



# Gloucester City Council

## Planning Committee

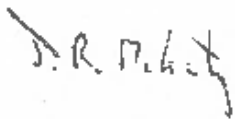
**Meeting: Tuesday, 6th February 2024 at 6.00 pm in North Warehouse,  
The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Taylor (Chair), Morgan (Vice-Chair), D. Brown, J. Brown, Campbell, A. Chambers, Conder, Dee, Gravells MBE, 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</b> (Pages 7 - 12)  To approve as a correct record the minutes of the meeting held on Tuesday, 5 <sup>th</sup> December 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>26 HEATHVILLE ROAD - 23/00520/FUL</b> (Pages 13 - 34)  <b>Application for determination:</b>  Proposed internal alterations and change of use from C3 to Sui Generis.
<b>6.</b>	<b>2 HILLVIEW ROAD - 23/00656/FUL</b> (Pages 35 - 56)  <b>Application for determination:</b>

	Change of use from a Hair Salon to take away Kebab Shop
<b>7.</b>	<b>55 DERBY ROAD - 23/00895/LAW</b> (Pages 57 - 66)  <b>Application for determination:</b>  Proposed conversion of residential dwelling to 6 bed HMO.
<b>8.</b>	<b>36 DENMARK ROAD - 23/00121/FUL</b> (Pages 67 - 78)  <b>Application for Determination:</b>  Erection of fence to front and side of property frontage, and bin store (altered design to existing front fencing)
<b>9.</b>	<b>DELEGATED DECISIONS</b> (Pages 79 - 86)  To consider a schedule of applications determined under delegated powers during the month of December 2023.
<b>10.</b>	<b>DATE OF NEXT MEETING</b>  Tuesday, 5 <sup>th</sup> March 2024.



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

**Date of Publication: Monday, 29 January 2024**

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## NOTES

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<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.
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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, 5th December 2023

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

**Officers in Attendance**

Planning Development Manager

Principal Planning Officer

Senior Planning Officer

Highways Officer, Gloucestershire County Council

Chief Planning Lawyer, One Legal

Democratic and Electoral Services Officer

**APOLOGIES** : Cllr. A. Chambers

**45. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**46. MINUTES**

The minutes of the previous meeting held on Tuesday 7<sup>th</sup> November 2023 were confirmed and signed by the Chair as a correct record.

**47. LATE MATERIAL**

Late Material had been circulated in respect of Agenda Item 5 – (RAOB Club - 23/00696/OUT) and 6 (Great Western Road - 22/00770/FUL).

**48. RAOB CLUB, 87 - 91 SOUTHGATE STREET, GLOUCESTER - 23/00696/OUT**

The Senior Planning Officer presented the report detailing an outline application for the demolition of former RAOB Social Club and redevelopment of the site to provide 17 residential flats and associated landscaping and external works. (landscaping

**PLANNING COMMITTEE**  
**05.12.23**

reserved) Revision to extant consented scheme comprising 14 units (17/00658/OUT).

**Members' Questions**

The Principal Planning Officer responded to Members' questions concerning the length of time before the previous application was consented, the difference between the application before the Committee and the one that had previously received planning consent, concerns about three of the flats and whether they would be used for their purported affordable housing purpose, why the dwellings did not meet national design space standards (NDSS), whether the applicant would still have the 2019 permission to build properties in the event of a refusal, whether local history was taken into account by officers and whether the street numbering team could be contacted to reflect that, whether the applicant proposed to include glazing, if the Whitesmiths Arms required repairs and concerns about bin storage as follows:

- The legal agreement in respect of the provision application required a considerable duration to finalise.
- Landscaping was the sole reserved matter not encompassed within the application.
- The application under the Committee's consideration proposed only three alterations: the addition of three units on the second floor, the inclusion of affordable housing units on site and M4(2) units on the site.
- The applicant was in talks with a Registered Social Landlord (RSL). If, after a year they could not sell the 3 affordable dwellings, then an offsite contribution would be required.
- Most of the dwellings did not meet NDSS standards. None of the dwellings in the previous application met NDSS standards and had received consent as this policy had not been implemented by the Council until 2020 and was not in the adopted plan until January 2023. The additional three flats met NDSS standards.
- The original permission to build 14 dwellings would still be in effect, in the event of a refusal.
- Local history was taken into accounts by relevant officers.
- The officer could email the street numbering team. However, it would not form part of the planning resolution.
- The applicant had not offered to provide solar panels. However, there was a condition that stipulated that details of the proposed glazing and ventilation products must be submitted and approved in writing by the Local Planning Authority before construction commences and these windows would have to be well-glazed, owing to the noise in the area. This would ensure that the properties were well insulated.
- The Whitesmiths Arms did require repairs. The Conservation Officer had worked closely with the relevant staff from Whitesmiths on this.
- The Waste Management Team were content with the bin storage provision.

**Members' Debate**

**PLANNING COMMITTEE**  
**05.12.23**

The Chair noted that he was happy to see the affordable housing put on site.

Councillor J. Brown observed that concerning the size of the units, a comparable development at the Post House in Barnwood had been successful despite the compact nature of its dwellings. She expressed confidence that the current application would achieve similar success.

The Chair moved and the Vice-Chair seconded the officer recommendation.

**RESOLVED that:** outline planning permission is granted for outline consent subject to a S106 with the following Heads of Terms and the conditions outlined in the officer report.

- Cotswold Beechwoods SAC contribution
- Contribution of £2,000 for Alney Island SAC and householder information pack.
- 3 Affordable housing units (onsite – if they cannot be sold to a RSL after a specific period of time then an offsite contribution will be required).
- Contribution of £10,000 to amend Traffic Regulation Order (TRO) to exclude residents of the proposed development from obtaining permits in the residents parking scheme of zone GC.

**49. GREAT WESTERN ROAD YARD/SIDINGS - 22/00770/FUL**

The Principal Planning Officer presented the update report detailing an application for residential development of 315 dwellings (comprised of apartment blocks and houses) and formation of new accesses, with associated landscaping, parking, open space and ancillary works including demolition of existing buildings.

**A local resident spoke in opposition to the application.**

He said that he had concerns in respect of the application on the following grounds:

- About thermal design and whether the site could reach net zero.
- Heat pumps could interfere with each other.
- The current design meant that there would be additional cost and complexity for air source heat pumps.
- The design had not been completely thought through.

**A director of Eutopia Homes spoke in favour of the application.**

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

- Officers had recommended approval.
- The proposal only sought to make minor amendments.
- The application would provide 315 new homes on an allocated, centrally located brownfield site.
- The applicant had had advanced discussions with a housing association which has got grant funding.
- An energy strategy had been submitted with the application.
- The site would provide 35% affordable housing, this was above the policy requirement of 20%.

**PLANNING COMMITTEE**  
**05.12.23**

**Members' Questions**

The Principal Planning Officer responded to Members' questions concerning whether there would be traffic lights installed on Great Western Road, whether there would be a pedestrian crossing on Great Western Road, whether there would be batteries attached to the solar panels, further details about the updated energy strategy, questions about relocating modular housing in future to areas of need, and questions about traffic congestion on Great Western Road and London Road, construction traffic and parking provision as follows:

- Traffic lights were not proposed on Great Western Road.
- The energy strategy provided by the applicant suggested that they would provide houses with batteries with solar panels .
- Questions about whether to provide a pedestrian crossing on Great Western Road had been discussed in depth when the application had previously gone before committee, it had been resolved then to approve the application without it.
- The energy report provided by the applicant evidenced that they were aspirational in relation to their energy efficiency targets.
- There was some complexity regarding the affordable housing situation. The developer contribution was secured (26 units in block D) in the heads of terms for the legal agreement. However, as this was lower than the City Council's policy (20%), the legal agreement would oblige the applicant to look for public subsidies. This was why a housing association had been sourced by the applicant. Therefore, with the combined developer contribution and housing association, the total percentage of affordable units would be 35%.
- In theory, modular units could potentially be relocated, however, this would require a separate planning application, and may not be straightforward due to ownership issues, etc.
- The applicant had submitted a travel plan. The heads of terms for the legal agreement would secure payment to amend the traffic regulation order in relation to the controlled parking zone to address resident permit parking concerns.
- The adopted City Plan allocated the site for 300 units. Whilst this was not planning permission, it indicated that 300 units was acceptable on that land. The low number of parking spaces was lower than what might have been submitted alongside an application for 315 dwellings.
- There would be a construction management plan that would be subject to Highway Authority input and might specify a number of construction traffic entrances, given the existing accesses, if they were considered suitable for such traffic. Further, because the builds would be modular, there would be fewer construction movements overall to and from the site than a regular development.

The Highways Officer responded to Members' questions concerning the volume of traffic the application would create and whether cars would park on the road as follows:

**PLANNING COMMITTEE**  
**05.12.23**

- The traffic generation from the site would be between 40-50 two-way movements at peak time per day, this was not substantial.
- The application site was in a highly sustainable location. The bus station was about 500 metres away, there were numerous bus stops in the area, and the train station was a close walk away. Further, a high amount of bike storage would be provided. It was not uncommon for some city centre developments in the country to have no parking spaces provided.

The Chief Planning Lawyer responded to a Member's question concerning whether modular properties could be moved as follows:

- There was a full planning application for permanent development and for the modular constructed properties to be moved a new planning application would have to be sought.

**Members' Debate**

The Chair stated that he believed the application was positive and was content with the addition of affordable units.

Councillor Conder stated that she believed it was positive that modular construction would be used. She stated her belief that if the properties were properly insulated, this would perform well even without the proposed heat pumps.

Councillor Gravells stated that he had some reservations about the application, specifically in relation to where residents would park. He noted that he would contact the Hospital and ask why they did not raise an objection or support the application. He added that he hoped that the application would not block ambulances getting to and from the hospital.

The Chair moved and the Vice-Chair seconded the recommendation laid out in the report as amended in the late material.

**RESOLVED that:** planning permission is granted subject to the completion of a legal agreement/s to secure the terms set out at Paragraph 6.158 of the February 2023 Committee Report and delegated Authority being given to the Planning Development Manager to negotiate the s106 terms to suit; and; the conditions outlined in the February 2023 Committee Report as amended in the February 2023 late material and as further amended in the current December 2023 late material.

**50. DELEGATED DECISIONS**

**RESOLVED** that the delegated decisions for October 2023 were noted.

**51. DATE OF NEXT MEETING**

Tuesday 9<sup>th</sup> January 2024.

**Time of commencement: 6.00 pm**

**PLANNING COMMITTEE  
05.12.23**

**Time of conclusion: 7.15 pm**

**Chair**



**GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL**

Committee: | Planning  
Date: | 06.02.2024  
Address/Location: | 26 Heathville Road Gloucester GL1 3DS  
Application No: | 23/00520/FUL  
Ward: | Kingsholm & Wotton  
Expiry Date: | 09.02.2024  
Applicant: | Mr Neil Makhecha  
Proposal: | Proposed internal alterations and change of use from C3 to Sui Generis  
Report by: | Harriet Parker  
Appendices: | Site Location Plan  
Proposed Block Plan  
Proposed Elevation Plan  
Proposed Floor Plan

**Site Location Plan**



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 26 Heathville Road which is which comprises the left-hand side of the pair of semi-detached dwellings found along the eastern side of Heathville Road within the Kingsholm and Wotton ward of Gloucester. The property is currently in use as residential dwelling in use class C3.
- 1.2 26 Heathville is formed of a two-storey red brick dwelling with a hipped roof design of slate tiles which includes two chimney stacks and two dormer windows created to accommodate two bedrooms made in the roof space permitted in 1965 (44/23700/HIST). The property also has a historic two storey rear projection to which a single storey glass 'garden room' is attached and an integrated garage to the front, permitted 1959 (44/23699/HIST).
- 1.3 The dwelling also benefits from off road, tarmacked parking space to the front separated from the highway via a low brick wall and a substantial rear private, garden amenity space to which access can be achieved via the side of the dwelling. Access to the dwelling is achieved via a pedestrian pathway off Heathville Road and down the side of the dwelling to the side facing front door.

The immediate surrounding area along Heathville Road is primarily residential in nature, although immediately adjacent to the proposed site four dwelling have been incorporated into one, privately operated residential car facility. The wider surrounding area continues to be majority residential with the exception of Denmark Road School for Girls to the north along Denmark Rd and to the south the junction of Heathville Rd with London Rd which leads onto more commercial and service uses.

- 1.4 The proposed site is located within the Denmark Road Conservation Area. This area is characterised by large semi-detached Victorian villas of red brick similar to that of the proposed site. However, 26 Heathville Road is not a listed building nor included within Gloucester's Local List (2022).
- 1.5 The application seeks consent for the proposed change of use from a seven-bedroom residential dwelling (C3) to a nine-bedroom house in multiple occupation (Sui Generis) which could accommodate up to twelve residents.
- 1.6 As part of the application external alterations are also proposed to convert the existing integrated garage into a bedroom through the removal of timber garage doors and its small front projection. And introduce two windows flush to the front elevation to match the neighbouring property of no.24 with matching cil and head details. Its is also proposed introduce a new 1.8m high close board fence and gate at the existing side access to the rear and introduce bin and secure bike storage within the patio area to the rear of the dwelling.
- 1.7 Internal alterations are also proposed to facilitate the change to a nine-bedroom dwelling with some ensuite bathroom facilities. As the property is not listed internal alterations can occur without the need for planning permission.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/23697/HIST	21585 (P/75/59):- CONVERSION LIVING ROOM TO GARAGE	Z45REF	17.03.1959
44/23699/HIST	21585 (P/75/59/60):- CONVERSION	Z45APP	21.03.1961

	LIVING ROOM TO GARAGE (RE-SUBMISSION)		
44/23700/HIST	21585 (P/106/65):- TWO BEDROOMS IN ROOF SPACE	Z45APP	18.03.1965
44/23702/HIST	21585 (836/88):- INTERNAL ALTERATIONS TO PREMISES	Z45PDV	03.02.1989

### 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

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

Relevant policies include:

SD4 – Design requirements

SD6 – Landscape

SD8 – Historic Environment

SD10 – Residential development

SD11 – Housing mix and standards

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

#### 3.5 The Gloucester City Plan (Adopted 26 January 2023)

Relevant policies include:

A1 – Effective and efficient use of land and buildings

A2 – Houses in Multiple Occupation

D1 – Historic environment

D2 – Non Designated Heritage Asset

F1 – Materials and finishes.

F6 – Nationally described space standards

G1 – Sustainable transport and parking

G6 – Water Efficiency.

#### 3.6 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. None of the saved policies are relevant to the consideration of this application.

#### 3.7 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. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

- 3.8 All policies can be viewed at the relevant website address:- national policies:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
Gloucester City policies:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

#### 4.0 **CONSULTATIONS**

##### 4.1 **Conservation Officer (31.07.2023) – Objection**

The current proposal, by virtue of the insensitive retention and alteration of a poorly constructed addition to the façade of the dwelling would neither preserve nor enhance the character and appearance of the Denmark Road Conservation Area, nor sustain its significance as a designated heritage asset. The harm would less-than-substantial, but harm none the less. Unless the proposal is considered to be outweighed by any resultant public benefits, the proposal conflicts with paragraph 201/202 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017.

##### 4.2 **Conservation Officer (09.01.2024) – No objection, subject to conditions.**

For the reasons outlined above, it is considered that the current proposal would preserve and enhance the character and appearance of the Denmark Road Conservation Area and would sustain its significance as a designated heritage asset. As such the proposal accords with Section 16 of the National Planning Policy Framework and JCS Policy SD8, and would meet the requirements of the statutory duty of Section 72(1) of the 1990 Act, subject to the inclusion of conditions.

##### 4.3 **Civic Trust – No objection**

The proposal is not clear on the change in the roof space, but if it can be confirmed that the external envelope is not changed, then we have no objection.

##### 4.4 **Housing Projects and Strategy Officer (09.08.2023) – Objection.**

This property for conversion to a 10 room HMO for the accommodation of up to 14 persons is not compliant with the following City Plan policies;

Policy A1: A covered cycle store is required, private amenity space to the rear and the accommodation.

Policy A2: The property requires a second kitchen accessible for the 2nd floor occupants within 1 storey of their accommodation.

Policy A6: As the property will have 10 homes 2 of these homes on the ground floor should be to M4(2) standard.

Policy C1: The HMO property requires the inclusion of a covered cycle shed for a minimum of 10 cycles.

Policy F6: All rooms are NDSS compliant apart from Room 4 as this is proposed by the applicant to be double occupancy.

On this basis, HPST would recommend Refusal

4.5 **Housing Projects and Strategy Officer (09.08.2023) – No objection, subject to conditions.**

This amended plan for a 9 bedroom HMO for the accommodation of up to 12 persons is now compliant with the following City Plan policies;

Policy A1: Effective and efficient use of land and buildings

Policy A2: The plan includes the addition of a second kitchen accessible for the 2nd floor occupants within 1 storey of their accommodation.

Policy A6: As the property will have 9 homes 2 of these homes on the ground floor should be to M4(2) standard.

Policy C1: The HMO property provides the inclusion of a covered cycle shed for a minimum of 9 cycles.

Policy F6: All rooms are NDSS compliant for up to 12 residents.

On this basis, HPST would recommend Approval on the proviso 2 homes is to M4(2) standard.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified by letter on **27.07.2023** and site notices were displayed at site for 21 days from **18.07.2023**.

5.2 Fourteen letters of objection were received at time of writing, raising the following issues:

- The development is inappropriate in the residential part of Kingsholm and is degradation of a significant property.
- HMO's and care homes are in large numbers on both Heathville Rd and Denmark Rd and is resulting in normal families being squeezed out of this area.
- Change of use will result in a significant increase in the need for parking and the recent parking regulations will cause problems.
- Out of keeping for the conservation area.
- They state it is local knowledge a mental health organisation is planning to occupy this building with people of complex social and mental health needs. The community of Kingsholm is being eroded and states multiple roads within the ward are "turning into mental health wards".
- No control of public nuisance, anti-social behaviour, crime, noise and rubbish.
- No positive impact on the community.
- Object as they don't want to "live in a student ghetto".
- HMO would result in one less property in the housing stock.
- Believes in is contrary to City Plan policy as another HMO across the street would equal more than 10% of properties within 100m radius.
- Object as they believe the proposal will result in unsatisfactory living conditions for residents of no.26.
- Believe the property would be more suited as flats than HMO.

5.3 An objection was made by the Kingsholm and Wotton ward council and wished for the application to be decided upon by the Planning Committee. A summary of their objection is as follows:

- Ask that the proposal be rigorously checked in relation to City Plan A2.
- Concern over the vehicular access and space available for the proposed number of bedrooms.
- Opinion that the living room in the property is too small for the proposed occupants.
- No proposal for safe storage of household waste and recycling, or bicycles.
- Concerned the applicants has not given any details as to the category of tenant.

- 5.4 Two letters of support was received at time of writing. One letter was received from someone who resides outside the city of Gloucester. And the second letter submitted by a nearby resident supported the application by stating:
- In the current climate (shortage of housing, cost of living, inflation) this sort of development is required.
- 5.5 The full content of all correspondence on this application can be viewed on:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>
- 6.0 **OFFICER OPINION**
- 6.1 **Legislative background**  
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
  - b) any local finance considerations, so far as material to the application; and
  - c) any other material considerations.
- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and Gloucester City Plan (GCP). And as outlined earlier, the 1983 Local Plan is considered to be out-of-date.
- 6.4 Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 197 states that in determining planning applications, local planning 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;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.5 Paragraph 199 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 200 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification.
- 6.6 Paragraph 201 states that where a proposed development will lead to substantial harm, applications should be refused unless it is demonstrated that the harm is necessary to achieve substantial public benefits, whilst Paragraph 202 states that where a development proposal will cause less than substantial harm to the significance of a designated heritage, that harm should be weighed against the public benefits of the proposal.
- 6.7 It is considered that the main issues with regards to this application are as follows:

## 6.8 Principle

Policy A2 of the Gloucester City Plan states that the creation of a House in Multiple Occupation (HMO's) will be permitted where the following criteria can be achieved:

- *The development would not result in any existing residential property (C3 use) being 'sandwiched' between two HMOs; and*
- *The development would not result in the creation of more than two adjacent properties in HMO use; and*
- *HMOs, including the proposed development, would represent no more than 10% of properties within a 100-metre radius of the application property.*

6.9 As stated in the Gloucester City Council Houses in Multiple Occupation: A guide for applicants and decision takers when referring to HMOs in Policy A2 this refers only to Large HMO's unless in an Article 4 Area which this application does not fall within.

