permitted activities was not done.
- 7.8.8 Paragraph 10 of the above guidance also refers to the fact that "For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place". The Application site is not allocated for residential development and our client maintains that it is unsuitable for it, as a result of all of the factors above.
- 7.9 As can be seen from the above, the decision-making process has been deeply flawed and is unlawful:
- 7.9.1 In light of the Council's published policy, Avon Metals had a legitimate expectation that they would have the opportunity to review the Report to Committee and put forward their oral representations to Committee. That opportunity was denied. It could have made a material difference to the outcome.
- 7.9.2 Committee members were materially misled in a number of critical ways which, again, could have made a material difference to the outcome.

7.10 Given that officers are aware of the above flaws which are material factors which Committee should have been aware of, there is a duty on officers to report the matter back to Committee.

8 THE ACTION THAT THE DEFENDANT IS EXPECTED TO TAKE

8.1 We request confirmation that:

8.1.1 the decision notice will not be issued; and

8.1.2 the matter is referred back to an appropriate Committee meeting with a Report to Committee that fully sets out our client's objection and concerns; and

8.1.3 our client is given the opportunity to make representations to Committee.

9 ADR PROPOSALS

9.1 Our client is willing to consider any proposals that the Council may have.

10 THE DETAILS OF ANY INFORMATION OR DOCUMENTS SOUGHT

10.1 No further information is requested at this stage.

11 THE ADDRESS FOR REPLY AND SERVICE OF COURT DOCUMENTS

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EC4M7RD
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Email: Claire.Fallows@crsblaw.com

Tel: 020 7427 1046

Ref: CF/231491/00001

12 PROPOSED REPLY DATE

Please respond within 14 days of the date of this letter.

Yours faithfully

Charles Russell Speechlys LLP

Charles Russell Speechlys LLP

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Tewkesbury, Gloucestershire, GL20 5TT

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GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

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| Address/Location: | Former Contract Chemicals Site Bristol Road Gloucester GL2 5BX |
| Application No: | 22/00293/FUL |
| Ward: | Podsmead |
| Expiry Date: | |
| Proposal: | Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping. |
| Report by: | David Millinship Site Location Plan |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposed development site is located approximately 2km south of the city centre of Gloucester. It is to the south of Newark Road and spans from Bristol road to the west to Tuffley Crescent to the east. It is relatively level in gradient. To the north east and south east, the site abuts modern residential development that has relatively recently been constructed. To the south west the site then abuts land belong to SHB Hire Ltd, a commercial operator, with a specialist aluminium /alloys production plant, Avon Metals Limited then located some 170m further south west. To the north west the site abuts Bristol Road, which is elevated at this point. Directly to the north there is an existing watercourse and SuDs feature, which is within the applicant's ownership.
- 1.2 The site which is approximately 0.65ha in size, forms an irregular shaped area of land. It previously formed part of the Contract Chemical works site which has been demolished. The area has since undergone clearance and remedial work and is currently being temporarily used as part of the wider development's construction site.
- 1.3 Access to the proposal site would be via the residential estate roads that are currently being completed, giving wider access to Bristol Road and Tuffley Crescent.
- 1.4 Outline planning permission was granted in 2013 (reference: 07/00474/OUT) for a Mixed use development comprising residential, employment (B1 and showroom) uses, public open space and remediation of the land with only access for determination at this stage. This covered the current application site (Former Contract Chemicals site) and was referred to as Site B.
- 1.5 At the same time another outline application was submitted, reference: 07/00472/OUT for a similar development on the neighbouring former Wellman Graham and St Gobain factory sites. It also was for a mixed-use development including residential, employment land, public open space and remediation, however it included a community building. Only access was for determination at this stage and this was shown on to Bristol Road and Tuffley Crescent. This site was referred to as site A and the application was approved in 2010.
- 1.6 A number of planning applications followed these outline permissions seeking both to vary the section 106 agreements and conditions to alter the financial contributions and the timescale for reserved matters submission. Since these outline permissions a single developer had purchased Sites A and B and sought to deliver the development comprehensively. Planning application reference 14/00861/FUL was submitted and approved in 2015. The alterations were proposed changes to the access and for employment land

previously shown in both Sites A and B to now all be relocated to the southwestern corner of Site B. This area indicated for employment land now provides the site for this current planning application.

- 1.7 The reserved matters application reference 15/ 00287/REM in relation to the outline application 07/00474/OUT amended by 14/00861/FUL provided no reserved matters details for this part of the site. The time scale for doing so has now expired, so the application site no longer benefits from any planning permission.
- 1.8 With regard to planning application reference: 19/01094/FUL, the proposal in its original form showed a scheme of 14 houses and thirty flats. The thirty flats were shown within four separate three storey blocks and included both two and one bed roomed flats, while the houses are shown as two storey semi- detached or terraced properties and would have three bedrooms. The two blocks nearest to Bristol Road contain 2-bedroom units with 9 units in the southwestern block (Block J) and 6 units in the more north easterly block (Block H) . Moving southwards into the site the next block (Block G) would have contained 3 x 1 bedroom units and 6 x 2-bedroom units while the most southerly block (Block F) was shown with 3 x 1-bedroom units and 3 x 2-bedroom units.
- 1.9 In terms of parking spaces all the flats were shown with one allocated space, while the houses would have had two spaces. Six visitor spaces were then also shown and cycle parking in the form of single storey additions to the Blocks G, H, and J. The cycle parking for Block F was shown in a separate single storey structure. Access to the development was shown via an estate road currently being built as part of the larger scheme to access on to Bristol Road and Tuffley Crescent.
- 1.10 After officers raised concerns regarding positioning of buildings, amount of amenity space for the flats, excessive amount of unbroken parking areas and positioning of parking spaces then amendments to the proposed scheme were made.
- 1.11 The revisions showed a scheme with 13 houses and thirty flats. The four houses in the northeastern corner of the site have been replaced by a block of flats, while the original block of flats, Block F set further into the site has been replaced by three terraced houses. All four proposed blocks of three storey flats would be located in the northern section of the site towards Bristol Road. Viewing clockwise from the northwestern corner of the site, Block K contains 6 x 2-bedroom flats, then next Block J contains 9 x 2-bedroom flats, while Block G fronting the estate road contains 6 x 2-bedroom flats and 3 x 1-bedroom flats. Finally Block H would contain 6 x 2 bed roomed flats.
- 1.12 The houses in the revised proposal are shown all set out in rows to the south of the site. Nine would be provided in three terraces of 3 dwellings and four dwellings would be provided in two sets of semi-detached dwellings. Car and cycle parking is shown at the same ratio as previously for flats and dwellings, although visitor car parking has been reduced to three spaces.
- 1.13 This current application has been submitted due to the fact that the details of application reference 19/01094/FUL are stuck on the Council's server and unobtainable. The only difference between the two applications is that the 3-bedroom house types (on 12 plots- 1 to 10, 12 and 13) has been replaced by a new house type HT966 (3 bed 4-person house).

2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal | Decision | Decision Date |
|--------------------|----------|----------|---------------|
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|--------------|--|--------|------------|
| 07/00472/OUT | Mixed use development comprising residential (231 units), employment (B1 and showroom) and D1 (community building) uses together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site A] | GOP | 17.09,2010 |
| 07/00474/OUT | Mixed use development comprising residential (upto 109 units), employment (B1 and showroom) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B] | GOP | 13.06.2013 |
| 14/00861/FUL | Variation of Condition nos. 4, 19, 23 and 29 of planning permission no. 07/00474/OUT (as a result of Sites A & B being brought forward as a comprehensive development). [Site B] | G3Y | 23.02.2015 |
| 15/00286/REM | Reserved matters scheme for 172 residential dwellings with associated open space and landscaping (Site A). | AR | 04.12.2015 |
| 15/00287/REM | Reserved matters scheme of 86 residential dwellings with associated open space and landscaping. (Site B) | AR | 04.12.2015 |
| 12/01029/FUL | Variation to conditions 2, 3 and 4 of permission ref. 07/00472/OUT, changing the periods for submission of Reserved Matters from 5 to 3 years and for Commencement of Development thereafter from 3 to 1 year, and to substitute the originally submitted illustrative masterplan with a land use parameters plan. | GOP | 23.01.2013 |
| 12/01032/MOD | Variation of Section 106 Legal Agreement under planning permission 07/00472/OUT to vary the financial contributions associated with the development. | SEC106 | 23.01.2013 |
| | | | |
| 14/00952/NMA | Non material amendment to outline planning permission ref: 07/00474/OUT, to revise the description of development to read: Mixed use development comprising residential (up to 109 units), employment B1(Business) and D1 (non-residential institution) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative master plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B]. | NOS96 | 07.10.2014 |

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|--------------|--|----------------|------------|
| 20/00796/FUL | Variation of Condition1 - Approved Drawings on permission reference: 15/00287/REM for the proposed resiting of Block E with minor amendments to ground floor layout, external appearance, introduction of windows and alterations to parking /landscape area | AR | 05.07.2021 |
| 19/01094/FUL | Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping. | Not determined | |

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 (NPPG)

3.3 Development Plan

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

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;
 SD6 – Landscape;
 SD9 – Biodiversity and geodiversity;
 SD10 – Residential development;
 SD11 – Housing mix and standards;
 SD12 – Affordable housing;
 SD14 – Health and environmental quality;
 INF1 –Transport network;
 INF2 – Flood risk management;
 INF3 – Green Infrastructure;
 INF4 – Social and community Infrastructure;
 INF6–Infrastructure delivery;
 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 (GCP)

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;
- A6 – Accessible and adaptable homes;
- C1 – Active design and accessibility;
- E2 – Biodiversity and geodiversity;
- E5 – Green infrastructure: Building with nature;
- E6 – Flooding, sustainable drainage, and wastewater;
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation;
- F1 – Materials and finishes;
- F2 – Landscape and planting;
- F3 – Community safety;
- F4 – Gulls;
- F6 – Nationally described space standards;
- G1 – Sustainable transport;
- G2 – Charging infrastructure for electric vehicles.

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: :

- OS.2 – Public Open Space Standard for New Residential Development
- OS.3 – New housing and open space
- OS.7 – New areas of Public open space
- A.1 – New housing and allotments

- 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 – Previous scheme 19/01094/FUL**

No objection to the revised plans, subject to conditions on any planning permission for the submission of details for satisfactorily laying out the estate road, a construction management plan and an extension of the existing travel plan to include this development.

4.2 **Natural England – Previous scheme 19/01094/FUL**

The application site is within the zone of influence of sites afforded protection under the Conservation of Habitats and Species Regulations 2017. These sites being Cotswolds Beechwoods Special Area of Conservation (SAC), Cotswolds Commons and Beechwoods

Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA.)

4.3 The Local Planning Authority as a competent authority under the provisions of the Habitat Regulations should have regard for any potential impacts on these sites.

4.4 Landscape Adviser – Previous scheme 19/01094/FUL

The amended layout is an improvement to the previously submitted scheme. Better amenity space is shown around the blocks of flats, the proposed car parking layout is shown using less space and a couple more trees are proposed. There should however be more planting shown on the western and south eastern borders.

