



# Gloucester City Council

## Planning Committee

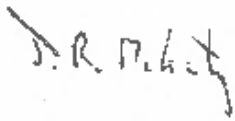
**Meeting: Tuesday, 2nd May 2023 at 6.00 pm in North Warehouse, The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Campbell, Conder, Dee, Finnegan, Sawyer, Toleman and Tracey.
<b>Contact:</b>	Democratic and Electoral Services 01452 396126 <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a>

### AGENDA

<b>1.</b>	<b>APOLOGIES</b>  To receive any apologies for absence.
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>  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.
<b>3.</b>	<b>MINUTES (Pages 7 - 14)</b>  To approve as a correct record the minutes of the meeting held on 4 <sup>th</sup> April 2023.
<b>4.</b>	<b>LATE MATERIAL</b>  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.
<b>5.</b>	<b>31 WESTMEAD ROAD, GLOUCESTER - 23/00082/FUL (Pages 15 - 30)</b>  <b>Application for determination:</b>  Change of use from C3 (dwelling house) to C2 (residential institution) for up to four children living together and receiving care and two permanent carers, all living together as a single household.
<b>6.</b>	<b>OLD HEMPSTED FUEL DEPOT, HEMPSTED LANE GLOUCESTER - 22/01041/FUL (Pages 31 - 72)</b>  <b>Application for determination:</b>

	Demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space, vehicular access onto Hempsted Lane and pedestrian access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation (Revised Plans to application 21/00704/FUL).
<b>7.</b>	<b>7 DENMARK ROAD, GLOUCESTER - 22/01103/FUL</b> (Pages 73 - 82)  <b>Application for determination:</b>  Garage conversion to office.  Appendices to follow.
<b>8.</b>	<b>DELEGATED DECISIONS</b> (Pages 83 - 92)  To consider a schedule of applications determined under delegated powers during the month of March 2023.
<b>9.</b>	<b>DATE OF NEXT MEETING</b>  Tuesday 6 <sup>th</sup> June 2023 at 6.30pm in Civic Suite, North Warehouse.



**Jon McGinty**  
**Managing Director**

**Date of Publication: Monday, 24 April 2023**

## 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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### **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, 4th April 2023

**PRESENT** : Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Conder, Dee, Finnegan, Sawyer, Toleman and Tracey

### Officers in Attendance

Planning Development Manager  
Senior Planning Officer  
Principal Planning Officer  
Locum Planning Lawyer, One Legal  
Democratic and Electoral Services Officer

### Others in Attendance

Director, Rokeby Merchant Developments Ltd  
Representative, BTS Trading Ltd

**APOLOGIES** : None.

### 52. DECLARATIONS OF INTEREST

Councillors D. Brown, Dee and Toleman declared a non-prejudicial interest in agenda items 5 (Downings Malthouse, Merchants Road, Gloucester – 22/00628/FUL) and 6 (Downings Malthouse, Merchants Road, Gloucester – 22/00563/LBC) owing to their appointments as Councillor representatives on Gloucester Historic Buildings Limited.

### 53. MINUTES

**RESOLVED** – That the minutes of the meeting held on Tuesday 7<sup>th</sup> March 2023 were approved and signed by the Chair as a correct record.

### 54. LATE MATERIAL

Late material had been circulated in relation to agenda item 5 – Downings Malthouse, Merchants Road, Gloucester (22/00628/FUL) agenda item 6 – Downings Malthouse, Merchants Road, Gloucester (22/00563/LBC) and agenda item 7 - 63-65 Denmark Road (22/00807/FUL).

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**55. DOWNINGS MALTHOUSE, MERCHANTS ROAD, GLOUCESTER - 22/00628/FUL**

The Senior Planning Officer presented the report detailing an application for alteration, including partial demolition, restoration, development and extension of Downings Malthouse and the High Orchard Street Warehouse plus the creation of a new basement level in Downings Malthouse accessed from Merchants Road to provide car parking, together with an extension and bridge link to Downings Malthouse Extension to provide 49 residential units on the ground and upper floors and 60 square metres of commercial floorspace for use for Class E purposes of the ground floor.

He further outlined the proposal to develop a new building comprising basement ground and nine upper floors on the site of the former Silo and the retention of the remaining portion of the High Orchard Street Kiln containing basement car parking, a ground floor plaza, reception and ancillary accommodation linking the building to Downings Malthouse, and 68 residential units on the ground and upper floors together with additional ancillary parking to the south of Downings Malthouse Extension, access, turning and landscaping all at Bakers Quay Merchants Road/High Orchard Street, Gloucester.

**The Director of Rokeby Merchant Developments Ltd addressed the Committee in favour of the application.**

He stated that the application should be granted on the following grounds:

- The application would be the last opportunity to restore Downings Malthouse.
- The developer had taken into account pre-application advice and conditions set by Gloucester City Council.
- A landscape impact assessment had taken place which had confirmed that there would be limited views of the tower block building throughout Gloucester City.
- There had been five attempts to find a viable scheme to develop the Downings Malthouse and the developer believed that they had now done so through this proposal.
- The proposal was for a landmark building which would be the first low energy and carbon neutral building in the city, with provision for 100% electric vehicle charging.
- All other options had been exhausted.

**Members' Questions**

The Senior Planning Officer responded to Members' questions concerning the café location, the purpose of the proposed bridge link, S106 contributions other than affordable housing, whether the proposal for a tower block was included in the original 2016 application, compliance with the Gloucester City Plan's B4 policy and net biodiversity gain, the proposed building materials for the tower block, whether Officers were confident that the listed building conversion would take place, the possibility of further s106 contribution, the height of the tower block and whether it



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would restrict views of Gloucester Cathedral, trees and landscaping, whether there were proposals to include solar panels or a roof garden, bin location, access arrangements, the impact on local businesses and whether engagement had taken place with local businesses and residents as follows:

- The proposal was for the café to be situated on the ground floor of the development.
- The bridge would be a feature bridge and a modern reinterpretation of a previous feature.
- The original independent review of the scheme recommended that affordable housing contributions of £65,000 should be made, and although there was a viability argument to change the s106 contributions, the applicant had agreed that the £65,000 affordable housing contribution would remain and would be delivered in accordance with the s106 agreement.
- The tower block was not included in the original application, however the original scheme had proposed a similar restoration. It was noted that due to the cyber incident which had impacted the City Council in December 2021, Officers were unable to access the original conservation report. It was agreed that the proposed tower had the potential to cause harm to the listed building, but this was tempered by the design and the need for additional floor space. An independent review had confirmed that the scheme was viable to deliver low-level profit to support the wider heritage conversion and restoration works to deliver the Bakers Quay regeneration scheme.
- This was an urban site which provided little habitat, however net biodiversity gains had been conditioned in the application and additional bat habitat surveys had been recommended and would be addressed by condition if bats were present. It was noted that the developer had tried to secure additional planting and that there was some work to be done to discharge some of these conditions.
- Tower block materials would be considered during the discharge of conditions, however it was open to the applicant to propose materials and it was the view of Officers that the materials would need to match the surrounding buildings as closely as possible. It was noted that the applicant might need to consider what materials they were able to source, and that Officers could refuse at discharge of conditions stage, if those materials were unacceptable.
- That listed building restoration had been discussed with the applicant, and it was agreed that their end goal was conversion of the Malthouse Extension and restoration of Downings Malthouse this had driven the re-design extant planning permission would no longer financially support these works. It was noted that the applicant had indicated that their immediate priority was to undertake work to stabilise the Downings Malthouse building. It was possible that there would be three sub phases of development which would likely involve crane equipment, however this was not directly a material planning consideration. It was important to deliver heritage benefits to the City and this was an enabling development.
- Both the independent review and informal advice had confirmed that the scheme was not viable to deliver additional s106 contributions aside from affordable housing.
- The tower block views were considered proportionate as part of the landscaping assessment, however the advice from the Heritage Officer and

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Historic England confirmed that the development would give rise to heritage harm. On balance, the Officer's assessment was that it was in the public interest to support the development rather than refuse on the basis of heritage.

- Officers had raised the possibility of reducing the size of the tower block with the applicant, however this was not viable due to the need for extra residential floor space. Negotiations with the applicant had taken place during the pre-application process and although there was some concern around setting a precedent around tall buildings, it was the Officer's view that it was a unique site with a unique set of circumstances/considerations and development was in the public interest.
- Details around landscaping had been requested and discussions had taken place with the applicant to secure more trees on the site. It was noted that the site was limited, however the applicant had committed to plant additional trees where they could with a clause to replace any trees which died within 5 years of planting.
- It was understood that there would be a mixture of solar panels and heat pumps but there were no plans for a roof garden.
- The site plan illustrated that there would be large bin storage areas in the basement.
- A mixture of responses had been received from the public but engagement from the community had been limited. Public access to the site could not be permitted during the construction phase as this would be dangerous, however the developer had guaranteed new pedestrian routes if the development went ahead and the Senior Planning Officer explained that protected pedestrian routes through the site could be provided (during the construction phase) if it was possible to do so depending on the phasing.

The Chair responded to a question from a Member concerning a site visit as follows:

- Several Committee Members had already undertaken a site visit back in December 2022.

**Members' Debate**

Councillor Finnegan expressed her view that the proposal was a good one and progressive for the site, and that she would support the application.

Councillor Sawyer stated that she would like to see the site developed but remained concerned about the advice from the City Council's Heritage Officer, Historic England and the City Archaeologist around heritage harm. She felt that the proposal went against several City Plan policies and did not offer sufficient s106 contributions in relation to schools and libraries. Councillor Sawyer commented that she did not believe that this was the last chance to develop the site and expressed concern that residents would question what the Planning Committee were thinking if the application were to be approved. She was concerned that approving the application would set a precedent for tall buildings in the city.

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Councillor Conder noted her agreement with Councillor Sawyer and referred to cities which had lost World Heritage Status. She also questioned whether people would be inclined to live in the development, due to the view of the car park and limited views of the quayside and waterways. Councillor Conder noted that the apartments might be purchased by landlords, and this would result in a transient community. She further expressed concern about setting a precedent around tall buildings should planning permission be granted.

Councillor Morgan reminded Members that the Committee needed to determine the application based on the information before them. He commented that he did not fear landmark buildings, noting that no changes in the city would also be detrimental. It was his view that on balance, the proposal was likely to give the benefit of regeneration in an important area of Gloucester Docks and that Members should make a judgement on the advantages of the project weighed against the risks.

Councillor Tracey thanked the Senior Planning Officer for his comprehensive report and noted that she would like to see further conditions relating to the surrounding areas. She raised concerns about the disruption to local residents and businesses during the construction phase, however she confirmed that she was broadly happy with the proposals if disturbance could be minimised and that she was pleased to see suggested improvements to an important area of the Docks.

The Chair stated that he was broadly in favour of the proposals and noted that there had been lots of ongoing dialogue between the applicant and Officers to try and find the best way forward. He stated that the site visit had been helpful in understanding what the finished development would look like.

Councillor Dee noted that she also had reservations around the scale of the proposed tower block and how it would fit in with the local area. She confirmed that she was broadly in favour of the design but was concerned about the possibility of regretting the size of the building.

Councillor Sawyer commented that those Members with reservations should be raising them during consideration of the application. She disputed that this was the last opportunity to develop the site, noting that in her view there was nothing architecturally special about the design. Councillor Sawyer expressed the view that there would be further opportunities and interest in developing the site.

Councillor Finnegan noted that she agreed with Councillor Morgan's comments around considering the application on the basis of the information in front of the Committee. She reiterated her view that the application was progressive and positive.

The Chair moved and the Vice-Chair seconded the Officer's recommendation as amended in the late material.

**RESOLVED that:** - Planning Permission is granted subject to the conditions outlined in the report as amended in the late material.

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**56. DOWNINGS MALTHOUSE, MERCHANTS ROAD, BAKERS QUAY, GLOUCESTER - 22/00563/LBC**

The Chair moved and the Vice-Chair seconded the Officer's recommendation as amended in the late material.

**RESOLVED that:** - Planning Permission is granted subject to the conditions outlined in the report as amended in the late material.

**57. 63-65 DENMARK ROAD - 22/00807/FUL**

The Principal Planning Officer presented the report detailing an application for a change of use from a 28 bed HMO (sui generis) to 10 x self-contained one bedroom flats, a two storey rear extension and associated landscaping.

**A representative from BTS Trading Ltd addressed the Committee in favour of the application.**

He stated that the application should be granted on the following grounds:

- The proposals had been subject to detailed discussions with Officers and the principle of the development had their support.
- The design had taken into account space and accessibility considerations.
- The site was most recently used as a large 28 bedroom HMO which had been closed due the management struggling to deal with issues which were occurring at the building. The proposals would bring a vacant building back into use and provide housing for the City which was much needed.
- The area had a high concentration of HMOs and the change of use would benefit the housing mix in the area and improve the quality of the accommodation.
- The proposals improved and enhanced a conservation area and the developer had looked at all options to make the proposal policy compliant.
- The County Council's Highways service had no objections to the proposals.
- In respect of the on-street parking, there was recognition that the site was in a very sustainable location with city centre walking opportunities and public transport provision.

**Members' Questions.**

The Principal Planning Officer responded to Members' questions concerning highways and parking considerations, the existing use of the building, the location of the bin area, the number of people likely to be resident at the property, and whether any of the flats were reserved for social housing as follows:

- The County Council Highways Service had been consulted and were satisfied that car parking to the rear of the site for 5 cars was sufficient. There would also be cycle storage.
- The most recent use of the building was a 28 bedroom HMO and the proposed change of use would be for 10 self-contained flats.

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- The bin storage space would be to the rear of the property towards the left-hand side.
- The flats were one bedroom flats but the report outlined that they could accommodate a mix of one and two persons.
- The proposal was for market housing rather than social housing.

**Members' Debate**

Councillor Finnegan noted that she had previously lived in the area, which was well known for heavy traffic during school term-time. However, she observed that the proximity to the rugby ground and to the Royal Gloucester Hospital could make it an attractive residence for local doctors and nurses.

The Chair commented that the proposal would bring extra homes for residents and would bring a vacant building back into use.

Councillor Conder stated that she understood concerns around parking provision, but acknowledged that no scheme was perfect and that the proposal would benefit the community. It was her view that the proposal was preferable to the building remaining empty and that an imminent parking scheme could persuade some residents to opt for sustainable travel options.

Councillor D. Brown confirmed that he supported the application, particularly as this was an area with a very high saturation of HMOs.

The Chair moved and the Vice-Chair seconded the Officer's recommendation as amended in the late material.

**RESOLVED that:** - Planning Permission is granted subject to the conditions outlined in the report as amended in the late material.

**58. DELEGATED DECISIONS**

The schedule of applications determined under delegated powers during the month of February 2023 was noted.

**RESOLVED that:** - the schedule be noted.

**59. DATE OF NEXT MEETING**

Tuesday 2<sup>nd</sup> May 2023.

**Time of commencement: 6.00 pm hours**  
**Time of conclusion: 7.52 pm hours**

**Chair**

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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2 <sup>nd</sup> May 2023
Address/Location:	31 Westmead Road, Gloucester
Application No:	23/00082/FUL
Ward:	Longlevens
Expiry Date:	29 <sup>th</sup> March 2023
Applicant:	Mandy Keenan – Platform Childcare Ltd
Proposal:	Change of use from C3 (dwelling house) to C2 (residential institution) for up to four children living together and receiving care and two permanent carers, all living together as a single household
Report by:	F. Ristic
Appendices:	Site location plan Existing and Proposed floor plans

### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is located to the west of Westmead Road in Longlevens. The application site is a two storey, four bedroomed house with an integral garage. There is parking at the front of the property for three cars. There is a kitchen, dining room, utility, family room, lounge and garage on the ground floor. There are four bedrooms and a bathroom at first floor level.

#### 1.2 Proposal

The application proposal is for the change of use from C3 (dwelling house) to C2 (residential institution) for up to four children living together and receiving care and two permanent carers, all living together as a single household. The children would be aged between 5 and 17. The staff will be sleeping in and will use the office/sleeping room. This room would be the current family room. The proposed use will have a total of 10 members of staff, working on a shift basis with a cross over between shifts when new staff come in. The shifts would be 8am to 10pm with only two carers residing at the property and leaving the next morning at 8am. Staff would travel to work via car, bicycle and public transport. Visitors are only allowed on an appointment basis and this would be normally in daytime between the hours of 9am and 5pm. The proposed home would operate as a family dwelling, providing care and accommodation to a maximum of 4 residents. During the day, the residents would be attending local education whilst support staff maintain the upkeep of the property. There are currently two parking spaces at the property and there are proposed to be three with the change of use.

### 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/11411/HIST	28787/04/APP:- ERECTION OF 36 DWELLING HOUSES AND GARAGES.	Granted	17.11.1987

<b>3.0 RELEVANT PLANNING POLICY</b>
The following planning guidance and policies are relevant to the consideration of this application:
<b>National guidance</b> National Planning Policy Framework (NPPF) and Planning Practice Guidance.
<b>Development Plan</b> <b>Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)</b> Relevant policies from the JCS include:  SP1 - The need for new development SP2 – Distribution of new development SD4 – Design requirements SD.10 – Residential development SD14 – Health and environmental quality INF1 –Transport network INF4 – Social and community Infrastructure
<b>City of Gloucester Local Plan (Adopted 14 September 1983)</b> The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that ‘... <i>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).</i> ’ 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.
<b>Development Plan</b> <b>Gloucester City Plan</b>  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 plan has now been adopted so significant weight may be given to individual policies.  Relevant policies from the Gloucester City Plan (2023) include  A1 – Effective and efficient use of land and buildings  A5 – Specialist housing  G1 – Sustainable transport
All policies can be viewed at the relevant website address:- national policies: <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a> Gloucester City policies: <a href="http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx">http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx</a>
<b>4.0 CONSULTATIONS</b>



## **Housing Strategy**

4.1 The inclusion of full-time staffing should not result in levels of activity that cause excessive noise and/or disturbance to existing local residents. The property is situated in a mainly residential area and benefits from suitable nearby education, leisure and healthcare services.