6.10 The criteria are addressed as follows:

- 6.11 1. The proposed change of use of no.26 to a large HMO (Sui Generis) would not result in any existing residential property (C3 use) being 'sandwiched' between two HMO's. The neighbouring no.24, no.1-5 The Firs, no.28 and no.30 Heathville Road all consist of residential uses (C3). Therefore, the proposed is considered to comply with criteria 1 of policy A2 of the City Plan.
- 6.12 2. The proposed change of use would not result in the creation of more than two adjacent properties in HMO use. As previously stated the two adjacent neighbours no.24 and no.28 Heathville Road are in residential use (C3). Therefore, the proposed is considered to comply with criteria 2 of policy A2 of the City Plan.
- 6.13 3. In calculating a 100m radius from the proposed site of 26 Heathville Road 48 properties fall within this radius. Of those 48 properties there are currently four registered large HMO properties which are all currently operating as private residential care facilities:
- 27-29 Heathville Road (12 beds)
  - 31 Heathville Road (7 beds)
  - 33 Heathville Road (7 beds)

The proposed change of use to large HMO at 26 Heathville would be the 5th HMO property within a 100m radius of the site. Per the guidance given in the Gloucester City Council Houses in Multiple Occupation: A guide for applicants and decision takers this would calculate to 10.4% of properties within a 100 radius.

6.14 It is understood that the proposed percentage would be above 10.0% but would only exceed it by 0.4% which is deemed to be a marginal increment above the 10.0% and as such is not considered to result in a detrimental increment above the recommended policy limit. This assessment is on the basis of evidence given by an inspector's appeal decision (APP/U1620/W/20/3263401) at 84 Henry Road, Gloucester in 2021. The appeal was regarding an application for a proposed HMO which measured 10.2% within a 100m radius to which the inspector stated that a *'breach of 0.2% above the threshold, would not be numerically excessive'*. As such it is considered that the proposed calculation of 10.4% is acceptable in meeting criteria 3 of policy A2 of the City Plan.

6.15 It is therefore deemed that the principle of the proposed change of use to a large HMO (Sui Generis) in the proposed location is acceptable subject to any other material planning

consideration.

6.16 **Historic Environment**

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*'.

6.17 Chapter 16 of the National Planning Policy Framework (2021) 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'.

6.18 JCS Policy SD8 reflects the Act and require that special attention must be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area, while Policy D1 of the City Plan also requires proposals to conserve the character, appearance and significance of designated and non-designated heritage assets and their settings.

6.19 At the initial consultation the council's conservation officer raised an objection the proposed application (31.07.2023) on the grounds that the proposed by virtue of the intensive retention and alteration of a poorly constructed addition to the faces of the dwelling would neither preserve nor enhance the character and appearance of the Denmark Road Conservation Area, nor sustain its significance as a non-designated heritage asset. The harm would be less than substantial, but harm none the less.

6.20 Amended plans were received on 10.11.2023 to try and overcome objections from consultees including HPST.

6.21 At re-consultation with the council's conservation officer, they raise no objection subject to conditions. The officer concluded that the current proposed replacement windows has been revised to replicate that of no.24 and subject to the faithful replication of that design would not be considered as an enhancement to the character and appearance of the Denmark Road Conservation Area.

6.22 It is therefore deemed that the proposed change of use is acceptable in terms historic environment impact and is considered to comply with policy SD8 of the Joint Core Strategy (2017) and policies D1 and D2 of the Gloucester City Plan (2023).

6.23 **Design, Layout and Landscaping**

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. Whereas Policy E4 of the Gloucester City Plan states that development should not lead to an increase in flood risk elsewhere and should reduce the cause and impact of flooding in the area and beyond.

6.24 The proposed intends to undertake both external and internal alterations. But as previous stated as 26 Heathville is not a listed building the internal alterations can occur without need for planning permission.



- 6.25 The proposed external alterations include the conversion of the integrated garage back into a bedroom, the removal of the timber garage doors and removal of the slight front projection and replacement with a window to match that of the neighboring no.24. It is also proposed to introduce a 1.8m high fence and gate to the side of the dwelling to secure access to the rear garden. The principle of the removal of the garage and introduction of window is accepted as it is considered to not result in a negative impact upon the Denmark Road Conservation Area as discussed in the Historic Environment section of this report.
- 6.26 The proposed development does not intend to amend the existing layout and/or landscaping of the site as only internal alteration and a slight reduction of front projection is proposed, and the large rear garden is to be maintained. It is therefore accepted that the layout and landscaping of the property is to stay largely the same and there is acceptable.
- 6.27 It is therefore considered that the proposal is acceptable in terms of design, layout and landscaping as it is considered to comply with policies, SD3, SD4, SD6 and SD10 of the Joint Core Strategy (2017) and policy F1 of the Gloucester City Plan (2023).
- 6.28 **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 Policy G1 supports and encourages improvements to sustainable transport network.
- 6.29 The property has existing tarmacked area to the front of the property accessed via a dropped kerb off Heathville Road which can facilitate off road parking. This area measures approximately 9.2m wide and 6.0m deep at its narrowest point. The proposed With these dimensions and the minimums space required for one car parking space (4.8m x 2.4m) as stated in policy G1 of the Gloucester City Plan a maximum of three vehicles could achieve off road parking. However, with due to the narrow access off Heathville Road of approximately 3.0m it is expected in reality that only two vehicles could use the off-road parking at one time.
- 6.30 Heathville Road since July 2023 is subject to a Traffic Regulation Order (TRO) which introduced yellow lines to protect driveways and junctions, provide parking bays for residents and time-limited parking for non-residents and visitors. The current limit of parking permits per dwelling on Heathville Road (Zone J) is two permits. Therefore, the residents of the proposed large HMO (Suis Generis) are required to comply with the TRO in place and so limit the number of potential vehicles for the address. It is believed that existing on-street parking restrictions would protect the sensitive parts of the nearby roads and prevent unsuitable parking.
- 6.31 It is proposed to situate the sheltered, secure and easily accessible cycle parking to the rear of the dwelling in the form of a 1.8m high close board enclosure measuring approximately 7.8sqm. This location is deemed acceptable as access would be easily achieved via the existing side access from the rear garden to highway. For a nine-bedroom HMO it is required under policy G1 of the City Plan to supply a cycling parking at a ratio of 1 space per bedroom. The proposed cycle storage is deemed to be too small to house a minimum of nine bicycles, but as there is sufficient space to the rear of the dwelling to increase the proposed size of the sheltered, secure cycle parking this shall be achieved through a suitable worded condition.
- 6.32 It is therefore deemed that the proposed change of use is acceptable in terms of traffic and

transport and is considered to comply with policies INF1 of the Joint Core Strategy (2017) and policies G1 of the Gloucester City Plan (2023).

6.33 **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 and policy A2 of the Gloucester City Plan.

6.34 Amenity of neighboring occupants

6.35 The application proposed for minor exterior and internal layout alterations. The exterior removal of garage and slight front projection and the implementation of windows to match the adjoining no.24 is considered to not result in any significant harm to the amenity of residents in adjacent properties. In reality the removal of the garage would result in greater light reaching the windows within the front elevation of no.24. Other than this there is no other proposed alteration to the footprint of the property nor is there any amendment to existing windows or the introduction of any new windows other than the one just referred to.

6.36 It is therefore considered that the proposed change of use to large HMO (Sui Generis) would not significantly affect the amenity of the neighboring properties and is considered to comply with policy SD14 of the Joint Core Strategy and policy A2 of the Gloucester City Plan.

6.37 Amenity of future occupiers

6.38 The proposed change from a seven bedroom (C3) residential property to nine-bedroom large HMO (Sui Generis) would result in the increase of two bedrooms in the property. All the proposed nine bedrooms meet National Describe Space Standards and although is not a material planning consideration it is confirmed that all bedrooms also meet the minimum required space per HMO licensing requirements

6.39 All of the proposed nine bedrooms are served by a window providing access to natural light. All but bedroom 9 face to the front or rear of the dwelling and so the likelihood of loss of privacy from sightline of neighbors is believed to be minimal. Bedroom 9 is situated on the side elevation of the roof and so faces directly towards no. 28 and a side facing window of no.28 but as this is an existing window granted consent in 1965 there is already an experienced level potential harm, and the change of use is deemed not to exacerbate that harm and so in balance is deemed acceptable.

6.40 The proposed change of use as discussed further in the Design, Layout and Landscaping section of this report the large rear garden is not proposed to change. The councils HPST officer made comment that an ideal would be to divide the garden to provide each resident individual private outdoor space. It was deemed inappropriate to suggest dividing the large garden to provide each resident their own section as there is an expected level of shared spaces within a HMO as one dwellinghouse, it would result in a negative impact upon a positive feature of the property and the abundance of space is considered sufficient to allow multiple residents of the property to use the space at once.

6.41 The proposed location of bin and cycle storage at the rear of the property is considered to be in an acceptable position which can easily be accessed from the property and carried to the highway for collection and / or access for cycling. The proposed level of cycle provision as discussed in greater depth in the Traffic and Transport section of this report shall be secure through a suitably worded condition. The provision of bin storage shall also be

secured via suitable worded condition.

6.42 It is therefore deemed that the proposed change of use is acceptable in residential amenity of existing neighboring properties and future occupiers and is considered to comply policy SD14 of the Joint Core Strategy (2017) policy A2 of the Gloucester City Plan (2023).

6.43 **Housing Project and Strategy**

6.44 At initial consultation the housing project and strategy (HPST) officer raised objection to the proposed development (09.08.2023) due to a lack of cycle storage provision, the proposed layout of the dwelling and available amenity space.

6.45 Amended plans were received on 10.11.2023 to try and overcome objections from consultees including HPST.

6.46 At re-consultation the HPST officer raised no objection, subject to conditions. The officer found that the proposal assisted with delivery of housing/supply meet housing need in the city, all rooms met NDSS minimum requirements for a dwelling as set out in policy F6 of the City Plan and minimum bedroom requirements under HMO licensing. They also stated that the inclusion of a kitchen on the 2<sup>nd</sup> floor was a welcome addition, and the large rear communal garden was a good feature and a size in which all residents could have a degree of privacy.

6.47 The HPST officer requested the inclusion of a condition for 2no M4(2) standard homes relating to policy A6 of the City Plan. This condition will not be included within this application as the policy requires under criteria 1 that 25% of housing developments should be of a size, configuration and internal layout to enable Building Regulations requirement of M4(2) 'accessible and adaptable dwellings' to be met. The proposed large HMO although would consist of unrelated residents the property is still regarded as one dwellinghouse. The individual bedrooms are not considered to constitute individual housing development and so the requirement of two rooms to meet M4(2) standard is considered not to be reasonable for this proposal and so shall not be included.

6.48 It is therefore deemed that the proposed change of use is acceptable in terms of housing projects and strategy objectives and is considered to comply policy A1, A2, A6, G1 and F6 of the Gloucester City Plan (2023).

6.49 **Drainage and flood risk**

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Whereas Policy E4 of the Gloucester City Plan states that development should not lead to an increase in flood risk elsewhere and should reduce the cause and impact of flooding in the area and beyond.

6.50 26 Heathville Road is located within flood zone 1 and there is no proposed expansion of floor space. Therefore, it is considered that the proposed would not contribute towards an increased flood risk in the local area or beyond. As such is considered to comply with policy INF1 of the JCS and policy E4 of the City Plan.

6.51 **Economic considerations**

The construction phase would support employment opportunities and therefore the proposal

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

## 6.52 **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:

- Proposed Block Plan (5029/PL06A)
- Proposed Front Elevations (5029/PL04B)
- Proposed Floor Plans (5029/PL05C)

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 the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

### **Condition 3**

The development shall be carried out in accordance with detailed drawings of the proposed reinstatement of the proposed windows to the front elevation, 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**

To preserve and enhance the character and appearance of the conservation area in which this development is located and to ensure compliance with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

**Condition 4**

Samples of the proposed brick and stone for the reinstatement of the double window lintol, mullion and cill shall be agreed on site by the Local Planning Authority in writing, prior to the commencement of works

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and to ensure compliance with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

**Condition 5**

All rainwater guttering and downpipes shall be cast iron or an alternative metal finish details of which have first been submitted to and approved in writing by the Local Planning Authority. Details of the profile and decorative finish of the guttering and downpipes shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site. The guttering and downpipes shall then be installed and maintained for the life of the development in accordance with the approved details.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and to ensure compliance with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

**Condition 6**

The development hereby permitted shall not be occupied until plans of cycle storage for a minimum of nine bicycles has been submitted to and approved in writing by the local planning authority and those facilities shall be maintained for the duration of the development.

**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 and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023).

**Condition 7**

The development hereby permitted shall not be occupied until bin storage have been made available for use in accordance with the submitted plan drawing no. Proposed Block Plan (5029/PL06A) and those facilities shall be maintained for the duration of the development.

**Reason**

To ensure compliance with Policy A1 of the Gloucester City Plan (Adopted January 2023)

**Condition 8**

The estimated consumption of wholesome water per dwelling per day in the development

hereby permitted must not exceed 110 litres of water per person per day.

**Reason**

To ensure compliance with Policy G6 of the Gloucester City Plan (Adopted January 2023).

**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 Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or [building.control@stroud.gov.uk](mailto:building.control@stroud.gov.uk) and [www.gbcpartners.co.uk](http://www.gbcpartners.co.uk) for further information or advice on your project.

**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 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

**Note 3**

Please note that the issuing of planning permission does not grant a licence for the operation of a House in Multiple Occupation. Please ensure the correct licence is obtained prior to use. Failure to do so could result in enforcement action being taken. To apply for a licence please contact [psh.focus@gloucester.gov.uk](mailto:psh.focus@gloucester.gov.uk)

**Note 4**

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.

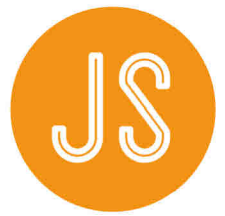
**Person to Contact:** Harriet Parker (396753)



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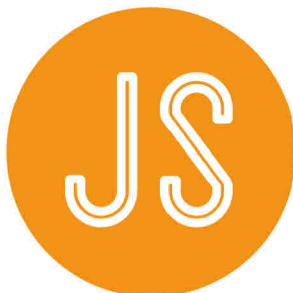
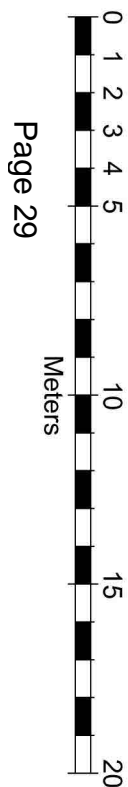
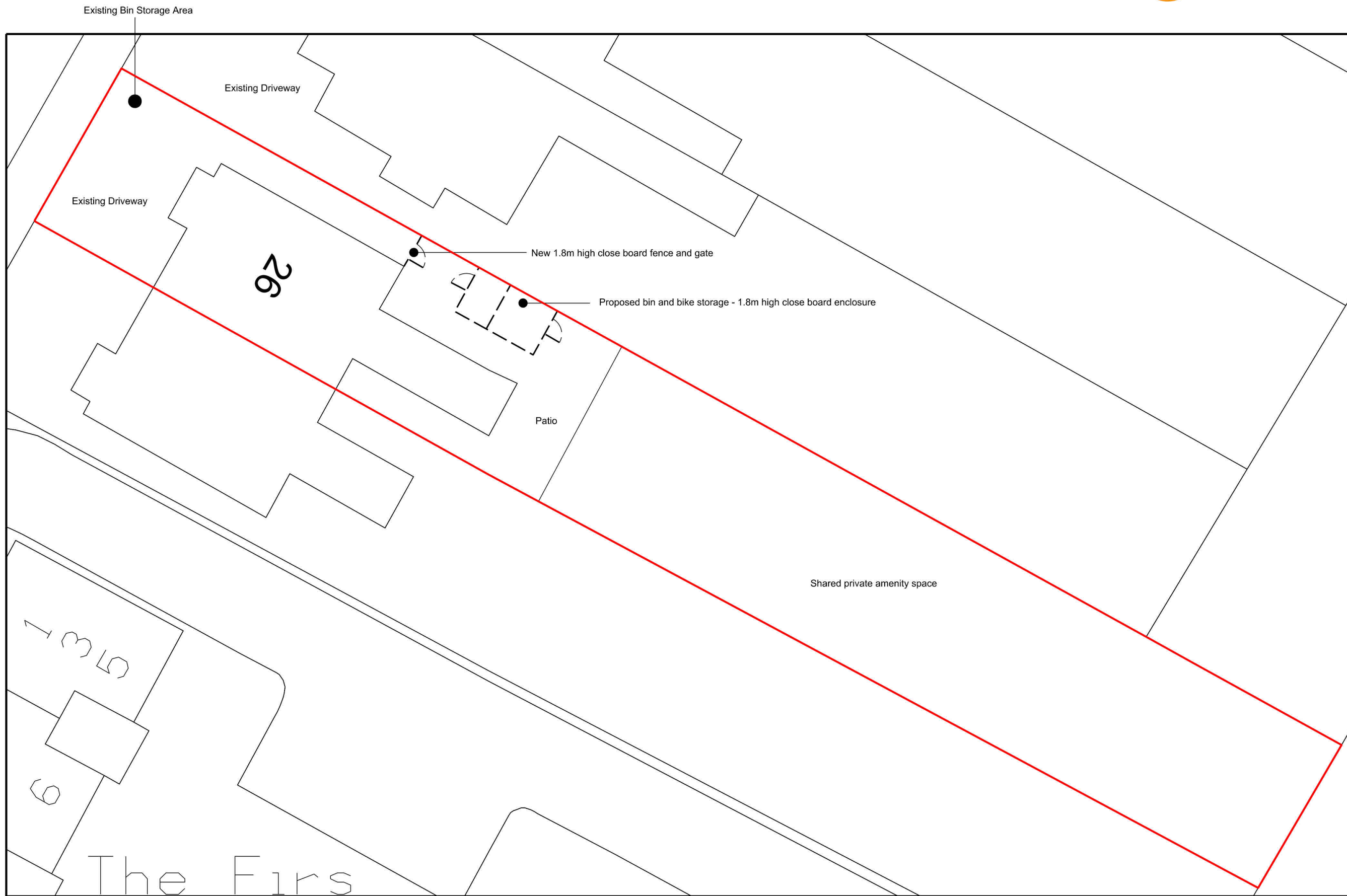
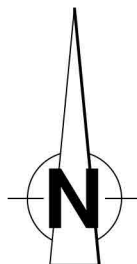
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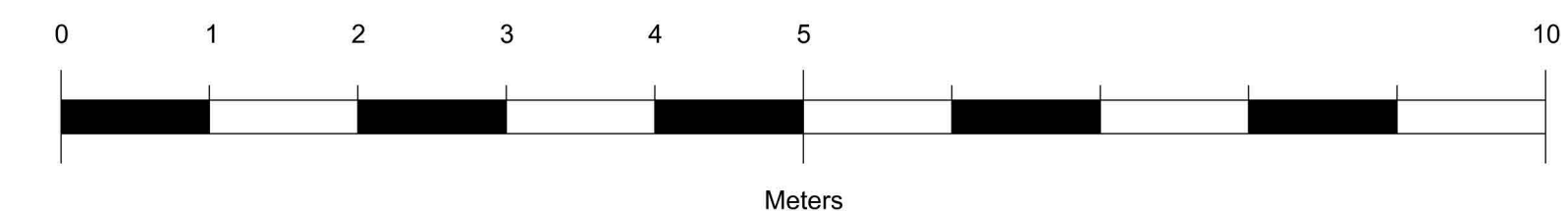
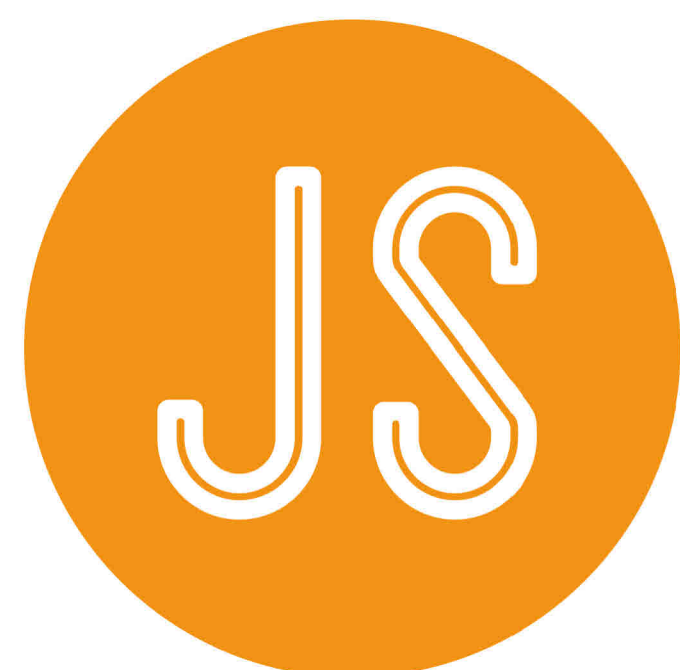