4.5 Ecology Adviser

A walk over of Alney Island Local Nature Reserve and alternative local public open spaces such as the Gloucester-Sharpness canal and Robinswood Hill Country Park was carried out. Following this review it was concluded that likely significant effects upon the Cotswolds Beechwoods Special Area of Conservation (SAC) , Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) are unlikely to occur as a result of the proposed development or in combination with other developments.

4.6 It is recommended that any approval does include conditions for the submission of a Ecology Management Plan ,a Home Owners Pack identifying the alternative public open spaces to take pressure off the SPA, for the scattered shrub to be removed outside bird nesting season and for precautionary measures for badgers. Natural England should also be consulted on the contents and conclusions of the report.

4.7 Contaminated Land Adviser – Previous scheme 19/01094/FUL

It is recognised that the proposal is part of the wider Former Contract Chemicals development site that has been cleared of infrastructure and been subject to a level of remediation. However, conditions on any approval would be required to cover protection from ground gases and checks on the potential import of soil.

4.8 Drainage Adviser – Previous scheme 19/01094/FUL

The Local Lead Planning Authority confirm that they have no objection to the proposal. They state that water control through the two proposed basins means that plots 1 – 5 would not have an impact on surface water discharging under Bristol Road and further downstream of here. They note that there is control on surface water for the rest of the site and that water would be stored within permeable paving, which would also provide some water quality management benefits.

4.9 It is recommended though that a SuDs Management and Maintenance Plan be a condition of any approval.

4.10 Environmental Protection Consultant – Worcestershire Regulatory Services (WRS)

Air Quality – WRS

4.11 Given the distance from the roadside and the level of indicative concentrations of nitrogen dioxide at the nearest monitoring locations, the air quality here is considered to be acceptable for the proposed development. It is recommended that standard air quality mitigation measures such as electrical vehicle charging points, secure cycle parking etc should form conditions on any approval to alleviate pollution creep in the area and to encourage the uptake of sustainable modes of transport.

Noise – WRS

- 4.12 WRS considers that the submitted noise assessment to be representative of the noise climate at the proposed development site.
- 4.13 However, WRS have concerns that in granting planning permission for this residential development, the future development / evolution of the Avon Metals site may be restricted and / or the amenity of future residents may be compromised.
- 4.14 WRS acknowledges that the site has not been specifically allocated for residential development and had previously commented that intervening B1 / Retail Use between Avon Metals and the proposed development site would have been preferable.
- 4.15 In terms of the of the proposed glazing and ventilation strategy, if the planning application is granted, the applicant should provide a plot by plot specification and their acoustic consultants should confirm that the chosen product(s) will meet or exceed the noise reduction levels detailed within the submitted noise assessment.

Economic Growth and Strategic Planning – Previous scheme 19/01094/FUL

- 4.16 The proposal is for 43 dwellings of which 40 are qualifying dwellings for education. This number of dwellings would be expected to generate an additional demand for 6.80 secondary (11-16) places. The Gloucester Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary (11-16) contribution of £131,321.60 towards the provision of these places
- 4.17 The nearest library to the application site, and the library most likely to be used by residents of the new development, is Quedgeley library. The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £8,428 is therefore required to make this application acceptable in planning terms

Housing Strategy and Enabling Officer – Previous scheme 19/01094/FUL

- 4.18 There is a substantial need for housing and in particular affordable housing in the City and County as a whole. The accompanying information for this proposal states that the proposal will not be delivering any affordable housing due to viability issues and this needs to be tested thoroughly via an independent viability assessor. If no affordable housing is delivered, then further strain is put on the existing housing stock.
- 4.19 The proposal should also ensure that the dwellings all accord with the Nationally Designated Space Standards while the emerging City Plan, Policy A6, also requires 50% category M4 (2) standard accommodation.

Urban Design Adviser – Previous scheme 19/01094/FUL

- 4.20 No objection to the revised proposal, but materials need to be conditioned on any approval.

Open Space and Playing Pitch Adviser – Revised Proposal

- 4.21 As no open space is proposed on site, then an off-site calculation generates the following, for improvements to existing open spaces nearby

£147,000 for Formal Sport Provision
 £54,000 for Formal Play Provision
 £19,000 for General POS Improvements
 £220,000 in Total

- 4.22 These off site contributions should be spent on improving the facilities at the existing public open spaces :-
 Formal Sport - The Oval , Tuffley Park, Gloucester Athletic Club,

Formal Play – The two new play sites on Contracts Chemicals /St Gobain site , Milton Avenue play area , Scott Avenue play area , the Lannett play area ,
General Improvements – At any of the above sites

Archaeologist

- 4.23 Due to the previous site remediation works, archaeological remains are unlikely to have survived. Therefore, no comments to make.

Severn Trent Water

- 4.24 No objection subject to a condition on any permission for submission of details of foul and surface water drainage.

County Council – Minerals and Waste

- 4.25 No objection, subject to conditions on any approval requiring the submission of a detailed site waste management plan and for details of the recycling of waste generated during occupation.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published.
- 5.2 One objection to the proposal was received (maintained following each revision of the scheme). Summarised as follows:
- The proposal is fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial neighbours' (Avon Metals) operations;
 - It has also been suggested that the methodology and proposed mitigation measures of the submitted noise survey have not properly taken into account the noise from the adjacent industrial sites.

- 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, layout and landscaping;

- Affordable Housing;
- Traffic and transport;
- Residential amenity;
- Drainage and flood risk;
- Open Space, Recreation, Education and Community Facilities;
- 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)

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 (2021) 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..).’

At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

6.6 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.

6.7 As the site is located within the built up area of the city, the principle of residential 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.

6.8 A concern has been raised that the proposal would involve the loss of employment land. The Local Planning Authority are of the opinion however that the land currently has ‘nil’ use. The reasons being that the former Contract Chemical industrial development on the site is now long gone and there is no current industrial operation on this area of land, which only forms a small part of the original industrial site. The site also does not benefit from any commercial allocation within any extant plan, while the reserved matter application reference 15/00287/REM did not include the details for the commercial element proposed for this site under the outline application reference : 07/00747/OUT amended by application reference: 14/00861/FUL The time limit for the submission of this element of the reserved matters has now expired, so the site does not benefit from any planning permission.

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 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. These design aspirations are also reflected in the emerging City Plan.

- 6.10 In terms of design the proposal is seen to recognise that this development would be part of the larger residential development that is currently being built out on these old former industrial sites. The two storey dwellings and three storey blocks of flats would be similar to those already constructed in terms of scale and appearance. These being well proportioned units of quite simple design with relatively steep pitched roofs , then utilising features such as gables and bay windows where the building is in a prominent position such as a corner plot or to add interest and break up the larger elevations on the blocks of flats. Juliette balconies are further shown as a feature on the flats.
- 6.11 Council officers had concerns with the original design in that the proposed blocks of flats did not relate well to each other in terms of potential overlooking, that the amenity space was poorly laid out and that ‘unbroken’ substantial areas of hardstanding were shown provided for car parking.
- 6.12 A revision was subsequently made to the scheme. The revised proposal is considered to be a better layout with the four blocks of flats set around a loosely formed ‘courtyard’ , enabling them to relate better to each other in terms of potential overlooking between occupiers and allowing them to be provided with a greater amount of usable amenity space. The scaling of the development is also seen to work better with the three storey blocks located towards Bristol road and the two storey house set behind within the larger general residential estate area. Previously the more north easterly of the two frontage blocks, Block H, did not relate well to either the Bristol road street scene or the surrounding residential development. It’s re orientation as shown in the revised layout enables it to have one elevation clearly viewing north up Bristol Road and a second elevation that in conjunction with the front elevation of Block K ensures a stronger more continuous built frontage to Bristol Road. The larger blocks work well here as they would enable a Bristol Road street presence, even as the road rises at this point.
- 6.13 Whilst the car parking provision still includes areas with quite a number of spaces directly alongside each other ,overall the layouts are shown set out more efficiently, particularly the parking spaces for the flats, with just one court yard layout rather than two areas with subsequent access and manoeuvring space as previously shown
- 6.14 In terms of landscaping, the Council’s landscaping consultant states that the amended layout is an improvement to the previously submitted scheme with better amenity space shown around the blocks of flats and more trees proposed. She does state that there should however be more planting shown on the western and south eastern borders, which would be secured via condition on any approval.
- 6.15 In conclusion the proposal is considered to comply with policies SD4 and SD10 of the JCS as well as the NPPF (2021) in terms of general design, layout and landscaping.
- 6.16 **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.

- 6.17 Bullet point 9 of the Policy states that ‘If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required ... ‘
- 6.18 In this case the applicant has submitted a viability appraisal to seek to demonstrate that there is insufficient viability in the scheme to provide affordable housing. This appraisal has been assessed by an independent party appointed by the Local Planning Authority to ensure proper scrutiny.
- 6.19 The Independent assessors concluded that the Residual Land Value of a 100% open market housing scheme, excluding s106 contributions, would be £149, 649, while the Benchmark land value was £122,490. Thereby leading to a surplus of £27,000 for affordable housing and s106 contributions.
- 6.20 As affordable housing is the priority concern to the Local Planning Authority, then any approval would be subject to a legal agreement for the provision of this £27,000 towards off site affordable housing provision.
- 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 proposed development is within a sustainable location just a couple of kilometres from the city centre of Gloucester. The nearest roadway, Bristol Road, has pavements on both sides of it and runs directly into the city centre. Bristol Road also has a dedicated cycle way running along it into the city centre as well as frequent buses into the centre. The nearest bus stops are on the junction of Newark road, approximately 60m north., and Tuffley Avenue, circa 140m north. The routes serving these stops provide frequent services to Gloucester city centre in the north and Quedgeley to the south.
- 6.23 The Transport Assessment (TA) that supported the Outline Planning Application reference: 07/00474/OUT, for the wider development remains the most up to date TA for this Bristol Road development site. It was based on calculations for 340 dwellings and B1/B2 use . To date 258 dwellings have been built out on the rest of the site, and with the proposed 43 dwellings, there would be 301 units. This is 39 less residential units than the TA was based on and no industrial floor space is now proposed. The Highway Authority are satisfied that transport movements to and from the site can be adequately accommodated , although request that any approval is conditioned so that the Travel Plan that covers the rest of the site is extended to include the proposal site.
- 6.24 The Highway Authority are also satisfied with the level of car and cycle parking provided for the development. In conclusion they have no objection, subject to conditions on any planning permission for the submission of details for satisfactorily laying out the estate road, a construction management plan and the already mentioned extension of the existing travel plan to include this development.
- 6.25 **Residential amenity**
Paragraph 130 of the NPPF (2021) 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.

