



# Gloucester City Council

## Planning Committee

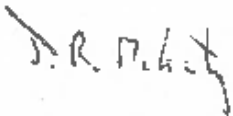
**Meeting: Tuesday, 2nd April 2024 at 6.00 pm in North Warehouse, The Docks, Gloucester, GL1 2EP**

<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 - 18)  To approve the minutes of the meeting held on Tuesday, 5th March 2024, as a correct record.
<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>63-69 NORTHGATE STREET (FORMER SAINSBURY STORE) - 22/01181/FUL</b> (Pages 19 - 90)  <b>Application for Determination:</b>  Demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme.  This application was deferred at the previous Planning Committee meeting.
<b>6.</b>	<b>52 CURTIS HAYWARD DRIVE, GLOUCESTER - 20/00993/FUL</b> (Pages 91 - 104)  <b>Application for determination:</b>

	Retrospective conversion of integral garage into habitable room.
7.	<b>DELEGATED DECISIONS</b> (Pages 105 - 110)  To consider a schedule of applications determined under delegated powers during the month of February 2024.
8.	<b>DATE OF NEXT MEETING</b>  Tuesday, 4 <sup>th</sup> June 2024.



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

**Date of Publication: Wednesday, 20 March 2024**

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## NOTES

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

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

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

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

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

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### **HUMAN RIGHTS**

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

### **EQUALITY ACT 2010**

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

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## PLANNING COMMITTEE

**MEETING** : Tuesday, 5th March 2024

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

**Officers in Attendance**

Planning Development Manager

Planning Policy Manager

Principal Planning Officer

Highways Officer (x2)

Locum Planning Lawyer, One Legal

Democratic and Electoral Services Officer

**Also in attendance**

Public Speaker (x3)

Councillor Castle

**APOLOGIES** : Cllrs. Toleman and Tracey

### 61. DECLARATIONS OF INTEREST

Councillors Dee, Evans, Campbell, and Morgan declared a prejudicial interest in agenda item 5 (Response to a Major Planning Application). Each member recused themselves from the Chamber during the discussion on the item and took no part in the voting or members' debate on the item.

Councillor Gravells declared a non-pecuniary interest in the same item, as he had previously been the Cabinet Member for Housing and Planning and had discussed the application but had not pre-determined it.

### 62. MINUTES

Councillor Conder noted that she wished for an amendment to be made to the minutes in relation to the item '26 Heathville Road - 23/00520/FUL' to clarify that she believed the property in question could be converted into a ground floor

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apartment and an upper two-floor maisonette, which would provide two family homes.

**RESOLVED** that the minutes of the previous meeting held on Tuesday, 6th February 2024 were confirmed and signed by the Chair as a correct record, subject to the amendment outlined above.

**63. LATE MATERIAL**

Late Material was circulated in respect of agenda item 6 (63-69 Northgate Street – 22/01181/FUL) and Item 7 (Gala Club – 23/00259/FUL).

**64. RESPONSE TO A MAJOR PLANNING APPLICATION WITHIN STROUD DISTRICT COUNCIL - LAND AT WHADDON**

*Cllrs Dee, Morgan, Evans, and Campbell took no part in the discussion or voting on the item and recused themselves from the Chamber after public speeches made by Cllrs Morgan and Campbell as Ward members.*

**Officer Report**

The Planning Policy Manager presented the report, which sought Planning Committee approval to make a response to a planning application in Stroud District Council's administrative area for development of land at Whaddon.

**Public Speeches**

*The Vice-Chair addressed the committee in opposition to the application as the Ward Member for Grange.*

He stated that the application should be refused and that he supported the Planning Policy Manager's recommendation on the following grounds:

- While large-scale developments were sometimes necessary to meet housing demand, the current application did not adequately address the numerous infrastructure concerns, such as hospital placements, traffic, school placements, green open spaces, etc.
- The impact on the Highway Network would be more than substantial.
- There were already issues surrounding traffic in the locality; should Stroud District Council grant consent to the application, this would substantially worsen.

The Vice-Chair further noted that he believed that the report should make reference to the impact the application would have on Grange Road, as well as St Barnabas Roundabout and the wider highway network which was mentioned in the report.



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*Councillor Campbell addressed the committee in opposition to the application as Ward Member for Tuffley.*

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

- She, Councillor Dee, former Councillor G. Dee, and other residents of Tuffley strongly opposed the application.
- There would be a significant increase in traffic.
- The application would negatively impact the area's infrastructure.
- The roads were already congested; approving the application would exacerbate this issue.
- It may increase the risk of flooding.
- The acceptance of the application would lead to a loss of amenities, views, and tranquillity around the local churches.
- Even with improvements to St Barnabas Roundabout, the scheme would still not be viable."

**Members' Questions**

The Planning Policy Manager responded to a Members' question concerning whether the Stroud application was currently suspended and whether this was owing to Highways concerns as follows:

- The Inspector expressed concerns over the impact of growth to the south of Gloucester and proposed allocations in nearby areas, such as Sharpness, with the impact on Junctions 12 and 14 of the M5 and other roads. In February 2024, Stroud District Council received a letter from the Inspectors, confirming a 7-month pause to allow for the preparation of additional evidence, followed by a 3-month consultation period.

The Highways Officer responded to Members' questions concerning whether there would be changes to junctions at Eastern Avenue, Cole Avenue and the junctions along those roads as well as St Barnabas roundabout, should the application receive consent as follows:

- There was a scheme proposed to make improvements to the St Barnabas roundabout. However, the application was not advanced enough to indicate whether improvements would be needed at other junctions in the locality. Highways would investigate the application thoroughly and produce trip generation and other modelling data for such decisions.

**Members' Debate**

The Chair stated that he believed that the proposed response from the City Council was fair. He added that he had concerns about the application and supported the response. He also stated that he wished to include the amendment suggested in

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the Vice-Chair's representation, which was to add Grange Road as an area that would be significantly impacted if the application were granted consent.

The Chair moved, and Councillor D.Brown seconded the Officer's recommendation, with an additional amendment to mention Grange Road as a road that would its highway network adversely affected should the application receive consent.

**RESOLVED** that the response to the planning application provided at Appendix 3 of the Officer report be approved and submitted to the case officer at Stroud District Council with an amendment to mention Grange Road.

**65. 63-69 NORTHGATE STREET (FORMER SAINSBURY STORE) - 22/01181/FUL**

**Officer Report**

The Principal Planning Officer presented the report which detailed an application for the demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme.

**Public Speeches**

*A representative of The King's School addressed the Committee in opposition to the application in its current format on the following grounds:*

- Kings School were pleased that the site was marked for development. However, there were concerns about the possible increase in traffic during construction and the enduring development. This raised safety concerns for the children and staff of the school.
- The main area of concern was that cars drove down at speed on Pitt Street, frequently the wrong way, despite it being a one-way street and that there had already been numerous near misses with schoolchildren.
- Kings School had been in contact with various stakeholders including Richard Graham MP, Councillor Tracey and Gloucestershire Highways about ways pedestrian safety could be improved on Pitt Street. He asked that the Planning Committee took into consideration the safety of students and other pedestrians in the area before giving an application consent.

*A representative for Clarehouse Developments Ltd addressed the Committee in favour of the application.*

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

- The applicant had a significant property portfolio and was a long-term investor. It had not been possible to find a long-term viable tenant for re-occupation and this reflected the trend they have seen nationally with other properties.

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- The proposal would retain the retail frontage. They were confident that the commercial unit would be occupied.
- 55 high quality apartments would be provided in the City Centre.
- The pre-application process commenced in 2021. Extensive care, time, and consideration and been put into the application.
- Feedback had been acted upon by the applicant.
- The Conservation Officer had confirmed that any loss or harm to the setting of the Raven Centre, 8 Hare Lane, the Cathedral or Church of St John would be marginal and less than substantial and was outweighed by the public good the application would cause.
- Architectural advancements would be made to Hare Lane and Northgate Street.
- Heritage assets would be preserved and enhanced.
- The visually intrusive frontage would be removed.
- 11 affordable homes would be provided. This was policy compliant.
- The applicant had used a chartered commercial surveyor and was therefore confident that the proposed retail unit would be occupied.
- Communal and private amenity space would be provided.
- The scheme would lead to 100% net gain in biodiversity units.
- The scheme would lead to Green Space being introduced into the City Centre.
- It was predicted that there would be 80 occupants in the dwellings, who would contribute to the local economy.
- A minimum of 65% carbon emission reduction would be achieved for the proposed flats owing to Solar Panels and Heat Pumps being used.
- The new buildings would meet modern building regulation standards.
- Contributions would be made towards open space, education, and other community needs. This was secured by S106 funding. This totalled over £500,000. CIL would be £230,000.
- Approving the development would lead to job creation.
- Granting the application would assist with urban regeneration.

**Members' Questions**

The Principal Planning Officer responded to Members' questions concerning why a pedestrian priority street had not been proposed as a condition as part of the application, whether the open space contribution would be spent on site, whether it was guaranteed that users of the properties would not have vehicles, what the nearest unrestricted road where users could park without a permit was, how the mural would be stored, concerns around whether there was a physical gap between the Raven Centre and the new proposed building whether the Raven Centre was owned by the Council, whether there were planning conditions in the report that dealt with the concerns raised by Historic England, whether the views of Gloucester Cathedral would be affected by the development, whether the air source heat pumps could be used for cooling, whether there were two disabled parking spaces proposed, whether the dwellings would be freehold properties and what would happen if the modelling shown to the Committee did not match what was built if the application received consent as follows:

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- In order for something to be included as a condition, there must be proof of its necessity. The change in circumstances that would arise should the application be approved would probably not necessitate the requirement of a pedestrian priority street in planning terms.
- In all likelihood, the Open Space contribution would be spent off-site on other projects.
- It could not be guaranteed that residents of the dwellings would not own vehicles. However, residents would be dissuaded from car ownership due to being excluded from having an automatic right to a Parking Permit scheme.,.
- There was no unrestricted on street parking in the immediate environment around the application site.
- Specific details about how the mural would be stored had not been provided. However, condition 16 and 17 of the report required that the applicant provide a Method Statement for the removal and storage of the mural which would need to be approved in writing by the Local Planning Authority and reinstated prior to first occupation of block B unless approved otherwise by the Council.
- The applicant had asserted that the existing building and Raven Centre were not tied in. If the applicant proposed to integrate the building with the Raven Centre, that would require listed building consent. Such a proposal would need to be considered by the Authority, and the Conservation Officer would examine the impact it would have on the building.
- The Raven Centre was not owned by the Council.
- It would probably not be reasonable to condition wholesale design amendments to the scheme as changes would require planning permission and would materially change the proposal. Therefore, all amendments should be made prior to determination. The Conservation Officer's professional opinion was that there would be a less than substantial harm to heritage, the Principal Planning Officer agreed with this assessment.
- The scheme would not have a substantial impact on the views of the Cathedral.
- He was unaware whether the air source heat pumps could be used to cool the properties. The comfort of residents on the top floor had not been raised as an issue throughout the application process. It was assumed that, through building regulations, suitable levels of accommodation would need to be provided.
- There were two disabled parking spaces proposed.
- Whether the properties were freehold, would not fall under the remit of a material planning consideration, outside of the 11 affordable units that would be secured
- He was not sure exactly where the nearest unrestricting parking street was. However, residents would not have access to the permit scheme and the lack of street parking, parking spaces of the dwellings and the exclusion of residents from the parking scheme would in all likelihood disincentivise vehicle owning persons from purchasing one of the dwellings.
- There were no conditions in the officer report that directly responded to Historic England's comments as the officer view was that the development would cause less than substantial harm to heritage.

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- Any approval would be subject to a condition to build in accordance with the floorplans and elevation plans and not specifically with the modelled visuals. Their accuracy is reliant on the architects' modelling.

The Highways Officer responded to Members' questions concerning whether there was a provision to allow the Kings School to be contacted in the traffic management plan during the construction phase of the application should concerns around traffic be realised, whether residents would park dangerously in the area if there were no parking spaces proposed and how many people owned cars in Gloucester as follows:

- There was a condition relating to a construction management plan. When the condition came to discharge, he would make a point in highlighting issues raised by the Kings School. He would liaise with the applicant to ensure that the views of the School were taken into consideration.
- There were no places to park a vehicle on site. The area around it was constrained for parking. It would be costly for residents to park in Hare Lane in the morning and afternoon. The dwellings would be unsuitable for persons who owned a vehicle. Residents would be excluded from the Permit scheme.
- There was census data on the amount of vehicle owning persons. Generally speaking, the number of vehicles was linked with the number of habitable rooms and the ability to park within the vicinity of a dwelling. Broadly speaking, owing to security concerns, residents would be unlikely to park their vehicle out of view of their home.

### **Members' Debate**

The Chair stated that he was broadly supportive of the scheme. He said that he did not share concerns about cars and parking as there were no car parking spaces in the vicinity of the proposed build nor any open roads where persons could park. He said that he believed that the dwellings would be predominantly used by people who would use other means of transportation. He stated that he shared concerns for school children of Kings School, but that the main road that they used was away from the site so would be difficult to condition.

The Vice-Chair stated that he agreed with the assessment of the Chair. He stated that on balance that he believed that the application should receive consent. He said that it would bring housing to the centre of Gloucester and would add to the vitality of the City.

Councillor Sawyer noted that she liked numerous aspects of the application. She said however, that she did not believe the proposed brick colouring/scheme at the Hare Lane block fitted in with the character of the street. She stated that her views were supported by Historic England, the Conservation Officer, and the Civic Trust. She stated that she requested that a condition be imposed which stated that either no work commenced on site until a revised drawing was put to the relevant officers or the application be deferred until improvements to the design were proposed. She stated that the planning grounds for suggestion deferral was that the application was not in accordance with the National Planning Policy Framework (NPPF) as it

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was not sympathetic to the local character. She stated that she believed that the application as currently proposed also did not accord with policy SD4 of the adopted Joint Core Strategy and Policy A1 of the adopted City Plan.

Councillor Dee noted that she agreed with points raised by Councillor Sawyer.

Councillor Conder stated that she agreed with points raised by Councillor Sawyer. She stated that she believed that it was a generic design which was similar to the Friars Orchard development. She stated that the red brick design on Brunswick Road for the Friars Orchard development fitted in with the character of the area but that the proposed build on Hare Lane did not. Councillor Conder stated that it was difficult to know how to remedy the particular design on Hare Lane, as the building was a square, flat roof, unlike the Raven Centre, however she believed that the colour scheme could be improved.