### *4.2 Affordable Housing Policy and Strategy*

The City Council adopted its Housing and Homelessness Strategy 2020-25 in 2020, which states the following aims: 1. To increase the supply of homes 2. Make best use of existing stock 3. To reduce homelessness and rough sleeping A key focus of the strategy is to enable the provision of affordable, adapted, and specialist housing supported by commissioners. This is reflected in the Councils current policy positions in the Joint Core Strategy and emerging Gloucester City Plan.

4.3 The Joint Core Strategy and emerging Gloucester City Plan have several policies surrounding the type and mix of housing and design, and the requirement to meet the needs of Gloucester's population. 2 The Gloucester City Plan (GCP)

Policy A5: Specialist Housing Specialist housing developments will be permitted where they:

1. Are supported by evidence of the demonstrable need for this form of housing within Gloucester City;
2. Are suitable for the intended occupiers in relation to the affordability, quality, design and type of facilities with, if appropriate, the provision of support and/or care supported by a sustainable business model;
3. Are Accessible to local shops and services, public transport and community facilities appropriate to the needs of the intended occupiers; and
4. In a location that avoids excessive concentration of such housing within any one street or small area. Will not lead to harm through over concentration in the local area, including but not limited to: a. Levels of activity that cause excessive noise and disturbance to local residents b. Excessive demand on social infrastructure, such as health and social care and police services c. Significantly reducing housing choice in the local area, preventing the existence of a mixed and balanced community.

4.4 The application does not set out how locally arising need is being addressed through this provision and there is no evidence provided by the applicant of engagement with commissioners or commissioner support. However, the HPST understand that the applicant has subsequently liaised with commissioners, and commissioners are in support of the application. The Children's and Families Commissioners have provided the HPST the following comment: "There is a current and historical challenge within Gloucestershire County to meet its sufficiency duty due to a lack of appropriate children's homes in the county. Gloucestershire County Council has seen a significant increase in children coming into care over the past 5 yrs. (increase of 35%).25% of our children and young people are having to be placed out of county due to the lack of appropriate children's homes within the county. There are currently 26 children's homes within the county (Local Authority – 2 children's homes, private – 21 children's homes and 3 voluntary children's sector homes) It would be expected that any care provider would be part of a County Council social care/health commissioning framework.

4.5 Design Principles The proposed scheme does not show any adapted or accessible bedrooms as part of the proposal, and it is unclear if the accommodation would be able to house children with physical health and mobility needs.

4.6 Access - The property is on the number 6 bus route, with the nearest stop located several meters from the house. Several primary schools are located within a 1.5 mile radius

of the property (Longford Park Primary, Elmbridge Primary, St Marys Catholic Primary, Innsworth Junior School and Longlevens Infant School). Secondary schools can be found within 3 miles including Barnwood Park, Churchdown, Chosen Hill, Sir Thomas Rich's and Denmark Road for Girls. There is green open space at Windermere Road and Longford Lane within walking distance.

4.7 The proposal will increase the current parking spaces from 2 to 3. This will provide parking spaces for both permanent carers, as well as providing an additional space for any visitors to the property. HPST would expect to see functional outdoor amenity space, and the house benefits from a private garden at the rear of the property.

4.8 Conclusion - Commissioners have indicated support for this application stating that they are "currently searching for over 50+ placements" though no specific details have been supplied as part of the application regarding who this housing is for, and whether this will be kept solely for placing children from the Gloucester area. Further advice is required from the commissioners on other specialist children's' provision in this area, so that the additional housing would not lead to harm through over concentration in the local area. On this basis, HPST would recommend approval, subject to the attached condition to ensure the provision of accommodation meets locally arising housing need.

Condition - Local occupancy of specialist housing condition

#### 4.9 Solace

There are no issues to note from a Solace point of view

#### 4.10 Highways

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has **no objection** subject to conditions.

4.11 The proposed dwelling will have a total of 10 members of staff, working on a shift basis with a cross over between shifts when new staff come in. The shifts would be 8am to 10pm with only two carers residing at the property and leaving the next morning at 8am. Staff are to travel to work via car, bicycle and public transport. Visitors are only allowed on an appointment basis and this would be normally in daytime between the hours of 9am and 5pm.

4.12 The proposed home would operate as a family dwelling, providing care and accommodation to a maximum of 4 residents. During the day the residents would be attending local education whilst support staff maintain the upkeep of the property. The existing dwelling currently has on-site parking provision for two vehicles, under this application 3 parking spaces are proposed, however it is unclear at this stage if an extension of a footway crossing from the carriageway (vehicle dropped kerb extension) is required and as such the Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) .

4.13 Furthermore, the highway known as Westmead Road currently has no parking restrictions, therefore parking occurs on-street, this is an existing occurring situation. 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 could be maintained.

Conditions 1. The development hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted plan drawing no. PC-23-001-101, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 110 and 112 of the National Planning Policy Framework.

2. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no. 2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified and a site notice was published.

22 Letters of objection were received with the following points –

Noise-This is a usually quiet, well kept neighbourhood, where the houses are close together, any noise is easily heard, not only in Westmead Road but in Hurst Close, Miller Close and Ballinska Mews. We have in the past experienced noise problems from the property in question, All the comings and goings may be a noise issue. Number 33 is very close to the main entrance and the shift pattern changes would be under the main bedroom of number 33

Parking- For the property we a have had cars being parked outside on the road and reversed into our private driveway (30,32,34 Westmead Road).The road is not very wide outside the property,we regularly have a problem with visibility and turning when exiting Our driveway, especially when cars are parked either side, this also prevents cars from 31,Westmead Road leaving the driveway safely & easily. We do not feel therefore, that this is a suitable place for this type of residence. Visitor to the children could cause more parking issues. There have been several accidents in the last few years with regards to vehicles striking parked cars and or blocking the passage of the No.6 Bus route. Disagree with the Highways officer conclusion think this proposal would impact on the highway.

Property deeds - Pipers Meadow, including Westmead Road, was developed by Westbury Homes as a residential development. Property deeds for the houses state that properties are not to be used for any purpose whatsoever other than as a private dwelling. Furthermore, the deeds state, not to do or suffer to be done on the property anything which may be done or become a nuisance or annoyance.

### Not in character

The property would operate not in character with the other family dwellings in the area or with the original conditions on the permission

### Background of residents

As this will be a privately run business, what knowledge/input will the local authority have concerning the background of the residents? The residents will bring whatever problem /issues they have with them. Allowing this change of use will increase the risk of community issues/problems, which will have a negative impact on the immediate area.

### Staffing

Ten members of staff involved at different times also creates a problem with vehicles. Parking on Westmead Road is increasingly becoming a problem

### Upkeep

If the staff are responsible for the maintenance of the property this would not be the same incentive as an owner/occupier,

### Property values

Would have a negative impact on property values.

### Size of garden

The property has an extremely small garden, not a suitable size for 4 children to relax or exercise, with the potential to spill out into the local neighbourhood. Garden is small with insufficient space for use.

### Care of children

There is no information in the planning application pertaining to the type of care needs of the resident children and any social issues they may have. Therefore it is not possible for local residents to make an informed judgement on the potential impacts arising from the change of use. Is the proposed adult to child ratio sufficient. Platform childcare deal with children with 'complex behaviours'.

### Operating company

The company applying for planning permission ('Platform Childcare Ltd'), is based in Staffordshire and has no readily available information available on the internet describing the nature of the services it provides, the clients it supports, nor any published contact details. The company may bring in children from outside Gloucester. Some negative reviews about company on the website. Profit making business making commercial gain. How did the company become aware that the property was for sale.

### Shift patterns

The application does not detail shift patterns and it is highly likely that this will create noise and disturbance at normally quiet periods of the day.

### Precedent

Would this be a precedent for other properties to change use

### Advertising of application

Not well advertised by a notice of the lamp-post and letters, must be a better way to inform neighbours

### Future use

If it gets consent can it be any use in C2 eg used for sex offenders?

## Overlooking

Landing window of property looks into a neighbours garden

### **5.2 Cllr Linda Castle, Cllr Sarah Sawyer and Cllr Kathy William**

On behalf of the residents of Longlevens myself, Cllr Linda Castle (City Councillor for Longlevens) Cllr Sarah Sawyer (City Councillor for Longlevens) and Cllr Kathy Williams (City and County Councillor) would like to object to the planning application to turn 31 Westmead Road into a C2 Residential Institution

5.3 Firstly, the residents have pointed out that the deeds for the property state that properties are not to be used for any purpose whatsoever other than as a private dwelling. Furthermore, the deeds state, not to do or suffer to be done on the property anything which may be done or become a nuisance or annoyance. Please can this be investigated, and confirmation be given that there is or isn't a covenant on this house.

5.4 Our planning reasons for our objections are:

Policy A5: Specialist housing in the City Plan states that Specialist housing developments will be permitted where they:

1. Are supported by evidence of the demonstrable need for this form of housing within Gloucester City

Please can you provide evidence to us that this type of accommodation for out of county specialist housing meets Gloucester's housing needs

2. Are suitable for the intended occupiers in relation to the affordability, quality, design and type of facilities with, if appropriate, the provision of support and/or care

This is a built-up residential area in which this house has a very small back garden, which is overlooked by four houses. This is clearly not suitable for vulnerable children. The back garden is a tiny triangle of land, which is not big enough for four children to play in. Children need space to burn off their energy and frustrations which will cause noise disruption to the gardens that are very close by. (Please see attached aerial view of the garden)

3. Will not lead to harm through over concentration in the local area, including but not limited to:

a. Levels of activity that cause excessive noise and disturbance to local residents

Residents and Councillors have not been given enough information on Platform Care Ltd and the type of children who will be placed in the house, as in their complexity of their needs and noise levels, which will have a 24 hours effect on neighbouring houses, as they are in such a close proximity of the house in question. The firm making the application specialise in dealing with social, emotional and/or behavioural difficulties.

The house has four bedrooms and there will be four children occupying it so there will be no bedrooms for the carers. This means they are either sleeping on the sofa which is questionable, or they are working on the night shift which implies that there will be noise at this unsociable time of day.

5.4 There is only parking for 2 cars for the carers, however there will also be visitors parking to take into consideration.

5.5 As quoted in the Gloucestershire County Council's Right Placement First Time Sufficiency Strategy 2018- 2021 "Children placed at a distance from home are likely to achieve poorer educational and other outcomes than those placed within their home area. Local Authorities will find it harder to act as an attentive corporate parent where children are living far away."

“Gloucestershire has a number of providers within the county offering residential placements. We are a net importer of children and young people being placed from other Local Authorities. This cohort of children and young people can, and do, put pressure on extended services within the county as they tend to have a high rate of missing episodes, and also require additional resources from school and health provisions”. We believe that we should not make any planning decisions that will put more pressure on services in the County.

5.6 A government report called No place at Home, supported by the Children’s society, found the following evidence to support the refusal of accepting out of County children in Gloucester:

- Factors that make children and young people vulnerable to going missing from out of area placements are not addressed and when they do go missing they are at risk.
- All too often children and young people are not being supported to keep in touch with family and friends after being placed in out of area placements. This is leading to them to go missing, being forced to travel long distances to return home - putting them at risk as they are faced with long distances and costly travel options.
- Seventy one percent of 41 police forces that responded to our information request stated that placing looked after children out of area increases their risk of exploitation, often resulting in them being coerced into going missing.
- These children and young people are less likely to receive a return home interview when they return from their missing episode and when they do the information from the interview is often not shared with the police and other safeguarding partners.
- forces are not made aware of vulnerable children placed in care in their areas Children are not being consulted with or informed before out of area placement moves. This causes additional stress and disruption in their lives increasing their level of vulnerability and can contribute towards why they go missing from out of areas

5.7 The City plan and other statutory planning documents do not mention what can be done if noise does cause harm to neighbours. We have had experience already in our ward of private specialist housing causing serious problems to residents and the council has no power to help. Therefore, it makes allowing these developments in our city more risky so we are more likely to object as prevention is our only way of ensuring residents mental health will not be harmed.

We would like the decision to be made my committee rather than an officer for the above planning reasons mentioned. We also ask that officers visit the house in question.

Yours sincerely  
Cllr Linda Castle, Cllr Sarah Sawyer and Cllr Kathy William

The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Longlevens ward.

## **6.0 OFFICER OPINION**

### ***Legislative background***

6.1 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 and the Gloucester City Council Local Plan (2023). 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
- Design, layout and landscaping
- Traffic and transport
- Specialist Housing Policy
- Effect on the living conditions of neighbouring properties
- Effect on the character and appearance of the street scene
- Other issues
- Economic considerations

#### **6.5 Principle**

The application property is currently used as a C3 residential dwelling. The proposal is use as a small children's home for 4 children with 2 permanent carers. Whilst the proposed use is changing, the property would still be in residential use. The number of people living at the property would be no more than can be in a household. It is therefore not considered that the principle of the use in a residential area would be unacceptable, subject to the assessment of the proposal against the other policies.

#### **6.6 Design, layout and landscaping**

The NPPF requires developments to be of high quality design and respond to local character integrating into the local environment. The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places.

6.7 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting.

6.8 The proposal would not alter the external appearance of the property. The garage can be used for cycle storage and there is already bin storage at the property. The only physical change would be the addition of one parking space at the site. There is no objection to this proposal from highways subject to a condition ensuring that the proposed additional space is in place before the use commences, details of cycle storage are provided and an informative regarding the extension to the dropped kerb. The property has an enclosed rear garden as required by the specialist housing policy.

#### **6.9 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 and sets out that permission will be granted only where the impact of development is not considered to be severe. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. It reinforces pedestrians being at the top of the road user hierarchy. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

6.10 The application site currently has two off street parking spaces. The applicant is proposing an additional off-street space to make three. The garage at the site can be used for secure and covered cycle storage. The County Highways Officer has been consulted on the application and has no objection subject to a condition ensuring that the works take place before the change of use is commenced, details of cycle storage are provided and an informative regarding the extension of the dropped kerb. The proposal therefore complies with policy INF.1 of the JCS (2017).

### **6.11 Specialist Housing Policy**

Policy A5 of the adopted Gloucester City plan relates to specialist housing: - Specialist housing developments will be permitted where they:

1. Are supported by evidence of the demonstrable need for this form of housing within Gloucester City;
2. Are suitable for the intended occupiers in relation to the affordability, quality, design and type of facilities with, if appropriate, the provision of support and/or care;
3. Are accessible to local shops and services, public transport and community facilities appropriate to the needs of the intended occupiers; and
4. Will not lead to harm through over concentration in the local area, including but not limited to:
  - a. Levels of activity that cause excessive noise and disturbance to local residents
  - b. Excessive demand on social infrastructure, such as health and social care and police services
  - c. Significantly reducing housing choice in the local area, preventing the existence of a mixed and balanced community.

6.12 Regarding criteria 1 of the policy, County Commissioners have indicated support for this application stating that they are “currently searching for over 50+ placements”. The Children’s and Families Commissioners comment: “There is a current and historical challenge within Gloucestershire County to meet its sufficiency duty due to a lack of appropriate children’s homes in the county. Gloucestershire County Council has seen a significant increase in children coming into care over the past 5 yrs. (increase of 35%). 25% of our children and young people are having to be placed out of county due to the lack of appropriate children’s homes within the county. There are currently 26 children’s homes within the county (Local Authority – 2 children’s homes, private – 21 children’s homes and 3 voluntary children’s sector homes)”. There is therefore a need for the use within Gloucester City.

6.13 Regarding criteria 2, the property is on the number 6 bus route, with the nearest stop located several metres from the house. Several primary schools are located within a 1.5 mile radius of the property (Longford Park Primary, Elmbridge Primary, St Marys Catholic Primary, Innsworth Junior School and Longlevens Infant School). Secondary schools can be found within 3 miles including Barnwood Park, Churchdown, Chosen Hill, Sir Thomas Rich’s and Denmark Road for Girls. There is green open space at Windermere Road and Longford Lane within walking distance.

6.14 The Commissioners and the Housing Strategy Team have confirmed that the design and location is suitable for the intended occupiers and complies with criteria 2 and 3 of the policy. Regarding criteria 4, the Commissioners have also confirmed that there would not be an overconcentration of this type of use within the local area. The Solace Team have also confirmed that they have no objection. The proposal therefore has the support of the County Commissioners and the Housing Strategy Team at the City Council subject to a condition



ensuring that local occupancy is prioritised. It is therefore considered that the proposal would comply with policy A5 of the adopted Gloucester City Plan (2023).

### **6.15 Effect on the living conditions of neighbouring properties**

Paragraph 127 (f) of the NPPF provides that planning should ensure that developments create places with a high standard of amenity for existing and future users. 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.

6.16 Given the small scale of the proposed children's home, with only 4 young people and 2 carers, the number of occupiers are no more than could reasonably occupy a family home. The property also has a private rear garden for amenity space. It is therefore not considered that the use would significantly affect the amenity of the nearest residential properties. The Council's Housing Strategy team have assessed the location and confirm that the use should not result in excessive noise or activity that would disturb local residents.

### **6.17 Effect on the character and appearance of the street scene**

Paragraphs 124, 127 and 130 of the National Planning Policy Framework (2018) requires high quality design and for account to be taken of the character of different areas. This is reflected in Policy SD4 of the Joint Core Strategy which sets out requirements for high quality design. The proposed change of use would not require any building works and would not impact on the character and appearance of the street scene. The provision for refuse would remain as existing. There would be the addition of 1 parking space but this would not appear overly prominent in this suburban setting. The proposal would therefore have minimal impact on the street scene and would accord with policy SD4 of the JCS (2017)

### **6.18 Other issues**

Property values Some of the objector letters refer to property values. It must be noted that this is not a planning issue and cannot be taken into account when determining planning applications.