- 6.26 The proposal in its revised form now shows good distance relationships between the proposed blocks of flats with a minimum distance of 22,5 m between main windowed elevations of facing blocks. There is even 18,5 m shown as a minimum between the front elevations of Block G and the existing Block B across the street, where distances can normally be expected to be lower. There is a bank of windows shown in the north eastern end elevation of Block K, however the second floor window in the adjacent end elevation of Block J would be angled away to prevent overlooking. Distances between the main windowed elevations of the two storey houses would then be a minimum distance of 20 metres apart.
- 6.27 In terms of amenity space, the dwellings are all shown with rear gardens around 10m in length, while the occupiers of the blocks of flats would all now benefit from decent usable amenity space as per the revised scheme. There were concerns that some ground floor flats in the blocks nearest Bristol Road might incur loss of light due to the proximity of the banking, however the applicant has submitted sections to show there would be sufficient distance from bank to window. In the most sensitive position in the northern most section of the west facing elevation of Block J, the proposed flat here would benefit from windows in the north east elevation.
- 6.28 It is also confirmed that the air quality is satisfactory in the area and that all the properties would meet Nationally Designated Space Standards. With regards to the concerns of potential overlooking and loss of sunlight from the garden of a neighbouring residential, it should be noted that Block G would be some 18 - 20 m from the gardens of the nearest existing dwellings, which officers consider an acceptable distance to ensure loss of sunlight and overlooking would not be material concerns.
- 6.29 Noise is a potential issue due to the location of the site, with the A Class main road of Bristol Road skirting the north-western site boundary and a commercial site (thought to be within B8 use) skirting the south-western site boundary. The applicant has submitted a Noise Survey that confirms the main source of noise is Bristol Road with less noise expected to be caused by the adjacent commercial land uses.
- 6.30 A scheme of mitigation has been outlined with the building facades directly adjacent to Bristol Road and the industrial units to the south west featuring enhanced glazing along with alternative ventilation which matches the performance of this glazing. Properties in all other areas will feature standard double glazing with all areas of the development site featuring alternative ventilation in order to meet both ventilation and internal ambient noise criteria. In accordance with the guidance provided in BS 4142, noise associated with industrial operations to the south have been assessed and mitigation measures outlined to reduce the effects of any noticeable or intrusive noise sources within proposed dwellings and as such there are not expected to be any 'significant adverse impacts' relating to noise. A condition can ensure the development is constructed in accordance with the proposed mitigation measures to ensure the development complies with the aims of JCS policies SD4 and SD14 and GCP policy A1.
- 6.31 I have noted a third-party objection raising concerns over the potential for the new housing to result in adverse impacts on the viability of continued industrial operations at adjacent sites (particularly at the Avon Metals site – approximately 175 m to the south-west of the application site). The objection has stated that the proposal is '*fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial neighbours*' (Avon Metals) operations; noise impacts have not been properly assessed and would be unacceptable'. It is stated that the proposal conflicts with the aims of NPPF paragraph 182 (as of July 2021 para.187) and, as a result, JCS policies SD14 and emerging GCP policy A1.

6.32 Paragraph 187 of the NPPF states the following:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

6.33 The 'agent of change' amendment to the NPPF (introduced in 2018) was brought about predominantly due to the implications of several cases where adverse impacts on existing licenced premises had arisen from new residential uses being permitted within adjacent buildings. This resulted in increased licencing restrictions, that in some cases meant the entertainment venues were no longer viable in their historic locations. This issue became particularly relevant in England following the Governments introduction of permitted development rights allowing the change of use of various types of commercial premises into residential use without the need for full planning permission to be sought.

6.34 The NPPF specifically points towards community and entertainment venues as these will often have social and cultural value that can be lost (in addition to economic/employment value) if inappropriate land uses are permitted in their locality. They are also the types of noise generating premises that are often located in denser city centre locations where development in very close proximity to a site is more likely to occur. The NPPF does not specifically reference industrial sites, but there is a reasonable expectation that some consideration of the possible impact of a residential development on any type of commercial land use should be undertaken. The key considerations being whether a use could give rise to 'significant adverse effects' and, if so, whether mitigation can be provided against these effects.

6.35 In this particular case, the objection has been made in relation to the use of the Avon Metals site that is located approximately 175 m to the south-west of the application site. Operations at this site are mainly centred around manufacturing, processing and trading of non-ferrous and ferrous metals. The site includes buildings and open yard areas. It is not clear whether the site may (or may not) be in 24hr operation. It is reasonable to expect that the waste processing and manufacturing uses certainly generate noise of a level and character that has the potential to be audible at the application site but, the risk that the operations would give rise to 'significant adverse effects' on the future occupiers of the application site appears to be relatively low. The main source of noise affecting the application site has been identified as Bristol Road, that is a very busy main transport route into (and out of) the city centre. Noise from Bristol Road would occur over 24hrs.

6.36 The Avon Metals site is located a significant distance from application the site with a substantial existing storage building (that would act as an acoustic screen) and B8 storage yard occupying the intervening land. The wider commercial estate also features a number of industrial site uses (B8 and B2 uses) in much closer proximity to existing housing. The council's Env. Protection advisor has confirmed that no historic nuisance complaints from nearby residential properties have been made about any of the existing industrial businesses. As such, it is considered the potential for 'significant adverse effects' to occur is reasonably considered to be low.

6.37 It is possible that uses could change or intensify at the various neighbouring commercial sites

in the future but, impacts from such changes are not possible to quantify and any material changes to uses in the commercial estate would possibly require planning permission, some form of site licence and/or an Environmental Permit. Indeed, several of the existing businesses (including Avon Metals) already operate under site licences and Environmental Permits and there is little evidence to expect that the proposed residential development would influence changes to these permits/licences that would be tantamount to 'unreasonable restrictions'. Should the Avon Metals site seek to expand into adjacent land any operations would be expected to comply with planning policies and environmental protection legislation in force at that time (and whatever mitigation may be necessary). There is no current compelling reason to consider that future development at the existing Avon Metals site (or possible expansion into the adjacent site) would be prevented as a result of this application proposal.

- 6.38 In any case, mitigation has been proposed within the submitted noise survey (in line with BS 4142) which can be secured by planning condition. The third-party objection has raised concern that the proposed mitigation would not be fit-for-purpose, but the use of enhanced glazing along with mechanical ventilation is an established technical solution to mitigate against noise and there has been no compelling evidence put forward by the third-party to suggest otherwise. Full technical details of the plot-by-plot mitigation measures can be secured by condition and it is therefore considered that suitable planning control can be secured in terms of noise.
- 6.39 On balance, it is not considered there is sufficient evidence to demonstrate that the proposed residential development would act as an 'agent of change' with any great potential for 'unreasonable restrictions' to be placed on the uses of neighbouring commercial sites.
- 6.40 Subject to the recommended conditions the proposal is considered to comply with the aims of JCS policies SD4 and SD14, GCP policy A1 and the NPPF.
- 6.41 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.
- 6.42 The site is in Flood Zone 1 and the Local Lead Flood Authority have no objection to the proposal, subject to a condition on any approval for a SuDs Management and Maintenance Plan.
- 6.43 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.
- 6.44 The Council's ecological consultant concluded that likely significant effects upon the Cotswolds Beechwoods Special Area of Conservation (SAC) , Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) would not occur as a result of the proposed development or in combination with other developments

6.45 They recommend that any approval includes conditions for the submission of a Ecology Management Plan, a Home Owners Pack identifying the alternative public open spaces to take pressure off the SPA, for the scattered shrubs to be removed outside bird nesting season and for precautionary measures for badgers.

6.46 Contaminated land

6.47 The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate investigation and remediation of any contamination.

The Council's contaminated land consultant notes that the wider Former Contract Chemicals development site that has been subject to some remediation and has no objection subject to conditions on any approval to cover protection from ground gases and checks on the potential import of soil, as well as the standard contaminated land conditions (phased risk assessment, remediation, verification etc.).

6.48 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.

6.49 The Council's Waste and Recycling team have raised no objection, subject to conditions on any approval requiring the submission of a detailed site waste management plan and for details of the recycling of waste generated during occupation.

6.50 Open Space, Recreation, Education and Community Facilities

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.

6.51 Part 2 of Policy INF7 – Developer Contributions' states however that 'where there is a concern relating to the viability of the development , an independent viability assessment needs to be provided, funded by the developer and in proportion with the scale, nature and/or context of the proposal. As indicated in paragraphs 6.12 to 6.14 of this report in relation to affordable housing, a viability assessment has been undertaken and the conclusion was that there is only £27,000 available for affordable housing and s106 contributions. The Council's priority is affordable housing and any approval of this application would be subject to a legal agreement to provide the £27,000 towards off site affordable housing. There is therefore no further value in the scheme for contributions towards open space, recreation, education or library facilities, and contributions would not be sought.

6.52 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.

6.53 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.

6.54 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 have been set out above.

6.55 **Affordable housing**

As set out above, the proposal for affordable housing is £27,000 financial contribution towards off-site provision to be secured by s.106 agreement.

6.28 **Conclusion**

6.29 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 and the local area. The development would positively contribute towards the provision of new housing within the city and provide some benefits in terms of employment and the economy.

6.30 The proposal is acceptable and accordingly it is recommended that planning permission is resolved to be granted, pending completion of a Section 106 agreement.

7.0 **RECOMMENDATION**

7.1 That planning permission is resolved to be **GRANTED** (subject to the following conditions), pending completion of the required Section 106 agreement.

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

Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved drawing numbers/documents:

- 17137-GLOU-5-102 Rev.C – Refuse Vehicle Tracking;
- 17137-GLOU-5-200 Rev.F – Drainage Strategy;
- 17137-GLOU-5-SK001 – Surface Water Outfalls General Arrangement;
- BSCS-H-01-pe Rev.A – Refuse and Cycle Stores Flat Block H;
- BSCS-K-01-pe Rev.A – Refuse and Cycle Stores Flat Block K;
- FB-G-e1 Rev.C – Flat Block G Elevations Sheet 1 of 2;
- FB-G-e2 Rev.C – Flat Block G Elevations Sheet 2 of 2;
- FB-G-p1 Rev.C – Flat Block G Floor Plans Sheet 1 of 3;

- FB-G-p2 Rev.C – Flat Block G Floor Plans Sheet 2 of 3;
- FB-G-p3 Rev.C – Flat Block G Floor Plans Sheet 3 of 3;
- FB-H-e1 Rev.C – Flat Block H Elevations Sheet 1 of 2;
- FB-H-e2 Rev.C – Flat Block H Elevations Sheet 2 of 2;
- FB-H-p1 Rev.C – Flat Block H Floor Plans Sheet 1 of 2;
- FB-H-p2 Rev.C – Flat Block H Floor Plans Sheet 2 of 2;
- FB-J-e1 Rev.C – Flat Block J Elevations Sheet 1 of 2;
- FB-J-e2 Rev.C – Flat Block J Elevations Sheet 2 of 2;
- FB-J-p1 Rev.C – Flat Block J Floor Plans Sheet 1 of 3;
- FB-J-p2 Rev.C – Flat Block J Floor Plans Sheet 2 of 3;
- FB-J-p3 Rev.C – Flat Block J Floor Plans Sheet 3 of 3;
- FB-K-e1 Rev.C – Flat Block K Elevations Sheet 1 of 2;
- FB-K-e2 Rev.C – Flat Block K Elevations Sheet 2 of 2;
- FB-K-p1 Rev.C – Flat Block K Floor Plans Sheet 1 of 2;
- FB-K-p2 Rev.C – Flat Block K Floor Plans Sheet 2 of 2;
- HT.966.e Rev.A – House Type 966 Elevations;
- HT.966.p Rev.A – House Type 966 Floor Plans;
- DBML.01 Rev.D – Site Layout – Dwelling Boundary Materials Plan;
- LP.01 Rev.A – Location Plan;
- POS.01 Rev.B – Public Open Space Layout;
- SL.01 Rev.F – Site Layout;
- SS.01 Rev.C – Site Sections;
- P11-13.p.1 Rev. B – Plots 11-13 Floor Plan Sheet 1;
- P11-13.p.2 Rev. B – Plots 11-13 Floor Plan Sheet 2;
- P11-13.e.1 Rev. B – Plots 11-13 Elevations Sheet 1;
- P11-13.e.2 Rev. B – Plots 11-13 Elevations Sheet 2;
- P1-3_8-10.e Rev.C – Plots 1-3 and 8-10 Elevations;
- P1-3_8-10.p Rev.C – Plots 1-3 and 8-10 Floor Plans;
- SHED.01.pe Rev.A – Shed Floor Plan and Elevations.