Councillor Gravells stated that he believed a condition should be implemented that put a time restriction on when the mural would be put back up.

The Principal Planning Officer noted that condition 17 stipulated that no above ground construction of Block B (the Northgate Street block) shall commence until a Method Statement for the installation of the mural and that condition 18 prior to first occupation of any unit within Block B (the Northgate Street block), details of interpretation material for the relocated mural shall be submitted to and approved in writing by the Local Planning Authority.

Councillor Gravells withdrew his suggestion for the condition in relation for the mural as he believed it was covered by condition 17 and 18 of the report. He stated that he believed that the scheme was excellent in many ways, particularly in regard to the number of affordable homes that would be provided. This said, Councillor Gravells raised concerns about the lack of parking spaces that would be provided, noting that this could lead to dangerous parking in the locality, and concerns about Kings School. He said that as good as the scheme was for people who needed housing, there were not enough parking spaces provided. He stated that he would not support the application in its current format and stated that he would be happy to support Councillor Sawyer's suggestion for deferral. He said that he believed that the applicant could reduce the number of units to increase the number of parking spaces which would lead to a less detrimental impact on the highway network, which were the main reasons he believed it should be deferred.

Councillor A.Chambers stated that he was generally supportive of the build and highlighted that there needed to be more properties in the City Centre. He stated that he had counted 150 empty shopping units in the local area when he last checked. He highlighted that a lot of anti-social behaviour had taken place in the units since it had become empty and that the application being granted would help to alleviate that. Councillor A. Chambers highlighted that there were 5,500 people in the City of Gloucester who needed housing and commented that the application would assist those people to get onto the housing ladder. He stated that he had two concerns with the application. He stated that he did not believe that there were enough parking spaces proposed. He further commented that there were also not enough bike spaces included in the application. Councillor A. Chambers agreed with Councillor Gravells' assertion that the scheme may be improved, should the

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applicant reduce the number of dwellings and increase the number of parking spaces as well as the number of bike racks. He said that he would also like to receive clarity as to whether there was a gap between the Raven Centre and the build, noting that he would support the application if those two conditions were added.

Councillor Conder stated that Friars Orchard did not provide parking for the residents in the blocks of flats, similar to the scheme proposed. She said that initially, the dwellings at Friars Orchard were occupied by elderly and retired persons. Councillor Conder noted that the nature of the residents had changed over the years. She said that some of the apartments were being let to students, that landlords were not local and that it was a more transient community than when residents had initially moved in. She stated that she believed a similar situation would arise at the proposed site. She stated that it would attract landlords who were not local who would let out the properties to students. She said that she did not believe it would be a family occupied environment and that she believed Members should be aware of that.

Councillor A.Chambers stated that the application would assist with the shortfall of accommodation in the city and that prospective tenants would assist with bringing income into the area, which was good for business. He reiterated that if adequate bike storage was provided and that there would definitely be a physical gap between the Raven Centre and the building, he would be minded to support the application.

The Principal Planning Officer outlined what he considered had been raised in Members' debate as potential reasons for deferral or to be subject to conditions of any permission to seek Members' agreement to this summary. He summarised them as follows:

- 1) A possible deferral or condition for altering the façade on the Hare Lane block. He stated that his position on the design/heritage impact and the Conservation Officer's was set out in the report. The design that was in front of the Committee had come as a result of negotiations between the applicant and Officers. Whether they would be willing to make further alterations, he could not say. However, the design of the façade on Hare Lane not being in character could be a material planning reason for deferral. He did not believe that it would be appropriate for it to be conditioned.
- 2) A possible deferral to address concerns relating to the impact the application could have on the highway network, particularly in relation to safety of the schoolchildren at The Kings School crossing on Pitt Street. In relation to this suggestion, the Principal Planning Officer was not aware of any additional information that could be obtained that would warrant a deferral.
- 3) A condition or deferral to redesign the scheme by reducing the amount of units to install more parking spaces. He did not believe that this suggestion would be a deferral matter, owing to the fact it would substantially change the nature of the application and would likely need to include a new access from the street.
- 4) A condition or to defer to secure clarification in relation to the gap between the Raven Centre and the Hare Lane block proposed. Whilst he understood

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the concern, he did not believe that it warranted being a condition. If the building was attached, there was the Listed Building Consent process to address heritage issues, and recourse outside of the scope of the Planning Committee through the Party Wall Act for action to be taken. However, if there was a deferral on design grounds, there may be an opportunity to receive clarity on whether there was certain to be a gap between the Raven Centre and the proposed build.

The Chair stated that on balance, he would support the Officer's recommendation.

Councillor Sawyer proposed deferring the application on the grounds that the application as it stood contradicted the NPPF as the design of the Hare Lane façade did not fit in with the character of the street scene. Further, on the grounds that the scheme contradicted policy SD4 (Design requirements) of the Joint Core Strategy and policy A1 of the City Plan. Councillor Gravells seconded the motion to defer.

The deferral was put to a vote and carried.

**RESOLVED** that the application was deferred.

**66. GALA CLUB, FAIRMILE GARDENS - 23/00259/FUL**

**Officer Report**

The Planning Development Manager presented the report detailing an application for football ground alterations, including a new stand, concrete paving, 6 x flood lights and timber fencing.

The Planning Development Manager further pointed to the Late Material which highlighted an additional representation by Cllr Castle. It stated:

*"This application was made 12 months ago by the Gala club, and we were contacted by a number of residents who had concerns about it so we called it in to the planning committee. Since then, we have held a meeting with the Gala club and residents to give them the opportunity to voice their concerns. The outcome of the meeting was positive, and we no longer wish to call it in to the committee as we have no objections to it. Ward Members' who called in the application."*

**Public Speeches**

*Councillor Castle addressed the Committee in favour of the application.*

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

- When the application was first proposed, she and Councillor Sawyer received representations by concerned residents. Subsequently, the Manager of Gala Wilton FC set up a meeting with local residents and a



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question and answer session was held. Since this meeting, she had not received further representations against the application.

*A representative of Gala Wilton FC addressed the Committee in favour of the application.*

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

- Granting the application would allow Gala Wilton FC to improve their facilities.
- Currently, Gala Wilton FC often lost their best players, as their facilities meant that they could not advance to the levels of other local clubs.
- The Club wanted to develop a strong youth policy, granting the application would allow them to retain their best young players and develop them and for an under 18s team to be formed.
- The application was in line with FA guidelines.
- If the club become more successful, this would help the social club that sat adjacent to the pitch and bring in more business to the local area.
- The Club had spent £30,000 to maintain the pitch and were ambitious.
- If the football club was successful, it was more likely local residents would use the social club.
- Since a question and answer session had been set up with local residents, there had not been a complaint about the application.

**Members' Debate**

The Chair moved and Councillor Gravells seconded the Officer's recommendation as laid out in the report.

**RESOLVED** that planning permission is granted subject to the conditions outlined in the officer report.

**67. DELEGATED DECISIONS**

**RESOLVED** that the delegated decisions of January 2024 were noted.

**68. DATE OF NEXT MEETING**

Tuesday, 2<sup>nd</sup> April 2024.

**Time of commencement: 6.00 pm**

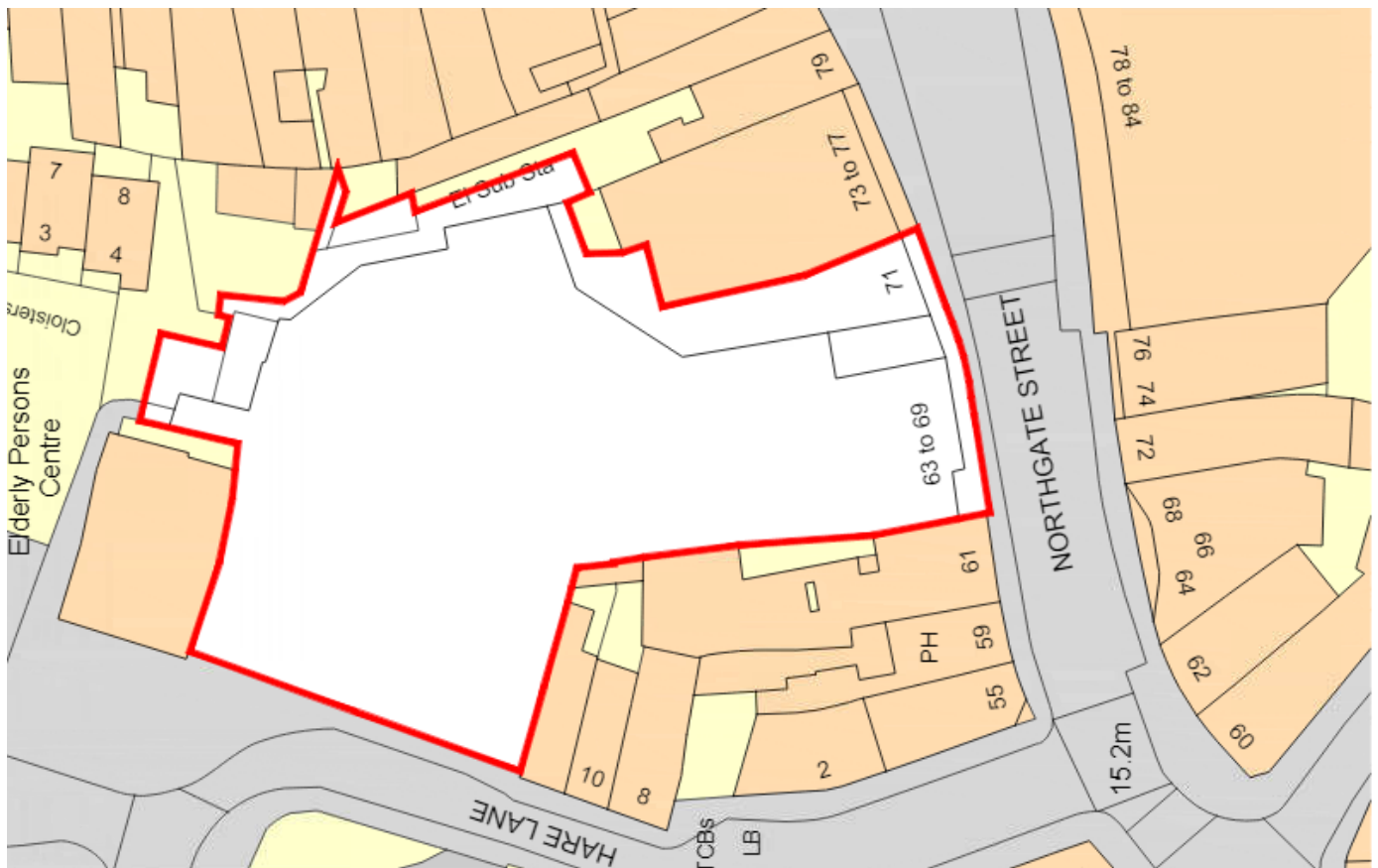
**Time of conclusion: 8.25 pm**

**Chair**

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## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2 <sup>nd</sup> April 2024
Address/Location:	63-69 Northgate Street (former Sainsbury store)
Application No:	22/01181/FUL
Ward:	Westgate
Expiry Date:	18 <sup>th</sup> July 2023
Applicant:	Clarehouse Developments Ltd
Proposal:	Demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme
Report by:	Adam Smith
Appendices:	Site location plan (below)   Extract of new plan at the Hare Lane block/Raven Centre boundary (at end of report)   Proposed layout plan (at end of report)   Previous (March 2024) Committee Report (at end of report)



### 1.0 INTRODUCTION

- 1.1 This application was previously considered by the Planning Committee in March 2024 where the Committee resolved to defer the application. The principal issue in the resolution to defer

was to seek design improvements to the Hare Lane elevation. The previous officer report is appended to this report and sets out the site description, proposal, policy and consultation background and the Officer analysis and recommendation which was to grant planning permission subject to conditions and completion of a legal agreement. Please refer to that report for all these matters. This new report is to provide an update on the application in relation to the applicant's response regarding design improvements, and also comment on other matters raised during Members' debate at the previous Committee meeting. The below update is based on the four matters I summarised for Members' agreement during the latter part of the March Committee meeting, those being the matters I had noted as being considered by Members as potential reasons for deferral or potential additional conditions.

## 2.0 **UPDATE**

### 2.1 **Hare Lane elevation design**

The applicant has decided not to amend the design. The applicant has commissioned some rendered visuals of this part of the scheme however, seeking to provide further information as to the acceptability of the current design. I understand that these will be ready for the Committee meeting and will be shared then.

2.2 It is therefore recommended that the Committee determines the application on the basis of the submitted scheme.

### 2.3 **The Kings School request re. Pitt Street**

Officers advised in the report and the Committee meeting of their opinion on the proposed restriction on development relating to Pitt Street being redesigned into a pedestrian priority street. It is not considered that a condition to prevent development commencing until Pitt Street has been amended in the manner sought is necessary to make the development acceptable in planning terms or reasonable. Given the status of such a proposal for Pitt Street, inasmuch as I am unaware that any such proposed scheme exists, nor any understanding of its funding, timescale or who would be responsible for implementing it, it would probably not be an enforceable condition either. As such it would not be a valid condition in Officers' view.

2.4 The impact of the development under consideration is not considered to be such as to merit pre-requisite alterations to Pitt Street. It is pertinent to consider the extant use of the application site as a foodstore and the pedestrian and vehicular movements associated with that lawful use, and whether the proposed development of 55 flats with 2 disabled parking spaces could be demonstrated to cause harm over and above the extant use such as to merit the requirement of the mooted mitigation measure at Pitt Street in order for the development to be acceptable in planning terms.

2.5 The Highway Authority has provided further advice on this matter: The existing floor area of the building is c.4000 sq m. National traffic surveys taken from town centre supermarkets indicate the site would easily have the potential to generate some 3500 vehicle two way movements from 6 am to midnight. In the periods where conflict could occur with the school at mornings, midday and the afternoon, the two way trip generation would be 150 in the mornings and some 300 two way vehicle movements in the midday and afternoon periods. Based on TRICS surveys, town centre apartments with an allocated parking court, 55 apartments would generate some 70 two way traffic movements from 7am to 7pm, during the times of school operation this would be 8 movements within the hour. This does not factor in that the current proposal under consideration has no allocated parking and is car free except for two disabled bays.

2.6 Any physical works at Pitt Street are also outside the application site and outside the

applicant's control. Officers are not aware of any scheme to undertake any measures at the present time, so it is not considered there is a reasonable prospect of the suggested mitigation measure coming to fruition in a reasonable period of time. In effect, such a condition would therefore serve to prevent development indefinitely.