Covenant Some objectors also mentioned a covenant on the estate restricting the properties to residential use and that the properties should not cause a nuisance. It must be noted that covenants are a civil matter and are not a material consideration of this application

Size of garden Some neighbours have described the garden as small. The Housing Commissioners and the Council's Housing Strategy team consider that the garden would provide acceptable private outdoor amenity space for the proposed use.

#### Noise

There would only be 6 people at the property for the majority of the time with the exception of shift changes and visitors, This is no more people then can occupy domestic dwellings, The shift changes do not occur at unreasonable times of the day. There is no reason that there should be excessive noise from the proposal This conclusion has also been reached by the Housing Strategy team.

#### Provider and out of area placements

The Housing Commissioners have no objection to the proposal subject to the condition prioritising children from the administrative area of Gloucester City. Although the provider is based out of Gloucester, the condition ensures that the proposed use provides for Gloucester City Councils housing need as a priority.

### **6.19 Economic considerations**

There would be no building works as part of this application so there would be no economic opportunities with a construction phase, but the use would employ a total of 10 members of staff and this 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.

## **6.20 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 location, impact upon the amenity of any neighbours and the local area, impact on the character of the area and impact on the highway network. The proposal is acceptable and accordingly permission should be granted subject to conditions.

## **7.0 RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

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

### **Condition 1**

The development hereby permitted shall be begun before the expiration of 3 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 drawings on the following plans except where otherwise required by conditions of this permission:

- Application form
- Out of area placement report 'No place at home' received 28<sup>th</sup> February 2023
- Right Placement First Time received 28<sup>th</sup> February 2023
- Information regarding placements received 6<sup>th</sup> March 2023
- Ofstead information received 6<sup>th</sup> March 2023
- Existing Floor plans and elevations (amended plan) (PC23-001-101 rev A) received 13<sup>th</sup> April 2023

### **Reason**

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

### **Condition 3**

The development hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted plan drawing no. PC-23-001-101, and those facilities shall be maintained available for those purposes thereafter.

### **Reason**

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 110 and 112 of the National Planning Policy Framework.

### **Condition 4**

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no. 2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework

**Condition 5**

The occupancy of the property will be restricted to vulnerable children in care known to and referred from the Gloucestershire County's Children's and Families Commissioning Hub (or subsequent body) with local housing needs currently living, or returning to live close to a relative, within the administrative boundary of Gloucester city, and any support staff required to provide care and support to those children.

When vacancies arises and no children within Gloucester City require those places, spaces will be offered to vulnerable children in care residing in the county of Gloucestershire known to and referred from the Gloucestershire County's Children's and Families Commissioning Hub (or subsequent body).

**Reason**

In accordance with A5: Specialist Housing of the adopted Gloucester City Plan 2011-2031, planning permission for specialist housing is only permitted when supported by evidence for need within Gloucester City and in accordance with Policy SD11: Housing Mix and Standards of the adopted Joint Core Strategy 2011-2031, development should address the needs of the local area.

**Informatives:**

**Note 1**

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

**Note 2**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

**Note 3**

The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) .

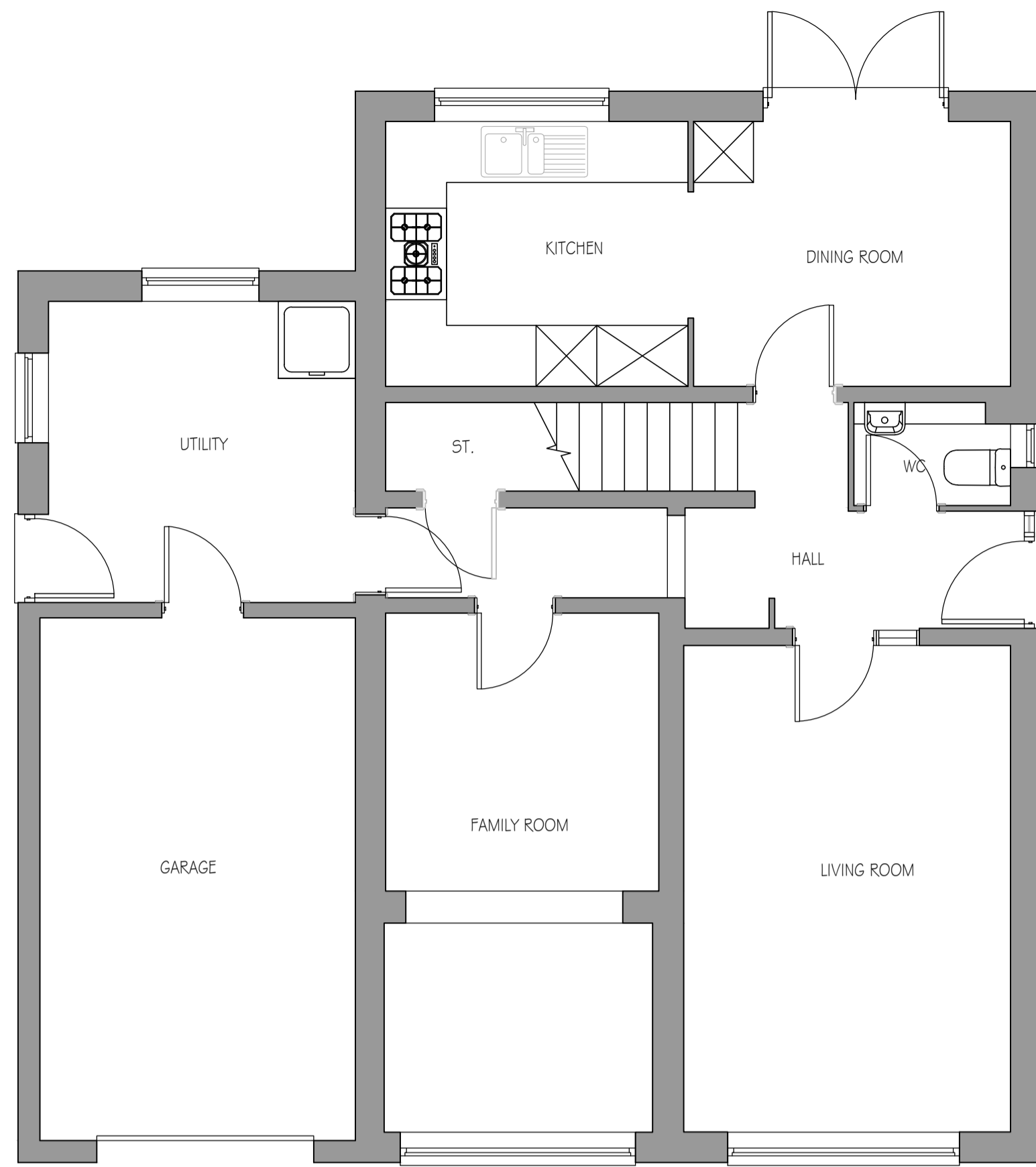
Planning Application: | 23/00082/FUL

Address: | 31 Westmead Road,  
| Gloucester

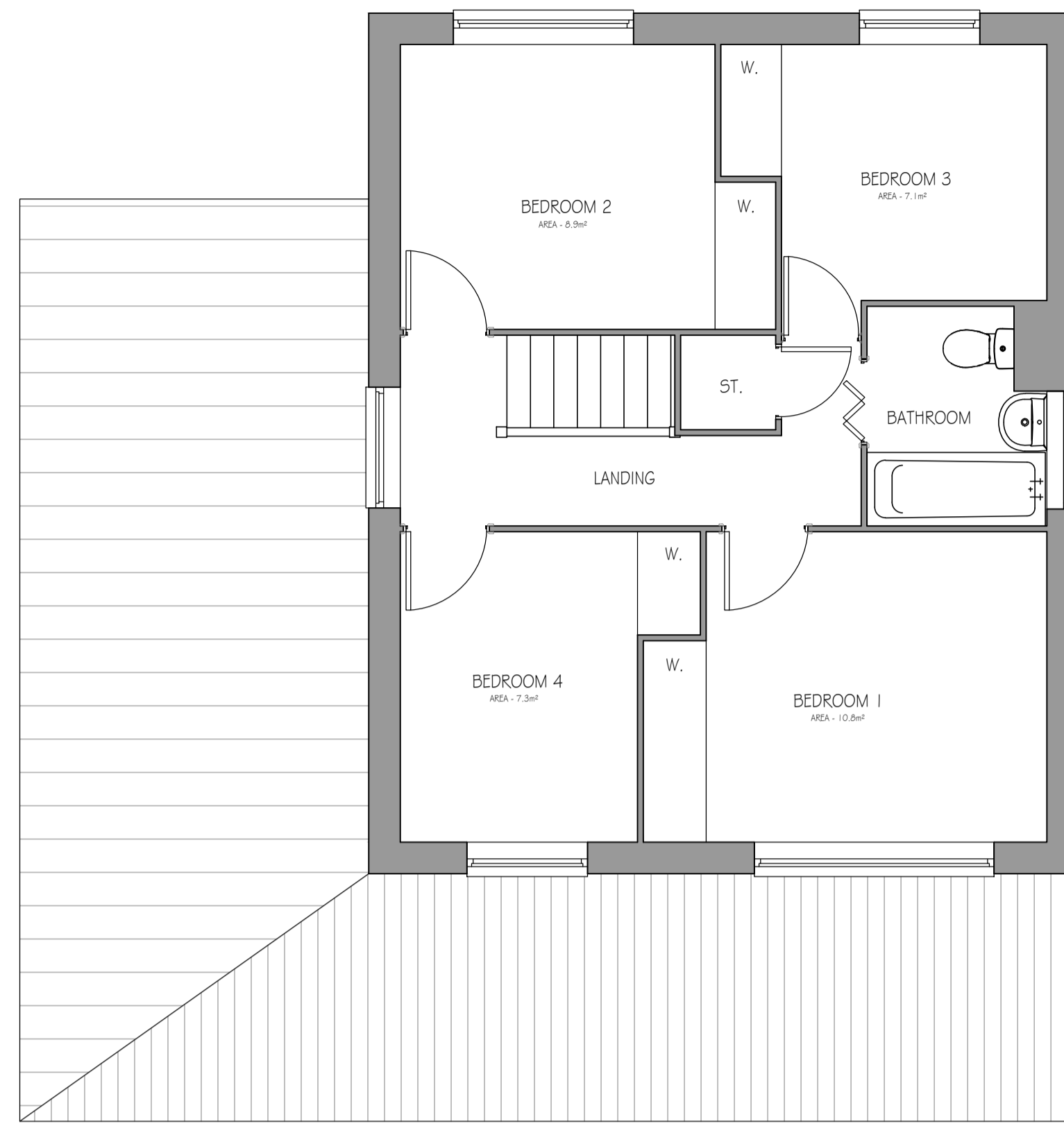
Committee Date: | 2<sup>nd</sup> May 2023

**Appendix 1 – Site location plan**

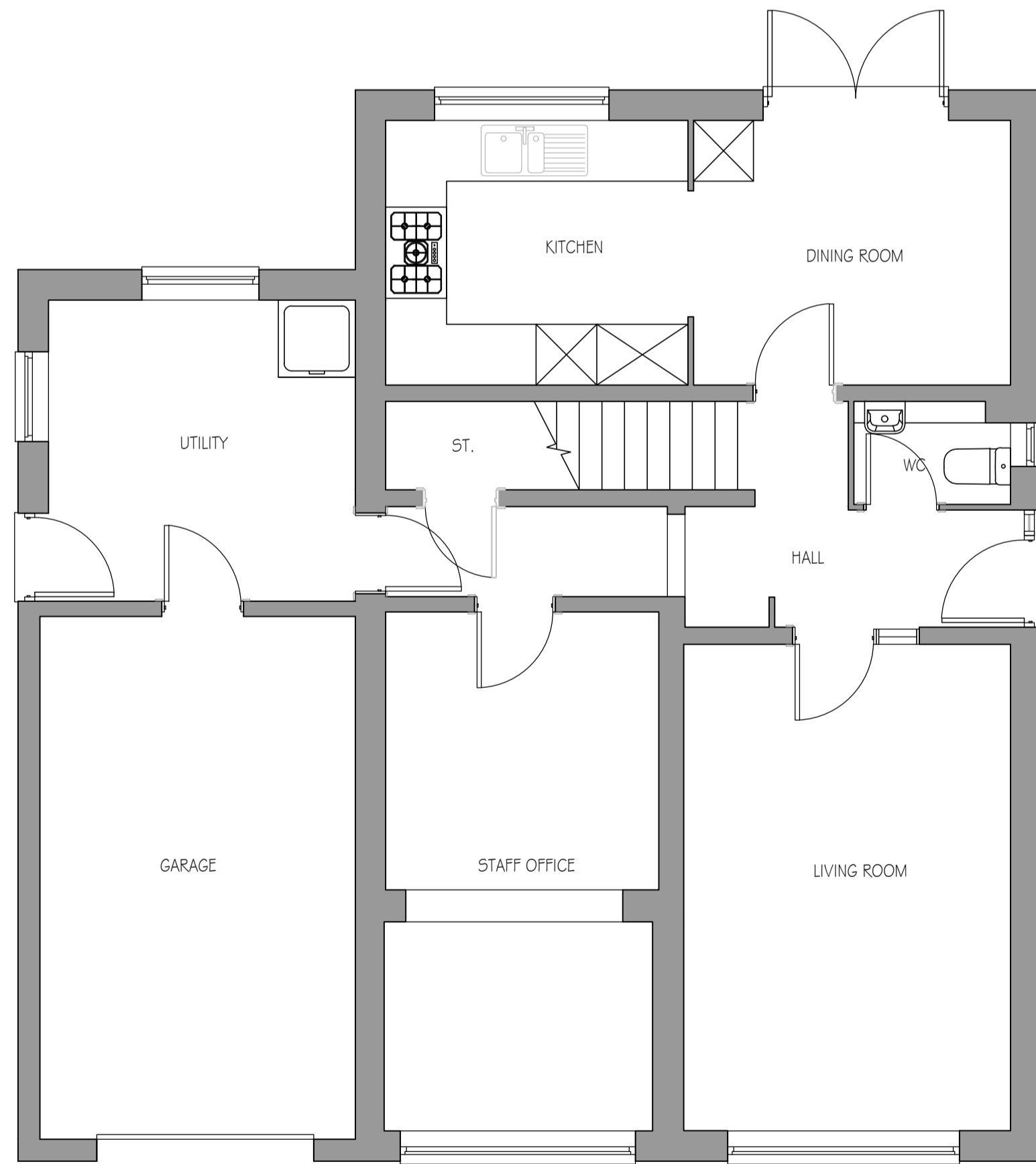
**Appendix 2 – Existing and Proposed floor plans**



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



BLOCK PLAN  
SCALE 1:500



SITE LOCATION PLAN  
SCALE 1:1250  
Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

NOTES:

Do not scale from this drawing except for planning application purposes.


The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. The Contractor is to comply in all respects with current Building Legislation, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fluid ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable expert.

Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

31 WESTMEAD ROAD, GLOUCESTER.

PLANNING	A	13.04.23	Revised to planning comments.	RMP
	Rev	Date	Notes	Initials
				
	<p>PROJECT: 31 Westmead Road, Longlevens, Gloucester, GL2 0XS.</p> <p>DRAWING TITLE: Existing Plans, Elevations, Site &amp; Site Location Plans. Proposed Plan.</p>			
<p>SCALE: 1:50 1:500 1:1250 at A1</p> <p>DWG NO. PC-23-001-101</p>				<p>DATE: 29.01.23</p> <p>REV. A</p>
				<p>DRAWN: RMP</p>

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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2 <sup>nd</sup> May 2023
Address/Location:	Old Hempsted Fuel Depot, Hempsted Lane Gloucester
Application No:	22/01041/FUL
Ward:	Westgate
Expiry Date:	09.02.2023
Applicant:	Lioncourt Homes
Proposal:	Demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space, vehicular access onto Hempsted Lane and pedestrian access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation (Revised Plans to application 21/00704/FUL).
Report by:	Caroline Townley
Appendices:	Site location and site layout plans

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is approximately 6.8 ha in area and is irregularly shaped, although the developable area is considerably less due to the site's constraints. The site comprises a former Ministry of Defence fuel depot accessed from Hempsted Lane. The site is currently vacant and constitutes previously developed land. The east the site comprised a former fuel distribution area together with abandoned buildings all surrounded by hardstanding concrete and tarmac with four partially buried tanks and supporting infrastructure to the west. These structures were identified as being undesignated heritage assets of local significance.
- 1.2 The site is bounded by residential properties in Hempsted Lane and Honeythorn Close to the south with commercial development to the north east. The south- west boundary of the site is adjacent to Newark House which is a Grade II listed building constructed in 1830 and is identified as being of special architectural and historic interest. The Hempsted Conservation Area is located approximately 260 metres south of the site. The west boundary is adjacent to open fields. The boundaries are generally defined by mature trees and hedgerows.
- 1.3 A previous application for the removal of the four partially buried fuel tanks and associated infrastructure, the demolition of all existing buildings, structures and hard standing across the site, together with the remediation of any residual contamination and the regrading of ground levels after the works was granted on 28<sup>th</sup> September 2021 (ref. 21/00358/FUL). It also included the construction of a bat house, which was a Natural England licensing requirement to mitigate for the loss of bat roosting features as a result of the demolitions. The structures have now been demolished, the ground has been remediated and bat house constructed.
- 1.4 The current application seeks planning permission for the demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space,

vehicular access onto Hempsted Lane and pedestrian and emergency access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation.