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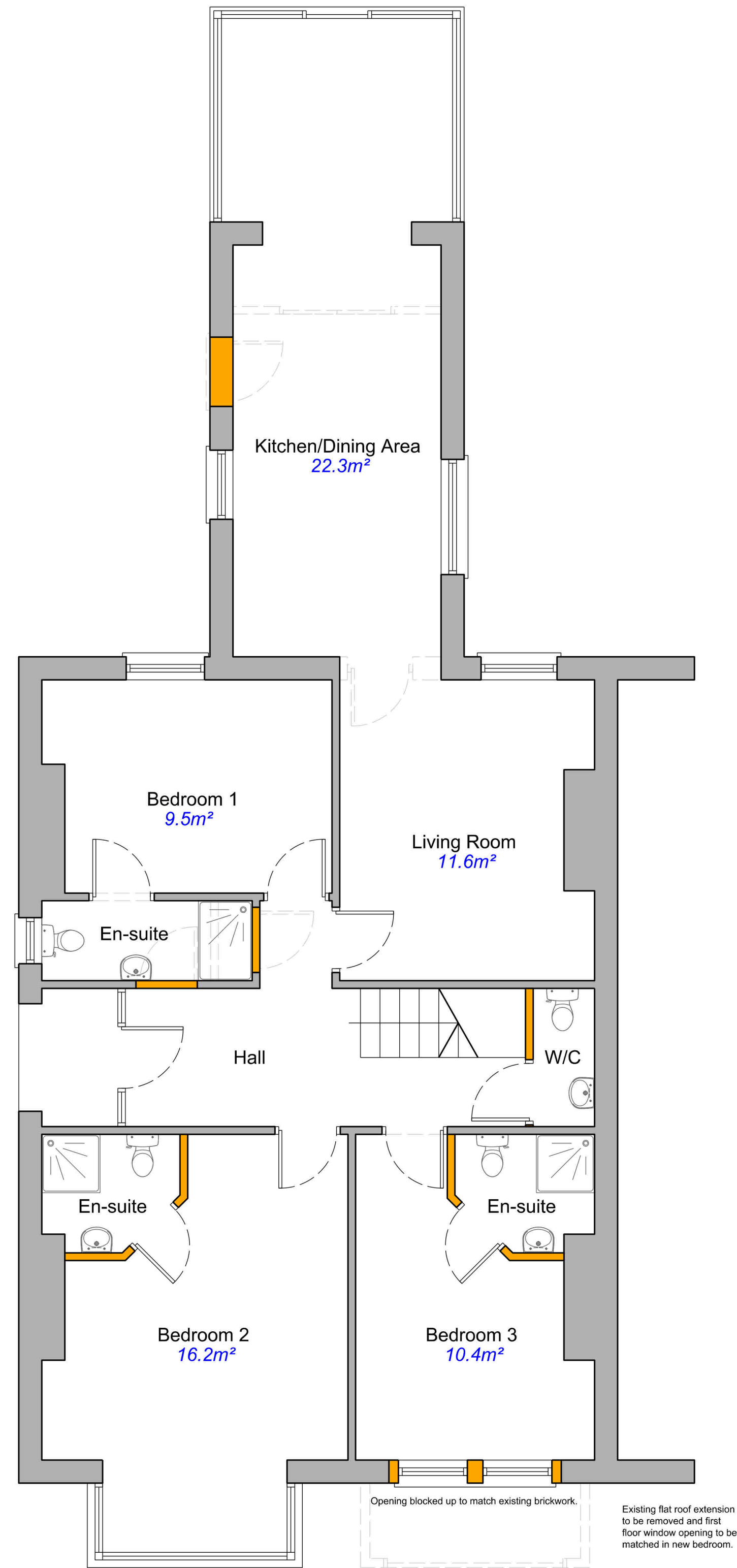


Existing flat roof extension to be removed and replaced with 2no. windows to match neighbouring property with matching sill and head details.

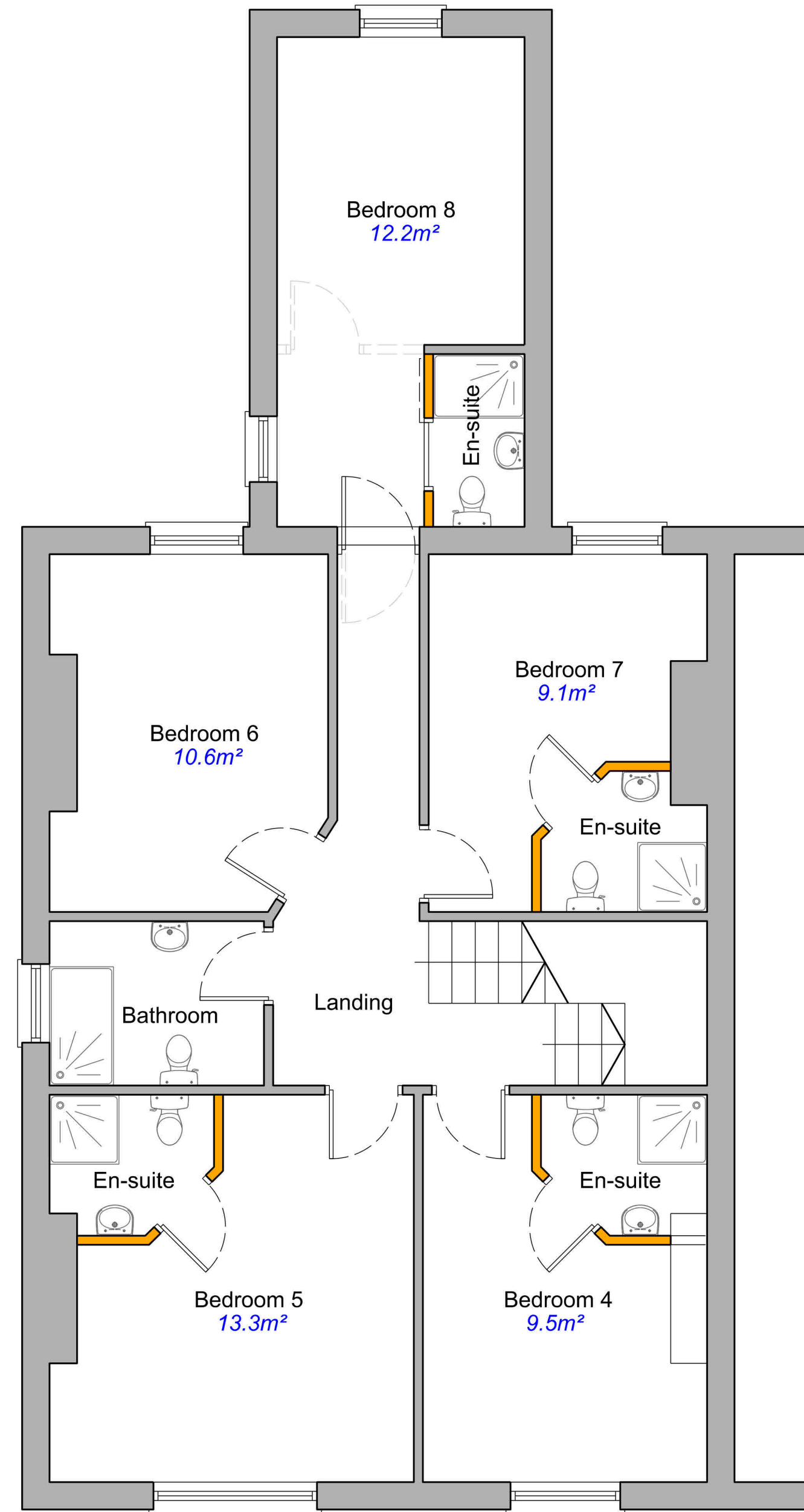
Opening blocked up to match existing brickwork.



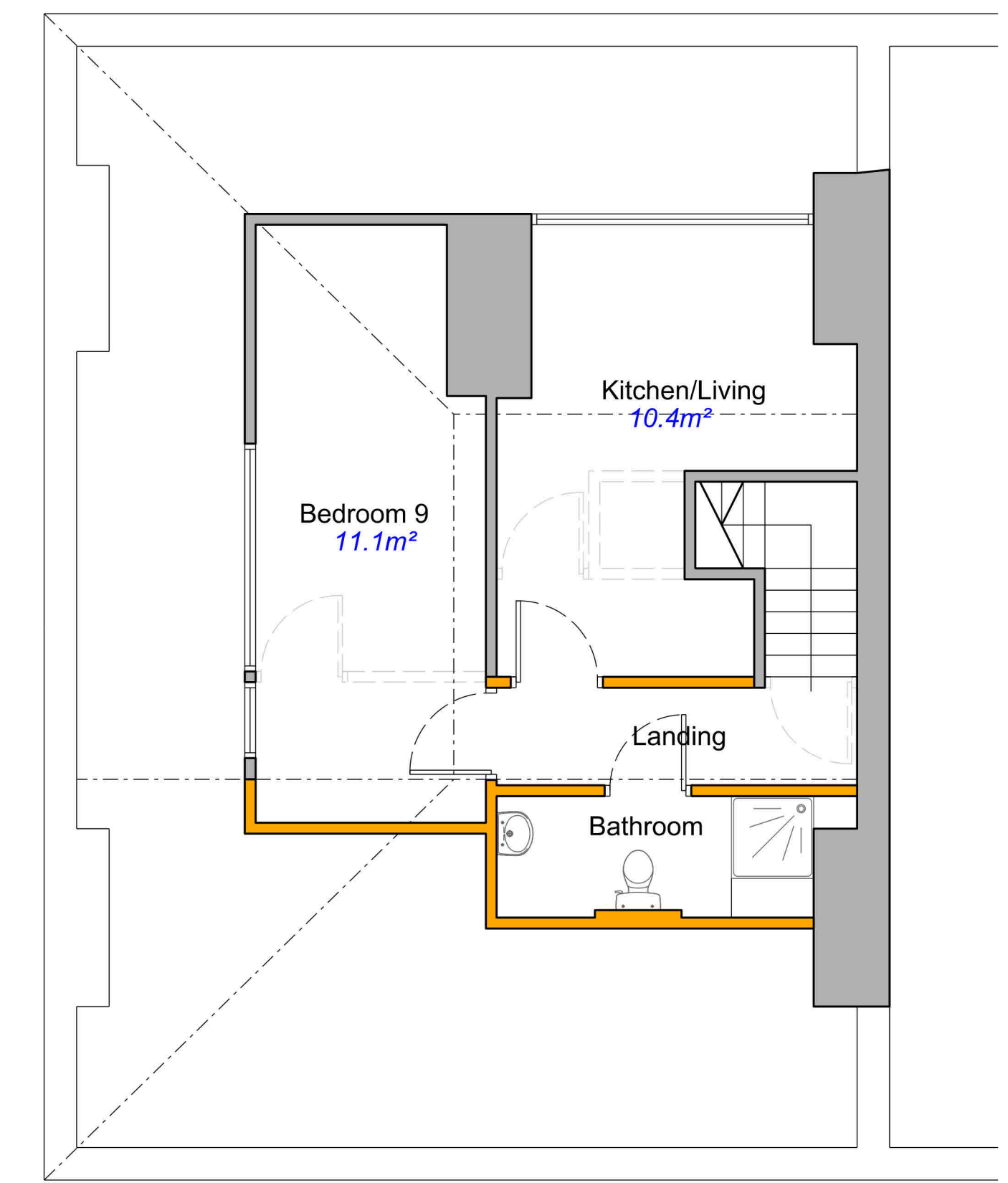
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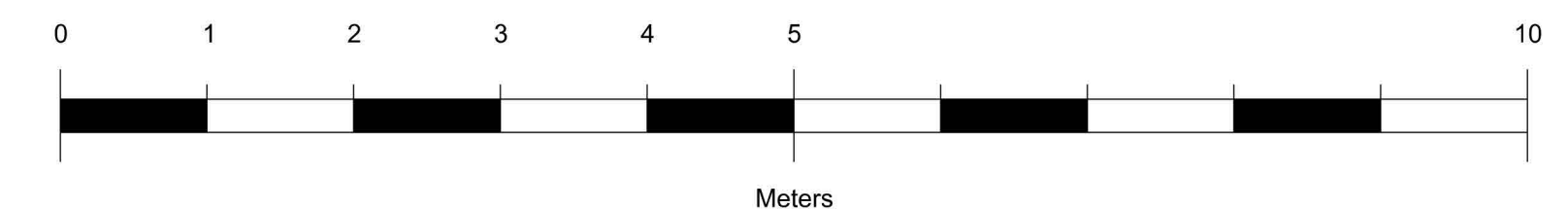
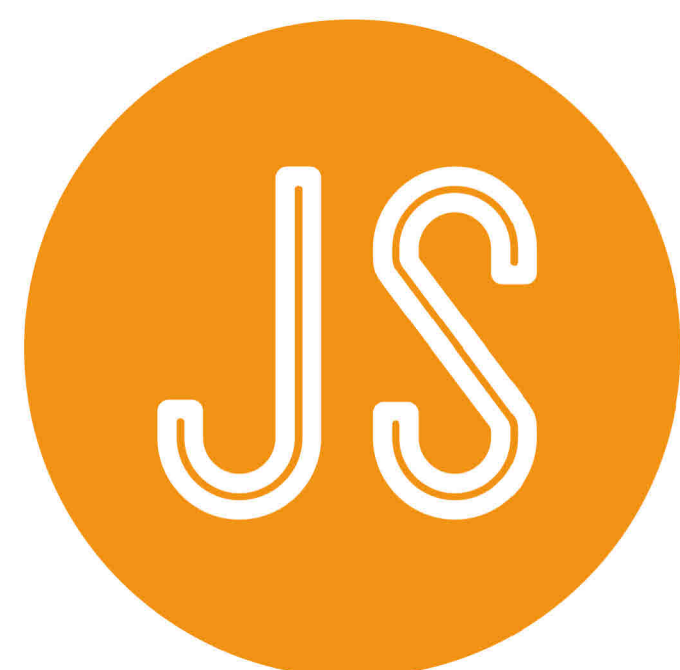
**Proposed Ground Floor Plan**



**Proposed First Floor Plan**



**Proposed Second Floor Plan**



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**GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL**

Committee: | Planning  
Date: | 06.02.2024  
Address/Location: | 2 Hillview Road Gloucester GL3 3LD  
Application No: | 23/00656/FUL  
Ward: | Hucclecote  
Expiry Date: | 09.02.2024  
Applicant: | Mr Mahmut Karasan  
Proposal: | Change of use from a Hair Salon to take away Kebab Shop.  
Report by: | Harriet Parker  
Appendices: | Site Location Plan  
Proposed Front Elevation Plan  
Proposed Ground Floor Plan  
Proposed ventilation Plan

**Site Location Plan**



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 2 Hillview Road which is a property within a show of commercial units which comprises of a ground floor unit known as 2 Hillview Road and a first-floor residential unit, which according to the council records has no dedicated or different street number. The ground floor unit is currently considered to be in Class E[c][iii] as its most recent use was a hair salon known as Headline Hair which ceased operation in 2021, before the applicant purchased the unit.
- 1.2 This application relates to the ground floor unit of 2 Hillview Road only and there is no assessment to be made for the residential flat (use class C3) on the first floor as this is to remain as existing.
- 1.3 The site is located at the corner of Hillview Road and Hucclecote Road in the Hucclecote ward of Gloucester within an existing row of established retails units and is within the Hucclecote local designated centre as identified in Policy S.12 of the Gloucester Local Plan, Second Stage Deposit (2002).
- 1.4 The front elevation of 2 Hillview Road consists of a brick patterned wall, brown timber boarding along the bottom while the upper part of the elevation consists of windows, an access door and plastic fascia sign. The existing front access door is the only point of access to the unit for both staff and customers of the ground floor unit and to the first-floor residential unit.
- 1.5 The immediate surrounding area is primarily commercial in nature consisting of three commercial units adjacent to the proposed site on the eastern side of Hillview Road and four commercial units found the opposite side of road within Silverdale Parade. In the wider surrounding area, there is a mix of residential development, further commercial use and community services. To the north of the site the remainder of Hillview Road and Foxwell Drive consist of residential development and to the south along Hucclecote Road a mixture of commercial, residential and community uses. Hucclecote Road is comprised of majority residential development, although other commercial uses including a parade of shops also identified within the Hucclecote Local Centre, Royal Oak public house, Hucclecote Police Station, Hucclecote Library and Hucclecote GP Surgery are found.
- 1.6 This application seeks consent for the proposed change of use of 2 Hillview Road from a hair salon (Class E[c][iii]) to hot food takeaway (Sui Generis).
- 1.7 As part of the application it is proposed to make alterations to the front elevation of the unit. It is proposed to add an additional fire escape door and implement a ventilation system behind the existing parapet roof. The proposed change to the fascia sign is dealt under a separate application (23/00657/ADV).
- 1.8 Internal alterations to the layout are also proposed within the ground floor unit to facilitate the change of use to hot food takeaway in providing a shop front area for customers and store and prep area for staff. The internal floor layout is also proposed to align with the proposed implementation of an additional access door to separate and provide a direct access to the first floor residential (C3) unit from Hillview Rd and also provide a fire escape route from the store and prep area to the rear.
- 1.9 The proposed opening hours of the hot food takeaway would be Monday to Friday 17:00 to 23:00 and Sunday and Bank holidays 17:00 to 23:00.
- 1.10 The proposed hot food takeaway would implement internal bin storage in the store and



prep area of the unit and also provide customer waste and recycling bin facilities within the shop front.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/24526/HIST	22278 (G/1838/C):- CHANGE OF USE OF 1ST FLR STORE RM TO LADIES HAIRDRESSING SLN	Z45WDR	01.05.1960
44/24532/HIST	P/444/69:- EXTENSION TO FORM SHOP ENTRANCE	Z45ASC	25.06.1969
44/24533/HIST	P/274/74:- NEW ENTRANCE TO SHOP	Z45ASC	10.04.1974
44/24536/HIST	G.1636/A:- ERECTION OF 4 LOCK-UP GARAGES, EXTENSION TO SHOP AND NEW SHOPFRONT.	Z45APP	17.07.1958
23/00657/ADV	Proposed illuminated fascia sign for 'Kebab Royal'	G3Y	19.01.2024

## 3.0 RELEVANT POLICY HISTORY

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

### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

### 3.3 Development Plan

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

Relevant policies from the JCS include:

SD2 – Retail and City/Town Centres

SD4 – Design requirements

SD6 – Landscape

SD14 – Health and Environmental Quality

INF1 –Transport network

INF2 – Flood risk management

### 3.5 The Gloucester City Plan (Adopted 26 January 2023)

Relevant policies include:

C4 – Hot food takeaways

F1 – Materials and finishes.

G1 – Sustainable transport and parking

### 3.6 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. However, saved policies including policy S3 and S3b are considered relevant to this application.

### 3.7 **Other Planning Policy Documents**

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

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

S.12 Local Centres

S.13 Changes of uses in District and Local Centres.

### 3.8 **Supplementary Planning Guidance/Documents**

Gloucester, Cheltenham and Tewkesbury: Retail and City / Town Centre Review (Volume 1) (2021).

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

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

Gloucester City policies:

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

## 4.0 **CONSULTATIONS**

### 4.1 **Highway Authority – No objection.**

The site is located within an existing local rank of shops with on-street parking bays opposite, parking restrictions and bollards to prevent unsuitable parking with similar movements except potentially more deliveries restricted by current parking restrictions.

The Highway Authority has undertaken a robust assessment of the planning application. 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 ground on which an objection could be maintained.

### 4.2 **Noise and Odour Consultants (14.09.2023) – Objection**

The proposed commercial kitchen extraction flue proposal, despite the inclusion of carbon odour mitigation measures, would not aid the dispersion and dilution of cooking odours due to its semi-enclosed horizontal orientation and relatively low level discharge. The final opening of the extraction flue is also in close proximity to the adjoining residential property on Hucclecote Road. Additionally, the applicant does not appear to be proposing any fume / smoke mitigation. I therefore consider that fume and odour emissions could adversely impact residents at the adjoining residential property.

### 4.3 **Noise and Odour Consultants (13.12.2023) – Objection**

The revised plans, with the extraction flue exhausting vertically, should ensure that fume / odour do not adversely impact the neighbouring residents. However, no fume mitigation has been proposed (disposal panel filters would suffice) and there should be no cowl / restriction at the final opening (provision needs to be made for rainwater collection).

In terms of the proposed carbon filter, the applicant should provide the dwell time through the filter (filter volume divided by the maximum volumetric flow rate) which should be at least 0.2 seconds.

In terms of noise, the applicant should state which model of extract fan is to be installed and the sound reduction specification(s) of the proposed duct attenuators for approval.

The revised plans indicate that the air inlet / make fan is to be located in close proximity to the front façade of the neighbouring residence, therefore the applicant should detail this on a revised plan, state the model of inlet fan to be installed and I recommend that a duct attenuator is also installed and its details submitted for approval.

**4.4 Noise and Odour Consultants (23.01.2024) – No objection, subject to conditions.**

The revised plans now look acceptable. However, the number of the carbon filter panels should be stated and the sound reduction specification of the proposed make-up air duct attenuator detailed for further comment.