- 2.7 Notwithstanding the above, since the March Committee meeting the Highway Officer has met representatives of the School on site to discuss their concerns and has endeavoured to establish contact between the School and appropriate other departments in the County Council about the matter.
- 2.8 The Highway Authority has provided further comments on this: the Highways Officer held a meeting with the school representative on site on 12<sup>th</sup> March 2024 to observe the safety issues highlighted at the Committee in Pitt Street. Children were observed in the afternoon period, walking along the footway and some within the road. This was observed as the School representative and the Highways Officer were standing within the carriageway section of Pitt Street. The carriageway is very narrow, one way and was very lightly trafficked, with only several cars observed passing within a 30 minute period. There have been no recorded injury accidents in the last 5 years and the area can be considered to be safe. The school forwarded previous correspondence from the School to Gloucestershire County Council to the Highways Officer with relation to the issues with the suggestion the road could be redesigned as a shared street to give more priority to pedestrians. The concerns from the school were clearly in relation to existing issues, which could be addressed by instructing pupils to walk on the footway or a school marshalling system. However, it appears the children have become accustomed to walking within the carriageway because it is very lightly trafficked. The school stated the issue was a concern in the mornings with more traffic associated with the school drop off. The existing issue will be taken up further with the relevant departments at Gloucestershire County Council.
- 2.9 The Highway Authority advises that in conclusion, the development would result in an insignificant amount of traffic compared to that of the previous use and would provide a net safety benefit for the school. There are no existing highway safety issues, and there is no reason why the proposed development would have any detrimental impact on highway safety or that of the school. In reality, the proposal has significant benefits over the current use as a retail store. There are therefore no highways reasons that could be regarded as severe that would meet the tests of refusal on highways grounds within the NPPF, Paragraph 115 that could be sustained at a planning appeal; "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 on the road network would be severe".
- 2.10 It is recommended that the Committee determines the application on the basis of the submitted scheme – that is, without any associated proposal to alter the form or designation of Pitt Street.
- 2.11 **Reducing the quantum of units in the scheme to provide some parking at the site**  
The applicant has not made a change to the scheme in this regard. In my view such a change would be highly likely to amount to a fundamental alteration of the scheme and lead to the need for a new application. Not least I consider it would necessitate a change to the description of development and likely alter the red line of the application site, in so far as the change would lead to the creation of a new vehicular access to the site to serve that parking provision.
- 2.12 Such a change would also be highly likely to have numerous associated knock-on effects such as;
- Needing to assess the acceptability in highway safety terms of the new access/egress

- point/s to the additional parking;
- Needing to assess what on-street facility may be lost by positioning a new vehicular access into the development and using on-street space to accommodate the access (e.g. loss of on street parking bays, delivery bays, etc);
- Needing to assess traffic impact in the vicinity of the site as a result of trips to the site;
- A reduction in housing numbers delivered on the site;
- A reduction in affordable housing provision and other s106 contributions from the development associated with reduced housing numbers;
- Reduced building street frontage by including a vehicular access;
- Possible impact on the courtyard green space for the development.

It is also suggested that given the layout of this scheme in flat blocks, the loss of a small number of units would not be likely to lead to any more than a few additional parking spaces at most.

- 2.13 The previous officer report comments on the matter of the low parking provision and the policy context for considering such proposals, as well as the measures to prevent future resident access to a parking permit as a fallback measure should residents in fact own or intend to own a car. The site is highly sustainable and it is considered that if Gloucester is to offer the lifestyle choice of living in a centre without a car and with good opportunities to access transport hubs and local facilities via non car-borne means, this is likely to be one of the best locations to do so. The low car parking provision design also aids maximising density and housing provision by not using site area for parking.
- 2.14 The Highway Authority has also provided additional advice on the matter: The average car ownership rate from census data in the area for apartments is only 35%. Concerns were raised by the Committee that the application would result in on street parking. The advice of Highways Officers is that the proposal would not result in this. Security of a vehicle, as a significant investment by an individual, is paramount for most people. Experience from other residential schemes shows that occupiers prefer to park their vehicles in a position that can be viewed from a habitable room window. Within this development there are no long term parking options that could provide this. The prevention of gaining a parking permit would push the nearest potential on street parking space considerably farther away from the site. The area is one which is regularly enforced and any vehicle parked in contravention of the Traffic Regulation Order would receive a penalty ticket. The Traffic Regulation Orders include all of the highway, including the footway. Based on the parking permit zone maps on the County Council website, the nearest point to the application site where vehicles could park unrestricted is potentially around Estcourt Road, around St Oswalds Road, beyond Bruton Way into Barton, beyond Horton Road, or south of the Park. The Highway Authority's view is that the location is such that people who require a vehicle would not choose to live in this location and therefore there would be no detrimental impacts upon highway safety as a result of lack of parking provision.
- 2.15 It is recommended that the Committee determines the application on the basis of the submitted scheme.
- 2.16 **Gap between the Hare Lane block and the Raven Centre**  
The applicants have submitted plans seeking to respond to this aspect of the debate. These do not alter the floorplans but include an annotation stating; "if buildings are to touch, Listed Building Consent will be sought. All proposed works will be dealt with under the Party Wall Act". The applicant's heritage adviser has previously asserted that the buildings are not tied in and that no listed building consent is required for detachment of the existing or construction of the new building.

- 2.17 As noted in the Committee meeting, if it was proposed to tie the buildings together, the listed building consent regime would come into play anyway and a listed building consent application would be necessary and would then enable the Council to consider the heritage planning considerations of this construction; as the new plan annotation commits to. As also mentioned in the Committee meeting, the Party Wall Act (outside the Council's jurisdiction) also exists to manage construction issues at the party wall, and the annotation also commits to that (which is probably legally enforceable under this separate legislation regardless of the annotation).
- 2.18 I also draw Members' attention to Condition 4 proposed in the previous report, the intention of which was to seek to manage planning issues at the shared boundary. This includes seeking for approval; method of demolition, structural assessment of the abutment between the existing building and the Raven Centre, measures to secure the safety and stability of adjacent buildings during demolition and construction, arrangements for vibration monitoring, and a specification of the new building construction at its closest edge to the Raven Centre. These matter can therefore be addressed with Conservation Officer input pursuant to the condition. There are not therefore considered to be any significant planning issues that are not addressed in this regard.
- 2.19 It is recommended that the Committee determines the application on the basis of the submitted scheme as now including the annotation.

### **3.0 CONCLUSIONS**

- 3.1 Officers have already assessed the scheme and recommended approval subject to conditions and a legal agreement, and with no fundamental changes to the scheme, the Officer recommendation remains as approval.

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

That planning permission is **GRANTED** subject to;

completion of a legal agreement/s to secure the terms set out at Paragraph 6.124 of the March Committee Report and delegated Authority being given to the Planning Development Manager (or equivalent replacement post holder) to negotiate the s106 terms to suit;

and;

the conditions outlined in the March 2024 Committee Report as amended as follows:

#### **Condition 2**

The development hereby permitted shall be carried out in accordance with the drawings on the following plans except where otherwise required by conditions of this permission:

Proposed location and block plan ref. 19.075/001 Rev. A

**Proposed ground floor plan ref. 19.077/011 Rev. E**

Proposed first floor plan ref. 19.077/012 Rev. B

Proposed second floor plan ref. 19.077/013 Rev. B

Proposed third floor plan ref. 19.077/014 Rev. B

Proposed fourth floor ref. 19.077/014 Rev. \*

Proposed roof plan ref. 19.077/015 Rev. \*

Block A west elevation ref. 19.077/56 Rev. \*  
Block A north and south elevation ref. 19.077/57 Rev. \*  
Block A east elevation ref. 19.077/58 Rev. B

Block B elevations ref. 19.077/053 Rev. C

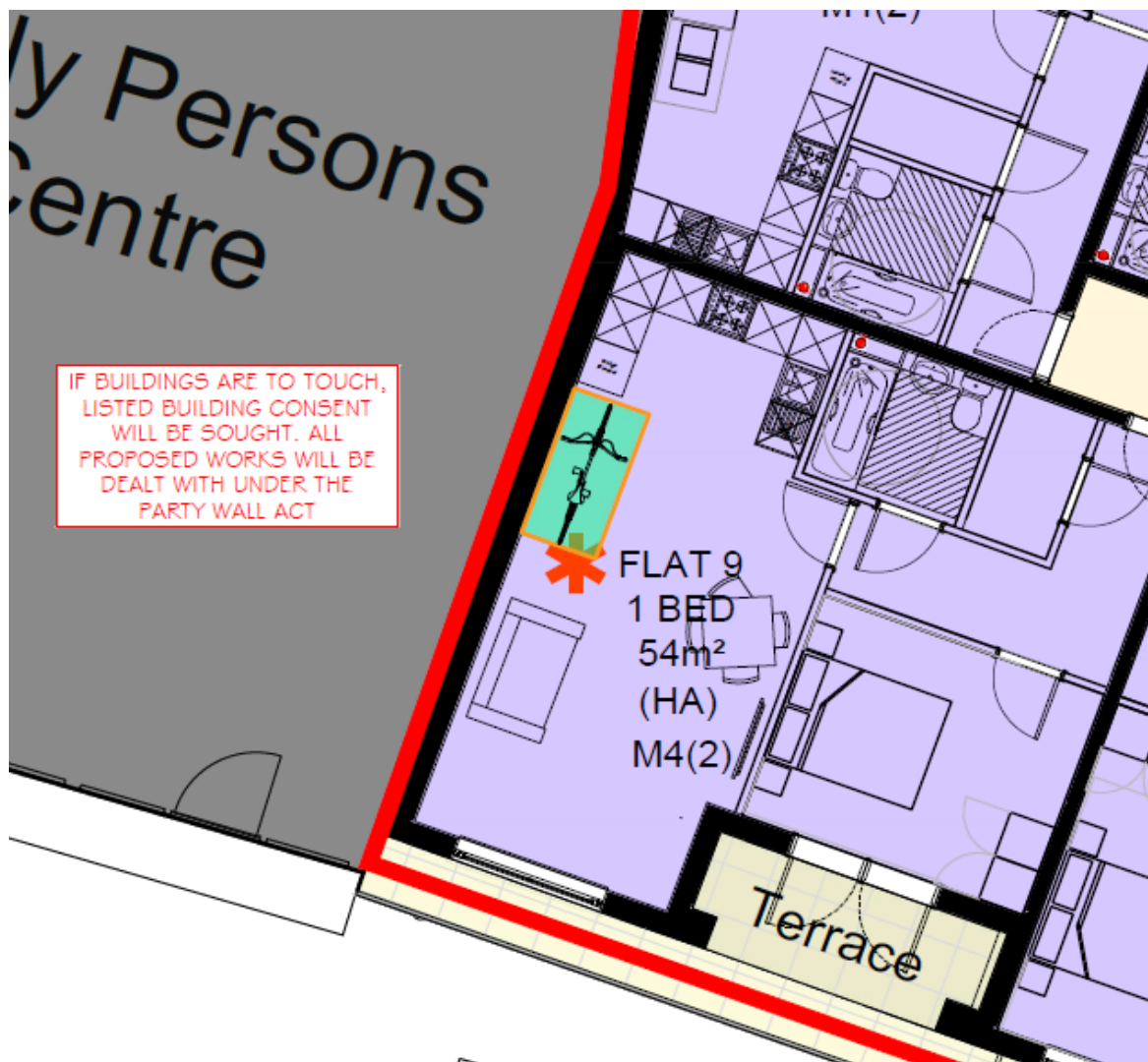
Block C elevations ref. 19.077/060 Rev. B

**Reason**

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



Appendix - Extract of new plan at the Hare Lane block/Raven Centre boundary



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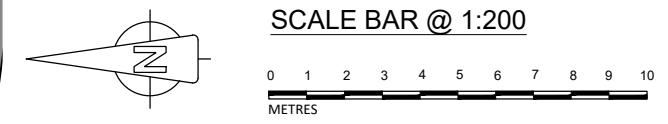
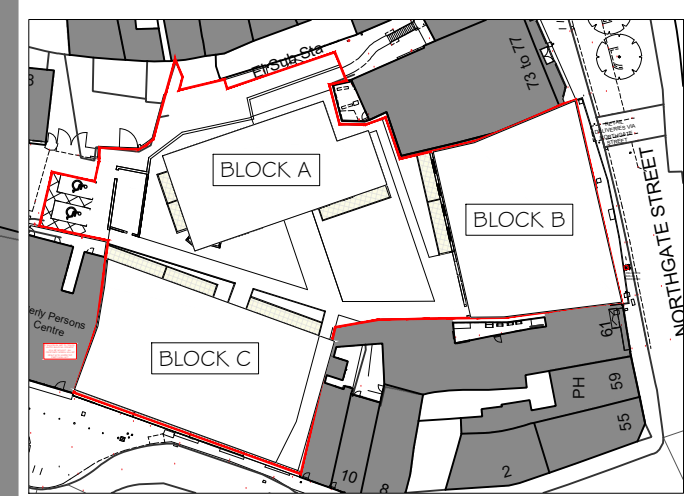
DENOTES HOUSING ASSOCIATION UNIT



DENOTES ALLOCATED AREA FOR CYCLE STORAGE / MAINTENANCE



# PROPOSED GROUND FLOOR PLAN



Revisions	Date	Drawn	CHK'd

Client

Project  
63 - 71 Northgate Street  
Gloucester

Factor 9 Design  
Unit 519 Linen Hall  
162-168 Regent Street  
London  
W1B 5TD  
Phone 02078215650  
Email: email@factor9design.co.uk



Drawing Title	Status
Proposed Ground Floor Plan	PLANNING
	Scale - unless otherwise stated
	1:200 at A3
Drawing Number	Rev
19.077 / 011	E

Page 27

ly Persons Centre

IF BUILDINGS ARE TO TOUCH, LISTED BUILDING CONSENT WILL BE SOUGHT. ALL PROPOSED WORKS WILL BE DEALT WITH UNDER THE PARTY WALL ACT