Reason

For the avoidance of doubt and in the interests of proper planning.

Prior to commencement conditions

Condition 3

No development shall take place until an Ecology Management Plan (EMP) to include and confirm the following has been submitted to and approved in writing by the Local Planning Authority :

- Lighting required during construction work turned off at night so to not disturb badgers foraging;
- Trenches covered at the end of the working day;
- Any pipes covered or capped to prevent badgers gaining access;
- Any excavations (e.g. trenches or deep pits) within the construction site that need to be left open overnight provided with an escape ramp; and
- Confirmation that, if badgers or signs of sett excavation are encountered on site at any time during construction, the project ecologists to be contacted in the first instance;
- Details of bird and bat box installations;
- Details of Wildflower grassland;
- Details of Wetland planting;

The EMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing

natural habitats and created habitats. All Ecological enhancements outlined in the EMP shall be implemented as recommended in the EMP and the number and location of ecological features to be installed shall be specified.

Reason

To enhance the ecological biodiversity of the site in accordance with the aims of policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E2 and E5 of the Gloucester City Plan.

Condition 4

Prior to the commencement of the development hereby approved, a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the written details of the CEMP shall include:

- a. Site access/egress;
- b. Staff/contractor facilities and travel arrangements;
- c. Dust mitigation;
- d. Noise and vibration mitigation;
- e. Mitigation of the impacts of lighting proposed for the construction phase;
- f. Measures for controlling leaks and spillages, managing silt and pollutants;
- g. Plans for the disposal and recycling of waste;

Thereafter, the construction phase of the development shall take place only in accordance with the details/recommendations of the approved CEMP.

Reason

To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance in accordance with the aims of policies INF1 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 5

No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of hard and soft landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason

In the interests of visual amenity, to ensure the development benefits from the inclusion of natural and to ensure some biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 6

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be based upon the principles as set out in the Flood Risk Assessment & Drainage Strategy Document Rev E prepared by Woods Hardwick Infrastructure LLP and must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the

surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality in accordance with the aims of policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy E6 of the Gloucester City Plan.

Condition 7

a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment should be undertaken to establish whether the proposed

development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority.

Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason

To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Construction Phase and Prior to Occupation

Condition 8

No work above floor plate level shall be carried out until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that materials are in keeping with the surrounding area and to provide for high quality design in accordance with the aims of policies SD3, SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1 and F1 of the Gloucester City Plan.

Condition 9

No work above floor plate level shall be carried out until details of the glazing and ventilation measures and their sound reduction specifications for each proposed dwellings, to achieve 30 dB LAeq(1 hr), and 45 dB LAm_{ax}(15 min) in bedrooms at night (23:00 – 07:00) and 35 dB LAeq(1 hr) in living rooms during the day (07:00 – 23:00), have been submitted to and approved in writing by the Local Planning Authority . The works shall then all be carried out in accordance with these approved details and retained as such for the duration of the development.

Reason

To provide a good residential environment for future occupiers of the development in accordance with the aims of policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1 and F1 of the Gloucester City Plan.

Condition 10

Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk

assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 11

No work above floor plate level shall be carried out until, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and secure ongoing biodiversity net gains in accordance with

the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 12

No work above floor plate level shall be carried out until a schedule of landscape maintenance for a period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule

Reason

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and secure ongoing biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 13

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the approved site plan with any gates situated at least 5 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained in that state thereafter.

Reason

In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic in accordance with the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and the NPPF.

Condition 14

The approved car parking and turning areas shall be constructed and marked out ready for use before occupation of the dwellings to which they relate. They shall then be retained solely for this use for the duration of the development. Details of electric vehicle charging facilities for each dwelling shall also be submitted to and approved in writing by the Local Planning Authority, and put in place for use before occupation of the dwelling for which the charging point has been provided, and then retained for the lifetime of the development.

Details of electric vehicle charging facility for the apartments shall be submitted to and approved in writing by the Local Planning Authority, and put in place for use before occupation of the dwelling for which the charging point has been provided, and then retained for the lifetime of the development.

Reason

In the interest of sustainable development, to ensure adequate parking provision on site, to accord with the NPPF and the aims of policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1 and G2 of the Gloucester City Plan.

Condition 15

The dwellinghouses hereby approved (plots 1 through to plot 13) shall not be occupied or brought into use until secure cycle parking provision has been installed for each plot in accordance with full written details that shall first be submitted to and approved in writing by

the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the approved details.

Reason

To ensure the development benefits from sufficient cycle parking provision and to encourage the use of sustainable modes of transport in accordance with the aims of policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1 and G4 of the Gloucester City Plan.

Condition 16

The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;

- objectives and targets for promoting sustainable travel,
- appointment and funding of a travel plan coordinator,
- details of an annual monitoring and review process, for the first two years of the development,
- means of funding of the travel plan, and;
- an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented and thereafter operated in accordance with the details and timetable therein.

Reason

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework , the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1, G3 and G4 of the Gloucester City Plan.

Condition 17

The cycle and refuse storage arrangements for the blocks of flats hereby approved shall be constructed and made available for use prior to occupation of the specific block of flats to which they relate in accordance with the approved details. They shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason

In the interest of sustainable development in accordance with the aims of policies SD3 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 18

No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason

To ensure development would not result in unacceptable risk of pollution or harm to the environment in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 19

No dwelling hereby permitted shall be occupied or brought into use until the boundary fences/walls have been constructed in accordance with full details that shall first be submitted to and approved in writing by the local planning authority. The scheme shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure adequate privacy for future occupiers of the development and in the interests of visual amenity in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Compliance conditions**Condition 19**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent

persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a

condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The approved remediation scheme must be carried out in accordance with its terms

prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a

verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 20

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the noise climate and amenity of local residents in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 21

The development shall be carried out in accordance with approved Waste Minimisation and Management Plan by Woods Hardwick Planning Ltd and dated 20th November 2019.

Reason

To ensure the effective implementation of waste minimisation.

INFORMATIVE NOTES

Building Regulations

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.

NPPF

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.

Nesting Birds

Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover

the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Impact on the highway network during construction

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed

Person to Contact: David Millinship



Planning Application: | 22/00239/FUL

Address: | Former Contract Chemicals
Site Bristol Road Gloucester
GL2 5BX

Committee Date: |



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GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

| | |
|-------------------|--|
| Committee: | Planning |
| Date: | 06.09.2022 |
| Address/Location: | 121 Elmleaze, Gloucester, GL2 0LD |
| Application No: | 22/00113/FUL |
| Ward: | Elmbridge |
| Expiry Date: | 05.08.2022 |
| Applicant: | Mr Aaron Mills |
| Proposal: | Proposed 4 bedroom detached dwelling with associated access and parking. |
| Report by: | Rhiannon Murphy |
| Appendices: | 1.Site Location Plan 2. Proposed Site Plan |

1.0 **SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application relates to the construction of a 4 bedroom detached dwelling with associated access and parking. The application has been referred to committee by a local Councillor on the grounds that the proposal would conflict with a public footpath and result in safety concerns and the proposal would have a negative impact on the amenity of neighbouring residents.
- 1.1 The site is located within the Elmbridge ward of Gloucester to the north of Elmleaze Road. The application site comprises the existing front and side garden area of 121 Elmleaze which is a grassed area benefitting from trees and planting. 121 Elmleaze is a two storey semi detached hipped roof dwelling which fronts onto a small cul de sac accessed from Elmleaze Road. The dwelling is set back from the road by a small garden area at the front of the property and benefits from further garden space to the side and rear. The property is constructed from white rendered walls and a tiled roof.
- 1.2 This application seeks the subdivision of the existing site to allow for the construction of a two storey detached dwelling within the side garden area of the property. A vehicular access, driveway and parking area would be introduced for both the existing and proposed dwelling. One parking space would be provided to the north side of 121 Elmleaze for the existing dwelling and two spaces would be provided in front of the proposed dwelling. The proposed dwelling would benefit from rear garden space and a dedicated area for bin and cycle storage. The proposed development would involve the removal of a small number of trees at the site.
- 1.3 The proposed dwelling would be two storey in height and would include a single storey projection to the front and two storey projection to the rear. The dwelling would be constructed from render walls and concrete tiled roof. The first floor element of the rear projection would be timber clad and windows and doors would be Grey UPVC. The proposed dwelling would consist of front porch, hall, living room, utility room and kitchen/dining area on the ground floor and 4 bedrooms (one of which would be en- suite) and a

bathroom on the first floor.

2.0 RELEVANT PLANNING HISTORY

Unable to access site history at the time of writing.

3.0 Policies and Guidance

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
SD10 – Residential development
SD11 – Housing mix and standards
SD14 – Health and environmental quality
INF1 –Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure

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 hearing sessions for the examination of the pre- submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector's post hearing letter has been received. The letter provides the inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the

consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required.

The plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objection, the greater the weight that may be given(and the degree of consistency with the NPPF (the closer the policies to those in the NPPF 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

A6 – Accessible and adaptable homes

E4 – Trees, woodlands and hedgerows

E5 – Green Infrastructure: Building with Nature

E6 – Flooding, sustainable drainage, and wastewater

F1 – Materials and finishes

F3 – Community safety

F6 – Nationally described space standards

G2 – Charging infrastructure for electric vehicles

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. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance/ Documents**

N/A

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

No principle objection in terms of highway impact or highway safety.

No recorded Personal Injury Collisions have been recorded on the local highway network in the vicinity of the site within the last 5 years.

Based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection can be maintained.

Further to ongoing discussions with the highways authority regarding the pedestrian lane next to the site, highways confirmed that vehicles would be able to enter and exit the site safely without presenting safety concerns for pedestrians.

No objection raised subject to the inclusion of conditions

4.2 **Drainage**

The site is in Flood Zone 1 and as such a Flood Risk Assessment is not required.