- 1.5 The site varies in character and topography. The front part of the site adjacent to Hempsted Lane is generally flat but rises through the middle of the site upwards to the western end and then drops down to the east and north.
- 1.6 The application proposes a mix of detached, semi-detached and terraced houses, together with apartments, maisonettes and bungalows providing 9 no. 1-bedroom units, 15 no. 2-bed, 27 no. 3-bed, 15 no. 4-bed and 4 no. 5-bed dwellings. The proposal also includes three self-build plots.
- 1.7 The proposed main access to the site would be from Hempsted Lane with an additional pedestrian route and access for emergency vehicles onto Honeythorn Close.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/00145/OUT	Erection of 152 residential units, together with open space and access and infrastructure.	Withdrawn	24.05.2007
08/01049/OUT	Outline planning application for 127 dwellings and public open space. All matters reserved with the exception of layout and means of access.	Refused	06.11.2008
09/00679/OUT	Outline application for the erection of up to 101 dwellings and public open space. (All matters reserved for future consideration with the exception of means of access).	Refused	05.08.2011
11/00672/EIA	EIA screening opinion.	Screening provided	24.06.2011
12/00725/OUT	Outline application for residential development of up to 85 dwelling units with means of access and public open space. (Appearance, landscaping, layout & scale reserved for future consideration) - (REVISIONS INCLUDE THE REDUCTION IN THE NUMBER OF DWELLINGS PROPOSED FROM 101 TO 85)	Granted subject to S106 Agreement	28.06.2017
20/01075/EIA	Environmental Impact Assessment (EIA) screening opinion.	Screening provided	15.12.2020
21/00358/FUL	Demolition of all above and below ground structures on the site, remediation and regrading of levels to make good, and provision of structures for ecological mitigation.	Granted	28.09.2021
21/00704/FUL	Demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate redevelopment for 92 residential dwellings with associated infrastructure and open space, to include creation of development platforms, provision of flood compensation	Withdrawn due to cyber incident.	26.10.2022



	and structures for ecological mitigation.		
21/01124/CON DIT	Discharge of Condition 3 (Parts 1 - site characterisation and 2 - remediation scheme) on planning permission ref. 21/00358/FUL.		
21/01268/CON DIT	Discharge of condition 7 (External Materials for Bat House) on planning permission ref. 21/00358/FUL.	Discharged	07.12.2021
21/01307/CON DIT	Discharge of Condition 10 (ecology – otter and voles)	Discharged	15.02.2021
23/00141/CON DIT	Discharge of Condition 6 (Historic Building Survey Report) on planning permission ref. 21/00358/FUL.	Pending	

### 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

The Development Plan consists of the Adopted Joint Core Strategy (2017) and the Adopted Gloucester City Plan (2023).

#### **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
- SD6 – Landscape
- SD8 – Historic Environment
- 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 219 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 and City Plan. None of the saved policies are relevant to the consideration of this application.

### 3.5 **Gloucester City Plan (Adopted January 2023)**

Relevant policies from the emerging Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- A7 – Self build and custom build homes
- B1 – Employment and Skills Plan
- C1 – Active design and accessibility
- C3 – Public Open Space, playing fields and sports facilities
- C5 – Air Quality
- D1 – Historic environment
- D3 – Recording and advancing understanding of heritage assets
- D4 – Views of the cathedral and historic places of worship
- E1 – Biodiversity and geodiversity
- E3 – Green/Blue infrastructure
- E4 – Flooding, sustainable drainage and wastewater
- E6 – 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 and parking
- G3 – Walking
- G4 – Broadband connectivity
- G6 – Water Efficiency

### 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**

Gloucester City Council – Hempsted Conservation Area (Conservation Area No. 12) – Appraisal and Management Proposals the Conservation Area was designated 2007 and the Conservation Area Management Plan has been adopted as an SPD.

## 4.0 **CONSULTATIONS**

### 4.1 **Highway Authority**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be approved subject to conditions and the agreement to enter into legal agreements to deliver the proposed mitigation packages.

### 4.2 **Conservation Officer**

The proposal is located within the setting of Newark House and the wider setting of Hempstead Conservation Area. The proposed demolition of the remaining fabric of the ex-MOD Fuel Depot is accepted.

The proposed development of the 70 dwellings that are subject to this application is considered to be acceptable, as is the proposed landscaping and planting to mitigate the harm to the visual setting of the listed building and St Margaret's Well.

The design of the proposed dwellings has been comprehensively revised by the applicant to address concerns expressed by the Conservation Officer. The applicant has worked constructively with the Conservation Officer, and the proposed scheme is now considered acceptable in terms of its design and materiality.

The revised proposals are acceptable in consideration of policies D1 Historic Environment, and F1 Materials and Finishes, of the adopted City Plan January 2023, and Policy SD4 of the Joint Core Strategy 2017.

The impact on the setting of Newark house is mitigated by the planting that is proposed for the surrounding landscape and the design quality of the development.

The Conservation Officer has expressed concern for the amount of close boarded fencing between properties at 1.8M high, in relation to biodiversity and wildlife movement and negative visual impact within the development.

Newark House is a grade II listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal, by virtue of the design of the development and mitigation for the setting, would preserve the special architectural or historic interest of the listed building, and would sustain its significance as a designated heritage asset.

Therefore, the proposal accords with Section 16 of the National Planning Policy Framework, the statutory requirements of Section 16(2) of the 1990 Act and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017.

#### 4.3 **City Archaeologist**

The submitted document 'Historic Building Survey Report: Former MOD Oil Fuel Depot, Hempsted Lane, Gloucestershire' is an acceptable record of the heritage assets on the site. There is no need for further recording prior to development.

#### 4.4 **Landscape Adviser**

Support the principles set out within the Framework Landscape and Ecological Management Plan (FLEMP), which should fully inform the detailed landscape scheme, particularly in respect of providing a high percentage of native species for tree and shrub planting. The use of native fruit trees (or traditional Gloucestershire varieties) within the tree planting design for wildlife foraging is encouraged. Recommend planting of some areas of trees and native scrub planting in and around the attenuation basin, in addition to any marginal/emergent planting, so that it can support as much wildlife and biodiversity as possible. Headwalls and railings will need to be visually appropriate for a POS setting, and Kee-klamp type industrial railings would not be acceptable. The appearance and visual impact of all engineering structures (and associated fencing) should be minimised and softened by planting wherever possible.

The stepped retaining walls and sloping banks down to the lower POS should be planted to ensure as much BNG as possible, with native scrub/climbers and tree planting on the slopes, in addition to areas of wildflower meadow.

Any close boarded or enclosed fencing should ensure there are adequate gaps at the base of

the fencing to create a 'hedgehog highway'. The position and network of such gaps should be indicated on the detailed fencing plans.

#### 4.5 **Tree Officer**

There are a significant number of trees being removed from the site. Replanting should cover the canopy loss. The large main Oak and other retained trees would be adequately protected.

#### 4.6 **Ecology Adviser**

It is considered that the desk studies and ecological surveys submitted are sufficient and the assessment is satisfactory, that the mitigation measures recommended, and enhancement measures are appropriate.

It is considered that the shadow HRA provides a thorough assessment of the potential impacts on designated sites and with mitigation in place, the integrity of the sites would be maintained.

#### 4.7

#### **Natural England**

No objection subject to appropriate mitigation being secured. It is considered that without appropriate mitigation the application would have an adverse impact on the integrity of Cotswold Beechwoods Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable conditions should be attached to any planning permission to secure:

- The production and implementation of a Construction Management Plan (CEMP)
- The provision of Home Information Packs to inform residents the new on how to avoid impacting the nearby sensitive sites, including specific information on the three European Sites: Cotswolds Beechwoods SAC, Walmore Common and Severn Estuary SPA/RAMSAR.

#### 4.8 **Contaminated Land Adviser (WRS)**

Note that there is a planning permission has been granted separate application for the demolition of above and ground structures, remediation and earthworks 921/00358/FUL). For completeness elements included in application 21/00358/FUL are also included in the current application.

Additional information including a remediation Verification has been submitted in support of the current application.

WRS consider that the verification works have generally been undertaken in line with current guidance and good practice for contaminated land risk assessment and also the approved remediation strategy and verification plan. However, on the basis that further clarification and approval is required on a number of issues the full tiered contaminated land condition and a condition relating to the import of soil and soil forming materials are recommended.

WRS raise no objection to the application subject to the inclusion of these conditions.

#### 4.9 **Environment Agency**

Further to the submission of the updated compensation proposals, the Agency confirms that the proposals set out on the amended drawing are acceptable and present an appropriate level for level, volume for volume compensation scheme for the losses incurred by raising the main access road in.

The Environment Agency is also satisfied with the finished floor levels set out on the same drawing, which negates the need for a specific condition. The Agency raises no objection subject to the inclusion of a condition relating to the implementation of the flood storage works.

#### 4.10 **Drainage Adviser**

No objection in relation to flooding or drainage subject to the inclusion of condition.

4.11 **Lead Local Flood Authority**

The FRA details the flood risk and justifies the extent of development with regard to flood risk zones, it also identifies a drainage strategy defining post development surface water discharge rates and mitigation methods. All of this is acceptable and the LLFA therefore have no objection to this proposal.

The drainage strategy is supported by detailed engineering drawings and additional drawings detailing the flood compensation facilities.

provided development is carried out in accordance with the submitted drawings the LLFA do not recommend any conditions.

4.12 **Severn Trent Water**

No objection subject to a condition requiring the submission, approval and implementation of drainage plans for the disposal of foul and surface water flows.

4.13 **City Centre Improvement Officer (Environmental Protection)**

The submitted noise assessment is satisfactory and predicts that internal noise from the surrounding road network and commercial activities can be adequately mitigated with the installation of the recommended glazing and alternative ventilation products.

It is noted that the predicted noise impact from the nearby commercial activities approaches 10dB, in the worst affected garden area (Plot 70), which is considered a significant adverse impact and could, at times, require future residents to keep windows closed in order to maintain adequate internal noise levels. However, WRS agree that the BS4142 noise character corrections are worst case and include a 3dB safety factor. WRS are therefore, of the opinion that noise from the surrounding road network and nearby commercial activities should not be a constraint on the residential development of the site but the applicant should confirm that all practical mitigation measures have been taken to minimise noise in the most affected outdoor amenity areas.

4.14 **Housing Projects and Strategy Team**

The proposal provides a range of dwellings to create a mixed and balanced community in line with JCS policy SD11 and provides much needed larger family housing for the City including the provision of a 5 bed 9-person property. The inclusion of 2.5 and 3 storey townhouses in the design is an effective use of spaces, allowing 4-bedroom houses to be provided.

The homes are reasonable spaced across the development with no clusters, in accordance with JCS policy SD11.

The application is compliant with the Nationally Described Space Standards (NDSS) on all affordable housing properties. The affordable homes achieve the double occupancy bedroom standard.

The application is compliant with Policy A6 of the City Plan requirements for adaptable and accessible homes. The proposal is for 21 homes to M4(2) standard, split across the open market and affordable homes, this represents 30% which exceeds the requirements set out in Policy A6. The development also includes the provision of a M4(3) home.

All of the plots have adequate amenity space with front/rear gardens or balconies to comply with space standards.

HSPT welcome and support the application but suggest that the application could be further

improved by reducing car parking to allow an increase in the number of homes to be provided and by increasing the rear garden size for plot 53.

#### 4.15 **Planning Policy Officer**

Planning Policy support the principle of housing development on this difficult brownfield site. The City Plan policies now have the full weight of an adopted Local Plan.

#### 4.16 **Open Space and Playing Pitch Adviser**

Support the inclusion of a formal pedestrian link into Honeythorn Close.

In terms of the LEAP, it is noted that the Police comments that state that a LEAP is just for 4-8 year olds. This is not the case. With good design and the right choice of equipment, children and young people of all ages can be well provided for within a LEAP. Care will have to be taken in this case in respect of materials, including safety surfacing, to ensure it can withstand any short-term flooding events. Planting around the LEAP should not enclose the play space from overlooking.

The play equipment should be accessible and include play items that are inclusive for all ages and abilities. Ideally the surfacing should allow access throughout the LEAP for wheelchairs.

Seating and bins (dual use) should be sited in the play area and around the rest of the POS. It would also be nice to see some directional signage included in the POS area, to show connections to the city centre and wider PROW network.

#### 4.17 **Canal and River Trust**

The Trust has no comment to make on the proposal.

#### 4.18 **Designing Out Crime Officer (Gloucestershire Constabulary)**

##### Reported Crime/Incidents

Crime data shows from the past 5 years show Hempsted Lane, Honeythorn Close, Mayfair Close and Sandalwood Drive experienced 123 reported incidents.

##### Risk of Flooding

Limited information is provided about the impact flood waters will have on the completed development. The entrance off Hempsted Lane will be affected by water. Question how flood waters will affect Plots 1, 2 and 3 and the sub-station.

In the event of a flood the development would be reliant on the Dry Exit Route and Emergency Gate located at the end of Honeythorn Close. Need to establish who would be responsible for managing and maintaining the gate. A parked car or any criminal damage would reduce their functionality and leave the community trapped. As the majority of flooding is shown on Hempsted Lane suggest it might be best to create the main and only entrance into the site via the connection with Honeythorn Close.

##### Layout

- Boundary treatments for each plot reduce opportunities for natural surveillance.
- Close boarded fence will limit opportunities for neighbours to interact and for wildlife to move freely between gardens and public spaces.
- Access into the rear garden needs to be secure to limit access. Area along bat corridor with 1.2m high post and rail fence could provide easy access for anyone to gain entry to the garden, shed or house,
- Parking areas or publicly accessible spaces containing 1.8m high brick screen walls are likely to be affected by anti-social behaviour as children play ball games.

- Design of the public space has focussed on creating a defined barrier against flood water but has created numerous opportunities for criminal activity,
- Questions what street furniture and play equipment will be provided and facilities for older children/teenagers.

#### Policies

- Design needs to demonstrate how crime prevention has been implemented in accordance with Supplementary Planning Document “Designing Safer Places”, JCS Policy SD4, Paragraph 130 of the NPPF and Section 17 of the Crime and Disorder Act 1998.

Changes to the layout to incorporate the principles of Crime Prevention through Environmental Change (CPTED) and Secured by Design (SBD) would provide sensitive solutions to reduce the opportunities of crime and ASB, while allowing the developer to meet their obligations to prevent crime and anti-social behaviour.

### 4.19 **Economic Growth and Strategic Planning**

#### Education

The proposal is for 70 units, 61 of which are qualifying dwellings for education.

- **Primary Places Impact**  
The number of qualifying dwellings would be expected to generate an additional demand for 23.49 primary places. It is forecast that sufficient capacity is available within statutory walking distance, therefore the County Council is not seeking a contribution towards primary places.
- **Secondary (age 11-16) Places Impact**  
The number of qualifying dwellings would be expected to generate an additional demand for 10.37 secondary (age 11-16) places. A shortfall of places is forecast in the planning area. Gloucestershire County Council is requesting a contribution of £246,546.75 towards provision of places in the Gloucester Secondary Planning Area.

There are 4 non-selective and 3 selective schools within statutory transport distance. When cumulative yield from existing planned development is calculated and included, there is a shortfall in available places.

- **Post 16 Places Impact**  
The number of qualifying dwellings would be expected to generate an additional demand for 3.66 places. No contribution is sought towards secondary (age 16-18) places.

#### Libraries

The nearest library to the application site, and the library most likely to be used by residents of the new development is Gloucester Library. The proposed development would generate a need for additional resources at this library and is costed at £196.00 per dwelling. A financial contribution of £13,720.00 is therefore required.

The financial contribution will be to improve customer access to services through refurbishment and upgrades to the library building, improvements in stock, IT and digital technology and increased services.

### 4.20 **Minerals and Waste**

The applicant has demonstrated waste minimisation matters have been considered. However, further details to achieve effective implementation will be necessary. No objection is raised subject to the inclusion of a condition to secure waste minimisation measures.

The application site is not located within a local Mineral Safeguarding Area (MSA) or is exempt from safeguarding requirements and no objection is raised and no further action is required.

#### 4.21 **Fisher German on behalf of Exolum Pipeline System Ltd**

Exolum's apparatus will be affected by the proposed development. It appears that the development would be constructed in close proximity to Exolum apparatus. Such works would require consent from Exolum, and in this instance, consent would not be granted as the proposed development would restrict access to the pipeline for routine maintenance and emergency situations. Object to the application and Exolum must be consulted to ensure that the proposal would have no impact on its apparatus.

### 5.0 **PUBLICITY AND REPRESENTATIONS**

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

5.2 Twelve letters of objection have been received raising the following issues:

Objections to the proposed introduction of a pedestrian access into Honeythorn Close:

- Access should be for emergency vehicles only and not open to pedestrians.
- It is a backtrack on what was previously agreed between the Developer and the former Ward Councillor and will become a rat run for anti-social behaviour and burglary.
- Disregards children's safety with no view of on-coming traffic and no footpath, putting children at serious risk.
- The turning point is very busy, and some drivers and delivery vans drive very fast increasing the risk of an accident and injury with an increased number of pedestrians.
- Increased crimes and risk of theft from properties and cars in Honeythorn Close introducing a new escape route for thieves and unwelcome visitors.
- Hempsted school is oversubscribed so a pedestrian access is not needed.
- Will cause parking problems in Honeythorn Close with new residents parking here due to limited spaces for the development.
- Increased number of residents walking dogs onto the green at Honeythorn Close, with dog fouling causing a health hazard to children playing on the green.
- Would accept 6ft anti-climb gates for access during a flood.
- There is no flood issue that is just an excuse for a quick way into the village.
- Proposed nature corridor would be breached.

Flooding:

- There has never been an issue with flooding in this area. If it is as a result of the new development the developers should mitigate this and reduce flood risk. Concern that any flooding would seriously affect existing properties as the development is at a higher level. If the Hempsted Lane entrance flooded the lower part of Hempsted around the Quays and Gloucester would also be flooded.

The additional concerns have also been raised:

- Clarification is also sought in terms of plans for the public space at the back of 11 and 13 Honeythorn Close. Bushes and groundcover in front of the new houses behind us should be continued along our back fence to retain our security and privacy as well as extending the planned wildlife corridor to Newark House.
- Concern about loss of privacy and security between private garden at Newark House and proposed public open space south of the bat house. Propose that the existing chain link fence should be maintained.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance.

- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), the Adopted Gloucester City Plan 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. Both the National Planning Framework (NPPF) and the National Planning Practice Guide (NPPG) are also material considerations.

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

#### **Principle**

- 6.5 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.
- 6.7 The NPPF clarifies that: 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer..).'
- 6.8 At the time of writing, the Council is not able to demonstrate a 5-year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 8, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.
- 6.9 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.
- 6.10 As the site is located within the built-up area of the city, the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

#### **Design, Layout and Landscaping**

- 6.11 The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.
- 6.12 The application proposes 70 dwellings comprising a mixture of 1, 2, 3, 4 and 5-bedroom properties within a range of house types and size. 20% of the units will be for affordable housing in accordance with the JCS Policy. The proposal also includes 3 self-build units.
- 6.13 The scale and appearance of the dwellings has been informed by a local character assessment. The majority of the properties are 2 storey, with a small number or 2.5 storey houses, a 3 storey town house, 3 storey apartment block and two bungalows.
- 6.14 Based on a developable area of 1.8 hectares the density would be 35 dwellings per hectare which is considered appropriate and similar to the surrounding area.
- 6.15 The layout has been amended during the consideration of the application to ensure that all development is sited within Flood Zone 1. This has resulted in a reduced number of dwellings across the site than originally proposed.
- 6.16 The main access to the site is from Hempsted Lane. The access point has been moved south to a level that would flood to a maximum of 0.5 metres. The initial section of access will be at a steeper gradient to lift the road outside the flood zone and up to the development platform.
- 6.17 The design of the proposed dwellings has been comprehensively revised by the applicant to address the comments of the Conservation Officer and now reflects a 'soft modern'

architectural style. The application proposes two character areas with subtle differences in the architectural detailing and materials. Materials would comprise red bricks with a mix dark grey concrete tiles and natural blue/black slate. Windows, front doors, eaves, and verges would be finished in anthracite grey. Reconstituted stone detailing would feature across both character areas. Where possible eaves levels have been lowered and half height dormer windows have been introduced creating a variation in the roofscape. Key buildings would have feature chimneys taking the form of either ridge mounted or a traditional gable chimney breast. The apartments have also been re-designed and now feature inset balconies with black railings and added detailing.

- 6.18 The boundary of the development along the western edge would form a crescent with block paved shared surfaces and private shared driveways. The extent of development remains offset from Newark House and there is an area of open space and landscape separating the development from the heritage asset. The houses have been arranged to front onto the spine road, secondary roads and open spaces creating a strong frontage, defining the public realm and promote an active street scene whilst creating a safe and attractive environment that is well overlooked.
- 6.19 The perimeter of the development platform along the northern edge would be elevated from the open space. To ensure the visual appearance of the elevated platform is as soft as possible, the retaining walls would be tiered, feature a native shrub mix, will be hydro seeded with a wildflower mix and other appropriate species together with tree planting along the bank. This will also provide ecological and landscape benefits.
- 6.20 The perimeter of the development platform in front of the existing oak tree is level with existing ground levels ensuring there is no interference with the root protection area. The perimeter of the development platform along the western edge is level with the open space.
- 6.21 Given the level differences across the site and a desire to reduce the height differences between the houses and public open space, a number of plots (55-60 and 64-68) would have tiered gardens. Whilst it is accepted that this is not ideal on balance this arrangement is considered acceptable.
- 6.22 The applicant has worked constructively with the Officers, and the proposed scheme is now considered acceptable in terms of its design and materiality.

#### Pedestrian Link to Honeythorn Close

- 6.23 The originally submitted layout proposed a locked access link via Honeythorn Close for emergency services in the event that the main access onto Hempsted Lane was flooded. Officers advised that a pedestrian link should also be provided to improve the accessibility of the site in accordance with City Plan Policy C1 (Active Design and Accessibility).
- 6.24 This link is also required to provide a safe dry pedestrian route in a flood event in accordance with national and local policies.
- 6.25 It is considered that the proposed pedestrian link would provide good connectivity in accordance with planning policy and would enable residents to more directly access local facilities in Hempsted, as well as allowing residents from Hempsted to access the new open spaces within the site. The site layout provides excellent overlooking of this pedestrian link and there would be no 'unobserved' areas. However, as indicated on the submitted plans the pedestrian link appears to partly open out into the fenced rear garden of no 33 Honeythorn Close and it is recommended that a condition is included to approve the precise route of the link at the point where it adjoins Honeythorn Close.

- 6.26 It is proposed that the emergency vehicular access would be secured by the use of lockable

bollards. This would be maintained by the management company.

**6.27 Landscaping, Trees and Public Open Space**

The development would provide a considerable amount of useable open space with circular walks linking to the adjacent public rights of way along the northern and western boundaries. The amount of open space is considerably in excess of that required for the scale of development. A children's play area would also be provided. A financial contribution would be provided towards off-site formal sports provision.

6.28 The proposed attenuation pond would be positioned in the western portion of the site with a circular walk around this feature through a combination of formal footpaths and open space.

6.29 The scheme will deliver large numbers of new trees and planting which would enhance the development. The area of open space in front of Newark House has a tiered arrangement with a semi formal orchard. At the bottom of the amenity area, there would be a tiered planted retaining wall with hedge and estate railings.

6.30 The proposed 3m wide landscaped corridor along the south boundary would remain an ecological bat foraging route linking up to the already built bat house. The area would be separated from the rear gardens by way of a 1.2 m high post and rail fence and hedge. This is in accordance with the Natural England Bat Licence consented as part of the already approved Demolition & Remediation application. To prevent removal of the corridor and landscaping, the strip of land will be transferred to the management company.

6.31 The submitted tree survey identifies 18 individual trees and 14 groups of trees within the site and around the site boundaries. A number of trees will need to be removed but the loss will be mitigated by substantial new tree planting (118 trees).

6.32 A Framework Landscape Ecological Management Plan (FLEMP) has been submitted to set out and agree the landscape strategy with detailed landscaping plans secured by condition.

6.33 The Landscape Adviser and Tree Officer are satisfied with the submitted information and raise no objections subject to the inclusion of conditions.

**Heritage**

6.34 The development is located within the setting of Newark House a Grade II listed building, Newark House was constructed in 1830 on the remains of an earlier 17thC house and Llanthony Priory Grange. In the wider setting there is nearby St Margaret's Well a Scheduled Monument and the Hempstead Conservation Area. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building its setting or any feature of special architectural or historic interest it may possess. This duty is required in relation to Section 16(2) of the Planning (Listed Buildings and Conservation Area) act 1990 and section 16 of the National Planning Policy Framework.

6.35 With regards to the wider setting of the Hempstead Conservation Area, the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.36 The Conservation Area was designated 2007 and the Conservation Area Management Plan has been adopted as an SPD.

6.37 The proposal is located within the setting of Newark House and the wider setting of Hempstead Conservation Area. The proposed demolition of the remaining fabric of the ex-MOD Fuel Depot has been accepted.

- 6.38 The proposed development of the 70 dwellings that are subject to this application is considered to be acceptable, as is the proposed landscaping and planting to mitigate the harm to the visual setting of the listed building and St Margaret's Well.
- 6.39 The design of the proposed dwellings has been comprehensively revised by the applicant to address concerns expressed by the Conservation Officer. The applicant has worked constructively with the Conservation Officer's comments, and the proposed scheme is now considered acceptable.
- 6.40 The revised proposals are acceptable in consideration of policies D1 Historic Environment, and F1 Materials and Finishes, of the adopted City Plan January 2023, and Policy SD4 of the Joint Core Strategy 2017.
- 6.41 The impact on the setting of Newark house is mitigated by the planting that is proposed for the surrounding landscape and the design quality of the development.
- 6.42 Newark House is a grade II listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal, by virtue of the design of the development and mitigation for the setting, would preserve the special architectural or historic interest of the listed building, and would sustain its significance as a designated heritage asset.
- 6.43 Therefore, the proposal accords with Section 16 of the National Planning Policy Framework, the statutory requirements of Section 16(2) of the 1990 Act and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017.

### **Archaeology**

- 6.44 A detailed Historic Recording Report has been prepared and submitted in accordance with condition 6 on planning permission for the demolition and remedial works (21/00358/FUL). The report has also been submitted in support of the current application.
- 6.45 The City Archaeologist has confirmed that the report is acceptable and there is no need for any further recording and no objection is raised.

### **Affordable Housing**

- 6.46 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.
- 6.47 The open market mix of housing proposes 6 no. 1-bed houses, 10 no. 2-bed houses, 23 no. 3-bed houses, 14 no. 4 bedroom houses and 3 no. 5-bed houses. All the houses would comply with National Described Space Standards (NDSS).
- 6.48 The development proposes 14 affordable homes (20%) in accordance with Policy SD12. The tenure of the 14 no. affordable houses would be split with 80% (11 units) for social rent and 20% (3 units) shared ownership and comprise 3 no. 1-bed units, 5 no. 2-bed units, 4 no. 3 bed

units, 1 no. 4-bed houses and 1 no. 5-bed house.

- 6.49 The application is compliant with Policy A6 of the City Plan requirements for adaptable and accessible homes. The proposal is for 21 homes to M4(2) standard, split across the open market and affordable homes, this represents 30% which exceeds the requirements set out in Policy A6. The development also includes the provision of a M4(3) home with a wheelchair accessible unit.
- 6.50 The application also proposes 3 no. 4-bedroom self-build plots (4.3 % of the total number of plots).
- 6.51 The proposal provides a range of dwellings to create a mixed and balanced community in line with JCS policy SD11 and provides much needed larger family housing for the City including the provision of a 5 bed 9-person property. The inclusion of 2.5 and 3 storey townhouses in the design is an effective use of spaces, allowing 4-bedroom houses to be provided.
- 6.52 The homes are reasonable spaced across the development with no clusters, in accordance with JCS policy SD11.
- 6.53 The application is compliant with the Nationally Described Space Standards (NDSS) on all affordable housing properties. The affordable homes achieve the double occupancy bedroom standard.
- 6.54 All of the plots have adequate amenity space with front/rear gardens or balconies to comply with space standards.

#### **Traffic and transport**

- 6.55 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
- 6.56 The main vehicular access point into the site would be from Hempsted Lane. The access point will remain in the flood zone, but it has been moved further to the south-west so that in the event of a flood event the road would flood to a maximum of 0.5 metres. This depth of flooding is suitable for a fire engine to drive through.
- 6.57 The access would be 5.5 metres wide. The footpath on Hempsted Lane would continue into the site.
- 6.58 It is also proposed to provide a secured vehicular access point to Honeythorn Close for use by emergency vehicles the event of a flood event. During a flood event emergency, fire engines would be able to gain access into the site from the Hempsted Lane access point through a 0.5m flood depth. Police and Ambulance vehicles would need to gain access to the site through the emergency link on Honeythorn Close. A pedestrian link has also been introduced at this point.
- 6.59 Pedestrian access into the site would also be available be from the main access point to Hempsted Lane, an additional pedestrian access point is then located further along Hempsted Lane at the junction with Secunda Way and then two further access points in the north and west boundaries linking pedestrians into the nearby public rights of way.
- 6.60 Within the site, there would also be five pedestrian access points into the open space providing circular walks through the development. Due to the level constraints, three of the pedestrian

links into the open space would be stepped. The remaining two points at the site entrance and in the western portion of the site will be step free providing ramped level access into the open space.

#### Access

- 6.61 The Highway Authority has confirmed that visibility and passing to the access from Hempsted Lane is suitable and that the pedestrian arrangements are welcomed and would not impact on the safety of vulnerable highway users.

#### Internal Layout

- 6.62 Circulation within the development is suitable for all types of vehicles without damage to the constructed highway. Turning heads have been provided and can cater for the worst-case scenario vehicle.
- 6.63 Widths of carriageways and footways have been provided and are suitable.
- 6.64 Driven and pedestrian visibility splays have been provided and meet standards.
- 6.65 The off-street parking arrangements are of a suitable nature turning within the parking areas are acceptable and enable all vehicles can enter and exit the parking areas in a forward gear, while meeting driven and pedestrian visibility splays on exit.
- 6.66 Typical streetscape typography cross sections would be suitable to ensure that the required design standards are met to ensure that highway users within the development will be able to be safe and no unnecessary damage to the internal highway lay out will occur.

#### Highway impact / proposed works

- 6.67 The access works proposed are suitable to facilitate safe and useable access into the development. These works will be party to a S278.
- 6.68 At present the operation of the proposed access is deemed safe in relation to the surrounding highway network. There may be some changes required in future once the proposed highway infrastructure projects are implemented but it is not thought that the provision of the access or its highway movements will negatively impact on its future operation.

#### Car and Cycle Parking

- 6.69 Proposed parking quanta are in line with Manual for Gloucestershire Streets (MfGs) standards. It should be noted that visitor parking should be retained in areas available for all users and not just those of singular properties. Visitor parking has been shown within the highway lay out in suitable locations.

#### Travel Planning

- 6.70 The proposed travel plan is suitable for this scale of development. Monitoring has been proposed as has a travel plan coordinator. Given these factors the delivery of robust transfer of travel toward sustainable travel modes will be achieved.

#### Construction Management

- 6.71 There is sufficient space within the site to manage the impact of construction related vehicles and the Highway Authority is satisfied that this can be conditioned.

#### Mitigation

- 6.72 The current major infrastructure is fully funded any request for funding towards the project would not be reasonable and on this basis the Highway Authority has confirmed that there is no request towards off-site highway works.

6.73 The Highway Authority has raised no objection to the application

### **Residential amenity**

6.74 Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. 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.

6.75 The application site is bounded by existing houses in Hempsted Land and Honeythorn Close to the south, together with the flats in Newark House. It is recognised that the relationship between the proposed development and the existing properties is particularly sensitive and that there will be a significant change from the existing situation.

6.76 The relationships between the proposed dwellings and existing neighbouring properties have been carefully assessed to minimise any impact in terms of overlooking, overshadowing and overbearing impact and are considered to be acceptable.

6.77 The relationships between the proposed new dwellings are also considered to be acceptable and meet or exceed the minimum standards and there would not be undue overlooking between dwellings.

6.78 Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed apartments. The proposed dwellings would all comply with the NDDS. The development would also incorporate private amenity space for all dwellings in the form of gardens or usable private balconies.

### **Noise**

6.79 A Noise Report has been submitted in support the application which assess the results of a noise survey undertaken at the site. The assessment considered the noise at the front and rear facades of the proposed buildings and the external amenity areas for each plot. The report primarily considered traffic noise and surrounding industrial and surrounding industrial / commercial uses. The report concludes that noise is not likely to give rise to an adverse impact on amenity.

6.80 The City Council's Environmental Protection Adviser requested clarification on the mitigation measures proposed to minimise noise in the most affected outdoor amenity areas. This information has now been provided for consideration and an update on this matter will be reported at the Committee meeting.

### **Air Quality**

6.81 The submitted Air Quality Assessment concludes that there are no air quality issues that are considered a constraint to the proposed development and as such the proposals are in accordance with JCS Policy SD3 and Policy C5 of the City Plan.

### **Drainage and flood risk**

6.82 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.

6.83 A Flood Risk Assessment has been submitted in support of the application.

6.84 The proposed wastewater drainage strategy comprises a conventional gravity sewer system



discharging to the existing public foul sewer to the east of the site where Hempsted Lane meets Secunda Way. The initial proposed foul connection was directly adjacent to the proposed site access, however, following concerns from local residents and Councillor that this section of the sewer and further upstream is susceptible to flooding which indicates capacity issues. Therefore, to ensure this issue is not worsened the connection has been relocated further downstream to the north. The proposed surface water drainage strategy comprises a conventional gravity sewer system with a small portion of the site discharging to the existing public surface water network to the east of the site where Hempsted Lane meets Secunda Way, and the remaining majority of the site will discharge to the River Severn in the north-west area of the site via permeable paving and large attenuation pond SuDS.

#### Flood Risk at the Site

- 6.85 The site is partially located in Flood Zones 2 and 3. Following extensive discussions with the Environmental Agency and the City Council's Drainage Adviser, the applicant has re-designed the layout such that, as far as possible, the new dwellings are now all located in the Flood Zone 1 areas of the site, minimising the need for mitigation for loss in flood plain storage volume and demonstrating a sequential approach to site layout.
- 6.86 The only ground level raising is that associated with enabling the main access onto Hempsted Lane.
- 6.87 The surface water flow paths adjacent to the site will remain unaffected, with the water continuing to find its way to the lower ground as is the existing situation. There is no meaningful risk of surface water flooding over the parts of the site proposed for development.

#### Design Flood Level (Estimated Flood Level)

- 6.88 The latest version of the PPG states that the following must be taken into account when determining the design (estimated) flood level:

*This is a flood event of a given annual flood probability, which is generally taken as:*

- *river flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year); or*
  - *tidal flooding with a 0.5% annual probability (1 in 200 chance each year); or*
  - *surface water flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year),*
- plus an appropriate allowance for climate change."*

- 6.89 The applicant has used a design flood level of 11.18 m AOD which is the typical level used in this part of the city (as recommended by the EA) and is considered to be an appropriately conservative approach.
- 6.90 The surface water flood mapping shows that the surface water flooding extents are no greater than the fluvial flood extents, and so this will not impact on the design flood level.

#### Sequential Test

- 6.91 A detailed Sequential Test has also been prepared in support of the application. The Sequential Test includes an analysis of all sites identified within the City Plan, the JCS, the SALA Report (2019) and the latest published Brownfield Land Register.
- 6.92 The area of search, and sources of information for search, are considered proportionate. No other reasonably available sites within Flood Zone 1, capable of accommodating the proposed development have been identified. The applicant has also adopted a sequential approach to the site layout to ensure that, as far as possible, the proposed new dwellings would be located in Flood Zone 1.
- 6.93 Overall, on this basis, it is considered that the Sequential Test has been passed.