RELOCATE BIN AS INDICATED

RETAIL DELIVERIES VIA NORTHGATE STREET

RETAIL UNIT CLASS E  
121sqm

RETAIL BIN STORE

RESIDENTS FOYER

BIKE STORE

BIN STORE

RESIDENT

Terrace

RESIDENT

Terrace

RESIDENT

Terrace

RESIDENT

Terrace

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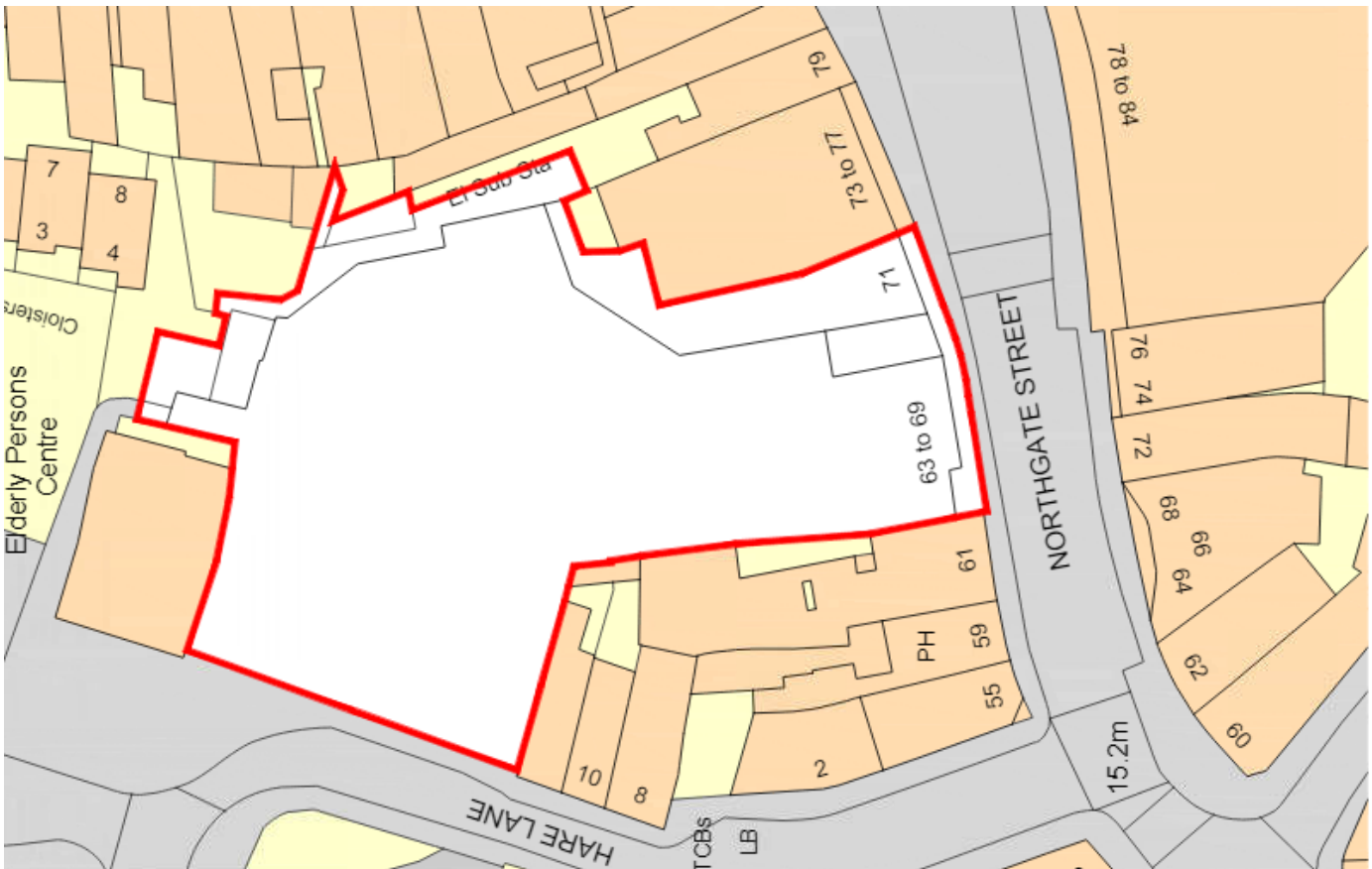
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# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning  
Date: | 5<sup>th</sup> March 2024  
Address/Location: | 63-69 Northgate Street (former Sainsbury store)  
Application No: | 22/01181/FUL  
Ward: | Westgate  
Expiry Date: | 18<sup>th</sup> July 2023  
Applicant: | Clarehouse Developments Ltd  
Proposal: | Demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme  
Report by: | Adam Smith  
Appendices: | Site location plan (below)  
Proposed layout plan (at end of report)



## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is the retail unit formerly occupied by Sainsbury, and the adjacent units to the north east on Northgate Street (the former bridal wear and menswear shops). It extends between Northgate Street at the south and the Hare Lane car park at the north, Hare Lane to the west and the rear of Worcester Street properties to the east. The site does not comprise of the whole of the block of buildings here, such that it wraps around properties at the corner of Northgate Street/Hare Lane to the south west, around the Raven Centre to

the north west and around 73-77 Northgate Street the adjacent unit to the south east.

- 1.2 In the wider setting on the opposite side of Northgate Street to the south are commercial properties of 2, 3 and 4 storeys. To the east the Worcester Street properties are a mix of commercial uses with some residential in upper floors, predominantly 3 storeys. To the north the car park is flanked on the east side by modern residential blocks of 2 storeys and further north larger buildings of 3 and 4 storeys. To the immediate north east is an empty site that benefits from an unimplemented permission for flats in a 2 1/2 storey block. Farther to the north west and west is the Cathedral complex and Kings School buildings and the open spaces around them. Closest, on the opposite side of Hare Lane is the public open space.
- 1.3 The site is within the Cathedral Precincts Conservation Area and immediately adjacent to the London Road Conservation Area. The Worcester Street Conservation Area is also very close by to the north east. There are also several listed buildings adjacent to the site and in the near vicinity, commented on in the analysis below.
- 1.4 The proposal is for 55 residential units as flats, within three blocks, and a 121sqm Class E unit at ground floor of the Northgate Street frontage. The three blocks comprise of Block A at 5 storeys and 15.6m tall, situated at the rear of the site adjacent to the rears of Worcester Street properties; Block B at 4 storeys and 13m tall, fronting Northgate Street; and Block C, 3 storeys and up to 10m tall, fronting Hare Lane. Centrally there would be a private landscaped open amenity space. On the north side behind Block A the boundary wall to the shared access behind would be rebuilt. Pedestrian access would be provided from Northgate Street, Hare Lane and Hare Lane south car park. The proposal is designed to be a car free development in the main although there are 2 parking spaces proposed for disabled users off the Hare Lane car park.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/102630/HIST	2208/68/46:- CONVENIENCES AT PREMISES.	Approved	21.05.1946
44/102631/HIST	2598/87/47:- EXTENSION OF PREMISES.	Approved	13.06.1947
44/102632/HIST	2598/87/47:- (AMENDED) EXTENSION OF PREMISES.	Approved	21.09.1947
44/102635/HIST	P/430/62:- (OUTLINE) DEMOLITION OF NO.63-69 AND ERECTION OF SUPERMARKET AND TEN PIN BOWLING ALLEY.	Refused	
44/102636/HIST	P/609/63:- DEMOLITION OF 63-69 AND (OUTLINE) USE OF LAND FOR SUPERMARKET AND ROOF CAR PARK.	Refused	
44/102637/HIST	P/286/64:- (OUTLINE) (63-71 NORTHGATE STREET) GROUND FLOOR SUPERMARKET WITH TWO FLOORS OF OFFICES OVER.	Approved subject to conditions	23.06.1964
44/102638/HIST	P/286A/64/65:- (OUTLINE) (63-71 NORTHGATE STREET) ERECTION OF FOUR SHOPS WITH TWO FLOORS OFFICES OVER AND CAR PARKING AT THE REAR WITH ACCESS FROM HARE	Approved subject to conditions	29.04.1965

	LANE.		
44/102639/HIST	P/141/68:- (OUTLINE) (63-71 NORTHGATE STREET) ERECTION OF A THREE STOREY BUILDING FOR THE PURPOSES OF A RETAIL STORE AND STAFF FACILITIES.	Approved subject to conditions	24.10.1968
44/102640/HIST	P/141/68/69:- ERECTION OF SUPERMARKET WITH PREPARATION AND STORAGE FACILITIES INCLUDING STAFF AMENITIES, PLUS SUBLET AREAS; UNLOADING ACCESS FROM HARE LANE.	Approved subject to conditions	04.02.1970
44/102644/HIST	P/469/70:- (63-71 NORTHGATE STREET) USE OF PART OF FIRST FLOOR AS PUBLIC RESTAURANT AND PROVISION OF ENTRANCE DOORS TO NORTHGATE STREET.	Approved subject to conditions	15.07.1970
44/102649/HIST	P/455/73:- CHANGE OF USE OF PART OF FIRST FLOOR FROM RESTAURANT TO OFFICES.	Approved subject to conditions	09.05.1973
44/102650/HIST	03/EDP/371/76:- (69 NORTHGATE STREET) USE OF FIRST FLOOR AS HAIRDRESSING SALON.	Approved subject to conditions	16.06.1976
05/01288/FUL	Alterations to shopfronts to Northgate Street and Hare Lane	Granted	10.01.2006
11/00230/FUL	Formation of a new store entrance on Northgate Street (existing entrance infilled by brick and glazing) plus the installation of bi-parting doors on the Hare Lane entrance.	Granted	14.04.2011

### 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 December 2017)

Relevant policies from the JCS include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD2 – Retail and city/town centres
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD8 – Historic Environment
- SD9 – Biodiversity and geodiversity
- SD10 – Residential development

SD11 – Housing mix and standards  
SD12 – Affordable housing  
SD14 – Health and environmental quality  
INF1 – Transport network  
INF2 – Flood risk management  
INF3 – Green Infrastructure  
INF4 – Social and community Infrastructure  
INF6 – Infrastructure delivery  
INF7 – Developer contributions

City Centre, Primary Shopping Area and Shopping Frontage designations.

### 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 (Adopted January 2023)**

Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provides policies addressing local issues and opportunities in the City.

Relevant policies include:

A1 – Effective and efficient use of land and buildings  
A6 – Accessible and adaptable homes  
B1 – Employment and skills plans  
C1 – Active design and accessibility  
C3 – Public open space, playing fields and sports facilities  
C5 – Air quality  
C7 – Fall prevention from tall buildings  
D1 – Historic environment  
D2 – Non designated heritage assets  
D3 – Recording and advancing understanding of heritage assets  
D4 – Views of the Cathedral and historic places of worship  
E1 – Biodiversity and geodiversity  
E3 – Green/blue infrastructure  
E4 – Flooding, sustainable drainage, and wastewater  
E6 – Development affecting Cotswold Beechwoods Special Area of Conservation  
E7 – Trees, woodlands and hedgerows  
F1 – Materials and finishes  
F2 – Landscape and planting  
F3 – Community safety  
F4 – Gulls  
F6 – Nationally described space standards  
F7 – Shopfronts, shutters and signs  
G1 – Sustainable transport and parking  
G2 – Cycling  
G3 – Walking  
G4 – Broadband connectivity  
G6 – Water efficiency  
G7 – Review mechanism



### 3.6 **Minerals Local Plan for Gloucestershire 2018-2032 (2020)**

The site is within a mineral consultation area. The adopted minerals plan for the County contains the following policies of relevance:

SR01 – Maximising the use of secondary and recycled aggregates

MS01 – Non-mineral developments within MSAs

### 3.7 **Gloucestershire Waste Core Strategy 2012-2027 (2012)**

The adopted waste plan for the County contains the following policies of relevance:

Policy 36 – Waste Minimisation

### 3.8 **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 development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

BE.2 – Views and skyline

OS.2 – Public open space standard for new residential development

OS.3 – New housing and public open space

### 3.9 **Supplementary Planning Guidance/Documents**

New housing and open space 2001

Heights of buildings SPD 2008

SuDS Design Guide 2013

Waste minimisation in development projects SPD 2006

Designing safer places SPD 2008

Shopfronts, shutters and signs

Gloucester City Council Open Space Strategy 2021-2026

Conservation Area Appraisals - Cathedral Precincts, London Road and Worcester Street.

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 Highway Authority raises no objection subject to conditions to secure the Travel Plan; details of the rear service area and disabled bays; cycle and motorcycle storage; construction management plan; electric vehicle charging points, and footway works, plus financial contributions of £5,000 fee for Travel Plan monitoring and £10,000 to amend the Traffic Regulation Order to exclude residents from the parking permit scheme.

- 4.2 The **Conservation Officer** recommends approval subject to conditions to secure approval of bricks, balconies, windows and doors, railings and balconies; details for the mural relocation; details of demolition and construction works in relation to the listed Raven Centre; and prevent demolition until a contract for redevelopment is let.

The Conservation Officer also notes:

The demolition of the existing building will not be harmful to the character of the Conservation Area as the building makes very little architectural contribution.

The redevelopment will cause change to the Conservation Areas but not harmful change.

Agrees with Historic England that it is a generic scheme not specific to local context but is better than the existing development. Another proposal not coming forward would result in further and arguably longer lasting harm to the Conservation Areas.

In terms of heights of buildings it will be negligible in terms of the views in and out of the Cathedral and beyond.

The Hare Lane building has regard for the height of listed buildings to the sides and is acceptable.

While independent of each other, the demolition may reveal the listed building gable wall and the associated risks need mitigating.

Remaining concerns for the retail units although the revised proposal is an improvement.

Introducing new green amenity space would be a considerable gain in this part of the Conservation Area.

Overall the proposal would result in a very low level of 'less than substantial harm'. Any loss or harm to the setting of the Raven Centre, 8 Hare Lane, the Cathedral or Church of St John would be marginal and less than substantial.

- 4.3 The **Civic Trust** initially raised no objection to the development in principle and welcomed the creation of a small green space. The Trust considered the design of the front elevations to be bland and could be significantly improved. The appearance could be made more in keeping with the adjacent buildings without adversely affecting the overall plan. The Trust also considered the ground floor balconies are likely to collect litter and become a nuisance. In relation to the revised plans the Trust noted it is not opposed to the development but would like to see conditions applied requiring improvements to the design. The Trust supports some elements including the mural relocation. The revisions to the plans make it a bit more attractive than the previous version but overall lacks imagination and is missing an opportunity. Also the quality of design from a thermal perspective could be improved.

- 4.4 The **City Archaeologist** raises no objection subject to conditions to secure a post-demolition archaeological evaluation, the approval of foundations and other below ground infrastructure, and the submission and implementation of an archaeological written scheme of investigation. The Archaeologist does however note the possibly national significance, certainly regional significance of the archaeological remains expected to be found at the site.