As the development site has the potential to influence the risk of flooding elsewhere a drainage strategy is required – one has been included in the application. Further to comments being raised from Drainage, further details were received to which Drainage confirmed that the proposed design seemed robust and the soakaway test was acceptable. No objection was raised to the application.

4.3 **Severn Trent Water**

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.

4.4 **Tree Officer**

5 no. trees are proposed to be felled to facilitate the development. 3 no. trees are proposed to be retained. In all cases the trees are not protected by TPO due to their location relative to the main street they do not make a significant visual contribution to the area and are not worthy of extra protection.

Notwithstanding the above, commensurate with Policy INF3 of the JCS; development that adversely impacts trees should include measures to mitigate loss. Therefore, a scheme of replacement trees should be provided to mitigate against the loss. (This can be agreed via planning condition). All retained trees should be protected by RPAs.

No objection subject to conditions.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified of the proposal. 7 letters of objection were received raising the following concerns in respect to the proposal:

- Over development in the area has already had an impact on privacy – this proposal would worsen overlooking impact for property
- Concern over noise, dust etc as a result of building the proposal
- Devaluation of property
- Would add to traffic and congestion in the area
- Concern for pedestrians using the public alley way with the creation of the new access
- The proposal is out of character with the surrounding properties
- Overlooking to numerous houses along Cheltenham Road
- Two windows on first floor will overlook
- Noise concerns associated with 4 bedroom family house
- Pollution and noise of vehicles coming and going from the property would have an adverse impact on all neighbouring properties and fuel fumes would affect air pollution
- Materials (render and timber cladding) out of character with its surroundings

Following the submission of amended plans 1 further letter of objection was received raising the following points:

- Impact on neighbours garden and dwelling
- Overshadowing to garden would affect growth of grass and trees
- Has a daylight/ sunlight assessment been provided taking into consideration Cheltenham Road properties?
- Highway safety impact on users of the alleyway
- Already lack of parking in the area – proposal would make this worse
- Proposal would be totally out of keeping with local homes. It is not of the same appearance, scale or in keeping with the character of the area
- Some of the trees and hedges have already been removed

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, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Economic considerations

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.

At the time of writing, the Council is able to demonstrate a 5 year housing land supply.

- 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. The principle of development in this location is considered to be acceptable subject to assessment against other planning considerations.

6.8 **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, 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.

- 6.9 Policy A1 of the emerging Gloucester City Plan requires development to make effective and efficient use of land and buildings, policy E4 states that development proposals should seek to ensure there are no significant impacts on existing trees, policy E5 states that development proposals must contribute towards the provision, protection and enhancement of Gloucester's Green Infrastructure Network. Policy F1 requires proposals to achieve high quality architectural detailing and external materials and finishes that are locally distinctive.

- 6.10 Concerns has been raised from neighbouring residents that the proposed design and use of materials would be out of keeping with its surroundings. These points have been considered as part of the appraisal of the proposal.

- 6.11 Elmleaze is a residential area comprising largely two storey semidetached and terraced properties set back from the road by garden or parking areas and benefitting from garden space to the rear. There are examples of detached properties in surrounding streets. Development along this section of Elmleaze is largely two storey but surrounding streets include single storey development.

- 6.12 Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type and density and materials appropriate to the site and its setting.

6.13 Layout

The proposed dwelling would follow the existing building line of adjacent development and would be set back from the road by a driveway and parking area. A garden area measuring some 11.7m in depth would be provided at the rear of the site and a 1.8m high boundary would be introduced between the existing and proposed dwelling.

6.14 The proposed parking area would regrettably result in the loss of the front garden area of the existing dwelling. However, the surrounding area is characterised by a mix of front garden and parking areas and so this element of the proposal would not be out of keeping in the street scene.

6.15 Dwelling design

The design of the original dwelling was considered to be unacceptable and the proposal has been altered to include a hipped roof to both sides of the building and the buildings windows have been altered slightly to be more in keeping with the character of the area. The proposed dwelling would follow the eaves and ridge height of the existing building and the use of render and roof tiles would be in keeping with surrounding development.

6.16 Whilst concern has been raised from neighbouring residents in regards to the proposed use of timber, this would be located to the rear of the building and so would not be visible from the street scene and wouldn't unacceptably harm the character and appearance of the area. The size of the proposed dwelling has also been raised as some concern. Whilst the footprint of the building is relatively large, the rear aspects of the building would again not be prominent from the street scene and the proposal as a whole would not appear cramped within the boundaries of the site or appear overly large when viewed from the road.

6.17 The proposal would be located at the end of a small cul de sac, away from Elmleaze Road and therefore would not be visually prominent from the street scene and would not result in detrimental harm to the character and appearance of the area.

Landscaping

6.18 The development would result in the removal of 5 trees whilst three trees are proposed to be retained. The councils tree officer has noted that none of these trees are protected by a Tree Preservation Order due to their location relative to the main street and that they do not make a significant visual contribution to the area. No objection has been raised from the tree officer subject to conditions requiring appropriate tree protection measures and the planting of 5 replacement trees (the details of this will be dealt with by condition).

6.19 The proposal is therefore considered to be acceptable in this respect subject to compliance with conditions.

Traffic and transport

6.20 Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

- 6.21 The proposal would create a new access at the site to provide parking for both the existing and proposed dwelling. The existing dwelling would benefit from 1 parking space whilst the proposed dwelling would benefit from two parking spaces.
- 6.22 Concern has been raised from neighbouring residents in terms of the impact the proposal could have on traffic and congestion, parking availability, and safety concerns have been raised regarding the creation of the new access and its potential conflict with pedestrians using the public footpath immediately next to the site. All these points have been considered below.
- 6.23 The proposal would create parking for both the existing and proposed dwelling which is considered to be acceptable and no concern has been raised from highways in terms of impact on parking availability for surrounding streets. Highways have confirmed that the proposed vehicular trip generation for the development would result in approximately 10 vehicle trips per day occurring in the road peak hours (8am-9am and 5pm-6pm). This residual impact is not considered to be severe. Elmleaze is considered to be a lightly trafficked area and the introduction of a new dwelling in this location is not expected to result in detrimental harm to the highway network in terms of traffic/ congestion.
- 6.24 Neighbour comments regarding the relationship between the proposed access and public footpath have been raised with the highway authority who suggested that a condition should be added to ensure that visibility splays are provided and boundaries kept below 600mm to allow cars to enter and exit the site safely. A plan showing visibility splays has since been submitted. This plan demonstrated that visibility splays could be achieved to the north and so would allow enough visibility for cars to enter and exist the site safely and wouldn't present safety concerns in terms of pedestrians using the pedestrian alleyway next to the site.
- 6.25 The plans however shows that the visibility splay to the south would cross over the neighbouring properties boundary where the height of the boundary would be out of the applicants control.
- 6.26 This has been raised with highways who confirmed that in regards to the visibility splay to the south, vehicle speeds would be very low in this end of cul- de- sac street. The footway fronting the proposed access is in excess of 2m. If a fence were to be erected by the neighbour an egressing vehicle could edge forward enough to see and be seen. Highways therefore were content that vehicles would be able to enter and exit the site safely and raised no objection from a planning perspective but confirmed that the proposed boundary within the applicants control should be retained and kept below 600mm as per their submitted plan. A condition will be added to any permission in regards to this.
- 6.27 Taking the above into consideration, it is judged that the proposal is acceptable from a highways perspective in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
- 6.28 Residential amenity
Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

Impact on the living conditions of neighbouring residents

6.29 Concerns have been raised from neighbouring residents over impact on amenity. Comments include that the proposal would result in a loss of privacy and overlook properties along Cheltenham Road, proposal would overshadow rear gardens thereby affecting tree and grass growth and proposal would result in noise both from construction and noise in association with a 4 bedroom family house and comings and goings to the property. All of these concerns have been considered as part of the assessment of the proposal.

6.30 The proposed plans have been amended since their original submission. The roof has been hipped on the north side which lowers the eaves height and would assist in limiting the impact on neighbouring properties along Cheltenham Road. Additionally, north facing windows have also been altered to ensure they serve non habitable rooms and would be top opening and obscure glazed in order to prevent overlooking from occurring. This element will be secured by condition.

The main dwellings likely to be impacted by the proposal are:

- 6.31
- 200 Cheltenham Road
 - 202 Cheltenham Road
 - 204 Cheltenham Road
 - 125 Elmleaze
 - 119C Elmleaze

200 Cheltenham Road

6.32 200 Cheltenham Road is located to the north west of the site. The rear garden boundary of 200 Cheltenham Road is located next to the site. A site visit has been made to this property further to concerns being raised and to allow further assessment of the proposal.

6.33 The front elevation of the proposed dwelling would be located away from the rear garden boundary of 200 Cheltenham Road (approximately 3.3 metres to the east). Given the orientation of the two properties, it is not considered that the proposal would harmfully overshadow or overbear this neighbouring properties dwelling or garden space. No windows are proposed which directly overlook the rear garden space of 200 Cheltenham Road and all north facing windows would be obscure glazed and top opening to prevent any possible overlooking from occurring.

6.34 The parking area for the proposed dwelling would be located immediately south of the rear garden area of 200 Cheltenham Road. Whilst the creation of a driveway in this location would result in some noise in terms of comings and goings, this is not considered to be to an unacceptable extent and so the impact on 200 Cheltenham Road is not considered to be unacceptably harmful.

202 Cheltenham Road

6.35 It has not been possible to make a site visit to 202 Cheltenham Road. However, the occupants of this dwelling have provided photographs from their rear garden and first floor rear windows which has assisted in the assessment of this application.

- 6.36 202 Cheltenham Road is located to the north of the site. The side elevation of the proposed dwelling would be located approximately 3.1m away from the shared boundary with 202 but would extend across most of the width of their rear garden boundary.
- 6.37 Concerns were raised regarding the original plans with the agent in terms of overlooking and overbearing impacts and amended plans were received which included a hipped roof on the north side elevation as well as various window alterations.
- 6.38 The proposed side elevation on the amended plans contain three first floor side facing windows; one to a landing, one to a bathroom and the other to the en suite of bedroom 2. All of these windows are non habitable rooms and the windows would be conditioned to be obscure glazed and top opening to prevent any harm in terms of overlooking from occurring.
- 6.39 Given the distance of the rear elevation of 202 Cheltenham Road from the side elevation of the proposal (some 25 metres), the proposal would not result in overshadowing/ overbearing impacts for the rear facing windows of no. 202.
- 6.40 Whilst there would be some impact on the rear garden of 202 Cheltenham Road. The garden is notably long and it would be the rearmost part of the garden that would be affected. The introduction of the hipped roof would help to minimise any negative impacts of the proposal and it is judged that the proposal would not result in unacceptable harm to the living conditions of occupants of 202 Cheltenham Road.
- 6.41 204 Cheltenham Road
- 204 Cheltenham Road is located to the north east of the site. Given the orientation of the two properties, the side elevation of the proposed dwelling would not extend across the whole rear boundary of no. 204. Given the distance between the dwelling at 204 Cheltenham Road and the proposal, the rear facing windows of 204 Cheltenham Road would not be impacted in terms of overshadowing. The proposal would again only impact the rearmost part of the rear garden in terms of overshadowing and its impacts are not considered to be unacceptable and would be reduced by the introduction of the hipped roof. The introduction of obscure glazing to the proposed north facing windows would again prevent any overlooking from occurring.
- 6.42 125 Elmleaze
- 125 Elmleaze is located to the rear (east) of the site and the rear boundary of the proposed property would be adjacent to the side boundary of no. 125. The proposed dwelling would include rear facing windows which would look towards 125 Elmleaze at a distance of approximately 11.3 metres. This distance is considered to be sufficient in preventing unacceptable levels of overlooking from occurring. Given the relationship and orientation of the two properties, I have no concerns in terms of unacceptable overshadowing or overbearing impacts.
- 6.44 119C Elmleaze
- 119C Elmleaze is located to the west (front) of the site. Given the orientation of the two properties, it is judged that the proposal would not result in unacceptable impacts on 119C in terms of overshadowing or overbearing. The proposed dwelling would be located 10 metres from the dwelling at 119C Elmleaze and front facing windows of the proposed

dwelling would look towards only the front/ side of the building that is already visible from the road . It is therefore judged that the proposal would not result in unacceptable harm in terms of loss of privacy.