### Exception Test

- 6.94 Due to the nature of the proposal (more vulnerable development on a site which includes Flood Zone 2 and Flood Zone 3 areas), the proposal must pass the Exception Test in all regards. It is considered that the Exception Test has been passed in all respects.

### Impact of the Development on Flood Risk Elsewhere

#### Loss in Floodplain Storage Volume

- 6.95 By re-designing the development and adopting a sequential approach to site layout, the applicant has now minimised the raising of ground levels below the design flood level. The ground level raising still present here is that associated with creating safe and viable access on to Hempsted Lane.
- 6.96 In order to mitigate against this loss in flood plain storage volume, the applicant has designed an acceptable compensatory storage scheme.

### Surface Water Management

- 6.97 The current proposals involve:

Draining an eastern portion of the site to a surface water sewer on Hempsted Lane with the majority of the site draining via an attenuation basin. The Drainage Adviser has confirmed that the proposals and associated discharge rates are acceptable.

### SuDS

- 6.98 A condition is recommended to ensure that the water quality objectives for the main drained network are met.

### Maintenance

- 6.99 Gloucester City Council no longer adopts SuDS features in public open space. The applicant's proposal here is:

*Based on the current design, it is proposed that most of the elements will be offered initially to Severn Trent Water. If adoption by STW is not possible, it is proposed that a private management company would maintain those elements that they do not.*

- 6.100 A detailed drainage and SuDS maintenance plan will be required to be submitted for approval by way of a condition.
- 6.101 Overall, the Drainage Adviser, Environment Agency, Lead Local Flood Authority and Severn Trent are now satisfied with the revised details submitted and have raised no objection to the proposed development subject to the inclusion of conditions.

### **Ecology**

- 6.102 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.
- 6.103 The site consists mainly of bare ground, with some species-poor grassland and scrub, scattered trees and boundary hedgerows and drainage ditch. The 2021 permission 21/00358/FUL allowed for the demolition of buildings, remediation and earthwork level changes, and these works are underway.

- 6.104 Waterbodies within 250m of the site were assessed for great crested newts (GCN). These were the drainage ditch on the boundary and a pond 60m outside the site. eDNA surveys did not detect GCN, despite the species being recorded in the past. We accept that a search area of 250m rather than 500m was appropriate in this case since the development footprint does not contain particularly favourable terrestrial habitat (ref. Natural England's GCN Method Statement for EPS Licence Application – Instructions tab 'Geographical limits of survey').
- 6.105 The most recent reptile surveys did not record reptiles, only common toads, but a small population of grass snakes was recorded in 2020.
- 6.106 47 bird species were recorded in breeding bird surveys, with 23 potentially breeding on site, including five species of conservation concern. Birds are likely to use the site for nesting and foraging.
- 6.107 A number of trees were assessed as having negligible to low bat roosting potential. Foraging and commuting bats were recorded, including pipistrelles, noctule and greater horseshoe.
- 6.108 Previously, a lesser horseshoe bat maternity roost was identified in one of the buildings and hibernation roosts in subterranean structures. A bat house was built under a Natural England EPS licence as mitigation for the demolitions.
- 6.109 Dormouse tube surveys in 2020 and September and November 2022 did not detect this species. The dormouse surveys are continuing into 2023 and a final report with the results is to be submitted.
- 6.110 No evidence of otter or water vole was identified on the drainage ditch, but these species cannot be ruled out.
- 6.111 There is potential for hedgehog to be present on site.
- 6.112 The site supports a badger main sett. Several other badger setts (annexe and outlier) have already been closed under licence as part of previously permitted works.

#### Impacts, Mitigation and Enhancements

- 6.113 The land for the development would result in the loss of grassland, scrub and some scattered trees. The boundary vegetation would be retained.
- 6.114 The Preliminary Ecological Assessment (PEA) has recommendations to mitigate impacts on retained habitats and protected species. These include measures to protect trees and woodland and the boundary habitats during construction. Precautionary mitigation is recommended to avoid harm/disturbance to amphibians, reptiles, nesting birds, bats, otters, water voles, hedgehogs and badgers. A sensitive lighting scheme is advised during construction and operational phases to minimise impacts on bats.
- 6.115 The Ecological Adviser considers that the mitigation measures proposed to be appropriate.
- 6.116 A number of ecological enhancements are recommended, including native grassland planting, native scrub, tree and woodland planting, provision of attenuation features of value for wildlife and enhancement of the riparian corridor with potential for floodplain habitats. This would maintain and enhance habitats on site for species, including for foraging/commuting bats in accordance with the bat license Method Statement. Specific features for species include refugia for amphibians and reptiles, bird and bat (including owl) boxes and gaps in boundary fencing and hedgehog homes for hedgehogs.

- 6.117 The Ecological Adviser is satisfied that these enhancement measures to be appropriate and it would result in a net gain in biodiversity of 22.88% for habitats and 2.91% for hedgerows, with the potential for the hedgerow % gain to be increased if new native hedgerows could be planted internally. A BNG Management Plan and Landscape and Ecological Plan (LEMP) will need to be prepared together with the full landscaping plan to ensure the long-term delivery of BNG on site in accordance with the framework prescriptions sent out in the submitted Framework Landscape Ecological Plan (FLEP). The Ecological Adviser has advised that this can be satisfactorily conditioned.
- 6.118 The applicant has confirmed that wildlife 'gaps' will be provided at the base of enclosed fencing. A condition requiring full details of the fencing plans to include such gaps is recommended.

#### Designated Sites

- 6.119 The Shadow Habitat Regulation Assessment (HRA) reports that Cotswold Beechwoods Special Area of Conservation (SAC) is 7km south-east of the site, Severn Estuary SAC/Special Protection Area (SPA)/Ramsar site is over 11km away (functionally linked land of Alney Island Local Nature Reserve (LNR) is 700m north) and Walmore Common SPA/Ramsar site is 7km south-west. The development, in combination with other new residential development in the area, has the potential to impact on these sites. The potential impacts would be changes to hydrological regime/water levels/water quality, and disturbance from additional recreation pressure from the residents of the development within the sites.
- 6.120 The Shadow HRA concludes that only minor potential impacts would be anticipated, and with mitigation in place, the integrity of the sites would be maintained, Proposed mitigation measures are the production of a Construction Management Plan (CEMP) with pollution prevention measures, and the provision of Home Information Packs (HIP) to residents of the new development with information on how to avoid impacting nearby sensitive sites, including specific information on the three European sites, and promoting alternative locations for recreational activities.
- 6.121 The Ecological Adviser and Natural England have confirmed that they have no objection to the application subject to the inclusion of conditions,

#### **Contaminated land**

- 6.122 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.
- 6.123 The ground investigations identified significant contamination in the form of hydrocarbons in the soil and groundwater associated with the former fuel storage tanks. The site wide remediation strategy comprises the removal of all above and below ground structures together with remediation. These works have been undertaken as part of the permission for the demolition and remediation of the site (21/00358/FUL), with additional information including a remediation Verification has been submitted in support of the current application.
- 6.124 The Contaminated Land Adviser considers that the verification works have generally been undertaken in line with current guidance and good practice for contaminated land risk assessment and also the approved remediation strategy and verification plan and has raised no objection to the application subject to the inclusion of conditions.

#### **Waste minimisation**

- 6.125 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.

- 6.126 The applicant has demonstrated waste minimisation matters have been considered. Gloucestershire County Council as the Minerals and Waste Authority has raised no objection to the application subject to the inclusion of a condition to secure waste minimisation measures.

#### **Open Space, Recreation, Education and Community Facilities**

- 6.127 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.

- 6.128 The proposed development would provide significant open space on-site together with a children's play area. The applicant has agreed to provide the full contributions requested in respect of off-site formal sports provision, allotments, education and libraries. These contributions will be secured by a S106 Agreement as set out in Section xx below.

#### **Energy Efficiency / Sustainability**

- 6.129 An Energy Statement has been submitted in support of the application. It is proposed to adopt a 'fabric first' approach to construction. This refers to high levels of insulation, enhanced ventilation and airtight houses to reduce the energy demand. Enhancing the thermal performance of the building is more cost effective than providing renewable energy, with more reliable CO<sub>2</sub> savings for the long-term life cycle of the building.
- 6.130 It is also proposed that the dwellings would have the use of an air heat pump system alongside smart metres and controls to help manage energy use.
- 6.131 It is also proposed to incorporate water efficiency measures including a wastewater heat recovery system and limiting water usage through flow restrictors.
- 6.132 The proposed strategy will provide a 42.79% carbon reduction over a development built to comply with the CO<sub>2</sub> targets under the latest revision of the Building Regulations, Part L1A 2013. This also represents a 55.09% energy demand reduction.
- 6.133 All houses would be provided with electric vehicle charging points and cycle storage facilities.

#### ***Economic considerations***

- 6.134 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.
- 6.135 An Employment and Skills Plan (ESP) has been submitted in support of the application setting out a commitment to providing work experience placements, skilled trade apprenticeships, community engagement, training, qualifying the workforce and training plans.
- 6.136 In addition to working alongside the Social Value team to deliver this plan the applicant has also committed to joining Constructing Excellence Gloucestershire as a corporate member to offer our support and resources to assist the wider construction industry within the locality.

- 6.137 There is also a commitment to engage with local construction industry providers such as Accxel to ensure that Lioncourt Homes is able to directly positively impact employability and long-term career opportunities in the area. The City Growth and Delivery Manager has reviewed the ESP and confirmed that it is acceptable and in accordance with City Plan Policy B1 and recommended that the implementation of the EPS is secured by condition.

### **Planning Obligations**

- 6.138 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.

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

### ***Affordable housing***

As set out above the proposal for affordable housing is:

- 20% on site Affordable Housing (14 units)

### ***Open space***

As set out above the proposal for open space is:

- Contribution of £322,807 for off-site formal sport provision
- On-site Public Open Space to include:
  - Provision of a LEAP
  - Details of a Management Company
  - Open Spaces works specification

### ***Allotments***

A contribution of £8,997.25 towards the provision of allotments

### ***Libraries***

A contribution of £13,720 is proposed to library provision, specifically towards additional library resources at Gloucester Library.

### ***Education***

A contribution of £246,546.55 is proposed for secondary school provision in the Gloucester Secondary Planning Area.

### ***Self-build units***

The provision of 3 self-build units.

- 6.140 The applicant has agreed to the above contributions which will be delivered via a Section 106 agreement. It is considered that these contributions comply with NPPF requirements and CIL Regulations and would mitigate the impacts of the development. Therefore, it is considered that the proposed development makes adequate provision for infrastructure and affordable housing in accordance with Policies INF3, INF4, INF6 and SD12 of the JCS

### **Conclusion**

- 6.141 The applicant has worked constructively with Officers to overcome a number of site-specific issues to bring forward the development of a brownfield site for housing.

6.142 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, heritage considerations, materials, ecology, flooding, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

## 7.0 RECOMMENDATION OF THE HEAD OF PLACE

7.1 That, the grant planning permission is delegated to the Planning Development Manager subject to the conditions set out below and the completion of a Section 106 agreement to secure the following:

- 20% on site affordable housing units (20%)
- A contribution of £322,807 towards off-site formal sport provision
- On site POS provision to include a LEAP, details of a Management Company and open spaces works specification.
- A contribution of £8,997.25 towards the provision of allotments
- A contribution of £13,720 is proposed to library provision, specifically towards additional library resources at Gloucester Library.
- A contribution of £246,546.55 is proposed for secondary school provision in the Gloucester Secondary Planning Area.
- The provision of 3 self-build units.

### 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 drawing numbers:

- Site Location Plan - GLHL-PL-001
- Planning Layout Colour - GLHL-PL-002.0 Rev A
- Context Plan - GLHL-PL-002.1 Rev A
- Developable Area Plan - GLHL-PL-002.2 Rev A
- Boundaries Plan - GLHL-PL-004 Rev A
- Affordable Housing Plan - GLHL-PL-005 Rev A
- Schedule of Accommodation - GLHL-PL-006 Rev A
- Storey Heights Plan - GLHL-PL-007 Rev A
- Adoptions & Management Plan - GLHL-PL-008 Rev A
- Parking & Cycle Storage Plan - GLHL-PL-009 Rev A
- Electric Vehicle Charging Plan - GLHL-PL-011 Rev A
- Refuse Plan - GLHL-PL-012 Rev A
- Site Sections - GLHL-PL-070.3 Rev A
- Site Sections - GLHL-PL-070.4 Rev A
- Site Sections - GLHL-PL-070.5 Rev A
- Site Sections - GLHL-PL-070.6 Rev A
- Site Sections - GLHL-PL-070.7 Rev A
- Proposed House Type Floor Plans & Elevations Pack - GLHL-PL Rev A
- Engineering General Arrangement - LCH\_HLG-ENG-100 Rev C

- External Works Layout Sheet 1 of 3 - LCH\_HLG-ENG-110 Rev C
- External Works Layout Sheet 2 of 3 - LCH\_HLG-ENG-111 Rev C
- External Works Layout Sheet 3 of 3 - LCH\_HLG-ENG-112 Rev C
- External Works – POS Levels - LCH\_HLG-ENG-113 Rev D
- Private Drainage Layout Sheet 1 of 3 - LCH\_HLG-ENG-120 Rev C
- Private Drainage Layout Sheet 2 of 3 - LCH\_HLG-ENG-121 Rev C
- Private Drainage Layout Sheet 3 of 3 - LCH\_HLG-ENG-122 Rev C
- Surface Water Area Plan - LCH\_HLG-ENG-140 Rev A
- Gully Catchment Plan - LCH\_HLG-ENG-145 Rev B
- Highway Drainage and Contours Plan - LCH\_HLG-ENG-150 Rev C
- Flood Routing Plan - LCH\_HLG-ENG-160 Rev C
- Long Sections – Notes - LCH\_HLG-ENG-200 Rev A
- Long Section Sheet 1 of 4 - LCH\_HLG-ENG-201 Rev A
- Long Section Sheet 2 of 4 - LCH\_HLG-ENG-202 Rev A
- Long Section Sheet 3 of 4 - LCH\_HLG-ENG-203 Rev A
- Long Section Sheet 4 of 4 - LCH\_HLG-ENG-204 Rev A
- Manhole Schedules - LCH\_HLG-ENG-210 Rev A
- Section 104 Plan - LCH\_HLG-ENG-230 Rev C
- Road Construction Details Sheet 1 of 2 - LCH\_HLG-ENG-250 Rev B
- Road Construction Details Sheet 2 of 2 - LCH\_HLG-ENG-251 Rev A
- Manhole Construction Details - LCH\_HLG-ENG-260 Rev -
- Headwall Construction Details - LCH\_HLG-ENG-270 Rev A
- Headwall Construction Details - LCH\_HLG-ENG-271 Rev A
- Headwall Construction Details – S30 - LCH\_HLG-ENG-272 Rev A
- Control Chamber Construction Detail - LCH\_HLG-ENG-280 Rev A
- Control Chamber Construction Detail – S108 LCH\_HLG-ENG-281 Rev A
- Control Chamber Construction Detail – S1104 - LCH\_HLG-ENG-282 Rev -
- Balancing Pond Construction Details - LCH\_HLG-ENG-290 Rev B
- Cellular Storage Construction Details Sheet 1 of 3 - LCH\_HLG-ENG-295 Rev –
- Cellular Storage Construction Details Sheet 2 of 3 - LCH\_HLG-ENG-296 Rev -
- Cellular Storage Construction Details Sheet 3 of 3 - LCH\_HLG-ENG-297 Rev -
- Flood Compensation Details - LCH\_HLG-ENG-620 Rev C
- Flood Risk Assessment - GLHL-ENG-111.2 Rev 6
- Outfall Connectivity Plan - 230223 - LCH-HLG-OCP-001

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 occupation of the development approved by this permission shall be commenced until the flood storage works as set out on drawing RACE/LCH/HLG/ENG\_620 Rev C dated August 2022 have been completed. The scheme shall be implemented in accordance with the approved programme and details.

### **Reason**

To alleviate the increased risk of flooding.

### **Condition 4**

The development hereby permitted shall not commence until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy [GLHL-



PRELIM-ENG-111.2-FRA6 Rev 6, dated 16/2/23] has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy 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. In particular, it should be ensured that all vehicular areas meet the CIRIA C753 water quality mitigation indices requirements, and that the default route for flows in the western catchment are through, rather than around, the basin. 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.

### **Condition 5**

The development hereby permitted shall not commence until a satisfactory onward flow route has been achieved for the surface water outfall serving the western drainage parcel. In particular, the culvert shown on the outfall connectivity plan (ref LCH-HLG-OCP/001) shall be fully cleared and the ditch to each side of this shall be graded to suit over a suitable chainage.

### **Reason**

To ensure that there is a satisfactory flow route from the surface water outfall serving the western parcel of the development site, to mitigate the risk of flooding.

### **Condition 6**

The development hereby permitted shall not be brought in to use/occupied until a Flood Warning & Evacuation Plan (FWEP) has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include (but not be limited to) proposals for flood warnings and associated site-specific actions, process for review to take account of changes to flood risks, roles and responsibilities, signage and emergency access/egress. The plan shall be implemented in accordance with the approved details before the development is first brought into use and thereafter for the lifetime of the development.

### **Reason**

To ensure that the development remains safe for its users over the lifetime of the development.

### **Condition 7**

The development hereby permitted shall not commence 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 before the development is brought into use and thereafter for the lifetime of the development.

### **Reason**

To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

### **Condition 8**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part 4 has been complied with in relation to that contamination.

### **1. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's 'Land Contamination Risk Management' (LCRM).

### **2. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

### **3. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

#### **4. Reporting of Unexpected Contamination**

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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

#### **5. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'LCRM' – Land Contamination Risk Management.

#### **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 off-site receptors.

#### **Condition 9**

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.