- 4.5 **Historic England** does not oppose the principle of redevelopment but raises concerns about impacts on heritage assets, notably the Hare Lane elevation failing to make a positive response to the Cathedral's setting, and the scheme not preserving or enhancing the character and appearance of the Conservation Area, suggesting further design amendments are sought.

- 4.6 The **Housing Strategy Team** recommend approval subject to the application meeting 25% M42 units (the Building Regulations standard required by Policy A6 of the City Plan). (\*Planning Officer note: this was subsequently resolved; see analysis below).

- 4.7 **The Planning Policy Team** generally supports the principle of the application. They raise concerns about the viability of the retail unit given the shallow floor plan and no storage, bathroom or staff areas shown. They suggest a potential conflict with scale of the central element when viewed from the car park, and improvements to blank elevation. They highlight the need to mitigate impacts on the Cotswold Beechwoods Special Area of Conservation and potentially a financial contribution. They recommend attention to external building components e.g. meter boxes, flues, railings, gull prevention measures, fall prevention measures, etc and cycle parking, connections to green infrastructure, broadband connectivity and water efficiency. They raise concerns about recessed entrances for safety. Specific development plan policies are highlighted, as below, and they recommend specific consultee comments to address certain policies as below.
- 4.8 The **Contaminated Land consultant** raises no objection and recommends the standard contaminated land condition.
- 4.9 The **Drainage Officer** raises no objection subject to condition to secure details of the drainage system.
- 4.10 The **Lead Local Flood Authority** raises no objection.
- 4.11 **Severn Trent Water** raises no objection subject to conditions to secure details and implementation of surface and foul water drainage details.
- 4.12 The **Environmental Health consultant** raises no objection subject to conditions to secure post demolition surveys for odour and noise mitigation to characterise any mitigation needed. The consultant has confirmed these are not in-principle issues and can be dealt with under condition.
- 4.13 The **Ecological consultant** raises no objection but seeks details of the BNG metric (now provided), and recommends conditions to secure ecological mitigation per the applicant report, a lighting strategy, and a Landscape and Ecological Management plan. The consultant raises no objection to the shadow Habitats Regulations Assessment study subject to securing the stated mitigation and a residents information pack.
- 4.14 **Natural England** was consulted once the shadow Habitats Regulations Assessment appropriate assessment was submitted and reviewed by the Council's ecology consultant. Natural England raises no objection subject to mitigation being secured for the financial contribution to the Cotswold Beechwoods Strategy, and conditions securing a Construction Environmental Management Plan, a drainage strategy, and provision of the green infrastructure.
- 4.15 The **Landscaping consultant** recommends that further details are provided, of the brick wall to the north of Block A, showing the extent of ground cover planting, tweak the ground cover species for ease of maintenance, and for security, a cross section of the drainage attenuation, provision of root guards to the proposed trees to prevent damage to the drainage infrastructure.
- 4.16 The **Public Open Space adviser** recommends contributions for play facilities and open space (detailed later in the report).
- 4.17 The **Waste team** advised that they would not make the collections from this premises under the submitted arrangements (\*Officer note – the developer proposes alternative collection arrangements, which are set out later in the report).

- 4.18 **The County Council development contributions team** recommends contributions to education and libraries (detailed later in the report).
- 4.19 The County Council as **Minerals and Waste Authority** raises no objection subject to a condition to secure measures for waste minimisation during demolition and construction.
- 4.20 The **Police Designing out Crime Officer** raised concerns with the first design about siting the mural in an alleyway and vandalism to it, alleys and recesses to Northgate Street and Hare Lane creating hiding places and attracting ASB, security of cycle stores needing to comply with SBD Homes 2023, not demonstrating compliance with development plan policies and NPPF/NPPG. No response has been received on the revised proposals.
- 4.21 The **City Growth and Delivery Manager** is supportive of the main content of the 55 flats part of the proposal, noting the benefits to bring more life and vibrancy to the area, but has reservations over the retail unit proposed at Northgate Street. The idea of a shop unit to maintain active frontage is welcomed but the wide and shallow arrangement will limit useability, and there is concern about having no rear service access. No comments have been made on the revised scheme. (\*Officer note; the revised scheme has the commercial unit slightly deeper, and narrower, potentially divided in two). The consultee also requests an Employment and Skills Plan.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press and site notices were published. A second round of notification was undertaken on the amended plans.
- 5.2 Four representations have been received. The issues raised may be summarised as follows:

Support the redevelopment and 'car-free' nature.

Addition of 55 residential properties at end of Pitt Street will exacerbate existing difficulties for pedestrians on Pitt Street; more pedestrians and traffic. Kings School has requested to the County Council that the street is redesigned into a Pedestrian Priority Street. Note over 740 pupils at the school and over 200 staff, current pavements are not sufficient for safe passage; concerned about pedestrian accidents. Consider the school's request for a Pedestrian Priority Street and make it a prerequisite before any building renovations take place.

Design is sensitive to the historical buildings in the local vicinity.

Design doesn't give concern for safeguarding risks by overlooking Kings School Nursery playground.

Impact on the adjacent building 61 Northgate Street (Farmhouse), structural damage, by piling and construction. Impact on trade from associated arrangements.

Lack of parking.

Impact on Raven Centre elderly persons centre from deliveries and car parking, noise and dust impacts, structural damage.

Impact to residents at Cloister View who use the parking in proximity of the planned demolition.

Environmental impacts from demolition and construction – noise, dust, disruption.

Suggest waste collection for the communal area rather than individual recycling facilities to make waste management more efficient.

5.3 The application can be viewed at: [22/01181/FUL | Demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme | Sainsbury's Supermarket 63 - 69 Northgate Street Gloucester GL1 2AG](#)

## 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), The Gloucester City Plan 2023 and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regard to this application are as follows.

- Principle
- Public benefits of the development
- Heritage – built heritage and archaeology
- Design, layout and landscaping
- Traffic and transport
- Housing provision
- Residential amenity / environmental health
- Drainage and flood risk
- Land contamination
- Ecology
- Sustainability
- Waste minimisation
- Economic considerations
- S106 contributions, CIL and viability

### 6.5 **Principle**

The NPPF requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and promote and support the development of under-utilised buildings. Decisions should support development that makes efficient use of land. The NPPF also sets out that planning decisions should give significant weight to the need to support economic growth and productivity.

## 6.6 **Principle – residential development**

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review)

The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

The NPPF clarifies that: ‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’ The Council is able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 6 the ‘tilted balance’ is not engaged.

6.7 Policy SP1 of the JCS sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans. Specifically relating to residential development Policy SD10 of the JCS states that housing in the City area will be allowed:

- At sites allocated within the development plan and district plan.
- On unallocated sites on previously developed land in the existing built up areas of Gloucester City.
- It is infilling within the existing built up areas of the City of Gloucester.
- It is for affordable housing on a rural exception site.
- It is brought forward through community right to build orders.
- There are other specific exceptional/circumstances defined in a district plan.

Policy SD2 sets out that within the defined city centre boundary proposals for residential will be supported provided there would be no adverse impact on amenity of adjacent residents or businesses.

6.8 In terms of the broad principles of development then, the site is on previously developed land within the built up area of the City in a sustainable site with access to local facilities and would boost the supply of homes in a sustainable location. The proposal complies with Policy SD10 in relation to the principle of development. In terms of Policy SD2, the amenity impacts are considered later in the report, but there is in principle support. The site is brownfield land and the proposal is for homes, so substantial weight is given to the value of this, in line with the NPPF.

## 6.9 **Principle – loss of existing uses and proposed commercial**

The proposal would result in a loss of retail floor space, the current unit being 3911sqm. I understand that Sainsburys closed in January 2021, with a sofa retailer currently occupying the building. The City Plan, JCS and 2002 Second Deposit Local Plan include policies addressing this. The site is within the primary shopping area and the Northgate Street part is defined primary shopping frontage in the JCS. The Hare Lane part is not defined shopping frontage. The JCS also notes that the nature of city centres is changing, largely due to structural changes in the retail market and internet shopping, and the importance of allowing centres to diversify while protecting their vitality and viability. The NPPF also says that decisions should promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Policy SD2 of the JCS sets out that within primary shopping frontage the change of use of A1 retail premises will not be permitted unless it can be demonstrated that the unit is not suitable for continued A1 use, the proposed use will maintain or enhance the vitality and viability of the area and it would not have a significant adverse impact on the amenity of adjacent residents or businesses. The use of the majority of the retail floorspace would be lost, with a commercial unit proposed along the Northgate Street frontage at a much reduced floorspace. Policy SD2 also says that new residential and retail that contribute to the vitality and viability of the centre will be promoted and supported. Development in the centre should be of a scale that is appropriate to its role and function and will not compromise health of other centres or sustainable development principles; the City centre is the main centre in the area and the number of units and scale of the commercial unit are considered appropriate. Scale in terms of storey height is address later. Proposals that help deliver the regeneration strategies for the city centre will be supported; in this regard the proposal would reutilise a largely vacant unit (current temporary tenant notwithstanding) and bring residents and associated spend into the centre, while retaining an option of a frontage unit in the primary shopping area.

- 6.10 No marketing information has been provided so there is no formal record of any expressions of interest in the retail unit as it stands. It seems reasonable to assume given the size and age of the property and the state of the retail sector, and with vacancy rates among ground floor retail units in the gates streets being high compared to the national average, that interest would likely be low and securing a long term retail tenant for the building may be challenging. The City Growth and Delivery Manager refers to the Gloucester City Centre Vision which noted the need to attract more people to live in the city centre to bring more life and vibrancy to the area, and is supportive of the provision of the 55 flats. The retention of commercial floorspace and frontage at Northgate Street assists in maintaining some level of commercial activity to the street, but ultimately I consider that the scheme must result in some detrimental effect on vitality and viability given the reduction in retail floorspace and frontage from Hare Lane. The vitality of the Northgate Street frontage in general would be broadly maintained by a commercial presence along this stretch. The City Growth and Delivery Manager's and Policy Team's concerns about the unit size and servicing are acknowledged, and the unit has been modestly changed in response to concerns to be deeper and narrower, although the frontage servicing is a product of the plot arrangement and it would need to be serviced in this way like nearby commercial units. The issues have been raised with the applicant and this is the scheme they now wish to be determined. Ultimately it is considered better to have a non-ideal commercial unit than lose the active frontage entirely. Anecdotally, the applicant's Asset Manager considers that smaller units as now proposed, would be preferable for letting. It is also apparent from some of the more recent consultant reports that the existing building is deteriorating, with one referring to "a large section of the ceiling of the 1<sup>st</sup> floor collapsing in". This furthers the likelihood that permanent re-occupation for retail on the current arrangement would not be successful. It is therefore considered that there would be some harm in terms of vitality and viability against the plan policies, but equally some benefits from future residents, and in the context of the retail market, the proposed loss of retail floorspace is acceptable on balance.
- 6.11 The applicant proposes the use for Class E which includes retail, as well as food and drink (e.g. cafes), financial and professional services, indoor sport and fitness, medical or health services, day nursery, or office/research and development/industrial that is suitable in a residential area, some of which would probably be naturally dissuaded by the size and location of the unit but all of which are considered acceptable in the City centre location. It is recommended therefore that the use of this floorspace is agreed for Class E but restricted from another other 'permitted development' change of use given the site has particular characteristics around residential use proximity, retail frontage, etc that might make other alternative uses inappropriate where the Council would have no control over determination. On this basis, the proposed use of the commercial floorspace is considered acceptable.
- 6.12 **Principle – Minerals designation**  
The site is within a Mineral Consultation Area. This is a safeguarding designation for the Gloucestershire Minerals Local Plan. It is outside the defined mineral resource area for sand and gravel and the County Council Minerals team raises no objection on minerals safeguarding.
- 6.13 **Public benefits of the development**  
Consideration of the likely 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 heritage harm should be balanced against public benefits.



- 6.14 Public benefits from the proposal are likely to include the following:
- Provision of housing.
  - Developing a suitable brownfield site for identified needs.
  - Introduction of additional population to the City, likely to be accompanied by a related increase in footfall and associated spend in the locality. This has associated social benefits as well as community safety benefits in terms of natural surveillance within the area.
  - Improvement in appearance of prominent central site.
  - Job creation during construction phase, and economic activity in vicinity from construction workers
  - Environmental benefit of introduction of green space into City centre.

Overall these are considered to be public benefits of considerable weight and weigh in favour of the proposal. The applicant has promoted a long list of additional public benefits, however some of these are considered to be mitigation measures and considered neutral effects in planning terms.

6.15 **Heritage assets and design, layout and landscaping**

The design of the proposal and its impact on built heritage are closely linked and so these matters are discussed together in the following section. Buried heritage is dealt with subsequently and brought together to an overall view on heritage impact.

6.16 ***Heritage - overview***

The proposal would affect heritage assets which are set out below. Some of these are designated heritage assets. The buried archaeological assets and the building on site are non designated but considered likely to be of regional, possibly national importance. The NPPF requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.17 ***Built heritage policy and legislation***

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, 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'. 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 as appropriate to their significance. Policy A1 of the City Plan requires development to avoid a significant adverse impact on the streetscene and character of the locality. Policy D1 of the emerging City Plan reflects the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D2 sets out criteria for dealing with non designated assets. Policy D3 sets out requirements for recording and understanding the significance of assets where revealed, altered or damaged during proposals.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 66 (1) requires in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires in the exercise of functions with respect to any buildings or other land in a Conservation Area, special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

6.18 ***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, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places. It also sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that decisions avoid homes being built at low densities, to ensure optimal use of sites, and furthermore that plan standards should seek a significant uplift in the density of residential development in city centres and areas well served by public transport.

6.19 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 SD10 requires residential development to seek to achieve the maximum density compatible with good design and the character and quality of the local environment. Policy INF3 requires development to positively contribute to green infrastructure.

6.20 Policy A1 of the City Plan requires overall improvements to the built and natural environment, to be of a suitable scale for the site, preserve the character of the area and appearance of the streetscene, have appropriate bin storage, and create and support healthy living conditions. It requires development to make effective and efficient use of land and buildings. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C7 seeks measures to help prevent suicide and accidental falls on buildings or structures over 12m in height. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows, and tree protection measures during development. 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. Policy F2 requires hard surfacing, boundary treatments and planting to be appropriate to the location, and incorporate existing natural features where possible, and ensure adequate space for trees to mature. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.

## 6.21 ***Heritage assets***

### *Site assets*

The existing building is not designated but it includes a mural on the Hare Lane frontage that was added to the local list in 2022 and is a non designated heritage asset as such.