6.44 Impact on the living conditions of the existing dwelling

The proposal would result in the sub division of the existing garden at 121 elmleaze. The existing dwelling would still benefit from spacious garden space to the rear following the development which is considered acceptable in terms of providing acceptable outdoor amenity for existing occupants. The proposed dwelling would include one side facing window to a utility room and bi fold doors to the dining room which would face towards the existing dwelling. However, the introduction of a 1.8m high boundary fence between the two properties would prevent any unacceptable levels of overlooking from occurring. No first floor windows are proposed on the side elevation. The proposed dwelling would extend further to the rear than the existing dwelling at 121 Elmleaze. However, given the design of the rear projection which is set away from the existing dwelling, the proposal would not result in unacceptable levels of overshadowing for the existing dwelling. The impact of the proposal on the existing dwelling would therefore not be unacceptable.

6.45 Living conditions on future occupants of the proposed dwelling

The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. The National Space Standards have been taken forward within the Gloucester City Plan. Policy F6 of the emerging plan provides that development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards. On the basis of the stage of preparation the plan has reached, and the consistency of policy with the NPPF, and its reference to national standards, Policy F6 can be afforded moderate weight in accordance with paragraph 48 of the NPPF.

6.46 Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area.

National space standards require the following gross internal floor area:

- 4 bedroom, 6 person, 2 storey dwelling – 106 square metres

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

6.47 The proposed dwelling appears to accommodate 6 persons, showing 2 x double beds and

2 x single beds on their floor plans. In order to accommodate 6 persons, the dwelling would need to have a floor area of 106m². The floor area for this dwelling is approximately 112m² and so large enough to accommodate 6 persons. All habitable rooms would include windows that would allow appropriate levels of light and outlook. The proposed dwelling would benefit from a spacious garden to the rear which would measure some 11.7m in length which is acceptable in terms of amenity. The proposed dwelling would not be harmfully overshadowed by other neighbouring properties. One first floor side window on the existing dwelling at 121 Elmleaze would face towards the proposal. However, the applicants have confirmed that this window is to a landing and is obscure glazed and as such overlooking caused by this windows is not considered to be harmful.

- 6.48 Taking all of the above into consideration, it is judged that the proposal would provide an acceptable level of amenity for future occupants and would not cause unacceptable harm to the amenity of neighbouring residents in accordance with the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
- 6.49 ***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.
- 6.50 Policy E6 of the emerging Gloucester City Plan refers to flooding, sustainable drainage, and wastewater and states development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere. In accordance with the National Planning Policy Framework, flood risk betterment shall be sought through the development process.
- 6.51 The application site is located in Floodzone 1 and in an area of low flood risk. The Council's drainage officer has been consulted on the application and following the submission of further drainage details confirmed that the proposed drainage design was acceptable.
- 6.52 The proposal is therefore considered to be acceptable in terms of drainage in accordance with the NPPF, policy INF2 of the Gloucester, Cheltenham and Tewkesbury joint Core Strategy (2017) and policy E6 of the emerging Gloucester City Plan.
- 6.53 **Economic Considerations**
The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. 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 limited weight to the case for granting permission.
- 6.54 **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 principle, design, impact on trees, impact on amenity and drainage. The proposal is acceptable and accordingly it is recommended that planning permission is granted.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

7.1 That APPROVAL is granted subject to the following conditions:

Condition 1

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

Reason

Required to be imposed by 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, SUDS statement (received on 05.08.2022), drainage maintenance strategy(received on 18.08.2022), and drawings:

- Site location and block plan 01
- Proposed dwelling elevations Drawing 04, revision A 210322
- Proposed dwelling floor plans Drawing 03 revision A2 10322
- Proposed site plan drawing 02 revision A2 10322
- Drainage construction details 22-OP-1217 A2/002 Revision A

except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

No work above floor plate level shall be carried out until details of the proposed materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To provide for high quality design

Condition 4

The proposed landing, bathroom and en suite window on the first floor north side facing elevation of the dwelling hereby permitted shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent)

Reason

To protect the privacy of adjacent properties.

Condition 5

No development shall be occupied until boundary fences have been installed in accordance with the details indicated on the approved site plan.

Reason

To ensure adequate provision for privacy and in the interests of visual amenity.

Condition 6

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect retained trees on and adjacent to the site have been installed.

These measures shall include:

1. Temporary fencing for the protection of retained trees on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).
2. Construction Exclusion Zone (CEZ): The area around the retained trees on site shall be enclosed by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason

To ensure adequate protection measures for existing trees to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with para 131 of the NPPF, Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, and Policy E4 of the Gloucester City Plan, pre-Submission version 2019

Condition 7

The 5no. trees to be removed shall be replaced during the first planting season following removal, by trees of species and that are agreed in writing with the local planning authority and in the locations that are agreed in writing with the local planning authority. Any replacement trees which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year period.

Reason

To ensure adequate measures are in place to mitigate for the loss of the 5no. trees that are proposed to be felled. In accordance with para 131 of the NPPF, Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, and Policy E4 of the Gloucester City Plan, pre-Submission version 2019

Condition 8

The development hereby permitted shall not be first occupied until the proposed development has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason

To promote sustainable travel and healthy communities with paragraph 112 of the National Planning Policy Framework.

Condition 9

The development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on the north side of the access. This splay shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

Condition 10

Prior to first use of the development hereby permitted, the vehicular access shall be laid out and broadly constructed in accordance with the submitted plan drawing no. 02 revA210322 but with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be drained to prevent surface water run off into the highway and maintained thereafter.

Reason

To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 110 and 112 of the National Planning Policy Framework.

Condition 11

The development hereby approved shall not be brought into first use until the parking and turning facilities for the proposed and existing dwelling has been provided as shown on drawing number 02 revA210322

Reason

To ensure conformity with submitted details.

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

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

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: Rhiannon Murphy (01452 396361)



Planning Application: | 22/00113/FUL

Address: | 121 Elmeaze

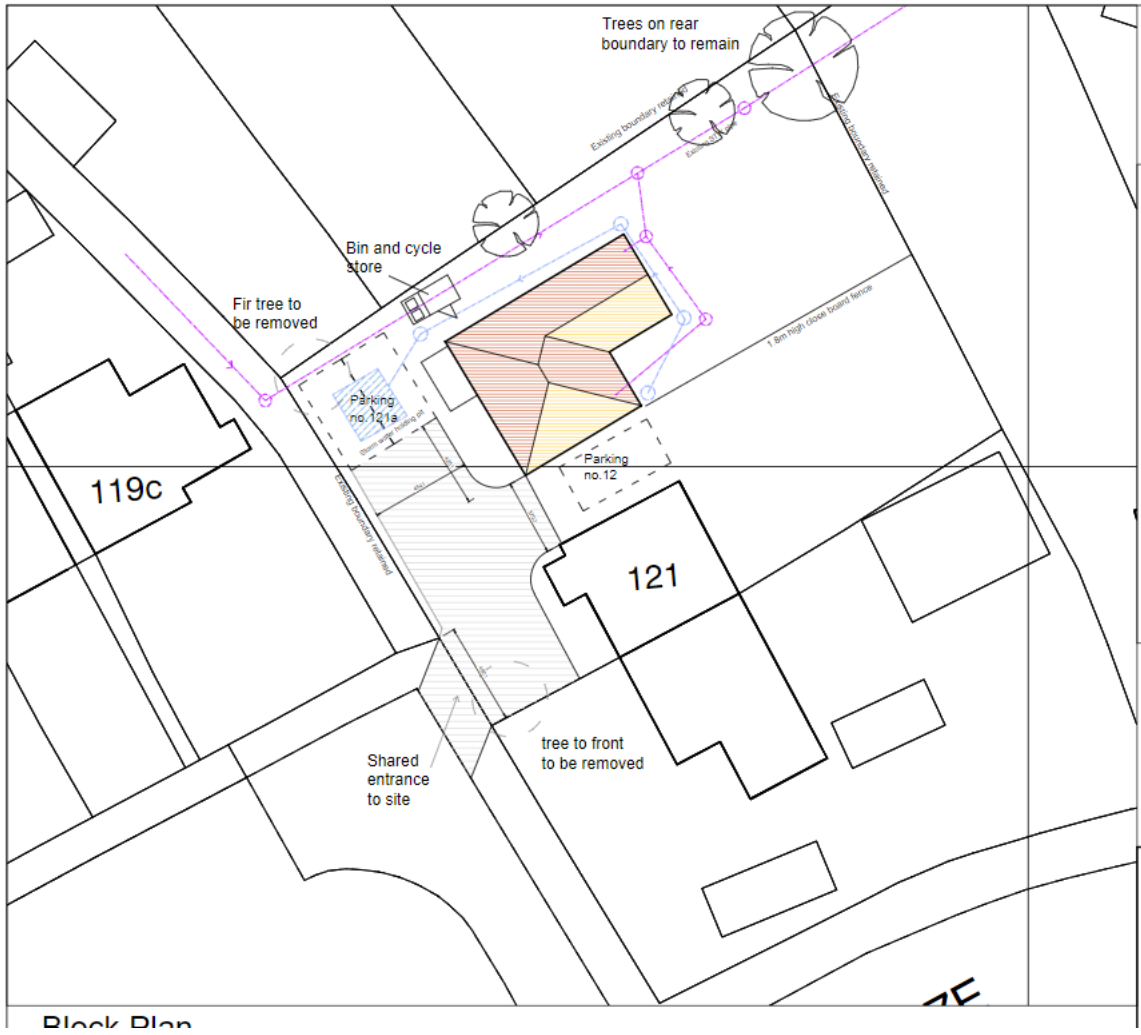
Committee Date: | 02.08.2022

Appendix 1: Site Location Plan



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Appendix 2: Proposed site plan



GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

| | |
|-------------------|---|
| Committee: | Planning |
| Date: | 6 th September 2022 |
| Address/Location: | Matson Rugby Football Club Redwell Road Gloucester GL4 6JG |
| Application No: | 22/00652/FUL |
| Ward: | Matson, Robinson & White City |
| Expiry Date: | 15 th September 2022 (EoT) |
| Applicant: | Mr S Burgess |
| Proposal: | Proposed floodlighting to playing pitch |
| Report by: | Nicola Bickerstaff |
| Appendices: | Site location plan Existing Site Plan Proposed Site Plan Proposed Elevation lighting column Supporting information lighting spill Additional information lighting spill Supporting information lighting splay |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Matson Rugby Football Pitch is an established playing field, located north of Matson Rugby Football Club, accessed off Red Wall Road.
- 1.2 The proposal is for the erection of 6 floodlights on the existing sports field.
- 1.3 The application has supporting information as follows with the lighting column specification detailed in SUPINFO7.
- 1.4 Plan03 shows the proposed plan with lighting column locations.
Plan 04 is the elevational drawing, the lighting columns are 15m in height.
Plan 05 (drawing reference HLS2804/REV42804) shows the lighting spill.
Lighting spill is shown on drawing Plan 06 reference HLS2804.
Additional information was provided on drawing HLS2804 (21.07.22)
- 1.5 The application is referred to the Committee because the applicant is an employee of the Council.