### **Condition 10**

Prior to the commencement of development, a Construction Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority. The management plan must detail the sustainable waste management compliance and assurance requirements to be maintained on the site during development including site preparation. The management plan must include as a minimum the following information:

- a) Classification of all waste including hazardous waste according to current legislative provisions;
- b) Performance measurement and targets for minimising waste disposal and increasing waste recycling set against estimated waste forecasts;
- c) Reporting of project performance on quantities and options utilised;
- d) Measures to minimise waste generation;
- e) Opportunities for material re-use and waste recycling;
- f) Provision for the segregation of waste streams on the site that are clearly labelled;
- g) Licensing requirements for disposal sites;
- h) An appropriate audit trail encompassing waste disposal activities and waste consignment notes;
- i) Measures to avoid fly tipping by others on lands being used for construction;
- j) Measures to provide adequate training and awareness through toolbox talks; and
- k) Returns policies for unwanted materials.

All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

### **Reason**

To ensure the effective implementation of waste minimisation and resource efficiency measures at the construction stage of development in accordance with Policy SD3 of the adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy and Core Policy WCS2 – Waste Reduction of the adopted Gloucestershire Waste Core Strategy.

### **Condition 11**

Prior to the commencement of above ground development, an Occupation Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Occupation Waste Management Plan must include full details of the provision made for waste and recycling storage by occupants. The waste and recycling storage provision shall be provided in accordance with the approved details prior to first occupation of the development unless the Local Planning Authority gives prior written permission for any variation.

### **Reason**

To ensure the effective implementation of waste minimisation and resource efficiency measures at the occupation stage of development in accordance with Policy SD3 of the adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy and Core Policy WCS2 of the adopted Gloucestershire Waste Core Strategy.

### **Condition 12**

No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping in accordance with the principles set out in the Framework Landscape and Ecological Management Plan (FLEMP, prepared by Harris Lamb, dated 21<sup>st</sup> February 2023), 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 together with full details of the proposed Local Equipped Area for Play (LEAP).

**Reason**

In the interests of visual amenity.

**Condition 13**

Notwithstanding the submitted details the development hereby permitted shall not be occupied until hard landscape works have first been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include details of all hard-surfacing materials proposed and proposed finished levels or contours.

**Reason**

In the interests of visual amenity.

**Condition 14**

All planting, seeding, or turfing in the approved details of landscaping for the residential development and/or the approval of reserved matters for landscaping in respect of the employment development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five 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.

**Reason**

In the interests of visual amenity.

**Condition 15**

No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP 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, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

**Reason**

To ensure proper provision is made to safeguard protected species and their habitats.

**Condition 16**

The trees/hedgerows to be removed shall be replaced during the first planting season following removal by trees/hedgerows of a species, size and in locations that have first been submitted to and approved in writing by the Local Planning Authority. This will be in the form of heavy standard nursery grown trees to create the total minimum canopy cover of 361.1m<sup>2</sup>. Any replacement trees/hedgerows 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**

In the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

**Condition 17**

Before the first use/occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason**

To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

**Condition 18**

No development including demolition, site clearance, materials delivery, or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:

- I. Temporary fencing for the protection of all retained trees/hedgerows 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).
- II. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site 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 approved 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/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

**Condition 19**

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface

treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

### **Reason**

To prevent damage to or loss of trees.

### **Condition 20**

No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

### **Reason**

To ensure that the nature conservation interest of the site is protected.

### **Condition 21**

No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the measures detailed in the submitted Preliminary Ecological Appraisal, (Harris Lamb, ref. PE0020, October 2022), any additional measures required as a result of the dormouse surveys and following:

- Risk assessment of potentially damaging construction activities including provisions for protected species,
- Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
- The locations and timing of sensitive works to avoid harm to biodiversity features (e.g., daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
- The times during construction when ecological or environmental specialists need to be present on site to oversee works,
- Responsible persons and lines of communication,
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person,
- Use of protective fences, exclusion barriers and warning signs; and
- Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

### **Reason**

To ensure proper provision is made to safeguard protected species and their habitats.

### **Condition 22**

No development shall take place until details of external lighting related to the construction and operational phases has been submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields,

- cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map.
  - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
  - v. Methods to control lighting control (e.g., timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

### **Reason**

To ensure proper provision is made to safeguard protected species and their habitats.

### **Condition 23**

No development shall take place until full details of the updated dormouse survey results, together with details of any necessary mitigation, enhancement measures and a copy of any mitigation licence that may be required shall be submitted to and approved in writing by the Local Planning Authority.

### **Reason**

To ensure proper provision is made to safeguard protected species and their habitats.

### **Condition 24**

No development shall take place until a Biodiversity Net Gain (BNG) and Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- An updated GNG assessment, including plans indicating the areas of pre- and post-development habitats used in the calculations, and the full Biodiversity Metric.
- The management and monitoring prescriptions to ensure long-term delivery of BNG on site in accordance with the framework prescriptions set out in the submitted Framework Landscape Management Plan (FLEMP).
- Details of the management period, which shall be for a minimum period of five years following the commencement of construction, with a period of 30 years for BNG and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition.
- The habitat enhancements for foraging / commuting bats detailed in the bat licence Method Statement
- The provision of rough grassland for reptiles and amphibians, a permanent pond and any additional measures required as a result of the dormouse surveys.
- plans showing locations and extent of all habitats and wildlife features, and a timetable of activities.
- Details of a Responsible Person / organisation and the method by which the protection of retained and created habitats and open spaces will be secured.
- Details to demonstrate that the BNG proposed in the BNG assessment has been achieved.

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

### **Reason**

To ensure proper provision is made to safeguard protected species and their habitats.

### **Condition 25**

The proposed 3 metre wide wildlife corridor along the southern boundary shall be provided



in accordance with the details set out the Natural England Bat License and shall be maintained for the lifetime of the development.

**Reason**

To ensure proper provision is made to safeguard protected species and their habitats

**Condition 26**

Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation, Severn Estuary SAC/SPA/Ramsar Site and Walmore Common SPA/Ramsar site shall be submitted to and approved in writing by the local planning authority. The HIP shall include but not be limited to reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the site and how to avoid negatively affecting it, alternative locations for recreational activities and off-road cycling and recommendations to dog owners for times of year dogs should be kept on lead when using the site (i.e., to avoid disturbance to livestock). Two copies of the HIP shall be provided to all future residents prior to occupation of each dwelling.

**Reason**

In the interests of biodiversity.

**Condition 27**

Notwithstanding the details submitted no dwelling shall be occupied boundary fences/walls have been installed in accordance with details that have first been approved in writing by the Local Planning Authority. The details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected including details of the wildlife gaps at the base of all boundary fences, full details of the proposed retaining walls to the open space and a timetable for implementation.

**Reason**

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

**Condition 28**

The development hereby permitted shall not be occupied until the proposed emergency access and footpath link to Honeythorn Close have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved access shall be maintained for the lifetime of the development.

**Reason**

To ensure that the development remains safe for its users over the lifetime of the development.

**Condition 29**

The development shall be carried out in accordance with detailed drawings of the proposed windows and doors, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, which have first been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings.

**Reason**

It is important to protect and maintain the character and appearance of the area in which this development is located.

**Condition 30**

The development hereby permitted shall be carried out in accordance with detailed drawings of the proposed dormer windows, at a minimum scale of 1:10, with full size moulding profiles at a minimum scale of 1:5, which have first been submitted to and approved in writing by the Local Planning Authority and the dormer windows shall be constructed in accordance with the approved drawings.

**Reason**

It is important to protect and maintain the character and appearance of the area in which this development is located.

**Condition 31**

The development hereby permitted shall be carried out in strict accordance with details of the proposed roof lights. The roof lights shall be flush fitting, a drawing of which, at a minimum scale of 1:5 which has first been submitted to and approved in writing by the Local Planning Authority, and the roof lights shall be installed in accordance with the approved drawings.

**Reason**

To safeguard the character and appearance of this building of special architectural or historical interest.

**Condition 32**

Notwithstanding the details submitted no work above floor plate level shall be carried out until samples of the following proposed materials have been submitted to and approved in writing by the Local Planning Authority:

- Bricks
- roof tiles and slates
- reconstituted cills and lintels
- rainwater goods

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.

**Condition 33**

Prior to commencement of any development within a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- 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

Development shall take place only in accordance with the approved CEMP.

**Reason**

To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

**Condition 34**

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.

**Condition 35**

The construction phase for the development hereby approved shall comply with the measures set out in the submitted Employment and Skills Plan.

**Reason**

In the interests of delivering local employment and skills training opportunities in accordance with Policy B1 of the Gloucester City Plan 2011-2031.

**Note 1**

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. TCR2022

Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#)

**Note 2**

This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

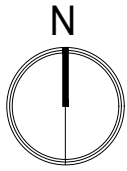
**Person to Contact:** Caroline Townley (396780)



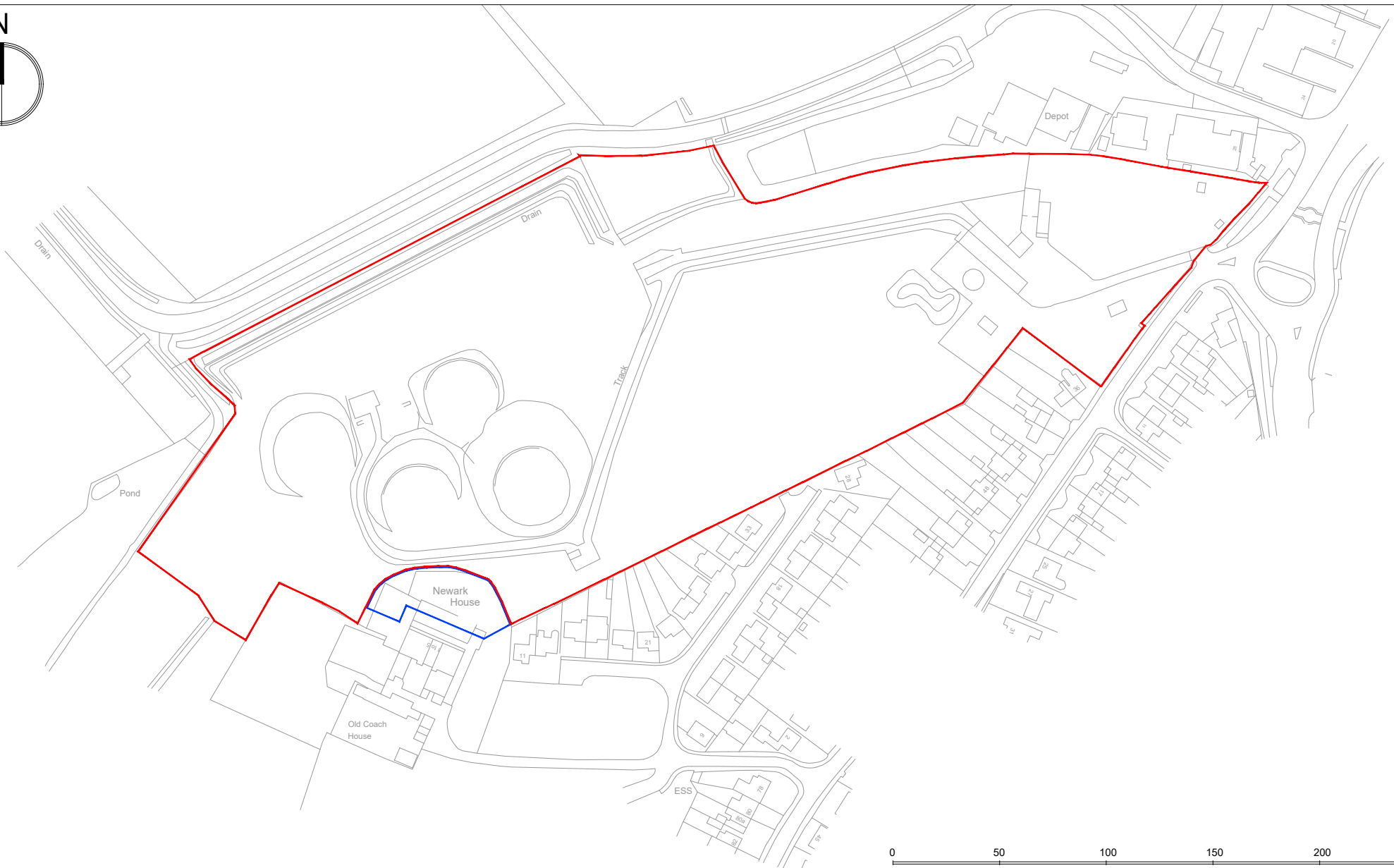
Planning Application: | 22/01041/FUL

Address: | Old Hempsted Fuel Depot  
Hempsted Lane Gloucester

Committee Date: | 2<sup>nd</sup> May 2023



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Project:

**HEMPSTED LANE  
GLOUCESTER**

Title:

**SITE LOCATION PLAN**

Drawing Number:

**GLHL-PL-001**

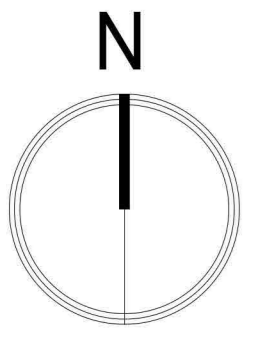
Drawn by:	Date:	Scale:	Revision:
LCH	10-22	1:2500@A4	-



**LIONCOURT  
HOMES**

Lioncourt House, 3 Apex Park,  
Wainwright Road, Warndon  
Worcester. WR4 9FN

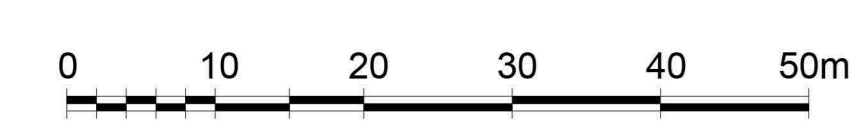
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**LEGEND & KEY**

- PLANNING APPLICATION BOUNDARY
- LAND UNDER OWNERSHIP
- SELF-BUILD PROPERTIES BOUNDARY AND DWELLINGS (IN PRIVATE HOUSING)
- EXISTING TREES/VEGETATION TO BE RETAINED (SEE ARBORICULTURAL REPORT)
- PROPOSED INDICATIVE PLANTING (SEE SOFT LANDSCAPE PLANS)
- PROPOSED INDICATIVE HEDGEROW (SEE SOFT LANDSCAPE PLANS)
- BOUNDARY - SCREEN WALL (SEE BOUNDARY TREATMENTS PLAN)
- BOUNDARY - FENCE/RAILINGS (SEE BOUNDARY TREATMENTS PLAN)
- CHANGE IN SURFACE BLOCK PAVING (NON-RAISED TABLE)
- BCP BIN COLLECTION POINT
- VP VISITORS PARKING
- CP CAR PORT
- BAL BALCONY 1.5 X 3M
- BENCH & WASTE BIN
- G<sub>1</sub> SECURE GATE TO REAR GARDEN
- G<sub>2</sub> SHED & CYCLE STORE 1.8 X 2.4M
- AFFORDABLE HOUSING - SHARED OWNERSHIP
- AFFORDABLE HOUSING - RENTED
- BUILDING REGULATIONS (M3) COMPLIANT ACCESSIBLE & ADAPTABLE DWELLINGS
- BUILDING REGULATIONS (M3) COMPLIANT PART B WHEELCHAIR ACCESSIBLE
- LANDSCAPED RETAINING WALL
- FLOOD ZONE 1 LINE
- EMBANKMENT - REFER TO DETAILED ENGINEERING DRAWINGS
- EX<sub>15.50</sub> EXISTING & PROPOSED LEVELS - REFER TO DETAILED ENGINEERING DRAWINGS

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REVISIONS		
REV	DESCRIPTION	DATE

A  
 Layout updated to address LPA comments  
 Final Issue  
 24.02.23  
 14.10.22

**LIONCOURT HOMES**

Lioncourt House, 3 Apex Park,  
 Warrington Road, Warrington,  
 Cheshire, WA9 9PH

Project:  
**HEMPSTED LANE GLOUCESTER**

Title:  
**PLANNING LAYOUT**

Drawing Number:  
**GLHL-PL-002**

Drawn by: LCH	Date: 10-22	Scale: 1:500@A0	Revision: A
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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2nd May 2023
Address/Location:	7 Denmark Road Gloucester GL1 3HZ
Application No:	22/01103/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	02.01.2023
Applicant:	Alex Green
Proposal:	Garage conversion to office
Report by:	Amy Robins
Appendices:	Plan 757-01 site location plan; 757-02A proposed site plan; 757-03 Existing Plan and Elevations; Proposed Plan and Elevations; 757/D&A Design and Access Statement.

### 1.0 **SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site comprises a four-storey end-terrace dwelling, detached double garage and associated plot on the corner of Denmark Road and Hillfield Court Road. An existing off-road parking space is available at the front elevation with access via Denmark Road. The plot is situated within the Denmark Road Conservation Area.
- 1.2 The proposal is to convert the existing garage in the rear garden into an office ancillary to the dwelling. The office is intended for a maximum of 3 no. members of staff who are already employed on the site. The structure of the garage will be altered with a new roof, windows, doors, and external timber cladding.
- 1.3 The existing hard standing at the rear of the garden is also proposed to be removed and replaced with a new and enlarged permeable vehicular turning and parking area for 4 no. cars. Access to the proposed parking area would be formed by the removal of the timber fence at the southeast boundary adjacent to Hillfield Court Road, where existing dropped kerbs are located.

### 2.0 **RELEVANT PLANNING HISTORY**

No planning history.