### *Conservation Areas*

The northern part of the site is within the Cathedral Precincts Conservation Area, and the site is immediately adjacent to the London Road Conservation Area on the Northgate Street side. The Worcester Street Conservation Area is also close by to the north east. The City Centre Conservation Area is close by to the south west.

### *Listed buildings*

There are listed buildings in the near vicinity including:

The Grade 2 listed No. 59 Northgate street (the Imperial public house next door but one to the site).

The Grade 2 listed no. 8 Hare Lane (the 3<sup>rd</sup> property away from the site). Telephone box on Hare Lane.

The Grade 2 listed Raven centre (immediately next to the site to the north west).

The Grade 2 listed no. 5 Worcester Street, and then the Worcester Street terrace from 9 onwards (beyond the intervening open land to the north east of the site).

The Grade 2 listed no. 83/85 Northgate Street and 1 Worcester Street (at the corner with Northgate Street, 5 properties away to the east).

The Grade 2\* listed church of St John, Northgate (to the south west of the site at St Johns Lane).

The Cathedral buildings which are approximately 105m to the west of the site. Primarily these include the Grade 1 Cathedral church, Cathedral treasury, and chapter house.

## 6.22 ***Scale and density***

Policy A1 of the City Plan requires development to make effective and efficient use of land, while being of suitable scale for the site and preserving local character and the streetscene. Similarly Policy SD10 of the JCS requires residential development to seek to achieve the maximum density compatible with good design, protection of heritage, character and quality of the local environment. The NPPF includes guidance on maximising density and upwards development and supports opportunities to use the airspace above existing commercial premises for new homes. It advises that Authorities should refuse applications which fail to make efficient use of land.

- 6.23 In this context the proposals present a fairly dense scheme that maximises the efficiency of the site for the delivery of homes within the constraints of the site while providing some associated open space, indeed it pushes at these constraints in respect of the height. The scale of properties in the area is generally 2-4 storeys with some 5 storey buildings. The Forum development which is visible in the context of some views of the site, is 7 storeys but is farther from built heritage assets. The site offers the opportunity for a higher density scheme in the City centre and close to the transport hub, and this is clearly supported by national and local policy, however this needs to be tempered by the local context, in this case including a number of sensitive designated heritage assets.
- 6.24 Blocks B and C have in fact been brought down in scale from earlier iterations of the proposal and in my view now sit acceptably within the general scale of the local area in terms of height. The heights reflect the adjacent buildings; Block B on Northgate Street is designed to relate to the parapet height of the adjacent no. 61 and stepping down to the lower eaves of no. 73 on the other side. Block C on Hare Lane is a similar height to the existing building and sets the parapet at a height that links and respects the scale of the Raven Centre and the eaves height of 10-12 Hare Lane. The set back of the top floors assists most with this and the buildings would be clearly read as not having a full height front-face of the building. The colour of the top floor cladding could further assist in recessing this element. Further analysis in the context of heritage assets is provided below.
- 6.25 Block A at 5 storeys is somewhat more challenging and requires more analysis. On face value it is of a taller scale than any local building other than Walkinshaw Court to the east (also 5), church spires, possibly the former Debenhams building (4 storeys but potentially comparable scale given its floor to ceiling heights, and 5/6 storeys including its rooftop structures) and the more distant 7 storey Forum development. The applicant has undertaken an extensive series of modelled views which are helpful to assist this analysis. It appears likely that the change in scale would appear most prominently in views of the site from Hare Lane car park. It is acknowledged however that you do see the upper parts of tall buildings behind in that view already, while the existing view of the site is a wide mass of unattractive blank building, which would be broken up somewhat in the proposed arrangement and would be more open. Also, more fundamentally, that view from the car park is not a protected or particularly sensitive view and this is analysed further in the Conservation Area impact analysis below. The Council has identified views that it does consider to be important across several documents, most notably the Heights of Buildings SPD and these are addressed in the next section. Views are also noted in some of the Conservation Area Appraisals and these are also picked up in the Conservation Area impact analysis below. These do not include the view across the car park.

6.26 **Heights of buildings and views**

Policy D5 of the City Plan seeks to protect views of the Cathedral and places of worship, and the heights of buildings SPD provides further detail; setting out local and strategic view corridors. The City Plan also includes the Local View corridors. The SPD defines a tall building as any structure that breaks the skyline and/or which is noticeably taller than surrounding buildings. The following are relevant views in the SPD;

View 4 (from the hospital). This has recently been analysed for the Great Western Road scheme considered by the Committee. The SPD defines the viewpoint within the hospital grounds (although there seems to be an error in the report as it is not the view pictured in the SPD). The view as set out in the City Plan in plan form suggests that Block A would intersect the view, although there is considerable built form between including the railway station and Spredaegle Court. Given the lack of clarity in the SPD view I walked the hospital site to ascertain the potential impacts on the Cathedral tower for the previous scheme, and there are no prominent views of the Cathedral tower in the vicinity of the view corridor set out in these documents with trees in leaf; the current tree cover substantially blocks views towards the City Centre. It is also possible that the hospital footpath arrangement has altered since the 2008 SPD where those view corridors were established. Overall one cannot gain a good, clear view of the Cathedral tower until further west along Great Western Road. Visuals provided by the applicant within the City Centre suggest that Block A would not show substantially above the surrounding built form and given the distance from this defined viewpoint I consider it unlikely that a harmful impact on this view would be caused by a 5 storey building here. Notably, the 7 storey Forum development would be slightly off to the left in this view.

View 5 (from top of London Road). The site would be off to the left of this view and as such would not directly compete. This is reinforced by the view shown in the SPD, and given the above analysis of scale compared to surroundings, again no harmful impact on this view would be caused.

View 6 (from Hare Lane car park). The site is well offset to the left hand side of this view.

View 2 (from Metz Way). The site would be offset to the right of the view and given the intervening development including the 7 storey Forum development, it is not considered it would be harmful.

From the other side of the City the site would also broadly be in the immediate background to views of Cathedral from designated views 13, 14, 15, 16 and 17 from the Alney island/Westgate Island/The Quay area. I consider it likely given the scale and extent of buildings in the vicinity and the distance of the viewpoints, that the proposal would not be prominent such as to be harmful.

In terms of the strategic view corridors in the SPD, it would be within view 11 from Chosen Hill. At the maximum scale of 5 storeys, while slightly taller than immediate surroundings it would not be harmful within this view. It would also be in the background of views 2, 3, 4 and 5, but for similar reasons would not be harmful.

- 6.27 While not in the SPD, the site is broadly in the alignment of the view down the new street within The Forum development (Kings Quarter) to the Cathedral and it is considered that this would be of equivalent status to the views of the Cathedral set out in the SPD given the prominence and likely high pedestrian usage of the new street. The applicant has now provided a visual to model any impact here showing that no harm would be caused.

6.28 ***Layout and linkages, community safety and access***

The layout would break down the full site coverage of the existing building while retaining well-defined built frontage and definition of the streets. This allows for the provision of a central courtyard which is considered desirable for residents' amenity and for the environment, and the Conservation Officer cites this as a considerable gain for the Conservation Area. Recessed entrances have been redesigned since the first submitted plans, and the site would have resident access doors at the site perimeter, connecting directly to the Northgate Street and Hare Lane footways and Hare Lane car park (in the same manner as the existing residential premises fronting the car park on its east side). In terms of the Police's concern about siting the mural in an alleyway and it being vandalized; it is now proposed to accommodate the mural inside the resident's entrance lobby. The open spaces within the site would be subject to a good level of natural surveillance from the proposed units. The scheme would also substantially improve the natural surveillance from the site including onto the adjacent streets. The cycle stores are situated within the buildings on the interior of the scheme behind the perimeter access points, and as required by the Police, are proposed to be conditioned to meet secured by design standards. The Building Regulations system will control much of the detailed design of the buildings however the entrances appear step-free, with step-free access between floors via lifts. The architect's Design and Access Statement sets out that all properties are designed to be accessible and meet a minimum of Building Regulations Part M safe and suitable access for all within the building including level thresholds, external routes ramped for ease of wheelchair access, and provision of two disabled car parking spaces. It is therefore considered that the development provides good community safety and accessibility design and complies with the policies in this regard.

6.29 ***Detailed building design***

The aesthetic and historical merit of the existing building is somewhat subjective with the value of 20<sup>th</sup> Century architecture becoming more recognized in rarer cases of noteworthy design. The Council's Conservation Area Appraisals describe the negative impact of the existing buildings however, and while they are considered to offer little to the current appearance of the streetscene other than the mural, they are at least of generally consistent scale. The proposed development would break down the appearance of the street frontages into more traditional forms and I consider it would enliven and improve the appearance of the site overall in that respect. It is evident that detailed analysis has been undertaken of the character of buildings in the vicinity, which complies with the policy approach. This has led to a considered design that would be well mannered within the streetscape in terms of its articulation and detailing.

6.30 Brick is a very common façade material in the area so this is proposed, and also using brick patterning. Different brick colours are proposed however, with lighter colours to the Hare Lane area, supported by the Conservation Officer, and in this immediate locality there starts to be a change in materials with more stone within the Cathedral and Kings School area so this colour approach is considered acceptable.

6.31 Policy D6 is relevant because blocks A and B are over 12m in height. The Design and Access Statement sets out that all buildings would have maintenance access onto roofs with mansafe systems. Fall prevention measures for these taller flat blocks can be secured under condition and this is committed to by the applicant.

6.32 **Waste collection**

The Waste team indicated that they would have issues with making the collections given the layout submitted initially. In response, the applicant has set out that they would arrange a private collection and has provided information to this effect. The County as Waste Authority has said this information is sufficient to remove their initial suggestion that waste minimisation measures during occupation were required by condition. In this context it appears that a waste collection arrangement is confirmed and there is no fundamental planning objection.

6.33 **Landscaping**

The site is currently covered by buildings and has no soft landscaping. Introducing some would be beneficial for the environment, for the appearance of the area and for biodiversity. The proposal would include a range of tree planting that would deliver these benefits and give the development an attractive green aspect. The approach is considered acceptable in principle and it is recommended that a detailed planting specification is secured by condition, and also the standard planting implementation and maintenance condition. These could address the matters raised by the Council's landscaping consultant. There would also be a need to co-ordinate with the archaeological assessment and potentially secure suitable root barriers or similar.

6.34 **Heritage impacts**

*The applicant's analysis*

The applicant's heritage appraisal accepts a degree of harm to the significance of the Cathedral Precincts Conservation Area and the Raven Centre listed building from the scale of Block A (to the rear) although also citing benefits to this asset as a result of improved quality and appearance in place of the current building as its immediate neighbour. Their assessment is that in NPPF terms this is very low level of less than substantial harm, with other heritage assets entirely preserved including their setting. In line with the balancing approach required by the NPPF, they cite public benefits to be weighed against the heritage harm including; removal of a poor quality, visually intrusive existing building in need of enhancement; architectural enhancements to Hare Lane; and architectural enhancements to Northgate Street. They conclude that overall the proposals would entirely preserve the significance of the heritage assets as a result of high quality design and the architectural and landscaping enhancements in comparison to the existing, with the works either resulting in no harm or loss of significance, or complying with the NPPF tests anyway as any minor harm is outweighed by heritage based public benefits. They also assert that the proposal achieves preservation for purposes of s66 and 72 of the Listed Building and Conservation Areas Act.

6.35 *Heritage impacts at the site*

The loss of the existing 20<sup>th</sup> century building is not considered objectionable. It is thought to have been designed by Sainsbury's in-house architect team who designed a number of other stores in this period and it opened in 1970. While there has been a changing perception in the value of 20<sup>th</sup> century buildings, there is no objection from the various heritage professionals to its loss, and the Cathedral Precincts Conservation Area Appraisal (CAA) allocates part of the site as an area in need of enhancement along with the Hare Lane car park. Although not allocated as one of the negative buildings it is in fact referred to as a negative building in the CAA analysis, noting that the existing building is a visually intrusive structure too large for its context, and a bland and dated structure. The CAA recommendations include that the Council will encourage redevelopment of sites that make a negative contribution to the character or appearance of the Conservation Area. In the London Road Conservation Area appraisal, the site is specifically omitted from the Conservation Area designation entirely. The building does however provide street presence and it is recommended that the standard condition for developments involving demolition in the Conservation Areas is imposed, requiring evidence of a contract for redevelopment being let prior to demolition commencing.

6.36 The main impact on built heritage assets at the site itself is considered to be the effect on the Henry and Joyce Collins mural to Hare Lane. Public art was a popular feature of Sainsbury's stores and other examples of the Collins' work can be seen at other branches. The applicant advises that it is made up of 11 panels. This is a non designated asset and the NPPF says that the effect on the significance of a non designated asset should be taken into account whereby a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset. The Cathedral Precincts Conservation Area Appraisal suggests the mural might be used in any redevelopment of the site. The mural would be retained within the scheme, so there is no loss of this asset. Its location would be altered but this is not considered to significantly harm its integrity as a historic piece of art. The design of the Northgate Street façade and entrance foyer have been amended to seek to maximise its visibility with a large glazed entrance and splayed walls where it would be sited. The applicant has committed in their heritage statement to the mural relocation being undertaken by hand by specialists, and also committed to lighting it. As a heritage asset it is recommended that its relocation, and historic interpretation material for it, are secured by condition.

6.37 *Physical impact on the adjacent listed building*

The applicant's heritage advisor has confirmed that the buildings are not tied in so there would be minimal physical impact to the adjacent listed building from demolition. It is however recommended that measures are required by condition to protect this listed building during demolition and construction such as vibration monitoring, which the applicant commits to in their heritage statement, and measures upon potentially revealing the gable end wall of the property.



6.38 *Conservation Area impacts*

The Council's Conservation Area Appraisals provide useful contextual analysis of the qualities and opportunities of the Conservation Areas. Three Conservation Areas are relevant principally. As already mentioned the Cathedral Precincts Conservation Area Appraisal allocates the site as in need of enhancement. The analysis records the area as a 'severely truncated stump of a suburb of post medieval houses cleared before WW2', and the loss of the former tight knit urban form of the area as a negative effect. As noted earlier the Appraisal recommendations include the Council encouraging redevelopment of sites that make a negative contribution to the character or appearance of the Conservation Area. There are no important views identified towards the site in this appraisal. The appraisal also records the Raven centre as a focal building, and the adjacent two buildings on Hare Lane as positive buildings. In the London Road Conservation Area appraisal, the site is specifically omitted from the Conservation Area designation. Furthermore, the adjacent building on Northgate Street (no. 61 - Farmhouse) is recorded as a positive building in the Conservation Area, as are the buildings close by on the other side, beyond the adjacent no. 73. In the Worcester Street Conservation Area Appraisal an important view is identified southwards down Worcester Street. The unlisted no. 7 Worcester Street is recorded as a positive building.