2.0 RELEVANT PLANNING HISTORY

None available

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 include:
- Policies SD4 (Design requirements)
SD14 (Health and Environmental Quality)
- 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 219 of the NPPF states that ‘...*due weight should be given to (existing policies) 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 hearing sessions for the examination of the pre-submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector’s post hearing letter has been received. The letter provides the inspector’s view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required. The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- Relevant policies include:
Policy C3: Public open space, playing fields and sports facilities
- 3.6 **Supplementary Planning Guidance/Documents**
Council’s Open Space Strategy, Playing Pitch Strategy and Built Sports Facilities Strategy 2015-2025
- 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 WRS Lighting commented as follows 13/07/2022

Light Nuisance: The submitted plans indicate that vertical illuminance at the nearest sensitive receptor(s) is in line with the Institute of Lighting Professionals (ILP) Guidance and therefore acceptable.

However, the applicant should provide supporting information to demonstrate that luminaire intensity is also compliant with the ILP Guidance for approval. This information was provided and the following response was received from WRS:25/07/2022:

The submitted information predicts that the luminaire intensity at the nearest residential dwellings is in line with the recommendations of the ILP guidance.

Therefore I have no objection to the application in terms of light nuisance.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified by letter dated 8th July 2022, with an expiry date of 29th July 2022.

5.2 No representations were received

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 regard to this application are as follows.

- Principle of the proposal for the erection of floodlighting on an existing playing field
- Effect on the character and appearance of the street scene
- Residential amenity

6.5 **Principle of the erection of floodlighting**

6.6 The key considerations are the principle of development and impact on the locality and neighboring properties.

6.7 It is acknowledged that sports and recreational facilities bring people together and provide opportunities for social and physical activity, all these facilities contribute to quality of life, health and well-being in the area.

6.8 Gloucester City Plan Policy C3 considers Public open space, playing fields and

sports facilities. Development proposals to enhance playing fields will be supported where they deliver the aims and recommendations of the Council's Open Space Strategy, Playing Pitch Strategy and Built Sports Facilities Strategy, or any future iterations. Matson Rugby Football Club is identified for protecting and enhancing.

- 6.9 The proposal accords with policy C3 of the Pre-Submission Gloucester City Plan and the Council's Open Space Strategy, Playing Pitch Strategy and Built Sports Facilities Strategy,
- 6.10 **Effect on the character and appearance of the street scene and the impact on the amenity of neighbouring land uses.**
- 6.11 The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions and should mitigate and reduce to a minimum adverse impacts from light, and avoid giving rise to significant adverse impacts on health and quality of life. Policy SD14 of the JCS considers health & Environmental Quality, a proposal should cause no unacceptable harm to local amenity, including the amenity of neighbouring occupants.
- 6.12 No unacceptable levels of light pollution either alone or cumulatively will be permitted. Development should avoid any adverse impact from artificial light on intrinsically dark landscapes. The proposal relates to an existing pitch on an established sports field.
- 6.13 There is space around the pitch forming the basis of the application within the wider sports field which extends towards the access and surrounding land uses. The sports pitches are located in a residential area with properties and gardens on the boundary to the north, west and south. The gardens of these residential properties back onto the sports pitch and to the north a number of properties are side facing.
- 6.14 The lights will also be visible with longer range views across Redwell Road and beyond a second rugby pitch from bungalows and two storey properties along Redwell Road. There are intermittent established trees and hedges on the boundaries to the north, west and south.
- 6.15 Worcestershire Regulatory Services were consulted to assess the impact of any light pollution. It was confirmed that the submitted plans indicate that vertical illuminance at the nearest sensitive receptor(s) is in line with the Institute of Lighting Professionals (ILP) Guidance and therefore acceptable. The applicant was asked to provide supporting information to demonstrate that luminaire intensity is also compliant with the ILP Guidance for approval. This information was provided and the submitted information predicts that the luminaire intensity at the nearest residential dwellings is in line with the recommendations of the ILP guidance. Therefore, there was no objection to the application in terms of light nuisance.
- 6.16 There are no significant issues affecting neighbours amenity from the proposed extension. On balance the occupation of the property and potential impacts are not sufficient reason to refuse the application. Overall, subject to conditions the proposal complies with the above policy context.
- 6.17 The proposal by reason of its design, siting, scale and layout is acceptable. The proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers. The proposal accords with policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), policy

C3of the Pre-Submission Gloucester City Plan, Council's Open Space Strategy, Playing Pitch Strategy and Built Sports Facilities Strategy and the NPPF

6.18 Overall, subject to conditions the proposal complies with the above policy context.

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, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly permission should be granted.

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 PLANNING DEVELOPMENT MANAGER**

7.1 That planning permission is **GRANTED** subject to the following conditions:

7.2 **CONDITIONS & REASON**

Condition 1

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

Reason

Required to be imposed by 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, and drawings:

Plan03 proposed plan with lighting column locations

Plan 04 elevational drawing

Plan 05 (drawing reference HLS2804/REV42804) lighting spill.

Plan 06 reference HLS2804lighting splay

Additional information drawing HLS2804 (21.07.22).

Lighting column specification detailed in SUPINFO7.where these may be modified by 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 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 3

The development hereby permitted shall not be operational between the hours of 11pm and 7am Monday to Sunday.

Reason

To ensure residential amenity is maintained and that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Note 1

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: Nicola Bickerstaff (396928)