**5.0 PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified by letter sent **12.09.2023** and site notices have been displayed for 21 days from **28.09.2023**.

5.2 7 letters of objection raising the following issues:

- Issues with evening parking, delivery drivers and customers illegally parking.
- Believe there is a high risk of an accident occurring.
- Noise and waste pollution from customers waiting/eating on the street, especially in summer months.
- Negative impact this establishment may have on the community and well-being or our neighbourhood.
- Fear the addition of a kebab shop nearby a local public which attracts individuals who engage in less-than-ideal behaviours will exacerbate the problem.
- Prospect of intoxicated and antisocial people congregating near houses at late hours is deeply concerning.
- Presence of the kebab shop with worsen litter problem and late night costumers are more likely to dispose of wate improperly and may attract vermin.
- Concern of air quality in such close proximity to residents.
- Fast food establishments provide no health benefits to local residents and is in close proximity of a primary school.

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

**6.0 OFFICER OPINION**

**6.1 Legislative background**

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

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

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

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and Gloucester City Plan (GCP). And as outlined earlier, the 1983 Local Plan is considered to be out-of-date. Page 39

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

## 6.5 **Principle**

### 6.6 **Principle of hot food takeaway (Sui Generis) in this location**

6.7 Paragraph 91 of the National Planning Policy Framework (2023) (NPPF) states that main town centre uses should be located in a town centre, then in edge of centre location and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

6.8 The Joint Core Strategy (2017) Policy SD4 paragraph 4.2.14 states, “For the avoidance of doubt, references to ‘town centres’ and ‘town centre uses’ in this policy and throughout the JCS document are intended, unless otherwise stated, to apply to city centres, town centres, district centres and local centres and should be read as having the same meaning as the definition of ‘town centres’ and ‘town centre uses’ included in the NPPF.

6.9 The proposed site is located within the Hucclecote Local Centre as identified Policy S.12 of the Gloucester Local Plan, Second Stage Deposit (2002) and the proposed use hot food takeaway (Sui Generis) is a main town centre use. So the proposed use is found to be an acceptable use in the proposed location subject to compliance with policy C4 of the Gloucester City Plan (2023) and any other material planning consideration.

6.10 Policy C4 of the Gloucester City Plan (2023) directly relates to proposal for hot food takeaways. It states that proposals for hot food takeaways, including mobile catering units must satisfy the following criteria:

1. The design of the unit, including its ventilation and bin storage would not have a significant adverse impact on the visual amenity of the area; and
2. There would not be a significant adverse impact on the amenities of occupants of nearby properties in terms of noise, traffic disturbance, odour, litter, light or hours of operation; and
3. There would not be an unacceptable impact on the surrounding highway network, traffic safety or create unacceptable parking issues; and
4. The proposal incorporates adequate waste storage and disposal facilities; and
5. There should be a minimum of two non-hot food takeaway units, or at least 10 metres, between the units, whichever is greater.
6. Outside of the city centre, district centres and local centres, that the proposal is not within 400 metres of any access to a secondary school or college.

6.11 Each of the criterion has been considered as follows:

6.12 1. The proposed external alterations to the front elevation are deemed to not result in any significant harm to visual amenity. While the proposed ventilation system would be partial visible from the street and to the residents on the first floor of Silverdale Parade. Due to measures taken in its placement it is deemed to result in some visual amenity, but in balance is deemed not to result in detrimental harm. And so is considered to comply with criteria 1 of policy C4 of the City Plan. This is discussed at greater length in the design, layout and landscaping section of this report.

6.13 2. The proposed change of use has proposed sufficient mitigations to ensure no significant harm in terms of impacts upon amenity of occupants of nearby properties. And so is considered to comply with criteria 2 of policy C4 of the City Plan. This is discussed at greater length in the residential amenity section of this report.

- 6.14 3. The proposed site and application for change of use has been assessed and commented on by the Local Highway Authority. They raise no objection to the application and so is deemed not to result in an unacceptable impact on the surrounding highway network, traffic safety or create unacceptable parking issues. And so is considered to comply with criteria 3 of policy C4 of the City Plan. This is discussed in greater length in the traffic and transport section of this report.
- 6.15 4. The application demonstrated on the proposed floor plan (P-10) the proposed installation of bin storage facilities in the prep and store area for staff use and waste and recycling bins in the shop front for customer use. And so is considered to comply with criteria 4 of policy C4 of the City Plan. This is discussed in greater length in the residential amenity section of this report.
- 6.16 5. The nearest hot food takeaway to the proposed site is located at no.10 Silverdale Parade known as 'Papa John's'. The distance from the shop front of the proposed site and the shop front of No. 10 is measured at 34m. And so is considered to comply with criteria 5 of policy C4 of the City Plan.
- 6.17 6. The proposed site is located within a local centre and so is not required to abide by the criteria set in part 6 of policy C4.
- 6.18 **Principle of loss of retail in this location**
- 6.19 Retail is not addressed in Gloucester City Plan as all three participating authorities in the Joint Core Strategy agreed it to be a strategic matter; therefore, retail figures solely in the JCS amongst the two most recently adopted Local Development Plans.
- 6.20 Policy SD2 of the JCS addresses retail solely in terms of proposals for/away from retail uses within the identified Primary and Secondary Shopping Frontages. No mention is made of Local Centres, although it should be noted that this policy does on a number of occasions refer to 'Designated Centres' and no hierarchical distinction is made between City Centres and Local Centres; both, therefore, effectively have the same weight.
- 6.21 A condition of the adoption of the JCS was that a more detailed, comprehensive retail study would be commissioned, including research into local centres and neighbourhood shopping provision. These topics are omitted from the JCS because the evidence base wasn't ready to draw up proper detailed policies on these matters. This omission is covered by a series of retail policies from the 1983 Plan, which were deliberately saved by the Inspector during the adoption process as they were considered still relevant and were therefore seen as a worthy interim policy in advance of the adoption of new up-to-date policies in any prospective JCS successor.
- 6.22 The two relevant policies from the 1983 Plan are as follows:
- *S.3 Continued provision of shopping facilities to meet local needs outside the City Centre will be encouraged*
  - *S.3B The City Council will seek to maintain the existing neighbourhood shopping provision in the City.*

- 6.23 City of Gloucester Local Plan (Adopted 14 September 1983) saved policy S3b states that 'The council will seek to maintain the existing neighbourhood shopping provision in the city' and '...that there is scope for provision of services/offices which primarily meet local needs within these shopping areas, but a danger exists that these may overwhelm the original shopping function. Application for change of use from retail functions in this shopping area will be considered with potential problem in mind'.
- 6.24 Policies defining the extent of and governing the approach to development proposals within Local Centres were most recently set out within the 2002 Second Stage Draft Deposit Local Plan. The 2002 plan was never adopted but its use was approved for Development Management purposes. Its policies should therefore be used wherever consistent with the NPPF. Policy S13 relates to Changes of Use in District and Local Centres; it prohibits changes of use from [former] A1 retail uses in district and local centres unless:
1. *The proportion of non-retail uses on the ground floor of properties in the centre is below 30%, and*
  2. *The proposal would not result in a continuous group of more than two non-retail uses in the centre, and*
  3. *The property is vacant and the developer is able to demonstrate that the property has been marketed unsuccessfully for a reasonable period of time, or*
  4. *The developer is able to demonstrate that the proposal would sustain and enhance the vitality and viability of the centre*
- 6.25 These criteria are addressed as follows:
- 6.26 1. The 2021 retail study found that the Hucclecote local centre consisted of 53% service uses and although some units have since become vacant it is accepted that the local centre has more than 30% of ground floor properties as nonretail uses.
- 6.27 2. The proposed site location is adjacent to an active hair salon (Class E[c][iii]) known as Heads and Toes and a Co-op and so would not result in a continuous group of more than two non-retail uses.
- 6.28 3. The property has been vacant since 2021 and the agent have confirmed that the unit was unsuccessfully advertised before the applicant purchased the unit.
- 6.29 4. The proposed unit as previously stated has been vacant since 2021 and so the occupancy of the unit would, being an active business contribute and ensure vitality and viability of the centre.
- 6.30 The criteria of Policy S13 are quite exacting and are now 22 years old. As such some weight can be given to policies of the 2002 Local Plan for development control purposes.
- 6.31 The proposed complies with all criteria set except criteria 1. As previously stated some weight can be given to the policy but as the 2021 retail study found that 53% of uses within Hucclecote Local Centre were services rather than retail the exacting criteria of 30% and below is considered to be outdated. Furthermore, as services uses within the Hucclecote Local Centre are prevalent and the retail study still classified the centre as important within the hierarchy of local centre is considered that service uses compared to retail uses within the local centre still provide a suitable provision to the local need.

- 6.32 Furthermore, the saved S3B policy of the 1983 City Plan states change of use away from retail can be considered if they meet the local need. Again, as the 2021 retail study found that the over half of units within the Hucclecote Local Centre are service rather than retail and still classified the local centre as important. The need for services over retail is evident. Therefore, the proposed change of use would be in line with the existing use class provided within the local centre and the change of use from a vacant unit to a hot food takeaway would not result in a significant change of provision within the local centre. Hence, the proposed change of use is found to be acceptable in the proposed location subject to assessment against other material planning considerations.
- 6.33 **Design, Layout and Landscaping**  
The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.
- 6.34 The application does not propose to alter the external layout or landscaping of the site and only proposes the make minimal external alterations to the front elevation.
- 6.35 It is proposed to introduce a new upcv fire door to the front elevation of the unit. The proposed color of the upcv door has not been specified but this can be secured through a suitably worded condition.
- 6.36 It is considered that the introduction of an additional door within the front elevation of the unit would not result in any significant harm to the character and appearance of the street scene as it is in line with other commercial units along the street.
- 6.37 The proposed ventilation system will be situated behind the existing parapet wall of the unit and extend upwards towards the existing roofline of the property, resulting in part of the ventilation system being visible from the street.
- 6.38 The design of the ventilation system would result in the vertical section, the flue being visible from the street. The ventilation flue would be 1m in width and 6.8m of it would be visible above the parapet wall. It would sit against the side wall of the upper floor so would sit approximately 7m from the front elevation of the unit.
- 6.39 The ventilation flue would be visible from the street although due to the parapet wall and it being in a setback position would reduce the visual amenity impact upon the street scene. Additionally, the proposed materials and colour of the flue has not been provided in the proposed plans but it is considered that an acceptable muted color and/ or matt materials can be achieved through a suitable worded condition. Furthermore, it is understood the proposed ventilation would also be visible by the residential units of Silverdale Parade but as they are in an elevated position limited weight is given to the visual impact of the flue.
- 6.40 Although proposed flue is deemed to be visible from the street scene and by residents of Silverdale Parade. However, with its proposed set back position and the conditioning of its proposed materials and colour the proposal is considered to result in some harm to the street scene and visual amenity of residents but in balance is not deemed to result in detrimental harm and so is considered acceptable.

- 6.41 A separate application has been submitted for advertisement consent to replace the existing fascia signage at the proposed site (23/00657/ADV). This application has been considered on its own merits and does not prejudice the decision of this application.
- 6.42 It is therefore deemed that the proposed change of use is acceptable in terms of design, layout and landscaping and so is considered to comply with policies SD4 and SD6 of the Joint Core Strategy (2017) and policies C4 and F1 of the Gloucester City Plan.
- 6.43 **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 Policy G1 supports and encourages improvements to sustainable transport network.
- 6.44 It has been identified by the Local Highway Authority that the site is located within an existing rank of shops with on-street parking bays opposite, parking restrictions and bollards in place to prevent unsuitable parking. The applicants have indicated they will not be receiving deliveries to the unit and will undertake supplying of the shop themselves. But if this were to change the Highway Authority accept and states that future deliveries will be restricted by current parking restrictions.
- 6.45 The Local Highway Authority therefore raises no objection to the proposal in terms of highway safety or severe impact on congestion. Therefore, the application is considered to comply with Policy IN1 of the JCS and Policy G1 of the City Plan.
- 6.46 **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 and policy C4 of the City Plan which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.47 As set out in section publicity and representations section of this report above, concerns have been raised by a number of neighbors in regard to the possible impact on amenity of neighboring occupant and properties including but not limited to noise, anti-social behavior and air quality.
- 6.48 Waste / Litter
- 6.49 The proposed application has considered the potential creation of waste and as such have proposed implementation of waste storage in the store and prep area of the unit to be used by staff and waste and recycling bins for use by customers in the shopfront area of the unit as shown on the proposed ground floor plan (P-10). The applicant has also stated within the Design and Access Statement that all staff will receive training on waste segregation to correctly dispose of waste and recycling materials and promote environmental responsible practices. Furthermore, it is stated that the applicant will engage with a responsible waste contractor to handle the waste collection and recycling of materials.
- 6.50 It is also noted that there are four public waste collection bins in proximity to the site including directly outside the proposed site, 24m north of the site at the junction of Hillview Rd and Foxwell Dr, 20m to the south of the site along Hucclecote Rd and 70m south-west of the site also along Hucclecote Rd.



- 6.51 It is therefore considered that the proposed application has provide sufficient information and proposed measures within the ground floor plan (P-10) to comply with criteria 4 of policy C4 of the City Plan. And as such is deemed that sufficient measures will be put in place and secured via a suitably worded condition in combination with existing public waste collection bin available that waste and or litter would no result in a significant impact upon amenity of neighboring occupants or the wider area.
- 6.52 Air Quality, Odor, and Noise (Ventilation)
- 6.53 The proposed ventilation system for the hot food takeaway has been through multiple iterations and now is deemed acceptable by the City Councils external consultants in terms of both odor and noise. The most recent proposed ventilation plan (C07721-01 Rev C) raised no objection subject to conditions by the council's consultant on 23.01.2024.
- 6.54 Therefore, the proposed application is considered not to result in any significant harm to amenity of neighboring occupants or the wider area in terms of unacceptable odor, air quality or noise in terms of the proposed ventilation system. And so is considered to comply with criteria 2 of policy C4 of the City Plan.
- 6.55 Noise and anti-social behavior
- 6.56 The proposed hot food takeaway has proposed the opening hours to be Monday to Friday 17:00-23:00 and Sunday and Bank Holidays 17:00-23:00.
- 6.57 The proposed opening hours are in line with other establishments along the street including the Co-op which is open until 22:00 Monday – Sunday and Papa John's which is open until 23:00 Monday – Friday. Therefore, the proposed opening hours are deemed acceptable as they do not differ greatly from existing business along the street.
- 6.58 As concluded in the publicity and representation section of this report the concern of anti-social behaviour was raised by objectors. The proposed opening hours, in line with other along the street would limit the presence of customers to certain times in line with existing expectations. It should be noted that the nature of prospective clientele is not a material planning consideration.
- 6.59 It is therefore deemed that the proposed change of use is acceptable in terms residential amenity and so is considered to comply with policy SD14 of the Joint Core Strategy (2017) and policy C4 of the Gloucester City Plan.
- 6.60 **Drainage and flood risk**  
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Whereas Policy E4 of the Gloucester City Plan states that development should not lead to an increase in flood risk elsewhere and should reduce the cause and impact of flooding in the area and beyond.
- 6.61 2 Hillview Road is located within flood zone 1 and there is no proposed expansion of floor space. Therefore, its is considered that the proposed would not contribute towards an increased flood risk in the local area or beyond. As such is considered to comply with policy INF1 of the JCS and policy E4 of the City Plan.

## 6.62 **Economic considerations**

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

## 6.63 **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:

- Proposed Ground Floor Plan (P-10)
- Proposed Front Elevations (P-11)
- Proposed Ventilation Plan (C07721-01 Rev C)

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 the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

### **Condition 3**

The materials to be used in the construction of the external fire door shown of the proposed front elevation (P-11) shall match that of the existing access door of the front elevation of 2 Hillview Road.

### **Reason**

To ensure that the materials are in keeping with the existing building.

### **Condition 4**

The change of use hereby permitted shall not commence until the bin storage facilities have been installed and been made available for use in accordance with the submitted plan drawing no. P-10 and those facilities shall be maintained for the duration of the use of 2

Hillview Road as a hot food takeaway.

**Reason**

To ensure adequate refuse storage facilities are incorporated in the development and to ensure compliance with Policy C4 of the Gloucester City Plan.

**Condition 5**

The hot food takeaway use (Sui Generis) hereby permitted shall not be open to customer outside of the following hours: Monday to Friday 17:00-23:00 and Sunday and Bank Holidays 17:00-23:00.

**Reason**

To protect the noise climate and amenity of local residents and ensure compliance with Policy C4 of the Gloucester City Plan (2023) and Policy SD14 of the Joint Core Strategy (2017).

**Condition 6**

The change of use hereby permitted shall not commence until proposed materials and colour (RAL) of the ventilation system, including the ventilation flue have been submitted to and approved in writing by the local planning authority.

**Reason**

To ensure appropriate appearance of the proposed ventilation system to ensure it would not result in detrimental harm to the visual amenity of the area to ensure compliance with Policy C4 and F1 of the Gloucester City Plan (2023) and Policy SD4 of the Joint Core Strategy (2017).

**Condition 7**

The change of use hereby permitted shall not commence until information as to the proposed number of carbon filter panels for the ventilation system has been submitted to and approved in writing by the local planning authority.

**Reason**

To ensure adequate odour mitigation measure are incorporated in the development and to ensure compliance with Policy C4 of the Gloucester City Plan and Policy SD14 of the Joint Core Strategy (2017).

**Condition 8**

The change of use hereby permitted shall not commence until information as to the sound reduction specification of the proposed make-up duct attenuator for the ventilation system has been submitted to and approved in writing by the local planning authority.

**Reason**

To ensure adequate noise mitigation measure are incorporated in the development and to ensure compliance with Policy C4 of the Gloucester City Plan and Policy SD14 of the Joint Core Strategy (2017).

**Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision.

You are advised to contact Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or [building.control@stroud.gov.uk](mailto:building.control@stroud.gov.uk) and [www.gbcpartners.co.uk](http://www.gbcpartners.co.uk) for further information or

advice on your project.

### **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 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

### **Note 3**

Please note that the issuing of planning permission does not grant a licence for the operation of a House in Multiple Occupation. Please ensure the correct licence is obtained prior to use. Failure to do so could result in enforcement action being taken. To apply for a licence please contact [psh.focus@gloucester.gov.uk](mailto:psh.focus@gloucester.gov.uk)

### **Note 4**

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:** Harriet Parker (396753)



Proposed Site Location Plan  
Scale 1:1000 @ A3



Proposed Site Block Plan  
Scale 1:500 @ A3

Project: 2 Hillview Road  
Title: Site Location Plan

Drg No: P-01  
Scale: 1:1000 @ A3  
Date: Sep 2023

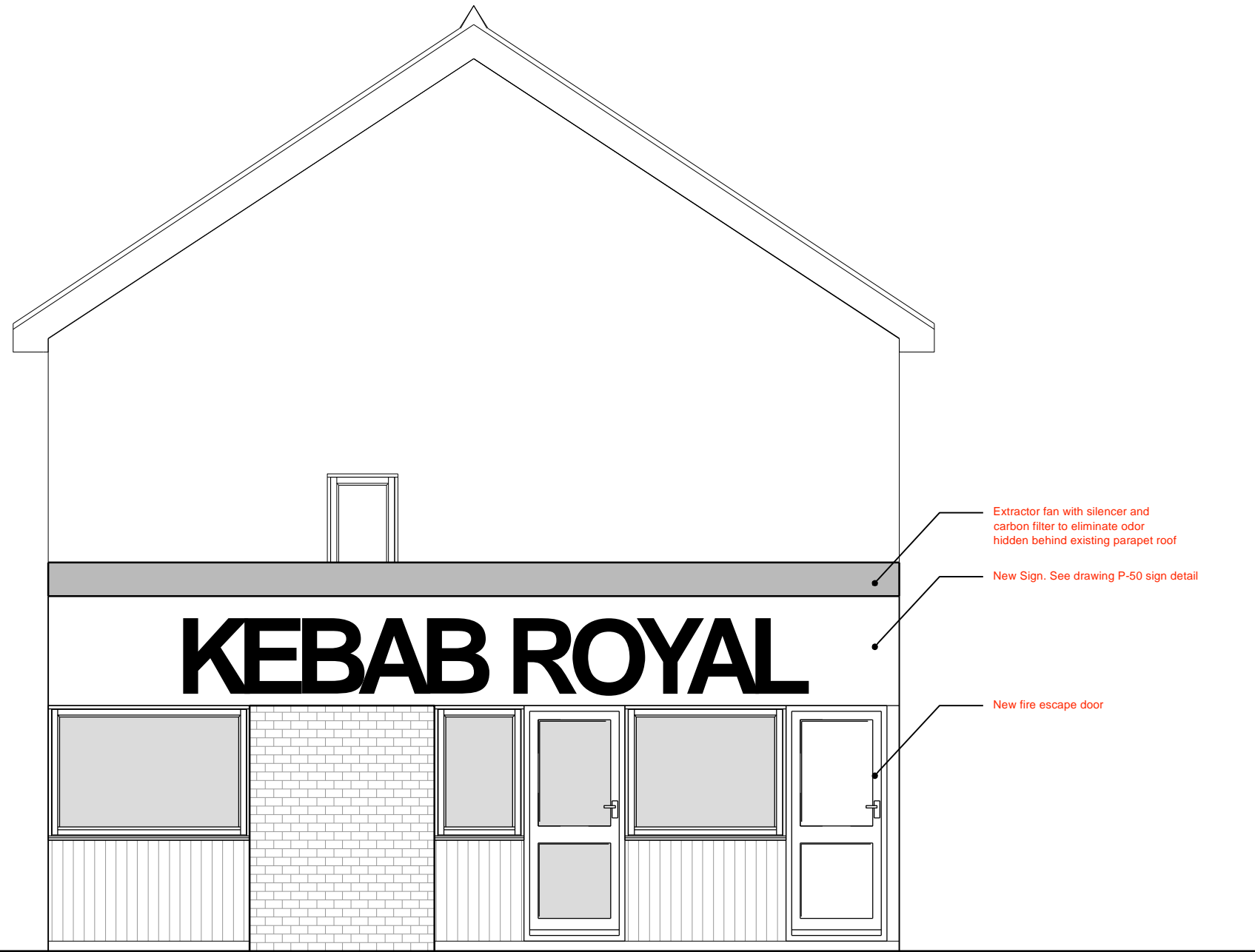
Rev: -  
Status: Planning



No dimensions are to be scaled from this drawing.  
The contractor or manufacturer is responsible for  
checking all dimensions and querying any  
discrepancies.