6.39 I disagree somewhat with the applicant's analysis in relation to the impact of Block A. While they acknowledge Block A is taller than established characteristics of the area (which tend to be 2-4 storeys) they consider the effect of the height is for the most part limited given the lack of visibility of the block. As mentioned earlier I do consider it would jar in terms of height with the three storey Worcester Street building in the backdrop when viewed from the Hare Lane car park vicinity which is a clear open view in this part of the City, as it would be at odds with the prevailing heights in the immediate vicinity. I do however accept the applicant's contention that there are taller buildings, including 5 storey scale, within the City Centre. I also note that from Pitt Street you can see the 7-storey Forum development above and beyond the site where Block A would appear and you can also see the tops of buildings behind when viewed from the car park. It is also important to consider the relative importance of the view here in which Block A would be perceived against Worcester Street properties, and any impact on the significance of the Conservation Area. It is not a protected view, is across an unattractive surface car park, angled away from the focal points of the Cathedral tower and St Johns spire, and currently has the large mass of the existing building in prominent view. It is therefore not considered a high value view meriting strong levels of protection. This concern also needs to be tempered against the Government's national policy direction to deliver a significant uplift in the density of residential development in City centres and areas well served by public transport, which the scheme contributes to by pushing the height of Block A. The applicant has also noted, though without evidence, that a reduction in height would strain the viability of developing the site and they would need to expand the footprint to cater for any height reduction (and as will be seen later in the report; all s106 financial contributions are being offered, which is underpinned by the quantum of development achieved). An expanded footprint would be undesirable in reducing the inner courtyard space. Overall I consider the visual impact of Block A within the Conservation Area to be somewhat detrimental and weighing modestly against approval of the development, but not of such harm as to outweigh the public benefits set out above.

- 6.40 The views down Northgate Street and across the corner of Northgate and Worcester Street noted in the London Road Conservation Area Appraisal are effectively replicated in visuals provided by the applicant with the top of the Cathedral tower in the background. These show that the very top of Block A would be visible above the foreground buildings when farther back near to Spreadeagle Road, but would disappear behind the existing corner buildings as you approach. Views from a short distance either side vary considerably (the Cathedral or site disappear) plus other buildings conceal part of the view of the Cathedral. The proposal would therefore lead to a low level of impact within this view. In replacing the incongruous mass of the existing building in the Hare Lane and Northgate Street scenes, with a design that breaks down the mass of development into a more fine grain appearance, more reflective of the tight knit urban form referenced in the CAA, I consider it would be an improvement. Block A would be situated off to the right of the view southwards down Worcester Street identified in the Worcester Street Conservation Area Appraisal, however the modelled views from the applicant indicate that it would not be seen beyond the foreground buildings on Worcester Street.
- 6.41 The Northgate Street Block B would actually be outside the Conservation Area but would affect it by creating replacement street frontage immediately at its boundary. The increased mass of Block B could also be perceived in the view up and down Northgate Street but is not considered to be so out of keeping within the street and roofscape of the street as to be harmful. The scale of buildings nearby are at 2-4 storeys, and while somewhat taller, the proposed block is not considered substantially out of keeping, with the amended design raking the top floor roof back to limit any impact within the streetscene. The London Road Conservation Area contains a wide range of building types and ages and the proposed design would not be out of keeping with any definable characteristic of its surroundings. The applicant's heritage adviser asserts that this would deliver an overall aesthetic enhancement to the character and appearance of streetscape and this seems a reasonable conclusion. The articulation of the façade is considered a more sympathetic reflection of the historically tighter urban grain of the area than the horizontal bulk of the existing building.
- 6.42 Block C to Hare Lane would be broadly similar in terms of the scale to the existing building, while in setting the upper floor sections back and inward, would reinstate more prominence to the skyline and silhouette of the Raven Centre. The Conservation Officer is happy with the scale of this block. The silvery grey brick was evidently chosen to reflect the more tranquil character of this area, and the black and white of nearby buildings as well the Cathedral in the periphery and this seems a reasoned approach. Historic mapping and the existing form of development to Hare Lane includes terraces and modest plots by comparison to the bulk of the existing building and the articulation of the proposed building front elevation would be more sympathetic to this historic form.

6.43 There are however reservations from some consultees about the design in this area of the City; Historic England considers the proposal does not respond to the character and appearance of the Conservation Area and is a missed opportunity for place-shaping and would not preserve or enhance the character and appearance of the Conservation Area, the Civic Trust has raised design issues, and the Conservation Officer agrees with the observation of it being an 'anonymous architectural approach' however the Officer also considers it better than the existing development and is concerned that no proposal coming forward would cause further and arguably longer lasting harm to the Conservation Area. In the context of the above analysis, including the Council's negative commentary on the existing building within the Conservation Area Appraisal, I do not consider harm can be substantiated over and above the Conservation Officer's advice that the scheme would have a very low level of 'less than substantial harm'. This harm weighs against the proposal in the context of giving a higher level of consideration to heritage impacts, and is balanced against public benefits as required by the NPPF in the following section.

6.44 *Impacts to setting of listed buildings*

*Setting of the Raven Centre*

This has already been touched upon in the earlier analysis, whereby the existing building relates poorly to the Raven Centre and in being of a similar scale to the existing building but breaking down the mass with vertical definition in the facade, it is considered that Block C would at least preserve and in terms of building appearance, enhance the setting of this building. Block A would appear behind the Raven centre in views along Pitt Street and immediately adjacent in views from the north. The proposal would marginally break down the mass of the existing building in the view from the north, however it would be more prominent in the view from west and the applicant accepts a degree of harm to the significance of the Raven Centre listed building from the scale of Block A, although as above, this is in the context of other benefits in the immediate context. Again, the Conservation Officer advice is of a very low level of 'less than substantial harm', which therefore weighs against the proposal in the context of giving a higher level of consideration to heritage impacts, and is balanced against public benefits as required by the NPPF in the following section.

6.45 *Setting of Cathedral*

The applicant's heritage adviser asserts that while in relatively close proximity the site is well removed visually from the Cathedral by intervening built form and dense planting, with no intervisibility between the Cathedral and the application site with the site being a neutral component of the wider setting of the Cathedral. Historic England has raised concerns in this regard in that while they do not oppose the principle of redevelopment they are concerned about the Hare Lane elevation in the wider setting of the Cathedral, noting that the proposed architectural approach would not deliver a meaningful improvement over the existing Sainsburys building and would fail to make a positive response to the Cathedral setting. Notwithstanding that a positive response is an aspirational position and the test is for preservation (and this has been asserted in the applicant's rebuttal to the Historic England comments), the Council's Conservation Officer cites this part of the scheme as a neutral impact with some enhancement on the current building and that the proposed height here is acceptable. I agree with the latter position and with the several references through the Conservation Area Appraisal about the detrimental effect of the existing building, and with no detailed description from Historic England of how the scheme would harm the Cathedral setting I believe it would be difficult to substantiate such a claim given the current site condition and proposals. Historic England have also confirmed that they are now satisfied their previous concerns over potential impact on the spire of St Johns have been allayed.

- 6.46 No concerns about harm to the setting of other listed buildings are raised, with the Conservation Officer noting that the introduction of the green amenity space would be considered an enhancement to setting. While there would be a changed relationship with the grade 2 listed 83/85 Northgate/1 Worcester Street by their being situated behind Block B in views down Northgate Street, this would be very limited and would not be harmful and as already set out, Block A would have only limited visual impact behind these buildings in the street scene where viewed from the other direction. For the listed Imperial public house at 59 Northgate Street, similar considerations apply as to the above Conservation Area analysis; the Northgate Street block would be at a slightly increased but not harmful scale, and would present a more sympathetic street façade, and would preserve the setting of this building. For the other listed buildings on Hare Lane, the proposal would remove some of the mass of the existing building that provides the backdrop immediately behind the Hare Lane plots, and per the above analysis would provide a more sympathetic street façade as the backdrop streetscene to these listed buildings. As such there would be a degree of enhancement. For 5 Worcester Street, the development would not generally be perceived in views of its main frontage. Block A would be taller than the existing building however views in which to perceive and appreciate no. 5 from the rear across the car park are limited and not prominent views and with the breaking down of the mass of the existing building the overall effect would be preservation. There would be no harm caused to the setting of other listed buildings within the vicinity of the site. Overall the conclusion is that the proposal would generally preserve the setting of listed buildings in the vicinity, with some enhancement, but some limited harm to the setting of the Raven Centre.
- 6.47 *Overall built heritage conclusions –*  
A very low level of 'less than substantial harm' would be caused to the setting of listed buildings and to the Conservation Areas, alongside other areas of enhancement to heritage assets. Any loss or harm to the setting of the Raven Centre, 8 Hare Lane, the Cathedral or Church of St John is marginal and less than substantial. The non designated heritage asset of the mural would be preserved. Other heritage assets would be preserved.
- 6.48 **Archaeology**  
This site is located in an area of considerable archaeological interest. A previous excavation prior to the Sainsbury building on the Northgate Street section revealed significant Roman building remains beneath the site, specifically one of the largest stone and timber buildings of Roman date found in Gloucester outside the old Roman walls. Above this the remains of a possible medieval forge. The site is also situated between two Roman roads and there is considerable potential for further complex, deeply stratified archaeological remains of medieval and Roman date to survive within the site. The archaeology is potentially of national importance, and certainly of regional significance.
- 6.49 The current site conditions, with the standing building covering almost the entire footprint of the site, mean it is not possible to properly evaluate the site but this would be necessary post-demolition and prior to any further below ground works or construction, to further characterise the site and refine the mitigation measures such as potential pile re-use, and the type and location of other below ground works, in addition to the usual archaeological investigation programme that is required in areas of archaeological interest. Subject to securing the mitigation by conditions, no objection is raised in relation to archaeological impacts. As such, adverse effects on non designated but highly significant heritage assets are possible, but can be mitigated. The application complies with the above policy context.

6.50 Overall conclusion on heritage matters:

The balancing of harm with public benefits is a policy test only for designated assets. For non designated assets 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. A balanced judgement should be made, having regard to the level of significance of the asset and the scale of any harm or loss. The NPPF does refer to treating buried assets of equivalent significance to scheduled monuments in a commensurate fashion and given the evidence of finds in the City Centre this has been taken into consideration. In accordance with the NPPF great weight has been given to the assets' preservation in the assessment.

The harm is less than substantial at a very low level and is allied with enhancements in other respects.

The heritage conclusion in NPPF terms for designated assets is that the public benefits set out earlier are considered significant and it is considered that the public benefits outweigh the heritage harm identified. For non designated assets the scheme preserves the mural, retaining it on site and is considered a neutral effect, and for buried assets potential impacts would be mitigated by the programme of archaeological works.

Against the development plan and the legislative provisions the low level of harm identified to built heritage will be weighed into the overall planning balance.

6.51 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network and sets out that permission will be granted only where the impact of development is not considered to be severe.

6.52 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. It also sets out the approach to car and cycle parking levels. Policy G2 requires all developments to provide safe and secure access by cycle. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. New public realm development should reflect pedestrians being at the top of the road user's hierarchy. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

6.53 ***Accessibility***

The site is centrally located with good access to local facilities that would be used by future residents, and with good accessibility for pedestrians and cyclists. The bus station is 350m away, the train station 500m. The bus station provides extensive bus links to the surrounding areas and is nearby as is the train station. There are also nearby stops in Kingsholm Road, Gouda Way and London Road. Northgate Street is part of the County Council's proposal for improved cycle routes.

6.53 *Access arrangements*

Northgate Street is a two way 20mph road, which changes to 30mph just to the east of the site. Hare Lane is a single carriageway allowing for northbound travel, at 20mph, changing to 30mph at the junction with Pitt Street. At the three arm roundabout here there is also access to the Hare Lane car park, which backs onto the application site in its south east corner (where the delivery bay for the former supermarket was provided). The only vehicular access is to the two bays for disabled persons, located off the Hare Lane car park. There is therefore direct and convenient access to these bays, and for pedestrians and cyclists directly off the highway into the development at Northgate Street, Hare Lane or the car park. The Highway Authority is satisfied that the retained footway width to the Northgate Street frontage is sufficient but it would necessitate relocation of street furniture, which is proposed to be secured by condition.

6.54 *Refuse and servicing*

Communal bin stores are designed in for residents on the ground floor of each block, with refuse collection to take place via Hare Lane car park via the bin store holding area. This arrangement is accepted by the Highway Authority, noting that it was the point previously used for rear servicing to the retail unit. The applicant advises that an agreement is in place with a private waste collection agency and that the building management company would be responsible for moving the communal bins on collection day to the holding area. The applicant has offered in their heads of terms for the legal agreement the formation of a private management company for waste/recycling collection and communal areas. For the commercial floorspace there would be a bin store off Northgate Street and deliveries and refuse collection would be from there. Servicing for residential units would need to be off the highway or car parks. This is similar to the existing residential premises fronting Hare Lane and Hare Lane car park and the recent Tanners Hall development to the north.

6.55 *Parking:*

Manual for Gloucestershire Streets sets parking levels based on size of units, and departure from these levels is permitted based on car free/reduced parking provision, including for residential development in city centres where consideration is given to options for access via sustainable modes, public car park provision, parking restrictions, number of linked trips and implementation of a Travel Plan, and furthermore that where housing density is greater and there is a wide range of transport choices car free development will be encouraged. The City Plan sets out that development should provide parking to a level and design appropriate for the local context taking into account its accessibility, the type, mix and use of development, any parking restrictions, the availability and opportunities for public transport, car ownership levels and the need to ensure adequate provision for charging facilities. The City Plan sets out that the quantum of car parking will depend on the site circumstances to ensure that effective and efficient use of land is made. It sets out that developments that are centrally located, close to public transport, and in areas with low car ownership will not require as much land dedicated to car parking as others. Where a low or no-car location can be supported, a Travel Plan will be required. This is to set out measures to support use of alternative transport modes, and include a communication strategy to ensure new residents understand the limited parking availability.