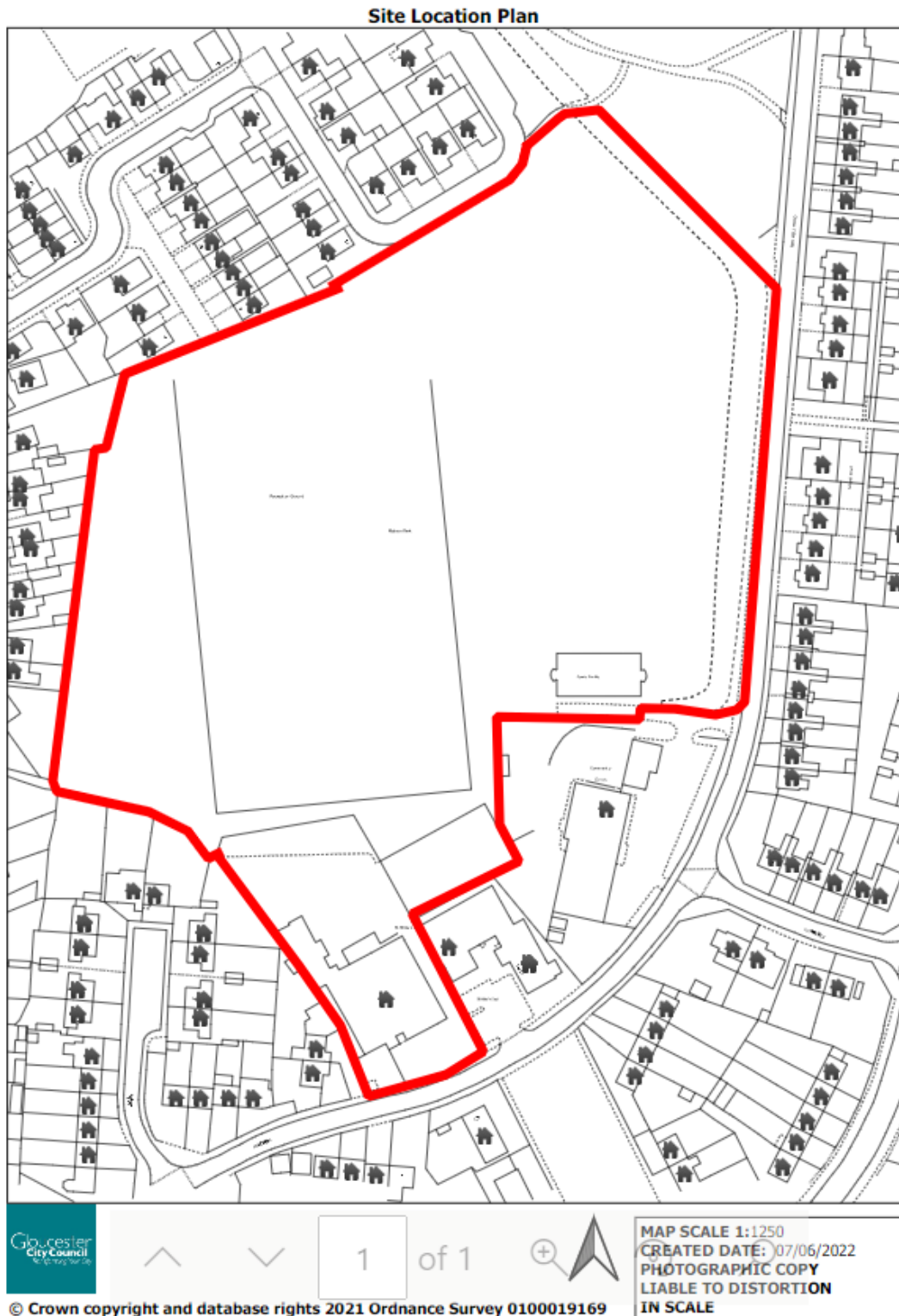


Planning Application: | Proposed floodlighting to playing pitch

Address: | Matson Rugby Football Club Redwell
Road Gloucester GL4 6JG

Committee Date: | 6th September 2022

Site location plan



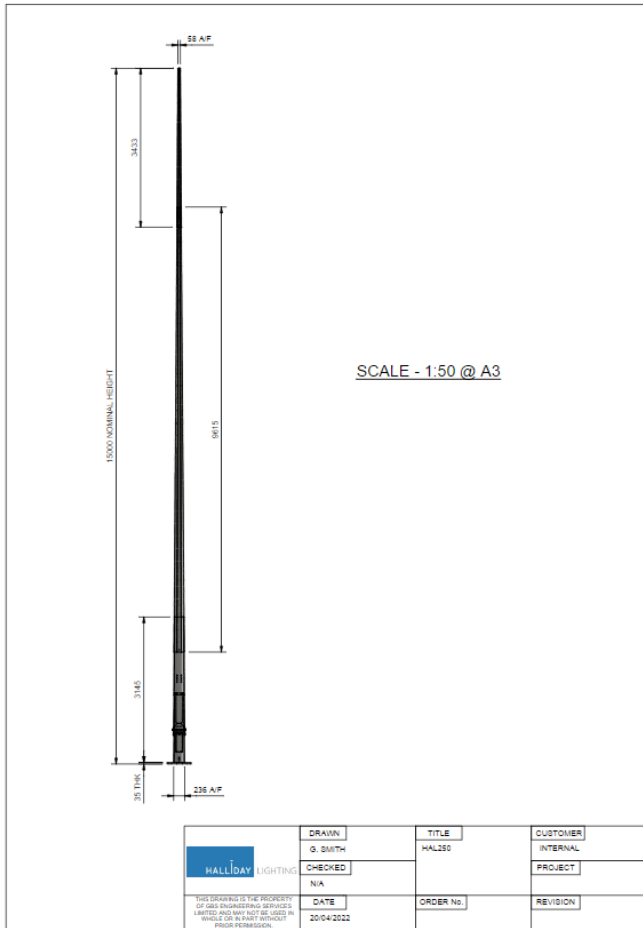
Existing site plan



Proposed site plan



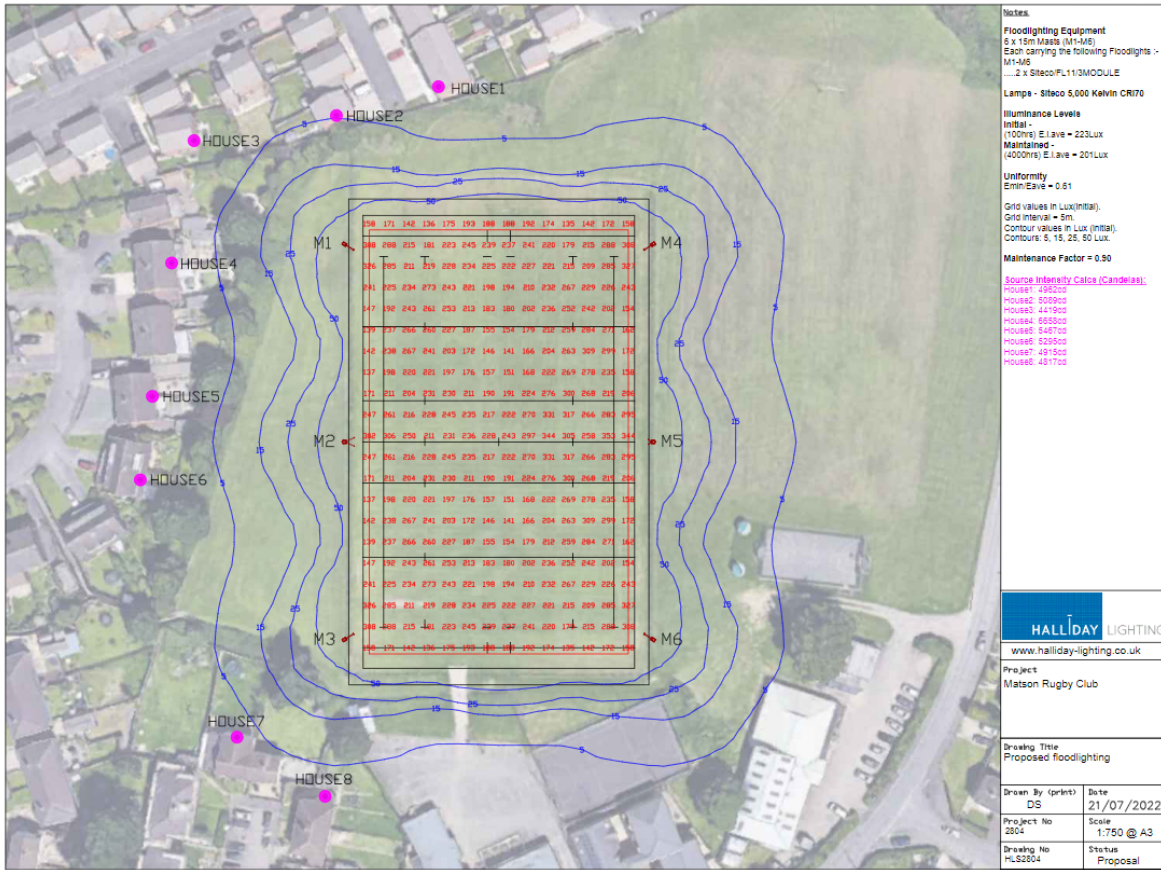
Proposed elevation lighting column



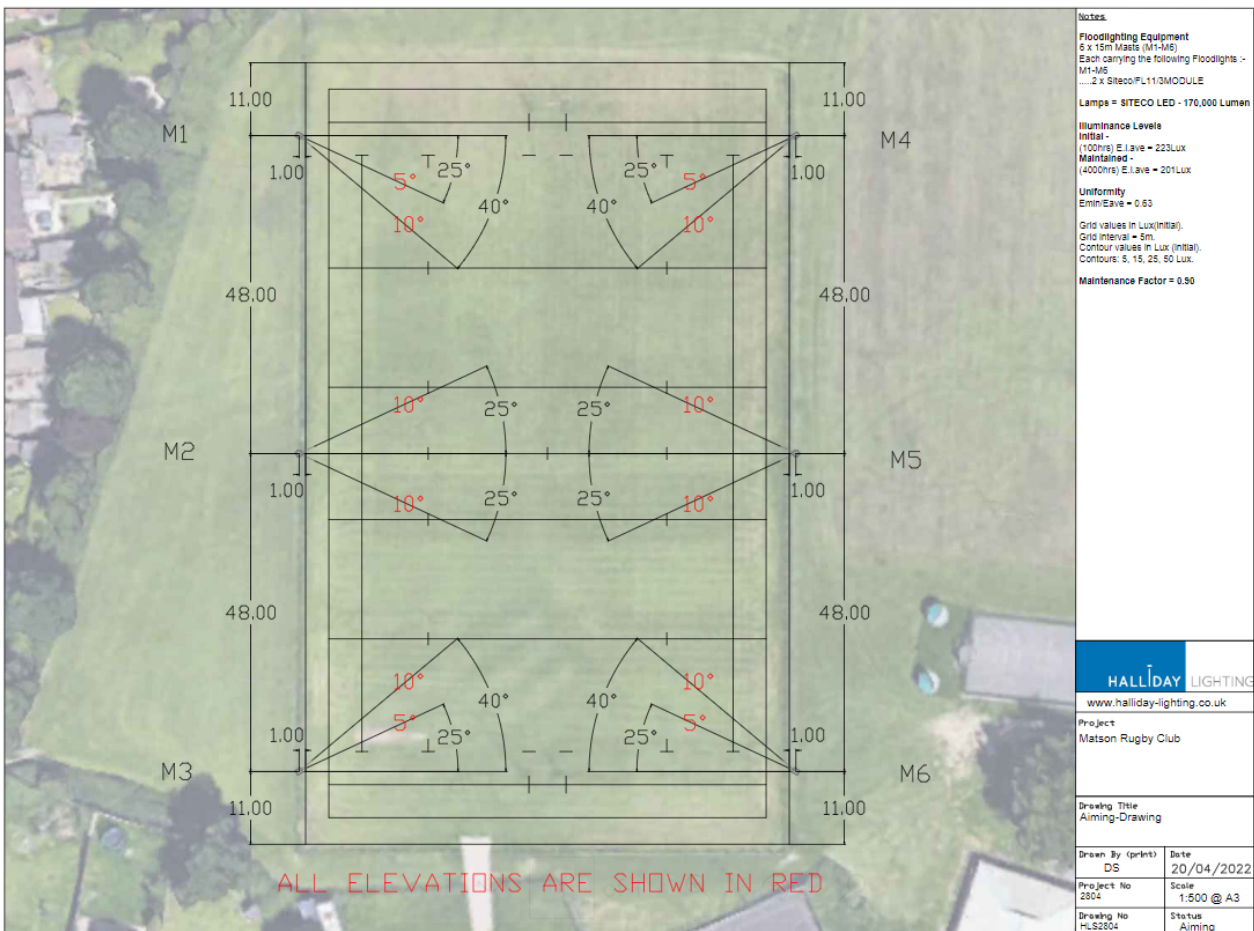
Supporting information – lighting spill



Additional information requested by WRS



Supporting information – lighting splay



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Agenda Item 8

| Reference | Status | Received date | Officer | Site address | Ward | Proposal | Decision date |
|---------------------|---------|---------------|------------------|--|---------------------------------|--|---------------|
| 22/00510/CON DIT | Grant | 18/05/2022 | Adam Smith | 30-44 Northgate Street | Westgate | Discharge of Condition 31 (Construction Management Plan for highways) of permission ref. 21/01323/FUL | 15/07/2022 |
| 22/00515/CON DIT | Grant | 19/05/2022 | Adam Smith | 30-44 Northgate Street | Westgate | Discharge of Condition 17 (construction environmental management plan) of permission ref. 21/01323/FUL | 15/07/2022 |
| 22/00524/FUL | Grant | 20/05/2022 | Fiona Ristic | 1 Midland Road | Barton & Tredworth | Change of use from dwelling to children's home for 4 children with creation of en-suites and bathroom | 29/07/2022 |
| 22/00551/CON DIT | Granted | 30/05/2022 | Adam Smith | 30-44 Northgate Street | Westgate | Discharge of Condition 24 (precautionary method of working for bats) of permission ref. 21/01323/FUL | 01/07/2022 |
| 22/00556/FUL | Grant | 31/05/2022 | Adam Smith | 30-44 Northgate Street | Westgate | Variation of Condition 2 of permission ref. 21/01323/FUL to facilitate external design changes to the facades and roof of the building. Original development is; Refurbishment works to the exterior of the building and change of use to create circa 20,000sqm of use class F.1(a), (d) and (e) uses from use class E(a), and associated works of demolition, construction and landscaping | 19/07/2022 |
| 22/00570/LBC | Grant | 01/06/2022 | Fiona Ristic | 9 Brunswick Square | Westgate | Erection of blue plaque on front elevation | 29/07/2022 |
| 22/00593/CON DIT | Grant | 13/06/2022 | Adam Smith | Market Parade | Westgate | Discharge of condition 15 (archaeology) of permission 20/01286/FUL for Phase 2 of the development | 21/07/2022 |
| 21/00323/FUL | Grant | | David Millinship | 12 Marlborough Road, Gloucester, GL4 6GE | Matson, Robinswood & White City | PART DEMOLITION OF EXISTING AND NEW SINGLE STOREY EXTENSION TO REAR OF PROPERTY | 28/07/22 |

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