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Proposed Front Elevation  
Scale 1:50 @ A3

Project: 2 Hillview Road  
Title: Proposed Front Elevation  
  
Drg No: P-11  
Scale: 1:50 @ A3  
Date: Sep 2023  
  
Rev: -  
Status: Planning

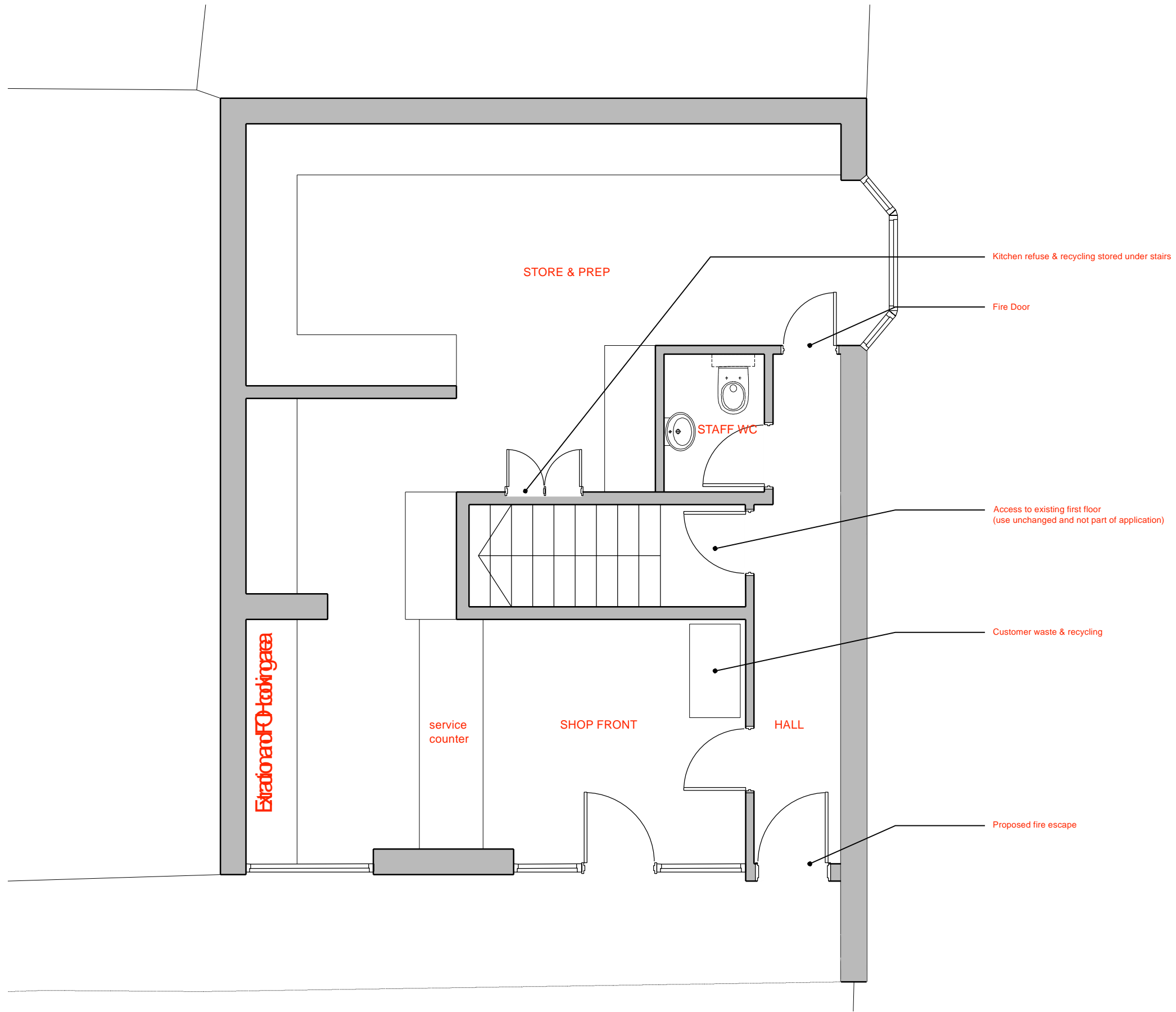


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checking all dimensions and querying any  
discrepancies.



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Project: 2 Hillview Road  
 Title: Proposed Ground Floor Plan

Drg No: P-10  
 Scale: 1:50 @ A3  
 Date: Sep 2023

Rev: -  
 Status: Planning

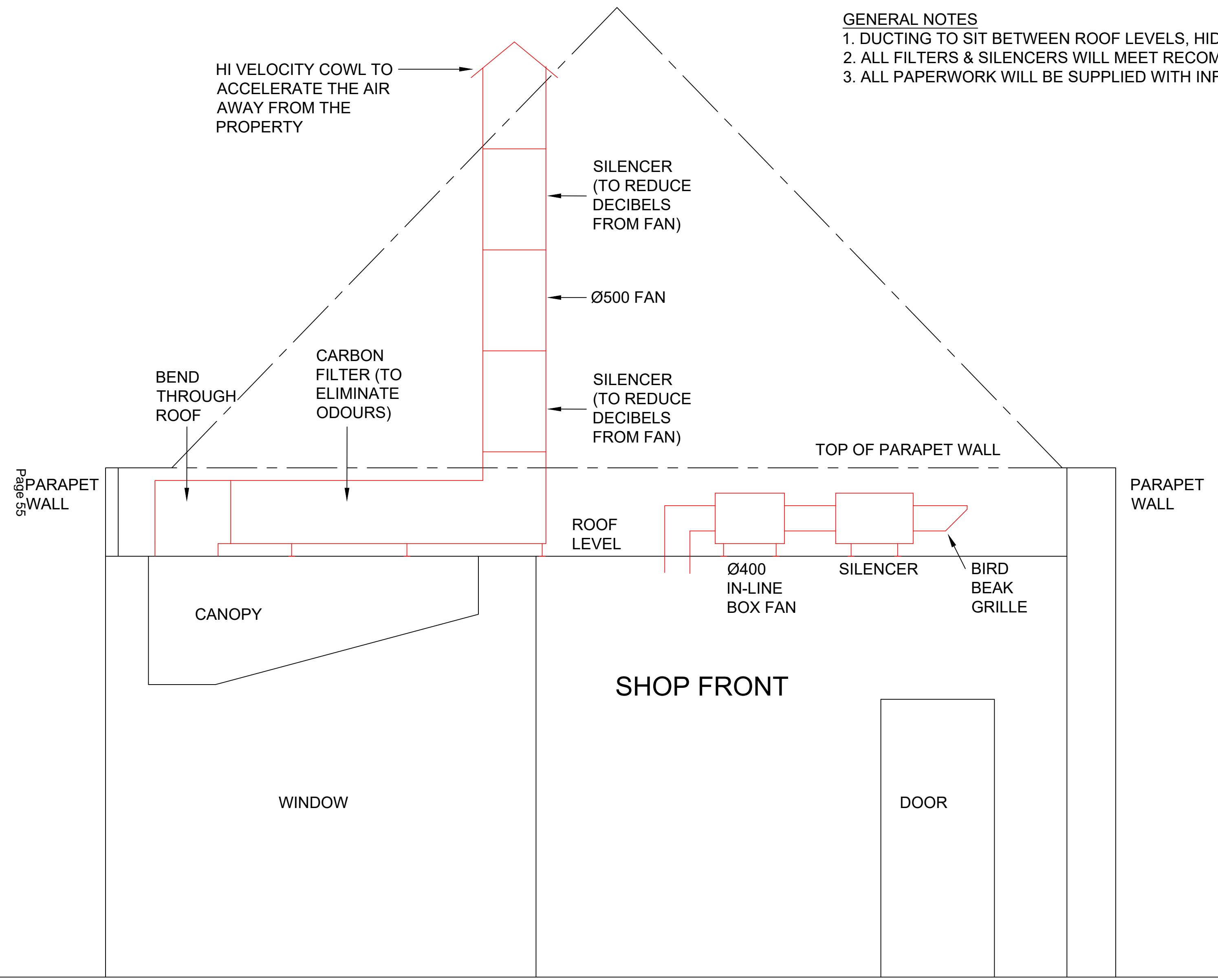


Proposed Ground Floor Plan  
 Scale 1:50 @ A3

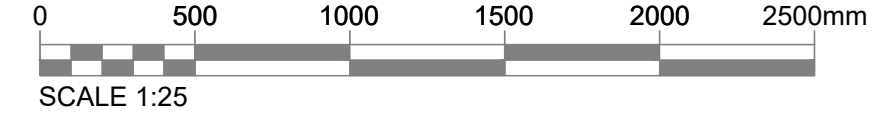
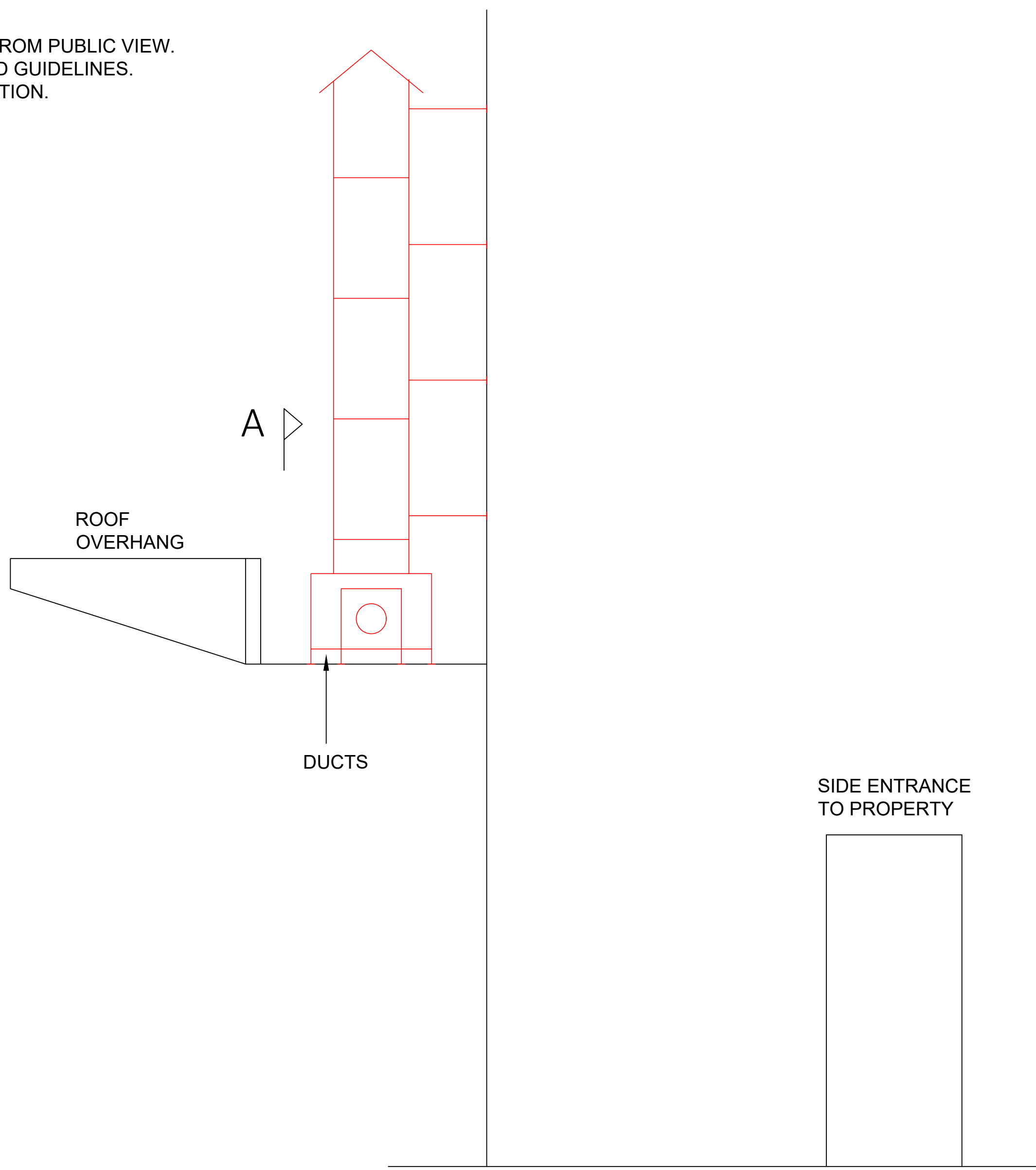


No dimensions are to be scaled from this drawing. The contractor or manufacturer is responsible for checking all dimensions and querying any discrepancies.

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**GENERAL NOTES**  
 1. DUCTING TO SIT BETWEEN ROOF LEVELS, HIDDEN FROM PUBLIC VIEW.  
 2. ALL FILTERS & SILENCERS WILL MEET RECOMENDED GUIDELINES.  
 3. ALL PAPERWORK WILL BE SUPPLIED WITH INFORMATION.



**SECTION A-A**

A

**REVISIONS**

C	UPDATED	10.01.2024
B	DUCTWORK UPDATED	17.11.2023
A	FOR REVIEW	29.10.2021

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FIGURED DIMENSIONS TO BE READ IN PREFERENCE TO SCALED

CLIENT  
 KEBAB ROYAL

PROJECT  
 2 HILLVIEW ROAD  
 HUCCLECOTE  
 GLOUCESTER  
 GL3 3LD

DRAWING TITLE  
 PROPOSED VENTILATION LAYOUT

DATE	OCT 2021	CAD REF	C07721
DRAWING NO.	C07721-01	REVISION	C
SCALE	1:50@A1	DRAWN BY	MAS (CJS)



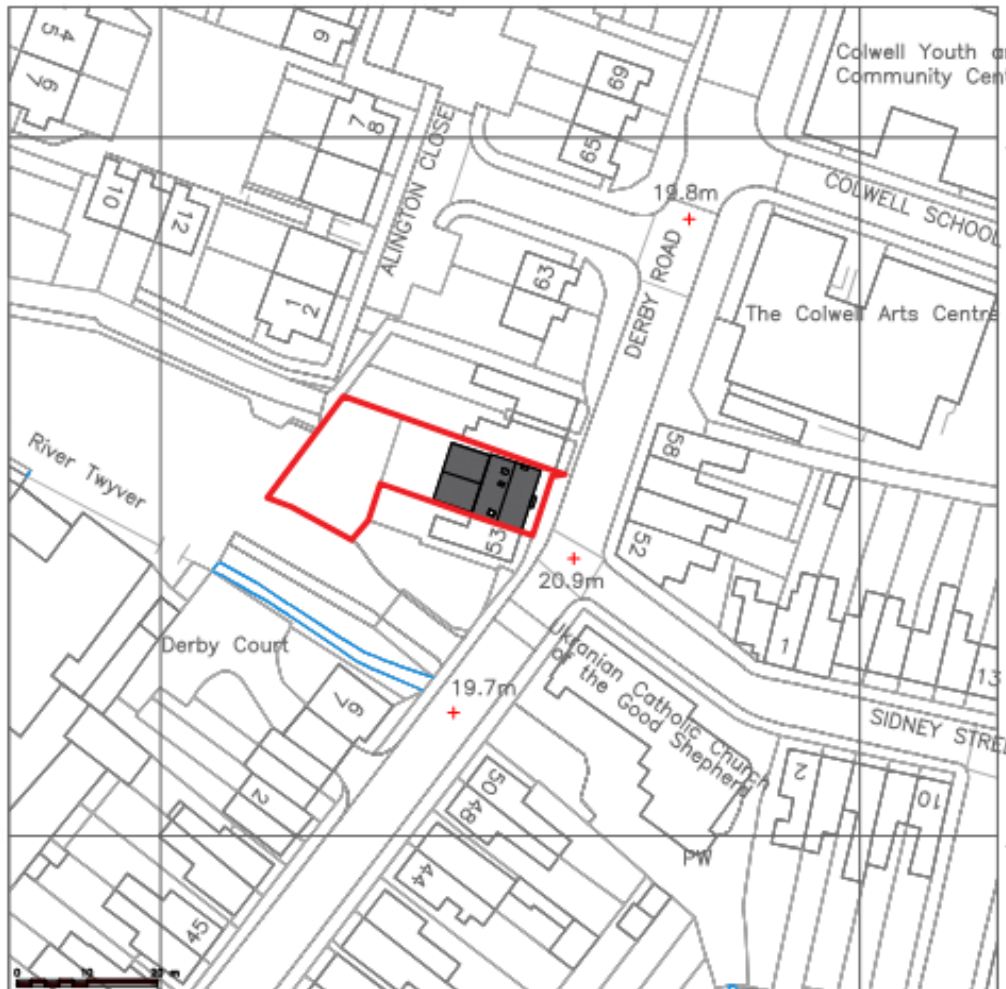
Telephone: (01452) 721240  
 E Mail: andy@acsw.co.uk  
 www.acsw.co.uk

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# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	06.02.2024
Address/Location:	55 Derby Road Gloucester GL1 4AA
Application No:	23/00895/LAW
Ward:	Barton & Tredworth
Expiry Date:	30.12.2023
Applicant:	Mr Norville
Proposal:	Proposed conversion of residential dwelling to 6 bed HMO
Report by:	Harriet Parker
Appendices:	Existing and Proposed Site Plan   Proposed Elevation Plan   Proposed Floor Plan

## Site Location Plan



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site of 55 Derby Road is a semi-detached property located adjacent to the highway of Derby Road within the Barton and Tredworth ward of Gloucester.
- 1.2 The property consists of the right-hand side of the pair of semi-detached properties, is two storey's in height with a pitched roof dwelling with no off street parking but does have a large rear private amenity space.
- 1.3 The property is currently in use a private dwellinghouse under use class C3.

The application seeks the issuing of a Lawful Development Certificate to confirm a change of use from use class C3 (dwellinghouse) to use class C4 (small HMO) is lawful under permitted development rights pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class L.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/13560/HIST	P/372/62:- CONVERSION OF SINGLE DWELLING HOUSE INTO 2 DWELLINGS	Z45APP	04.09.1962
44/13563/HIST	18193(517/63):- BATHROOM EXTENSION	Z45PDV	
13/00349/FUL	Demolition of existing single storey rear extensions and erection of rear conservatory	G3Y	03.06.2013
14/01325/PDE	Erection of single storey rear extension (depth: 5.9 metres from rear elevation of original dwellinghouse, maximum height: 3.85 metres, height of eaves: 2.3 metres)	ENOBJ	18.12.2014
23/00810/FUL	PROPOSED CONVERSION OF RESIDENTIAL DWELLING TO 6 BED HMO	APPRET	

## 3.0 RELEVANT PLANNING HISTORY

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

### 3.2 National guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015.

## 4.0 CONSULTATIONS

No consultation was undertaken.

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The ward councillor for Barton and Tredworth objected to the proposed application for Lawful Development Certificate and asked for this application to be taken to planning

committee for the following reasons:

- HMO is safety concerns and the noise pollution which is common with HMO properties.
- It will have an extreme effect upon the community.
- The number of occupiers will be overcrowding in densely populated area and lack of healthy living, also will decrease neighbours privacy.
- More people living in the property can produce a large amount of waste, some will choose to fly-tip their waist rather to pay to safely remove it.
- Multiple occupancy is unsuitable at 55 Derby Road as it is a busy road and will have a big impact on peaceful living.
- The conversion will affect highway safety and traffic as there is already a big issue with parking in the area.