### 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 include:

SD4 – Design requirements  
SD8 – Historic Environment  
SD14 – Health and environmental quality  
INF3 – Green Infrastructure

### 3.4 **Gloucester City Plan**

Gloucester City Plan (“City Plan”) delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. The City Plan was formally adopted by the Council on 26 January 2023 and as such the policies have full weight. Relevant policies include:

A1 – Effective and efficient use of housing land and buildings  
D1 – Historic environment  
D2 – Non designated heritage assets  
E4 – Trees, woodlands and hedgerows  
F1 – Materials and finishes

3.5 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:  
<https://www.gloucester.gov.uk/planning-development/planning-policy/adopted-development-plan/>

## 4.0 **CONSULTATIONS**

### 4.1 **Conservation Officer**

The Conservation Officer held no objections and considered that the development would have a neutral effect on the character of the Conservation Area.

### 4.2 **The Civic Trust**

The Civic Trust found the proposal to acceptable.

### 4.3 **Tree Officer**

The Tree Officer held no objection subject to conditions which are required due to the proposed parking spaces requiring excavation within the possible root zone of a highway tree on the pavement. Recommended conditions were provided if the planning committee are minded to approve the application.

### 4.4 **Cllr Hilton**

Cllr Hilton was content with the application in principle. He commented that the application is to a positive building within the Denmark Road Conservation Area and therefore the proposed works should be completed to the highest standard. The building should remain a conversion, not a new build, and the wooden cladding should remain. Windows should be retained in wood framing. Access for the vehicle parking area should remain off Hillfield Court Road, with the brick boundary wall along Hillfield Court Road and Denmark Road remaining in place.

## 5.0 PUBLICITY AND REPRESENTATIONS

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

5.2 No neighbour comments were received in response to the consultation.

5.3 The full content of all correspondence on this application can be viewed on:  
<https://www.gloucester.gov.uk/planning-development/planning-applications/search-planning-applications/>

## 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 Gloucester City Plan 2011-2037.

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

- Residential amenity
- Impact on nearby highway tree
- Character and appearance
- Historic environment impacts

### 6.5 Residential amenity

Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. 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.

6.6 No neighbour comments were received in response to the consultations.

6.7 The applicant has confirmed in correspondence on 13<sup>th</sup> December 2022 that the proposed parking provision will be for the use of existing staff working in the home and for occasional visitors, and therefore no intensification of visitors to the site is expected. As such, I do not consider that the proposal will have significant impacts to the amenity of neighbouring occupiers in this regard.

6.8 The proposal is sited at the rear of the garden with a separation distance of 20m from the rear elevation of the immediate neighbouring property, no. 1 Alexandra Road, to the southwest of the site. No windows are proposed to the southwest (side) elevation of the proposed office. Whilst windows are proposed at the northwest (front) elevation of the office, facing toward the rear of the application property, and to some extent towards the rear of no. 1 Alexandra Road, these windows are significantly distanced from the rear elevations and have a similar relationship to the existing overlooking that could occur from passers-by at Hillview Court Road. As such, I do not consider there to be any significant overlooking

impacts. Additionally, as the proposal will retain the scale and mass of the garage, I do not consider there to be any overbearing or overshadowing impacts to no. 1 Alexandra Road.

6.9 It is considered that the proposal complies with policies SD4 and SD14 of the JCS in regard to residential amenity.

#### 6.10 **Impact on nearby highway tree**

The proposal would be located near to a highway tree on the corner of Denmark Road and Hillfield Court Road.

6.11 JCS Policy INF3 (Green Infrastructure) states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation, and play) and the connectivity of the green infrastructure network. Policy E4 of the GCP (Trees, Woodlands and Hedgerows) states that development proposals should seek to ensure there are no significant adverse impacts on existing trees.

6.12 The proposal includes the installation of parking spaces that will require excavation within the possible root zone of a highway tree on the pavement. The Tree Officer raised no objections, subject to 4 no. conditions listed below that could be attached if the planning committee is minded to grant permission for the scheme. These conditions would mitigate the risk posed to the tree and therefore the proposal will comply with policies INF3 of the JCS and E4 of the GCP.

#### 6.13 **Character and appearance**

The NPPF promotes good design for all development proposals. Paragraph 130 sets out that planning decisions should ensure developments are visually attractive and sympathetic to local character and history. This is dealt with under general design principles set out at GCP policy A1 and JCS policy SD4, which require that proposals result in overall improvements to the built environment and do not have an adverse impact upon the street scene, character, appearance of the area. SD4 requires that new proposals respond positively and respect the character of the site and its surroundings. GCP policy F1 requires that development should make a positive contribution to the character and appearance of the locality, with external materials and finished that are locally distinctive and of high architectural quality.

6.14 The existing detached garage is of a wooden structure with timber cladding. The proposed office's external facing materials will be replaced like for like with timber cladding and window frames. The appearance of the proposal in regard to facing materials is therefore unlikely to change significantly, albeit having a 'fresher' appearance when initially built, although the wood will weather over time and will therefore further soften its appearance.

6.15 The existing garage has 2 no. garage doors fronting the highway onto Hillfield Court Road. These doors will be infilled with timber cladding that will have a similar appearance to the garage doors due to being in-set, while the proposed high-level window in one of these sections is proposed to be of a similar style to the windows at the side and rear elevations. The existing pitch roof is in need of repair and I consider that the replacement roof will, in appearance, have a slightly improved visual impact over the existing roof.

6.16 The proposal by reason of its design, siting, scale, massing, layout and materials is considered to be acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposed development would not constitute overdevelopment and adequate private outside amenity space at the rear of the property would continue to be afforded to the occupants. The

proposal accords with the NPPF, policy SD4 of the JCS, policies A1 and F1 of the GCP and the HEG SPD.

## 6.17 **Historic environment considerations**

The application site is located within the Denmark Road Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

6.18 Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Policy SD8 of the JCS similarly seeks to preserve and enhance local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. GCP Policy D1 sets out that proposals should conserve and enhance the character, appearance and architectural quality of the area and wider setting in terms of siting, scale, form, proportion, design and materials.

6.19 The proposed garage conversion does not visually alter the existing building in scale, mass, or materiality. The minor alterations to replace the garage doors with a window and door is also acceptable, as a result there is unlikely to be any change in the visual impact on the Conservation Area. The removal of the close boarded fencing to reinstate rear access is also non contentious. The development is considered to have a neutral affect on the character of the Conservation Area.

6.20 As such, the proposal complies with the NPPF, JCS policy SD8, and City Plan policy D1 as above. The requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met.

## 6.21 **Conclusion**

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

## 7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission 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, and drawing numbers, 757-01, 757-02-A, 757-03, and 757-04, 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 and in accordance with policies contained within Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

**Condition 3**

The external facing materials to walls of the development hereby permitted shall match in colour, form and texture to those of the existing building.

**Reason**

To ensure the satisfactory appearance of the development in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

**Condition 4****Approval and Implementation of Trees/Hedgerow Protection Measures**

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

These measures shall include:

- I. Temporary fencing for the protection of all retained trees/hedgerows 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).
- II. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site 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 approved 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/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan

**Condition 5****Implementation of Approved Trees/Hedgerow Protection Measures**

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in [Insert details of approved measures, e.g. approved arboricultural method statement] before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any

materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

### **Reason**

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

### **Condition 6**

Excavation or Surfacing within the Root Protection Area of Trees

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

### **Reason**

To prevent damage to or loss of trees. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

### **Condition 7**

Protection of habitats

No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

### **Reason**

To ensure that the nature conservation interest of the site is protected. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

### **Informative**

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#).

### **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:** Amy Robins (396757)





Planning Application: | 22/01103/FUL

Address: | 7 Denmark Road Gloucester  
GL1 3HZ

Committee Date: | 2<sup>nd</sup> May 2023

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## Abbeydale

23/00023/FUL

G3Y

THOME

08/03/2023

Single storey side and rear extension

113 The Wheatridge East Gloucester GL4 5DW

22/01057/FUL

G3Y

THOME

03/03/2023

Detached garage conversion for aged relative

115 The Wheatridge East Gloucester GL4 5DW

23/00027/FUL

G3Y

THOME

17/03/2023

Single storey side extension

21 The Richmonds Gloucester GL4 5YA

23/00002/FUL

G3Y

FEH

24/03/2023

Change of use from domestic use (C3) to C2 (use as a children's home for under 16's)

18 Bittern Avenue Gloucester GL4 4WA

## Barnwood

23/00153/FUL

G3Y

FEH

20/03/2023

Renovation of existing warehouse and offices to include infill of existing covered entrance to increase internal reception lobby area and associated external works, strip out of offices and toilet facilities, replacement of existing single glazed windows with new doubled glazed units and redecoration of existing metal cladding up to buildings party wall.

11A Barnett Way Gloucester GL4 3QA

23/00089/NMA

NOS96

THOME

09/03/2023

NMA to approved planning application 22/00596/FUL for the addition of two shallow awnings (no branding) to the front elevation

Holiday Inn Crest Way Gloucester GL4 3RX

22/01229/FUL

G3Y

THOME

03/03/2023

Erection of second storey extension above existing garage  
15 Snowhill Close Gloucester GL4 3GE

### **Elmbridge**

23/00090/NMA

NOS96

ADAMS

01/03/2023

Non material amendment to plans approved under planning permission ref.  
20/00932/FUL to increase the height of the building(s) by 1500mm (1.5 metre)  
and alter facing materials arrangement

Railway Triangle Site Metz Way Gloucester

23/00013/FUL

G3Y

ROBBA

03/03/2023

Revised proposal to increase the rear extension to 3.0 meters. (Previously  
approved Proposal, 22/00452/FUL Erection of 2-storey rear and side  
extensions with garage conversion and enclosed porch)

6 Norman Ball Way Gloucester GL1 3QL

23/00044/PDE

NRPR

ROBBA

06/03/2023

Proposed extension fills the area between a side elevation and a rear wall. Part  
J of class A of permitted development rights applies.

158 Elmbridge Road Gloucester GL2 0PH

22/01205/FUL

G3Y

ROBBA

03/03/2023

Proposed single storey rear extension

12 Merevale Road Gloucester GL2 0QY

### **Grange**

23/00031/TCM

AAPRZ

PARKH

06/03/2023

Installation of 17m pole inc. antennas, ground based apparatus and ancillary  
development.

TCM GLO26519 Windsor Drive Gloucester

22/01063/FUL  
G3Y STOCC 01/03/2023  
Single storey rear extension  
68 Elderwood Way Gloucester GL4 0RD

23/00105/TCM  
AAPRZ STOCC 31/03/2023  
Telecommunication equipment and cabinets  
Footway From Silver Close To Holmleigh Road Gloucester Gloucestershire

### **Hucclecote**

22/01095/FUL  
G3Y THOME 28/03/2023  
Construction of a detached garage  
9 Appleton Way Gloucester GL3 3RP

23/00063/FUL  
G3Y THOME 29/03/2023  
Single storey side extension and rear dormer to loft conversion  
77 Dinglewell Gloucester GL3 3HT

23/00005/FUL  
G3Y FEH 01/03/2023  
The demolition of jet wash bays and the creation of charging zones, erection of EV chargers, erection of canopies, sub-station enclosure and associated forecourt works (AMENDED PLANS).  
Hucclecote Service Station Hucclecote Road Gloucester GL3 3RX

22/01033/FUL  
REFUSE THOME 30/03/2023  
Single storey rear extension on existing raised patio  
5 Dinglewell Gloucester GL3 3HW

22/01055/LAW  
LAW THOME 10/03/2023  
Single storey rear extension  
9A Brookfield Road Gloucester GL3 3HA

22/00808/FUL

G3Y

THOME

28/03/2023

Demolish existing garage, remove existing conservatory and replace with single storey flat roofed extension and move bathroom window to side of property.

45 Mayfield Drive Gloucester GL3 3DT

### **Kingsholm & Wotton**

22/01010/FUL

G3Y

ROBBA

08/03/2023

Single storey rear and side extension.

15 Sandhurst Road Gloucester GL1 2SE

22/01169/FUL

G3Y

STOCC

03/03/2023

Single storey extension to retail facade with internal works, relocation of residential entrance door.

7 Kingsholm Road Gloucester GL1 3AX

### **Longlevens**

23/00050/FUL

G3Y

PARKH

17/03/2023

Demolition of existing garage and construction of new building in the same location to be used as a living room with access to the main dwellinghouse, relocation of access door, new windows and no.2 roof lights.

4 Innsworth Lane Gloucester GL2 0DA

23/00030/FUL

G3Y

ROBBA

27/03/2023

Single storey rear extension, rear extension to first floor, and alteration to existing roof.

55 Old Cheltenham Road Gloucester GL2 0AN

23/00033/FUL

G3Y

ROBBA

24/03/2023

Single storey rear extension with extended parking area and dropped kerb

10 Chamwells Avenue Gloucester GL2 9JB

23/00006/FUL

G3Y

ROBBA

20/03/2023

Two storey side and rear extension

16 Windermere Road Gloucester GL2 0LZ

### **Matson, Robinswood & White City**

23/00160/LAW

PDV

FEH

24/03/2023

Change of use from C3 (dwelling house) to a C4 use (small HMO - no more than 6 people)

9 Reservoir Road Gloucester GL4 6RW

### **Moreland**

23/00226/CONDIT

ALDIS

FEH

21/03/2023

Discharge of Conditions 4 (Boundary treatment), 5 (details of materials) and 7 (drainage) of 18/00975/FUL

35 Clevedon Road Gloucester GL1 4RN

22/01199/LAW

LAW

ROBBA

21/03/2023

Use of property as Use Class C3(b) (application for lawful development certificate).

89A Stroud Road Gloucester GL1 5AH

22/01232/FUL

G3Y

STOCC

17/03/2023

Erection of single storey wrap around extension

94 Stroud Road Gloucester GL1 5AJ

22/01200/LAW

LAW

ROBBA

21/03/2023

Use of property as Use Class C3(b) (application for lawful development certificate).

89B Stroud Road Gloucester GL1 5AH

### **Podsmead**

23/00118/CONDIT

ALDIS

ROBBA

21/03/2023

Discharge of Condition No.13 (verification report) of permission No. 15/00169/FUL.

Land Rear Of 66 - 72 Tuffley Crescent Gloucester GL1 5NE

22/01118/CONDIT

ALDIS

THOME

02/03/2023

Discharge of Condition 4. Construction (and demolition) Environmental Management Plan (CEMP).

Land Adjacent To Site B Former Contract Chemicals Site Bristol Road Gloucester

### **Quedgeley Fieldcourt**

23/00003/PDE

ENOBJ

PARKH

28/03/2023

Single storey rear extension to provide new sitting/summer room. 7.00m x 3.80m x 2.25m

275A Bristol Road Quedgeley Gloucester GL2 4QP

22/01035/FUL

G3Y

PARKH

31/03/2023

Two storey extension

295 Bristol Road Quedgeley Gloucester GL2 4QP

23/00091/TCM

AAPRZ

STOCC

30/03/2023

The installation of a 20-metre streetpole accommodating 3no. antennas and 1no. dish, the installation of 1no. ground-based equipment cabinet, along with ancillary works.

TCM Fishers Bridge SW School Lane Quedgeley Gloucester

23/00048/TCM

AAPRZ

PARKH

14/03/2023

Telecommunication equipment and cabinets

GLO26484 TCM School Lane Quedgeley Gloucester

22/00921/FUL

G3Y

PARKH

01/03/2023

Full application for the construction of 1no. infill bungalow dwelling and single storey detached garage, including associated landscaping and access

357 Bristol Road Quedgeley Gloucester GL2 4QT



22/01083/FUL  
REF PARKH 23/03/2023  
Raise ridge height to create loft conversion  
9 Chapel Gardens Quedgeley Gloucester GL2 4XJ

23/00036/FUL  
G3Y PARKH 31/03/2023  
Single storey side extension  
136 Courtfield Road Quedgeley Gloucester GL2 4UF

### **Quedgeley Severn Vale**

22/01028/FUL  
G3Y PARKH 03/03/2023  
Two storey extension and porch  
21 Kestrel Gardens Quedgeley Gloucester GL2 4NR

22/01065/LAW  
LAW PARKH 02/03/2023  
Demolition of conservatory and single storey rear extension  
32 Welland Road Quedgeley Gloucester GL2 4SG

### **Westgate**

23/00155/TCM  
CLOSED PARKH 02/03/2023  
The replacement of 3 antennas with 6 new antennas and ancillary  
development thereto.  
COM-0020333 Bull Lane Gloucester

23/00191/PREAPP  
CLOSED PARKH 31/03/2023  
Dropped kerb at frontage of church, building accessibility ramp on western  
elevation and widening of door.  
Seventh Day Adventist Church Cromwell Street Gloucester GL1 1RE

23/00152/PRIOR  
AAPRZ ADAMS 30/03/2023  
Application to determine if prior approval is required for change of use from  
commercial, business and service (Use Class E) to dwellinghouses (Use Class  
C3) : Conversion of ground floor office suite into 1 bedroom flat  
The Old Fire Station Longsmith Street Gloucester

22/01092/LBC

G3Y

FEH

08/03/2023

Minor internal alterations including the reinstatement of existing openings, erection of new partition elements, removal of several modern additions, alterations/ improvements of later development window openings and the creation of new doorways within existing openings.

11 Brunswick Square Gloucester GL1 1UG

22/01237/LBC

G3L

THOME

01/03/2023

Listed Building Consent for the replacement of roof covering, insulation, existing roof lights and proposed Light tunnel and vent

17 Brunswick Square Gloucester GL1 1UG

23/00189/CONDIT

ALDIS

ADAMS

22/03/2023

Partial discharge of Condition 4 (facing materials) of permission ref.

20/01286/FUL

Kings Quarter Kings Square Gloucester

22/01030/FUL

G3Y

FEH

14/03/2023

Replacement of existing boat with a larger one for use as a cafe and ancillary boat to facilitate a waste water disposal system. Use of adjacent land as an external seating area.

The Barge Arm The Docks Gloucester GL1 2DN

Reference	Status	Site address	Proposal	Decision date
22/00691/FUL	Grant	The Couch House, 96 Barnwood Road, Gloucester, GL4 3JH	Proposed demolition of existing garage, addition of first floor windows & parking alterations.	16.03.2023

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