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

The Town and Country Planning (General Permitted Development) (England) Order 2015.  
Schedule 2 – Permitted Development Rights  
Part 3: Changes of Use, Class L: small HMOs to dwellinghouses and vice versa.

Permitted development

*L. Development consisting of a change of use of a building—*

*(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*

*(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

**Development not permitted**

**L.1** Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

### 6.5 Assessment

Assessment of the application is limited to its compliance with legislation. No assessment is made upon any of the concerns raised by the ward councillor in the representations assessment section of this report.

The application site is considered to be in use as a dwellinghouse under Class C3 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The proposed change of use under permitted development to use class C4, a small HMO, is only permitted if it complies with conditions set under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class L.1.

The proposed site is a single dwellinghouse (C3) and does not propose to incorporate any additional dwellings in order to form the small HMO (C4) and so is deemed to comply with criteria L.1(a).

The application for a lawful development Certificate is deemed to comply with all criteria set within the The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class L and as such the proposed change of use from C3 to C4 is deemed permitted development.

**6.17 Conclusion**

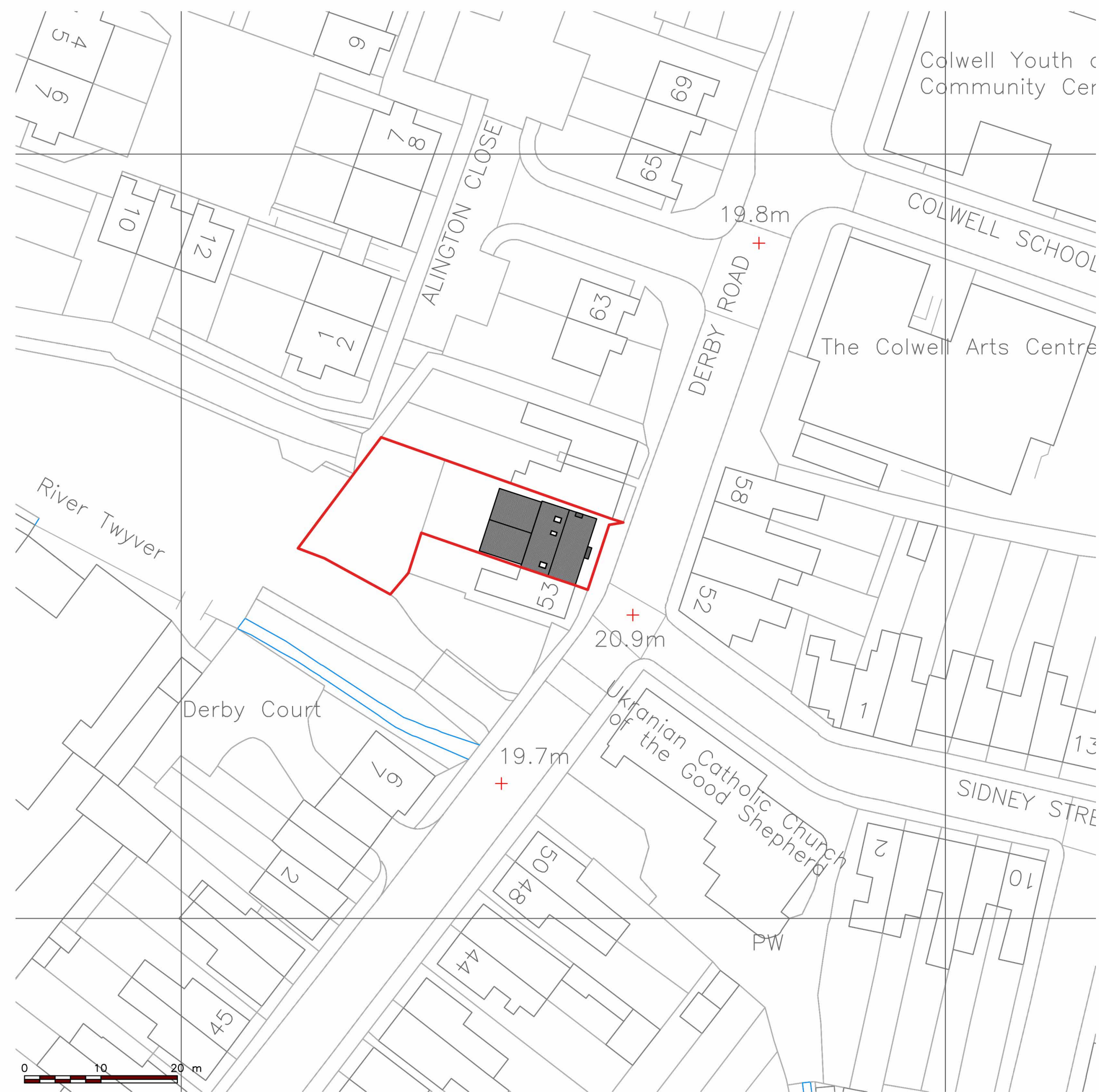
The development as indicated on the drawing Proposed Floor Plans (55DR-HMO-CG-002B) and Proposed Elevations (55DR-HMO-CG-003) received by the local planning authority on 03/11/2023 would constitute permitted development, as the works fall within the limits of permitted development by virtue of Schedule 2, Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**7.0 RECOMMENDATION OF THE HEAD OF PLACE**

7.1 The proposal has been assessed against the above criteria and falls within the limits of 'permitted development' by virtue of Schedule 2, Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal therefore constitutes Lawful Development and as such a Certificate of Lawful Development can be issued.

**Person to Contact:** Harriet Parker (396753)

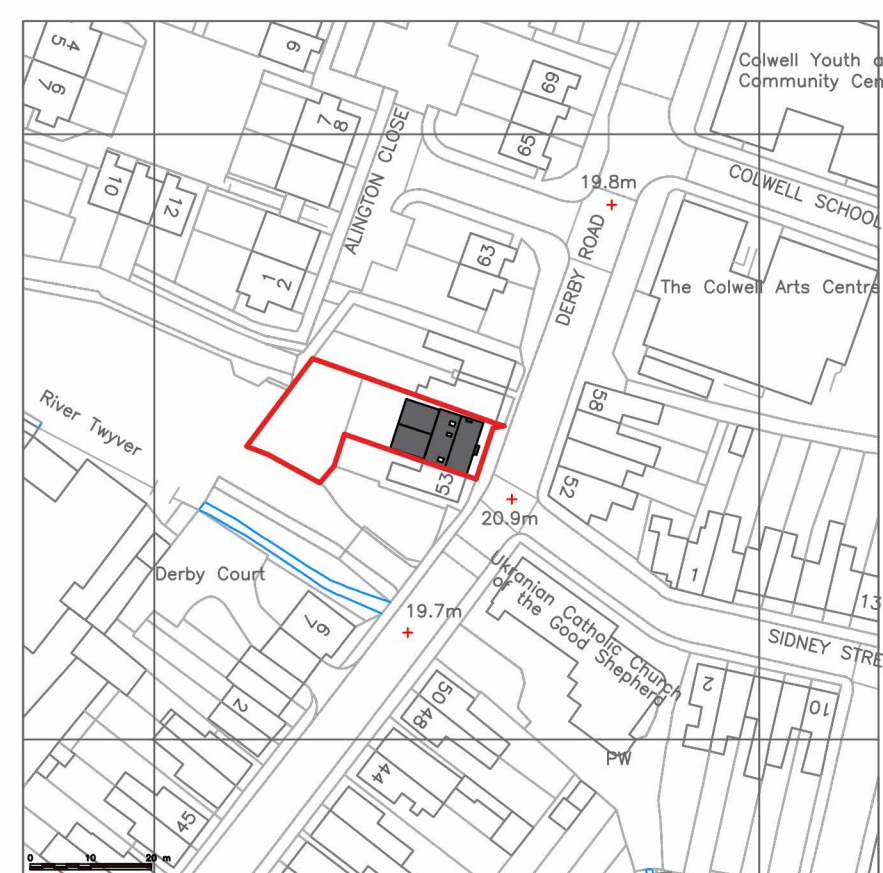




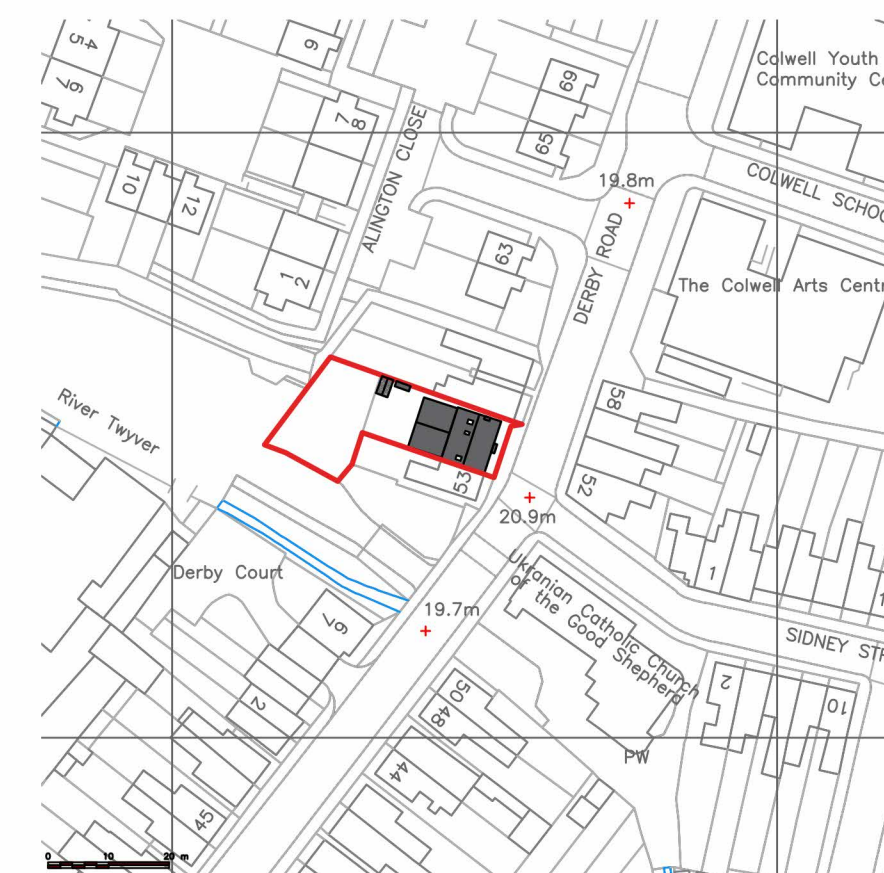
AS EXISTING BLOCK PLAN - 1:500



AS PROPOSED BLOCK PLAN - 1:500



AS EXISTING SITE PLAN - 1:1250



AS PROPOSED SITE PLAN - 1:1250

Page A1

- NOTES
- 1) ALL DIMENSIONS TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION (INTERNAL DIMS MAY CHANGE DEPENDING ON EXTERNAL WALL CONSTRUCTION METHOD)
  - 2) A STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL STRUCTURAL WORKS
  - 3) WORKS TO BE CARRIED OUT BY COMPETENT, QUALIFIED CONTRACTORS
  - 4) ALL WORKS TO BE CARRIED OUT UNDER ALOCAL AUTHORITY BUILDING NOTICE ALL BUILD NOTES ARE GIVEN BASED ON STANDARD BUILDING REGULATIONS DETAILS AND MAY VARY. CONSTRUCTION METHODS MAY VARY ACCORDING TO BUILDERS PREFERENCE AND BUILDING CONTROL OFFICER REQUIREMENTS. THESE DRAWINGS ARE PRODUCED FOR PLANNING ONLY.

CLIENT/PROJECT:  
 MR I NORVILLE  
 55 DERBY ROAD, GLOUCESTER,  
 PROPOSED CONVERSION OF C3 DWELLING TO C4 HMO

TITLE:  
 AS EXISTING AND PROPOSED SITE PLANS

SCALE:  
 1:500, 1:1250 @ A1

DATE:  
 SEPT 2023

55DR-HMO-CG-004A



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# FOR PLANNING ONLY

## NOTES

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## HEALTH AND SAFETY

The contractor is reminded of their liability to ensure due care, attention and consideration is given in regard to safe practice in compliance with the Health and Safety at Work Act 1974.

## MATERIALS AND WORKMANSHIP

All works are to be carried out in a workmanlike manner. All materials and workmanship must comply with Regulation 7 of the Building Regulations, all relevant British Standards, European Standards, Agreement Certificates, Product Certification of Schemes (Kite Marks) etc. Products conforming to a European technical standard or harmonised European product should have a CE marking.

## EXISTING STRUCTURE

Existing structure including foundations, floor, beams, walls, roof and lintels are to be exposed and checked for adequacy prior to commencement of work and as required by the Building Control Officer.

## BEAMS AND STRUCTURE

Engineer's Structural calculations and details are to be provided for all beams, roof, lintels, joists, bearings, padstones and any other load bearing elements before works commence on site. New steel beams to be encased in 12.5mm Gyproc FireLine board with staggered joints, Gyproc FireCase or painted in Nullifire S or similar intumescent paint to provide 1/2 hour fire resistance, as agreed with Building Control. All fire protection to be installed as detailed by specialist manufacturer.

## COLD WATER SUPPLY

There must be a suitable installation for the provision of a wholesome water supply in accordance with Approved Document G. Cold water supply to be provided to washbasins, bidets, baths, WCs, showers, any place where drinking water is drawn off and to any sink provided in areas where food is prepared. Supply of cold water to comply with section 67 of the Water Industry act 1991 and the Water Supply Regulations 2000.

## HOT WATER SUPPLY

All bathrooms, washbasins, bidet, baths and showers to be provided with adequate hot and cold water supply in accordance with Approved Document G3. A washbasin with wholesome hot and cold water supply to be provided in or adjacent to all rooms containing a WC. A sink with hot and cold water also to be provided to any area where food is being prepared.

## CONTROL OF WATER TEMPERATURE

The installation of the hot water supply to comply with Approved Document G3. All baths and showers are to be fitted with an in-line thermostatic mixing valve to ensure that the temperature of the water delivered to the bath is limited to 48°C.

## SMOKE DETECTION

Mains operated linked smoke alarm detection system to BS EN 14604 and BS 5839-6:2019 to at least a Grade D category LD3 standard to be mains powered with battery back up to be installed. At least one smoke detector to be provided in each hallway and landing. In hallways exceeding 7.5m in length, no point within the hallway should exceed 7.5m from the nearest detector and no bedroom door should be further than 3m from the nearest smoke alarm. If ceiling mounted they should be 300mm from the walls and light fittings. A heat detector to the kitchen and additional smoke detectors to the principal rooms to be provided if required by building control. If ceiling mounted they should be 300mm from the walls and light fittings. Interlinked smoke detection to be provided in the common ways if required by Building Control in accordance with Approved Document B and the Regulatory Reform (Fire Safety) Order 2005. Grade D2, LD2 standard alarms to be provided if required by BCO.

## COMMON STAIRS AND CORRIDORS

Common corridors and stairs should be protected, i.e. within a 30 minute fire resisting enclosure, and should lead directly to outside. Wall and ceiling surfaces are to have the appropriate linings to inhibit surface spread of flame in accordance with BS476. Meters located within the stairway should be enclosed with a secure cupboard which is separated from the escape route with fire resisting construction. All gas services within a protected stairway must be installed in accordance with The Gas Safety (Installation and Use) Regulations 1998.

## EMERGENCY LIGHTING

Emergency Lighting to BS 5266 Pt 1 will be required in common escape routes, including stairways. Some buildings will, in addition, require emergency escape lighting in other areas.

These will include:

- Large buildings with long escape routes.
- Buildings with a complex layout.
- Buildings with no natural or borrowed lighting along the escape route; and buildings with vulnerable occupiers or those posing a specific risk.

It is recommended that the Emergency Lighting system is tested on a monthly basis with a record of the test maintained.

## ACCESS AND FACILITIES FOR THE FIRE BRIGADE

Consultation with the local Fire Authority is required to ensure the provision is made within the site of the building to enable fire appliances to gain access to the building. This provision shall include:

- Vehicle access for fire appliances.
- Access for fire fighting personnel.
- Venting for heat and smoke from basement areas.
- The provision of adequate water supplies.

## REGULATION 38: FIRE SAFETY INFORMATION

On completion or occupation of the building fire safety information to be provided to the building owners which will include.

An as-built plan of the building showing all of the following.

- Escape routes – this should include exit capacity (i.e. the maximum allowable number of people for each storey and for the building).
- Location of fire-separating elements (including cavity barriers in walk-in spaces).
- Fire doorsets, fire doorsets fitted with a self-closing device and other doors equipped with relevant hardware.
- Locations of fire and/or smoke detector heads, alarm call points, detection/alarm control boxes, alarm sounders, fire safety signage, emergency lighting, fire extinguishers, dry or wet fire mains and other firefighting equipment, and hydrants outside the building.
- Any sprinkler systems, including isolating valves and control equipment. F
- Any smoke control systems, or ventilation systems with a smoke control function, including mode of operation and control systems.
- Any high risk areas (e.g. heating machinery). 17.4

Details to be provided of all of the following.

- Specifications of fire safety equipment provided, including routine maintenance schedules.
- Any assumptions regarding the management of the building in the design of the fire safety arrangements.

## MEANS OF ESCAPE – (Internal planning of flat)

All flats to be provided with a protected entrance hall (lobby) with half hour partitions between the hall and all rooms. Entrance hall to lead directly to a protected common hallway or lobby. The travel distance from the flat entrance door to the door of any habitable room not to be greater than 9m. Inner rooms are not acceptable. All doors from rooms on to the entrance hall must be FD20 rated fire doors to BS 476 (fitted with intumescent strips rebated around sides & top of door or frame if required by BCO). Where applicable, any glazing in fire doors to be half hour fire resisting and glazing in the walls forming the escape route enclosure to have 30 minutes fire resistance to at least 1.1m above the floor level.

## EXTRACT FOR SHOWER ROOM

Provide mechanical extract ventilation to shower room ducted to external air capable of extracting at a rate of not less than 15 l/s. Vent to be connected to light switch and to have 15 minute over run if no window in the room. Internal doors should be provided with a 10mm gap below the door to aid air circulation. Ventilation provision in accordance with the Domestic ventilation compliance guide. Intermittent extract fans to BS EN 13141-4. All fixed mechanical ventilation systems, where they can be tested and adjusted, shall be commissioned and a commissioning notice given to the Building Control Body.

## FOUL DRAINAGE

All existing foul water drainage to be tested for leakage, exposed for inspection (as required by BCO) and repaired or replaced where necessary.

All new above ground drainage and plumbing to comply with BS EN 12056-2 for sanitary pipework. All drainage to be in accordance with Part H of the Building Regulations. Wastes to have 75mm deep anti-vac bottle traps and rodding eyes to be provided at changes of direction.

Where pipework passes through separating walls, pipes to be adequately fire stopped using proprietary intumescent fire stopping solutions, e.g. thermal pipe sleeves, intumescent expansion joint seals or intumescent pipe closers, installed in accordance with manufacturer's details.

Size of wastes pipes and max length of branch connections (if max length is exceeded then anti-vac traps to be used).

Wash basin - 1.7m for 32mm pipe 3m for 40mm pipe.

Bath/shower - 3m for 40mm pipe 4m for 50mm pipe.

W/c - 6m for 100mm pipe for single WC.

All branch pipes to connect to 110mm soil and vent pipe terminating min 900mm above any openings within 3m.

Or to 110mm upvc soil pipe with accessible internal air admittance valve complying with BS EN 12380, placed at a height so that the outlet is above the trap of the highest fitting.

Waste pipes not to connect on to SVP within 200mm of the WC connection.

Supply hot and cold water to all fittings as appropriate.



PROPOSED FRONT ELEVATION - 1:100



THIS BAR SHOULD SCALE 5M @ 1:100



SIDE ELEVATION - 1:100



REAR ELEVATION

## ELECTRICAL

All electrical work required to meet the requirements of Part P (electrical safety) must be designed, installed, inspected and tested by a Competent Person registered under a Competent Person Self Certification Scheme such as BRE certification Ltd, BSI, NICEIC Certification Services or Zurich Ltd. An appropriate BS7671 Electrical Installation Certificate is to be issued for the work by a person competent to do so. A copy of a certificate will be given to Building Control on completion.

## NEW GAS BOILER

Heating and hot water will be supplied via a wall mounted condensing vertical balanced flue pressurised boiler with a minimum efficiency of 91% (as defined in ErP(1))

The energy performance of the new components to be assessed. The results should be recorded and given to the building owner.

All accessible pipes to be insulated to the standards in Table 4.4 Approved Document L.

All parts of the system including pipework and emitters to be sized to allow the space heating system to operate effectively and in a manner that meets the heating needs of the dwelling, at a maximum flow temperature of 55°C or lower.

No combustible materials within 50mm of the flue. Rooms to be fitted with thermostatic radiator valves and all necessary zone controls and boiler control interlocks. The system will be installed, commissioned and tested by a GAS SAFE Registered Specialist and a certificate issued that demonstrates that the installation complies with the requirements of PART L. All work to be in accordance with the Local Water Authorities bye laws, the Gas Safety (Installation and Use) Regulations 1998 and IEE Regulations.

Gas-fired combination boilers installed in existing dwellings, to have at least one of the following energy efficiency measures, appropriate to the system:

- Flue gas heat recovery.
- Weather compensation.
- Load compensation.
- Smart thermostat with automation and optimisation.

Battery operated or mains-wired Carbon monoxide alarm to be fitted between 1m and 3m of the boiler in compliance with Approved Document J.

## INTERNAL STUD PARTITIONS

100mm x 50mm softwood treated timbers studs at 400mm ctrs with 50 x 100mm head and sole plates and solid intermediate horizontal noggins at 1/3 height or 450mm c/c. Provide min 10kg/m<sup>3</sup> density acoustic soundproof quilt tightly packed (e.g. 100mm Rockwool or Isowool mineral fibre sound insulation) in all voids the full depth of the stud. Partitions to be built off doubled up joists where partitions run parallel or provide noggins where at right angles, or to be built off DPC on thickened concrete slab if solid ground floor. Walls faced throughout with 12.5mm plasterboard with skim plaster finish. Plasterboard to be taped and jointed complete with beads and stops.

## ESCAPE WINDOWS

Provide emergency egress windows to any newly created first floor habitable rooms and ground floor inner rooms.

The window should have an unobstructed clear openable area that is at least 0.33m<sup>2</sup> and have no clear dimension less than 450mm high or 450mm wide.

The bottom of the openable area should be not more than 1100mm above the floor.

The window should enable the person to reach a place free from danger from fire.



## CLIENT/PROJECT:

MR I NORVILLE

55 DERBY ROAD, GLOUCESTER,  
PROPOSED CONVERSION OF C3 DWELLING TO C4 HMO

## TITLE:

AS PROPOSED ELEVATIONS

## SCALE:

1:100@ A1

## DATE:

SEPT 2023

55DR-HMO-CG-003



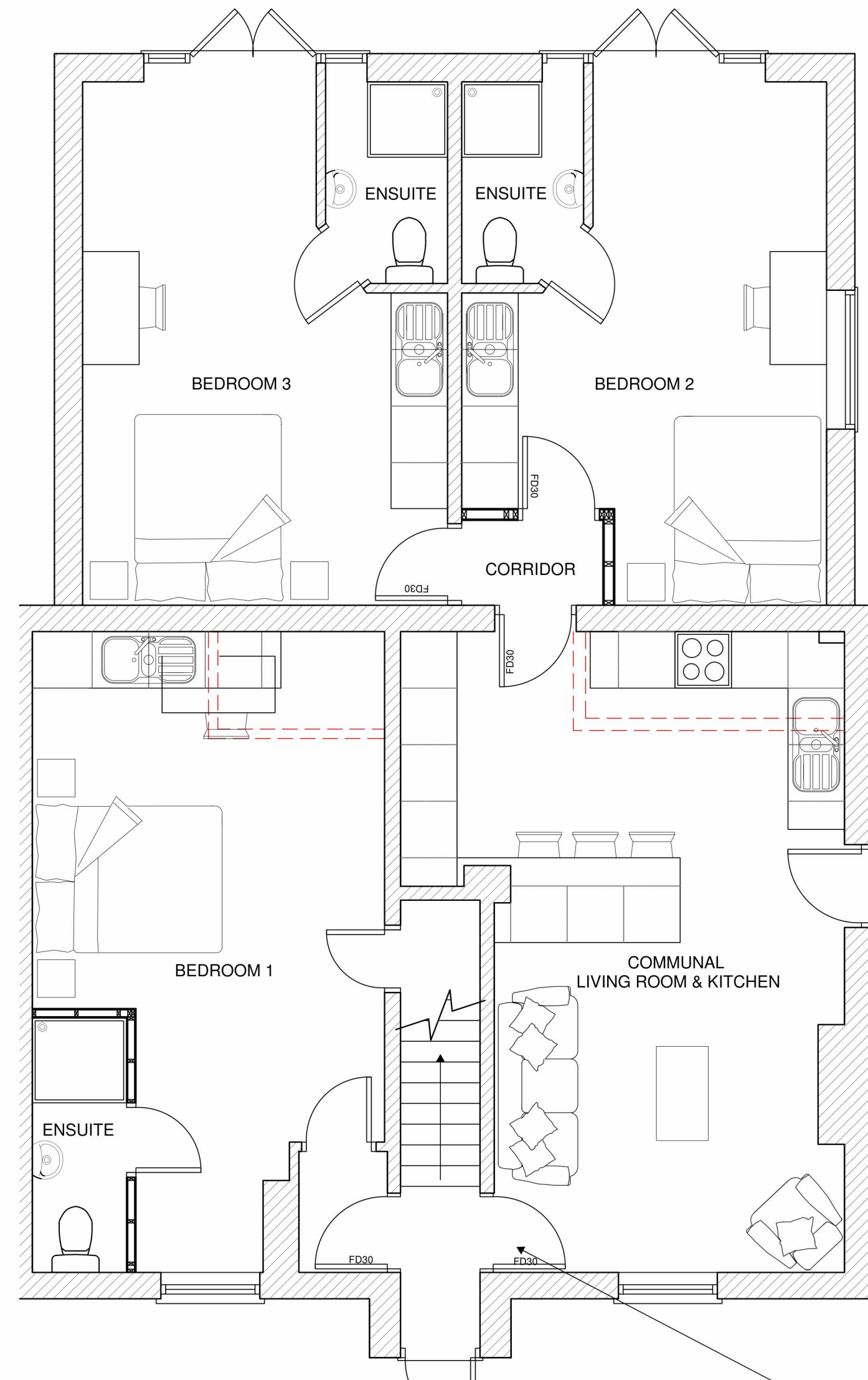
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# FOR PLANNING ONLY

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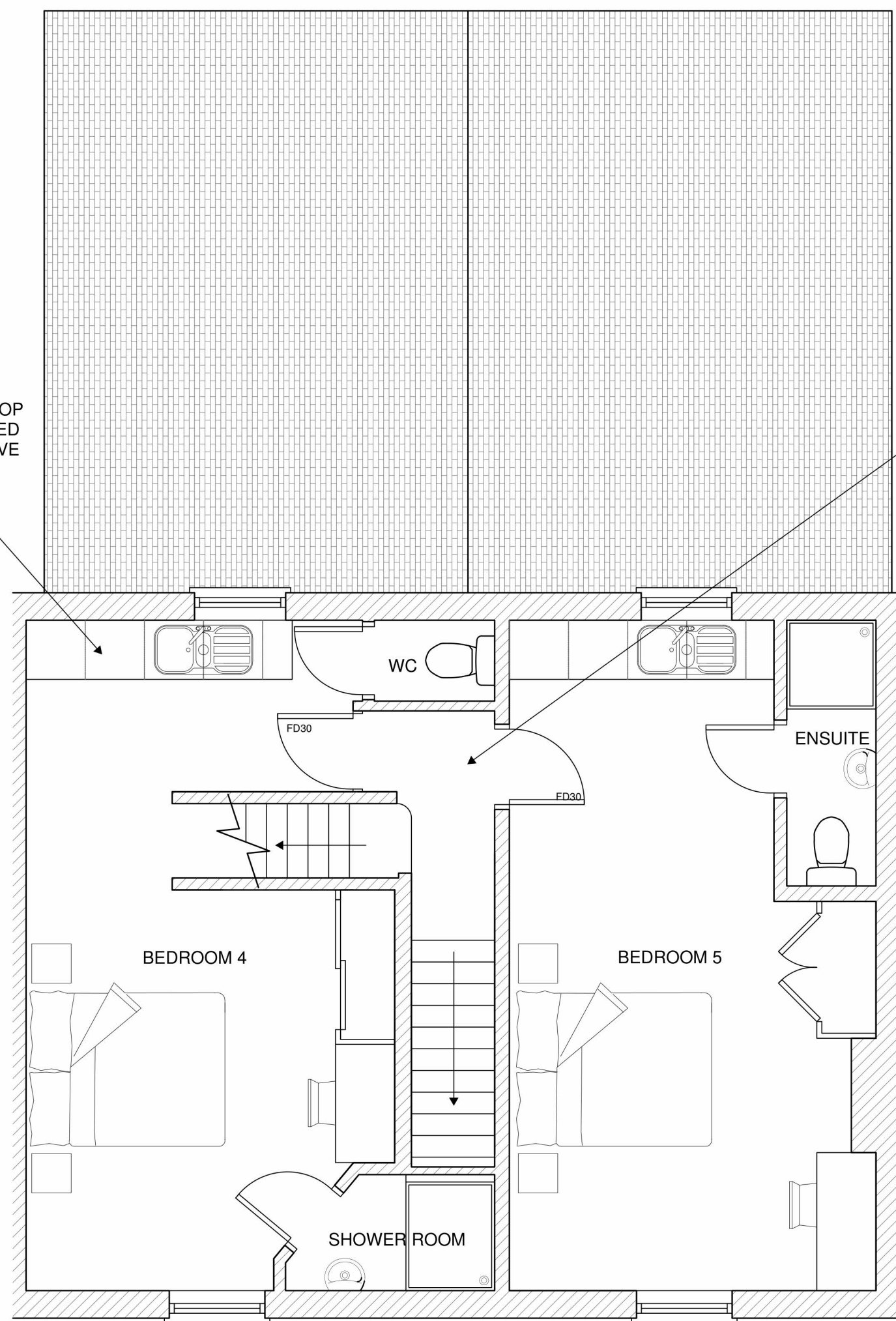
**AS PROPOSED GROUND FLOOR PLAN - 1:50**



THIS BAR SHOULD SCALE 5M @ 1:50

BOUNDARY TO 57 DERBY ROAD

OPENING REINSTATED

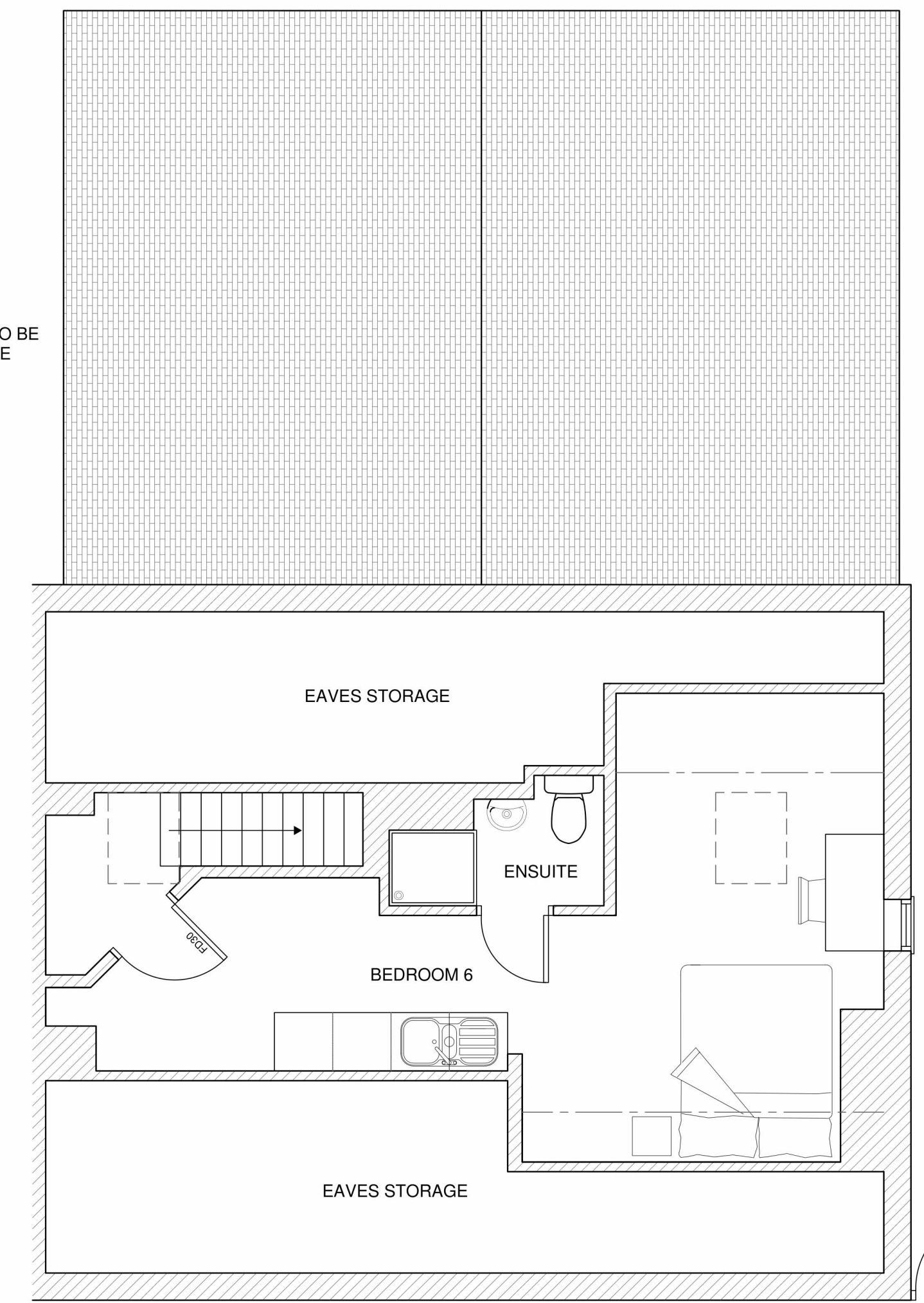


**AS EXISTING FIRST FLOOR PLAN - 1:50**

BOUNDARY TO 57 DERBY ROAD

BEDROOMS TO HAVE SINK, MINI FRIDGE AND SMALL WORK TOP  
NO COOKING FACILITIES PROVIDED WITHIN ROOMS ALL TENANTS HAVE ACCESS TO SHARED KITCHEN

ALL COMMUNAL AREAS TO BE AT MINIMUM 30 MINUTE FIRE PROTECTED



**AS EXISTING SECOND FLOOR PLAN - 1:50**

BOUNDARY TO 57 DERBY ROAD

**CLIENT/PROJECT:**  
MR I NORVILLE  
55 DERBY ROAD, GLOUCESTER,  
PROPOSED CONVERSION OF C3 DWELLING TO C4 HMO

**TITLE:**  
AS PROPOSED PLANS

**SCALE:**  
1:50 @ A1

**DATE:**  
SEPT 2023

55DR-HMO-CG-002B



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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	6 <sup>th</sup> February 2024
Address/Location:	36 Denmark Road
Application No:	23/00121/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	14 <sup>th</sup> November 2023
Applicant:	Holmleigh Care Ltd
Proposal:	Erection of fence to front and side of property frontage, and bin store (altered design to existing front fencing)
Report by:	Adam Smith
Appendices:	Site location plan Existing and proposed front elevation

### Site location plan



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is on the north side of Denmark Road within a row of detached properties. The site fronts immediately onto Denmark Road to the south. To the east is a 20<sup>th</sup> century two storey property, notably it has a vehicular driveway at the rear side. Immediately to the east of the application property is an access lane (Mermaid Close) to residential properties to the north of the site, behind nos. 34 and 36 Denmark Road. To the west is a two storey property with an open parking area to the whole frontage. It appears to be in a residential use of some form.
- 1.2 The application site comprises of a three storey period property, with the third storey in the roof space. It is of red brick construction with timber black and white detailing to the front roof gables, and bay windows to front. It is understood to be used as a class C2 residential care home for persons with learning difficulties. The property also includes associated land to front and rear. At the front there is a front yard, containing two large trees. It is enclosed by a solid timber panel fence. This is 2.1m tall (as measured on site) along the frontage and was erected without planning permission. There is a central pedestrian gate at the road frontage and on the left hand side of the frontage a gate to the bin store, which is behind the fence at the front west corner. On the east side the fence returns alongside Mermaid Close up to the existing building, and there are double gates within this part of the fence, onto Mermaid Close.
- 1.3 The proposal is for the retention of a front fence but in a revised arrangement with the central frontage section reduced down to c.1m tall. As such the arrangement would be c.2m tall to the side boundaries and turning into the front boundary, then sloping down to the middle 1m tall part. The application includes the frontage fence, the fence to the east side alongside Mermaid Close, and the bin store structure in the west/front corner. The application is not for the west side fence, which the applicant asserts is lawful due to being in place for over 10 years.
- 1.4 The application has been referred to the Planning Committee by a ward councillor.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/13465/HIST	P/150/50:- CHANGE OF USE FROM NURSING HOME TO POLICE HOSTEL.	Approved	19.09.1950
44/13467/HIST	P/895/68:- DEMOLITION OF UTILITY ROOMS AND ERECTION OF KITCHEN EXTENSIONS AND WARDENS LIVING ROOM.	Approved	12.11.1968
99/00341/COU	Change of use from hotel (C1) to home for people with learning difficulties(C2)	Granted subject to conditions	09.08.1999
01/00802/FUL	Erection of eight bedroom residential care unit with ancillary facilities and laying out of car parking	Refused	05.03.2002
02/00372/FUL	Erection of residential care unit (8 bedrooms) with link (to 36 Denmark Road).	Withdrawn	19.06.2002
03/00204/FUL	Erection of 3 dwelling houses and garages. Alterations to existing vehicular access. (Amended Proposal)	Refused (*allowed on appeal)	06.01.2004



04/01226/FUL	Alteration of existing vehicular access to No.36 Denmark Road and rearrangement of parking area to Nos.36-38 Denmark Road	Granted subject to conditions	05.11.2004
05/01007/FUL	Erection of a dwelling house served off modified access arrangement to Denmark Road. (*house behind no. 34)	Granted subject to conditions	14.11.2005
15/00810/FUL	Retrospective application to retain boundary fence between 36 and 38 Denmark Road. (*this is farther back into the rear garden area on the west side)	Granted subject to conditions	24.09.2015
22/01158/FUL	Construction of replacement entrance porch	Refused	6.9.2023

### 3.0 RELEVANT PLANNING POLICY

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

#### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance.

#### 3.3 Development Plan

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

Relevant policies from the JCS include:

SD4 – Design requirements

SD8 – Historic Environment

SD14 – Health and environmental quality

INF1 –Transport network

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that ‘...*due weight should be given to (existing policies) according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

#### 3.5 Gloucester City Plan

The Gloucester City Plan (“City Plan”) was adopted January 2023 and provides policies addressing local issues and opportunities in the City. Relevant policies include:

A1 – Effective and efficient use of housing, land and buildings

D1 – Historic environment

D2 – Non designated heritage assets

F1 – Materials and finishes

G1 – Sustainable transport and parking

#### 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. No policies are relevant to this application.

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

Denmark Road Conservation Area Appraisal

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

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

Gloucester City policies:

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

### 4.0 **CONSULTATIONS**

4.1 The **Conservation Officer** recommends that the application is refused due to the visual harm to the character of the Conservation Area.

4.2 The **Civic Trust** considers the colour and height of the current fence to be out of keeping. The Trust considers that a lower treatment in a more traditional colour would be more in keeping.

4.3 The **Highway Authority** recommends deferral and stated that the proposed frontage and east side fence along Mermaid Close needs to be reduced in height to 600mm to maintain visibility.

### 5.0 **PUBLICITY AND REPRESENTATIONS**

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

6 comments have been received and may be summarised as follows:

- Object to height, colour and materials of the fence.
- Site is in Conservation Area.
- Not in keeping with environment.
- Not commensurate with adjoining/locally found front fencing (which are all lower).
- Not comparable with any other property on the road.
- Hides the attractive building behind from view.
- East side fence is not historic as claimed and should be changed in line with the other fences.
- Side fence only screens another fence.
- As fence to front can be reduced, there is no need for such a high fence to side.
- Fence impacts on vision for residents of properties to rear using the lane, and pedestrians. Risk to all users.
- Tight turn into the side entrance. Minibus reverses out onto the main road with no vision. Hits the fence/tree opposite.
- Numerous near misses.
- Fence adjoining Mermaid Close must be lower.
- East side fence was erected at same time as fence to south and west sides. Denmark Road frontage had a low fence like nearby properties and east boundary was unfenced until after September 2021.
- Front fence is now acceptable as per the plans. Panels should be natural wood grain colour rather than ship grey.
- Still a high fence to the east/front which is a new development and doesn't appear there previously. Would be much better if it was reduced to the same height as the proposed front fence. Quality of vehicle gate needs to be robust.

5.3 The application can be viewed on: [Simple Search \(gloucester.gov.uk\)](#) using the application

reference.

## 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 - 2017), The Gloucester City Plan (2023) and the partially saved 1983 City of Gloucester Local Plan.

- 6.4 It is considered that the main issues with regard to this application are;
- Historic environment impacts and design;
  - Traffic and transport;
  - Residential amenity.

- 6.5 The planning history is of use in setting out some of the context for the various boundary treatments. There were several applications in the 2000s for the backland development for residential development with a scheme of 3 units being allowed on appeal and subsequently an additional house being approved. These are accessed off Mermaid Close. At the time of these applications being considered the frontage at no. 36 appears to be more open, with case file photographs of the site frontage with no east side fence next to the lane (what becomes Mermaid Close), and the frontage fence being lower and situated farther west from the lane. This appears to align with the comments from several residents. There was also permission granted for a different access arrangement for the frontage of no. 36, shared with no. 38 and with an access point between the two properties accessing parking at both frontages, with an open access point to Denmark Road. This permission was not implemented. Of note, the permission included a condition seeking to avoid any obstructions over 0.6m in height within the access visibility splay. Photographs indicate that the west side boundary treatment (not applied for here) was in place at least since 2015. The current unauthorised fencing applied for here is also potentially in breach of condition pursuant to the permissions for the infill houses to rear of no. 34/36 Denmark Road, but I have been unable to verify this with certainty at the present time and the current application is considered on its merits below.

### 6.6 **Heritage and design**

#### *Heritage policy*

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. It 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. Also the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore 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 both designated and undesignated as appropriate to their significance. Policy D1 of the City Plan reflects the guidance in the NPPF and JCS in respect of conserving heritage assets, also that proposals should conserve features that contribute to the significance of a heritage asset; demonstrate that it conserves and enhances the character, appearance and architectural quality of the area and setting in siting, scale, form, proportion, design and materials; and should use high quality and locally distinctive materials following traditional building methods and detailing where appropriate. Policy D2 deals with non-designated heritage assets, setting out that development should protect and where appropriate enhance its significance, should be of high quality and designed sympathetically, and seek to enhance the character of the non-designated heritage asset. The Conservation Area Appraisal identifies no. 36 as a positive building in the Conservation Area.

- 6.7 As the site is within the Denmark Road Conservation Area the Council is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with s72.1 of the Planning (Listed Building and Conservation Areas) Act 1990. As above, it is identified as a positive building in the Conservation Area within the Conservation Area Appraisal and the Conservation Officers consider it to be a non-designated heritage asset.
- 6.8 *Design policy*  
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, and establish/maintain a strong sense of place. 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. Design should establish a strong sense of place and have appropriate regard to the historic environment. Policy A1 of the City Plan requires overall improvements to the built and natural environment, to be of a suitable scale for the site and not have a significant adverse impact on the character of the locality, and the appearance of the streetscene. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness.
- 6.9 The Denmark Road Conservation Area is characterised by large semi-detached late 19<sup>th</sup>/early 20<sup>th</sup> Century dwellings of red brick with an emphasis on high quality detailing; these are considered within the Conservation Area Appraisal to be positive buildings. The character of the street is properties with front gardens, some of which retain brick walls with gate pillars and stone details and some with dwarf walls and hedges. There are a variety of boundary treatments along the street, from being fully open, to partial low brick walls of c. 1m, to close boarded timber fences. For example the property to the east has a timber fence of approximately 1.2m high, with trellis type panels to either side of the driveway. There are other close boarded timber fences on dwarf walls within the neighbouring few properties on this side of the street.
- 6.10 The current unauthorised fence is an imposing and incongruous feature in the streetscene and obscures views of the positive building behind. While there are other front fences in the vicinity, this one is notably higher, and is in a prominent position on the main road through the area and in front of an attractive building that itself adds to the character and appearance of the Conservation Area. The colour serves to exacerbate the out-of-character appearance. As such it is considered to be an unsympathetic presence in the street, with a resultant

adverse impact on the character and appearance of the Conservation Area, and for the positive building itself.

- 6.11 The proposal to reduce the front fence down to the middle part would ameliorate those negative effects somewhat, however the front corner sections, and side, would still remain at c2m and would still have a negative effect on the appearance of the area given their size, prominent siting and colour. It would still, as proposed, have a harmful visual impact on the character of the Conservation Area. The impact would amount to less than substantial harm in heritage terms on the designated asset of the Conservation Area. In relation to the positive building at no. 36 it would not cause any direct physical harm to the building but would continue to obscure views of it and would present an unattractive frontage setting to the building. The proposal is not considered to be of high quality nor designed sympathetically to preserve the historic and architectural interest of the building, and would not enhance the character of the non-designated heritage asset.
- 6.12 As such the proposal fails to preserve the character and appearance of the Conservation Area, and in relation to adverse impact on the designated Conservation Area the application conflicts with Policy SD8 of the JCS, Policy D1 of the City Plan, and the NPPF, and approval would not satisfy s72(1) of the 1990 Listed Building and Conservation Area Act.

For non designated heritage assets, in terms of the building itself, the test set out in the NPPF is that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application whereby a balanced judgement should be made, having regard to the level of significance of the asset and the scale of any harm or loss. Policy SD8 of the JCS and Policy D2 of the City Plan sets out similar. In relation to adverse impact on a non designated asset then, the significance of the asset is an attractive and positive building but not of high significance, and the harm is not physical damage or total loss but is a significant harm to its setting. The harm and conflict with Policy SD8, Policy D2 of the City Plan and NPPF adds negative weight to the planning balance.

In amounting to poor design it also conflicts with Policy SD4 of the JCS, Policies A1 and F1 of the City Plan, and the NPPF. The proposal would not make a positive contribution to the character and appearance of the locality, would not be of a suitable scale for the site and would not deliver overall improvements to the built environment.

- 6.13 Consideration of public benefits: Overall conclusion on heritage matters:  
Consideration of any public benefits of the scheme is relevant to the determination of this application, both in the overall balancing of the application's merits and in the context of any harm to heritage assets, whereby the NPPF advises that less than substantial harm to the significance of a designated heritage asset should be balanced against public benefits of the proposal. The balancing of harm with public benefits is a policy test for designated assets, so this would apply to the harm to the Conservation Area. The harm identified by the Conservation Officer is 'less than substantial' so this balancing test is engaged. The benefits from the proposal would appear to be private ones, if any. Overall it is not considered that there are any significant public benefits. Therefore the heritage harm continues to be decisive overall and is not outweighed by public benefits.

- 6.14 **Traffic and transport**  
The NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts upon the road network would be 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 G1 of the City Plan sets out that in all development, on street space designed and allocated for pedestrians, cyclists, mobility users and deliveries, and bus stops and bus priority measures, will be prioritised over the parking of private vehicles.

- 6.15 The proposed fence to the sides and the immediate corners of the road-fronting part would be taller than the standard 1m 'permitted development' height for fences or other means of enclosure next to highways. Presumably the legislation refers to this height in part due to the potential for taller boundary treatments adjacent to highways to adversely affect driver/pedestrian visibility and the need for this to be assessed in a planning application. Regardless, it is considered that the current proposals require consideration for highway safety given they are immediately adjacent to Mermaid Close that serves both the side gate access to the frontage parking at the application property, and also the 4 dwellinghouses to the rear. The fence currently sits (and the proposed redesign would not alter this) at the back edge of the Denmark Road footway and abutting the adjacent Mermaid Close access lane. As proposed the taller part of the fence would continue, as current, alongside Mermaid Close such that vehicles on the site frontage manoeuvring out into the lane would be situated adjacent to the fence, in relation to drivers' field of vision towards other users of the lane, and other users towards them. I note that several residents report near misses at this point and conflicts with other drivers on the lane. Overall, it appears likely that there could be multiple vehicles manoeuvring in close proximity to the fence on the frontage, Mermaid Close and/or Denmark Road, which coupled with the use of the Denmark Road footway by pedestrians (and additional pedestrian use of the lane) means visibility is a key consideration to preserving highway safety. Concerns have been raised locally about the safety of vehicle manoeuvres in this context. Interestingly, it appears from the case file photographs that the Planning Inspector who approved the development of the houses behind no. 36 did so in the context of there being no east side fence and the frontage fence being lower and farther to the west.
- 6.16 The Highway Authority has recommended that the application be deferred, citing that the frontage and east side fence along Mermaid Close needs to be reduced in height to 600mm to provide for and maintain visibility between emerging vehicles from the application site and existing and entering vehicles along the lane on and off the highway. In addition the high boundary fence at least 2m from the edge of Mermaid Close shared by the application site reduced to 600mm high for emerging vehicle and pedestrian visibility. These changes have not been made and there appears to be a legitimate concern about highway safety both anecdotally from local residents and from the Highway Authority and on face value this is understandable. In this scenario I cannot conclude that the application has demonstrated that highway safety would be preserved, or that impacts would not be severe. The application therefore fails to comply with the above policy context.
- 6.17 ***Residential amenity***  
The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Furthermore Policy A1 of the City Plan includes criteria on the living conditions of neighbours and future residents.
- 6.18 The fence structures are of a substantial size, but off-set to the frontage of neighbouring properties, which on the east side, has their own boundary treatment and Mermaid Close between, and on the west side has the surface car park adjacent. The scale and siting of the fence structures in this context is such that they should not give rise to any substantial

adverse impacts on the amenities of residents of nearby properties. The proposals comply with the above policy context.

#### 6.19 **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposals have been assessed against development plan policies and guidance within this report.

6.20 The existing fencing has been erected without planning permission, and I understand that the applicant considers the enclosure to be needed for the care of residents, although it is not clear why lowering the frontage fence to 1m is agreeable in this regard but not the side and corners. Overall the application has failed to demonstrate that it would preserve highway safety and an undefined and unclear advantage to resident care would not outweigh this concern in my opinion. The proposal would also cause less than substantial harm to the character and appearance of the Conservation Area as a designated heritage asset and there are no public benefits that outweigh this. It would also cause harm to the significance of the building itself as a non designated heritage asset in its immediate front curtilage, which adds weight to the case against granting permission. The NPPF requires great weight to be given to conservation of heritage assets, while the 1990 Listed Buildings and Conservation Areas Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. There is therefore harm that should be given significant weight in the decision. The proposal is also harmful in design terms. For the reasons explained in this report it is considered that the proposals conflict with the development plan, and with the NPPF, and the provisions of the 1990 Listed Buildings and Conservation Areas Act would not be satisfied if permission were granted. There are no other material considerations that would outweigh that harm and conflict. The harm is overriding and it is recommended that planning permission is refused.

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

7.1 That planning permission is **REFUSED** for the following reasons;

Given its scale, prominent siting and colour finish, the proposal is of an unsympathetic, poor design and would not preserve (or make a positive contribution to) the character and appearance of the Conservation Area and would lead to an associated harm to the character and appearance of the building at no. 36 Denmark Road as a non designated heritage asset. As such the proposal conflicts with Policies A1, D1, D2 and F1 of the Gloucester City Plan 2023, Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 and the NPPF.

The proposal involves a substantial boundary fence immediately next to the access points from the property and neighbouring properties to the Mermaid Close access lane, and to Denmark Road, and the application fails to demonstrate that the arrangement would preserve highway safety when vehicles are manoeuvring between the site frontage and the Denmark Road highway, and when all vehicles are manoeuvring at the Mermaid Close/Denmark Road intersection.

**Person to Contact:** Adam Smith (396702)

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rev.	date	description
A	13/09/23	Porch removed.



Proposed Front Elevation (External)



Existing Front Elevation

Planning

Denmark House  
(Fence)

Existing and Proposed Elevations Date: - Oct 22

1/100 @ A3

Drawing No: 763/05 Rev A

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## Abbeydale

23/00885/FUL

G3Y

THOME

12/12/2023

Single storey extension to side of property  
36 Woodcock Close Gloucester GL4 4WT

23/00847/FUL

REF

THOME

12/12/2023

Single & two-storey rear extension, single storey side & front extension  
8 Mandara Grove Gloucester GL4 5XT

23/00289/FUL

G3Y

THOME

07/12/2023

Construction of retaining wall and driveway with parking area constructed using permeable surfacing with associated drainage.  
62 Wheatway Gloucester GL4 5ER

## Abbeymead

23/00862/FUL

REF

STOCC

20/12/2023

Retrospective subdivision to create a one bedroom semi-detached dwelling  
7 Birdwood Close Gloucester GL4 5UF

23/00835/FUL

G3Y

THOME

05/12/2023

First floor side extension above existing garage  
30 Thomas Stock Gardens Gloucester GL4 5GH

## Barnwood

23/00731/FUL

G3Y

ROBBA

19/12/2023

The erection of new boundary treatment  
11A Barnett Way Gloucester GL4 3QA

## Barton & Tredworth

23/00854/FUL

REF

STOCC

22/12/2023

Proposed single and 2-storey extension to rear of property.

16 Salisbury Road Gloucester GL1 4JQ

### **Coney Hill**

23/00763/FUL

G3Y

THOME

05/12/2023

The installation of 1 No. GPS node located on the north elevation of the tower and associated development thereto

Phone Mast St Oswalds Church Coney Hill Road Gloucester

### **Elmbridge**

23/00779/LAW

LAW

ROBBA

19/12/2023

Proposed conversion of garage to bedroom with associated works

42 Colebridge Avenue Gloucester GL2 0RH

23/00773/CONDIT

REF

ROBBA

12/12/2023

Discharge of Condition 3 (cycle parking) of permission no. 21/01145/FUL.

21 Elmbridge Road Gloucester GL2 0NY

### **Grange**

23/00796/LAW

GA

STOCC

20/12/2023

Application for a Lawful Development Certificate for replacement of single-storey rear extension flat roof with a pitched gable roof.

14 Hendingham Close Gloucester GL4 0XS

### **Kingsholm & Wotton**

23/01010/TRECON

TCNOB

MONTJ

14/12/2023

Cherry Tree - to be removed

42 Hinton Road Gloucester GL1 3JS

23/00971/TRECON

TCNOB

JMONTE

21/12/2023

1. Catalpa - Indian Bean tree to be felled to ground level, it has grown too big and is causing other trees to reach for light. Minor works to the following 2.

Broom 3. Magnolia 4. Judas tree 5. Elder 6. Hawthorn 7. Copper beech 8. Holly 9. Acer 10. Paper bark maple

40 Heathville Road Gloucester GL1 3JB

### **Longlevens**

23/00839/FUL

G3Y

ROBBA

19/12/2023

Two storey side and rear wrap around extension

30 Kendal Road Gloucester GL2 0ND

23/00852/FUL

G3Y

ROBBA

15/12/2023

Single storey rear extension with alterations to existing side windows and alterations to front porch area

15 Brionne Way Gloucester GL2 0EX

23/00843/FUL

G3Y

ROBBA

12/12/2023

Single storey rear extension and new attached garage to the side with canopy roof over front door

12 Paddock Gardens Gloucester GL2 0ED

23/00706/FUL

G3Y

ROBBA

19/12/2023

Two-storey and single-storey wrap-around extension to provide additional living accommodation.

4 Paddock Gardens Gloucester GL2 0ED

23/00615/FUL

G3Y

ROBBA

19/12/2023

Erection of a single storey rear extension and first floor extension over garage

9 Gambier Parry Gardens Gloucester GL2 9RD

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

23/00920/NMA

NOS96

FEH

05/12/2023

Plot substitution of 85 plots from Barratt product to David Wilson Homes Product (non material amendment)

Land On The East Side Of Winnycroft Lane Gloucester

### **Moreland**

23/00790/TPO

TPDECS

MONTJ

01/12/2023

T1 Pollard to the previous cut points  
T2 Pollard to the previous cut points  
T3 Pollard to one meter below the previous cut points, due to the trees ill health; In order to prevent deadwood falling into the playground and to ensure trees are maintained at a manageable size as part of a planned management strategy.

Linden Primary School Linden Road Gloucester GL1 5HU

### **Podsmead**

23/00525/CONDIT

ALDIS

THOME

14/12/2023

Discharge of Condition 14 - electric vehicle charging facilities detail. For granted 22/00239/FUL application.

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

### **Quedgeley Severn Vale**

23/00851/FUL

G3Y

PARKH

13/12/2023

Single storey rear and side extension

1 Dart Close Quedgeley Gloucester GL2 4SL

23/00894/LAW

LAW

PARKH

14/12/2023

Loft conversion and rear dormer

19 Teal Close Quedgeley Gloucester GL2 4GR

### **Tuffley**

23/00834/FUL

REF

THOME

05/12/2023

Retrospective application of loft conversion (change of external material) to former approved lawful development

15 Forest View Road Gloucester GL4 0BX

### Westgate

22/00635/LBC

G3L

FEH

15/12/2023

Demolition of a curtilage listed outbuilding to the rear of 18 Brunswick Square and erection of a two-storey residential building comprising two apartments

18 Brunswick Square Gloucester GL1 1UG

23/00817/FUL

G3Y

THOME

08/12/2023

Alterations to shop front

17 Westgate Street Gloucester GL1 2NW

23/00893/NMA

NOS96

ADAMS

12/12/2023

Non-Material Amendment application for the variation of conditions 23 and 24 of appeal ref: APP/U1620/W/22/3296510 / permission ref. 20/00315/OUT to allow flexibility in the drainage strategy

Land At Hill Farm Hempsted Lane Gloucester

23/00858/JPA

AAPRZ

RSKYI

12/12/2023

Proposed Conversion from Planning Class E Offices to C3 Residential with a mix of 1-3 bedroom flatted dwellings, resulting in 17 self-contained units.

Regus 31 - 33 Worcester Street Gloucester GL1 3AJ

23/01026/TPO

TPDECS

MONTJ

21/12/2023

5no Plane trees(Tree group G01 marked on plan) located to the front of The Carriage Building on Bruton Way.Carry out overall crown reduction to all 5 trees up to a maximum of 30% to provide clearance to prevent/avoid future passing vehicle damage.Carry out limb lifting to roadside of secondary limbs to height of 4m to avoid passing vehicle damage.Prune back away from Carriage building to allow clearance of 3m.Removal of lower secondary growth up to height of 3m.Generally carryout internal crown thinning of any dead/dying wood and any crossing limbs.

Roberts Limbrick The Carriage Building Bruton Way Gloucester GL1 1DG

23/00888/LAW

PDV

FEH

05/12/2023

Use of unit as a training centre (Use Class F1)

Unit D 125 Business Park Llanthony Road Gloucester

23/00926/TRECON

TCNOB

MONTJ

14/12/2023

FELL TREE AT THE FRONT OF 4 SPA VILLAS GLOUCESTER GL1 1LB.

REASON: DAMAGE TO WALL, UNSIGHTLY, POOR HEALTH

4 Spa Villas Montpellier Gloucester

23/00824/ADV

GFY

ROBBA

20/12/2023

LED halo illuminated fascia panel to be powdercoated blue to match PMS282, white acrylic lettering, overall sign size: 1875 x 1000mm, letter height: 200mm, font: Proxima, and all mechanics including illumination, cabling and screws associated with signage concealed.

Unit 66D Gloucester Quays Designer Outlet St Ann Way Gloucester GL1 5SH

23/00788/CONDIT

ALDIS

THOME

13/12/2023

Discharge of Condition 3 and 4 (Archaeological written scheme of investigation and Scheme for scope and arrangement of the foundation design and ground works, including drains and services) for granted 15/00167/FUL application

9 - 13 St Johns Lane Gloucester GL1 2AT

23/00911/LAW

GC

STOCC

14/12/2023

Proposed change of use from 5-bedroom dwelling (use class C3) to 6-bedroom single-occupancy HMO (use class C4). Associated external alterations to the rear elevation comprised of blocking up kitchen door to garden and removal of adjoining steps and railings.

8 St Michaels Square Gloucester GL1 1HX

23/00784/LBC

G3L

ROBBA

06/12/2023

New boiler flue to be installed and routed out of external wall. Existing route is no longer compliant with updated gas safe regulations and the boiler has been decommissioned awaiting replacement.

4A Millers Green Gloucester GL1 2BN

23/00820/LAW

LAW

THOME

14/12/2023

Construction of 2no Dormers, Installation of Velux Windows, Replacement of Existing Windows and Installation of Solar Panels

6 The Anchorage Gloucester GL2 5JW



22/01204/LBC

G3L

RHIAM

05/12/2023

Proposed signage in association with previously approved works to create 12 No. small restaurant units.

Gloucester Food Dock 23 - 29 Commercial Road Gloucester

22/00784/FUL

G3Y

FEH

15/12/2023

Demolition of a curtilage listed outbuilding to the rear of 18 Brunswick Square and erection of a two-storey residential building comprising two apartments

18 Brunswick Square Gloucester GL1 1UG

21/01281/FUL

REF

ADAMS

14/12/2023

Conversion of existing restaurant into 2 no. 2-bed flats and 2 no. 1-bed flats and associated demolition and rebuilding works to building

67 Eastgate Street Gloucester GL1 1PN

23/00505/FUL

G3Y

THOME

06/12/2023

Erection of 4 cricket lanes within an enclosed TP365 system (33 x 14.6 x 4m - using black metal fencing and tunnel netting)

Archdeacon Meadow St Oswalds Road Gloucester

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