- 6.56 This area is in the Gloucester Central zone; a controlled parking zone where parking is permitted in designated bays either through pay and display or a permit. Northgate Street also provides laybys for temporary parking for disabled badge holders only. Hare Lane at its southern extent also provides spaces for temporary parking for disabled badge holders. The locality does appear to have a number of parking permit areas that would be reasonably convenient for residents such as Pitt Street, farther north east on Northgate Street, and Worcester Street. The extant use of the application site is a supermarket for which no dedicated parking was provided. The application sets out that it is intended to operate as car free and acknowledges that the Highway Authority seeks legal agreements to exclude future residents from a permit. Given the City centre location residents would have choices to not require use of a car on a day to day basis and be able to access sustainable modes of transport. The Highway Authority accepts the proposals as a car free development. It is acknowledged that concerns have been raised about parking provision. The guidance is clear that in sustainable locations close to centres and transport hubs, densities should be increased, and in the context of the climate crisis and aspirations to limit private car use, lower parking provision is considered reasonable here where the City's public transport options are most accessible and there is also close proximity to employers and amenities. Future residents would have good opportunities to access transport hubs and local facilities via non car-borne means and the site provides a good opportunity to maximise density and reduce reliance on cars. Securing the contribution to fund amending the TRO to exclude future residents from the parking permit scheme would reinforce the position. The Hare Lane south car park provides 97 spaces including 6 disabled, and combined with the Kings Walk car park, and in future the Forum car park, provides an option for visitor parking. The applicant proposes that the use of the disabled bays would be enforced via the management company who would be responsible for ensuring proper use. The Highway Authority has also requested electric vehicle charging points for the disabled parking bays to be specified under condition. An accident assessment of the locality and the car free nature of the proposal means the Highway Authority does not raise concerns to warrant an objection over safety.
- 6.57 *Cycle parking:*  
The City Plan requires a minimum of 1 cycle space per 1 bedroom dwelling and 2 spaces per dwelling with more than 1 bedroom. Manual for Gloucestershire Streets requires 1 space per bedroom. The cycle parking provision for future residents would be 78 spaces, which complies with both calculation methods. The applicant has in fact also denoted a space within each flat where cycle storage could be accommodated. The cycle storage is considered to satisfy the need to be sheltered, secure and easily accessible. As the exact arrangement isn't detailed it is recommended that the required number be specified in the condition.
- 6.58 *Highways impact; trip generation*  
The proposal would remove the HGV movements needed to service the retail unit. In so far as any trips to the retail unit may have been by vehicle (as opposed to linked trips which may still occur, or pedestrian/cycle trips to the store), the proposal would also remove these from the network. The applicant's assertion is that in relation to the existing use, because of the location, it is expected that trips would have been primarily via walking, cycling and public transport, plus a small percentage by car due to the proximity to local car parks and on street bays and on this basis a trip comparison assessment of existing and proposed trips is not required. They assert that the majority of trips to the site are anticipated to be made on foot or public transport, which can be accommodated at and around the site. The minimal parking provision and the proposed exclusion from the permit scheme would reinforce this scenario.

- 6.59 One representation refers to making the redesignation of Pitt Street a mandatory requirement of any permission granted. The Highway Authority considered this earlier in the application process and advised that in terms of the operation of the street, and impact and attraction for occupants of the proposed development, the effect would be so limited that it would not be a necessary change to make the development acceptable in planning terms. It would not therefore be a valid planning obligation to secure.
- 6.60 *Travel Plan:*  
A travel plan has been submitted which sets out measures to ensure that residents do not require cars rather than setting targets for vehicle reduction, using marketing and sales information, promoting alternative sustainable modes of transport and ensure awareness of available sustainable travel options. Travel Information packs would be provided on first occupation. Further detail will be required on the Travel Plan under condition, but it would aid the shift to sustainable travel modes, and the Highway Authority requires a monitoring contribution for Travel Plans of £5,000.
- 6.61 *Highways conclusions:*  
Overall the Highway Authority raises no objection and subject to conditions and the financial contributions to travel plan monitoring and the TRO amendment the proposal would not cause an unacceptable impact on highway safety or a severe impact on congestion, and would comply with the above policy context.
- 6.62 ***Housing provision***  
Policy SD11 seeks an appropriate mix of dwelling sizes, types and tenures to contribute to mixed and balanced communities, and development to address the needs of the local areas set out in the local housing evidence base including the most up to date strategic housing market assessment. It also requires housing to meet and where possible exceed appropriate minimum space standards, and be accessible and adaptable as far as compatible with local context and other policies.
- 6.63 The application is for 34 1 beds, 19 2 beds, and 2 3beds, of which the affordable housing offer in the amended scheme is 5x1beds, 5x2beds, 1x3beds. The applicant has asserted that their proposed mix is to meet a certain need profile having regard for the sustainable location and trends towards city living. Given the highly sustainable site and the guidance to maximise densities in sustainable locations, it would not be suitable for housing in any event so the profile of units is influenced by flat types that the applicant considers sellable. Although it can be seen that the proposal errs more towards the smaller end of units the unit sizes are mixed through the scheme and are not one type all together which aids the policy aspiration for mixed and balanced communities, and there is no objection to this from the Housing Strategy team, who are happy with the proposed mix of affordable units that meets the Policy requirement of 20%.
- 6.64 Policy A6 of the City Plan sets out requirements to deliver accessible and adaptable homes. It requires 25% of units to be to Building Regulations requirement M4 (2) – accessible and adaptable dwellings (“Category 2”). The updated scheme now shows 14 M4(2) units, which meets the 25% policy level and should be secured by condition. On this basis, the Housing Strategy Team supports the application.
- 6.65 Policy A6 also requires 4% of the affordable housing component to be to Building Regulations requirement M4 (3) wheelchair user dwellings (“Category 3”). The amended application includes 1 unit as an M4(3) unit. This meets the policy level and should be secured by condition or the s106 agreement.



6.66 *National space standards*

The proposals have been amended and would now meet the space standards and comply with City Plan Policy F6.

Overall the application is considered to comply with the various housing provision policies.

6.67 **Residential amenity / environmental health**

The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.

6.68 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 also requires development to cause no unacceptable levels of pollution with respect to national and EU limit values. Policy C5 of the emerging City Plan requires major developments to demonstrate compliance with EU limit values and achieve national objectives for air pollutants. It also seeks to avoid building configurations that inhibit pollution dispersal, minimise public exposure to pollution sources, use green infrastructure to absorb pollutants, provide infrastructure that promotes transport modes with low air quality impacts, and control dust and emissions from construction operation and demolition. Furthermore Policy A1 of the City Plan includes criteria on the living conditions of neighbours and future residents.

6.69 ***Impacts of the buildings themselves***

The closest residential neighbours are those on Worcester Street, for which Block A is the nearest proposed building, and this forms most of the subsequent analysis. As mentioned above, the proposed plans show no levels changes; the assessment of impacts is made on this basis.

6.70 In terms of overshadowing the applicant has provided an overshadowing study which indicates that the development would not cause overshadowing of the upper floor parts of the neighbouring buildings until at least after 3pm (study presented for March/June/September at 3 points during the day). As there are no rear gardens here and commercial ground floors, there would be no harm cause in that regard and the impact for direct overshadowing to windows is shown to be limited, even if there were habitable rooms to rear. Light (rather than direct sunlight) to the rear windows is likely to be somewhat negatively affected given the proposed Block A would be taller than the existing building, however given the existing relationships to buildings I consider it unlikely that this would significantly worsen living conditions particularly where there is no clear evidence of habitable rooms affected. As such no objection is raised to the scheme in terms of potential overshadowing and light impacts to Worcester Street or Hare Lane car park properties.

6.71 *Worcester Street properties*

These are challenging relationships to assess for a number of reasons; the form of the neighbouring buildings varies, it is difficult to get clear views of these properties from the vicinity of the site, and no representations have been submitted by residents commenting or clarifying the internal arrangements of the neighbouring flats. The rear elevation and layout of the proposed Block A is relevant to the assessment of impact on all the properties here. Block A would be set back slightly further than the footprint of the existing building. It would have habitable rooms at all floors (notably 1<sup>st</sup> to 4<sup>th</sup> floor in terms of overlooking assessment), rear-facing towards these neighbouring properties, including balconies and terraces at the southern part. The rear/east elevation of Block A has been amended to slightly reduce the extent of windows in the revised scheme (two columns of formerly full windows are now high level windows only where they are into kitchens). Also the top floor side-on balcony now has a side panel which could somewhat reduce the prospect of overlooking from that part. This elevation would still however have both balconies and full windows to habitable rooms, most notably towards the southern part of the elevation where there are balconies with french doors to lounges and at the northern part where there are windows to lounges (the windows between are predominantly to bedrooms). From using the Council's mapping system record of properties, aerial views, comparing plans and visual assessment, the following appear to be the relationships that would arise in terms of impacts on privacy.

6.72 1C Worcester Street contains 6 flats. It is broadly opposite, from the rear of this building, to proposed Block A at a separation distance of approximately 14.5m to the upper floor face of the building with the windows, where there are rear windows at first and second floors. It would be the closest neighbour and it is challenging to gauge the exact nature of this impact with the information available. The existing outlook from these windows appears to be influenced by the presence of the building at 73-77 Northgate Street (between the site and this neighbour) and the existing site building. There is no rear amenity space to this neighbouring building. At the near corner of proposed Block A there would be lounge windows and balconies, and bedroom and lounge windows across the remainder of that elevation. This would be a fairly close relationship, depending on whether the rear windows of 1C are to habitable rooms. That is not clear to me, and no objections have been received on this matter from residents over the course of two periods of consultation. Ultimately one can only make a judgement on the information available and I have nothing to evidence that a clear privacy issue would be caused through window-to-window contact to a habitable room or overlooking of a private amenity space that would represent unacceptable harm to living conditions and conflict with the policies on such matters. Similarly, as there is no private rear amenity space affected and no clear indication of harm to habitable rooms, I do not consider that there would be an unacceptable overbearing effect caused by the presence of the taller building adjacent.

6.73 3 Worcester Street appears to have a 2<sup>nd</sup> floor flat and possibly a first floor flat. It is broadly parallel with the middle of proposed Block A at a separation distance of approximately 18.5m to the upper floor face of the building where there are rear windows at first and second floors. It does not have rear amenity space. The parallel part of Block A would have habitable room windows at all floors. At this separation it is considered unlikely that significant harm would be caused from window to window intrusion and again there are no representations that identify the potential for this. On a similar basis I do not consider the scheme would cause significant overbearing impacts.

- 6.74 3-5 Worcester Street appears to have a flat. It would be broadly parallel with the northern part of proposed Block A at a separation distance of approximately 19.5m to the upper floor face of the building with the windows. Rear windows are at first and second floor. It does not have rear amenity space. The parallel part of Block A would have bedroom and living room windows through ground to 4<sup>th</sup> floor. Again at this separation it is considered unlikely that significant harm would be caused from window to window intrusion and again there are no representations that identify the potential for this, while on a similar basis I do not consider the scheme would cause significant overbearing impacts.
- 6.75 7 Worcester Street has been partly rebuilt and converted with flats at upper floors. It would be opposite the north-east corner of proposed Block A at a separation distance of approximately 14m (slightly off set) to the rear wall of the rear wing and 19.5m to the main rear wall. There are rear windows at first and second floor. The approved plans for the latest scheme at this property show the windows in the rear wing being to a stairwell and those in the main rear wall to bedrooms. There is a small rear yard for access but this does not appear to be used as an amenity area and would be significantly affected by the approved but unimplemented redevelopment scheme on the intervening plot. Block A would be slightly south of the alignment of no. 7, but the rear part of Block A would have living room windows at ground to 4<sup>th</sup> floor, and balconies farther away along its northern elevation. At this separation distance and with the slightly off set relationship, I do not consider significant harm would be caused from window to window intrusion and on a similar basis I do not consider the scheme would cause significant overbearing impact.
- 6.76 9 Worcester Street appears to have a flat over. It is sufficiently far north of Block A at a tight angle (around 24m), and sufficiently far from Block C (around 33m) at an angle and with buildings between that no significant impact on amenity would arise.
- 6.77 *Land rear of Worcester Street (corner of Hare Lane car park) with residential permission*  
There is an extant permission for the plot behind 7 and 7a Worcester Street that has not been implemented but remains live (until March 2025 to commence). This plot can be seen in the corner of the Hare Lane car park adjacent to the delivery bay of the former retail unit. The permission is for a 3 storey building containing 4 flats. The building would be in close proximity to Block A at their nearest corners. Due to the orientation of the buildings and the layout and window positions of the adjacent approved scheme, there would be limited impact on the windows as a result of Block A being constructed; the adjacent scheme has a kitchen window at ground floor and a corridor window at first floor in the south facing elevation, farther over from the rear side of the application site. Block A would be angled towards this plot, slightly, but I do not consider that the resulting effect would be any significant intrusion on privacy from window-to window contact, nor significant impact on light or overbearing effect to these windows. Turning to the front/west facing windows of the adjacent scheme, these are angled away from, or sufficient farther north from Block A such that no significant impact would arise. They would face broadly across the site towards proposed Block C although there would be an intervening wall and bin store. Block C would have ground, first and second floor habitable windows and balconies in this section of the building broadly parallel with the front of the adjacent scheme at a separation of approximately 16 to 17m. The approved scheme has ground and first floor habitable rooms facing towards the site. Given the angle of relationship and separation it is not considered that there would be a significant adverse impact on privacy, nor a significant overbearing impact.
- 6.78 *Northgate Street and Hare Lane*  
There do not appear to be residential units in the adjacent Northgate Street properties and no significant harm is envisaged for occupants of those commercial premises in amenity terms.

- 6.79 10 and 12 Hare Lane appear to be residential houses and have small rear yards that are significantly impacted by the existing building which wraps around to the rear and north side at a height well above the existing outbuildings. No comments have been received from occupants. The proposal would create an open area behind these properties so it would be likely to substantially improve on the overbearing impact of the existing building, and likely improve any overshadowing effect from the existing building in the morning also, while light to the rear of the properties could well also be improved.
- 6.80 In terms of overlooking, Block A at 5 storeys would be around 16m from the boundary (windows looking across the proposed courtyard towards nos. 10 and 12), 19m from their rear yards (if the existing outbuildings to the rear boundaries of 10 and 12 are kept) and around 23m from the rear of these neighbouring buildings themselves. At this proximity and given the size and arrangement of these neighbouring properties it is considered unlikely that significant harm to privacy would be caused.
- 6.81 Block B would also have rear windows generally facing these properties although largely at a more angled relationship. The block would be around 11m from the near boundary, 13m to the near rear yard and around 18.5m to the rear of the near property although there is another intervening building that would likely substantially screen views into the rear yards and rear windows. In this context it would be unlikely to cause significant harm to privacy from overlooking either.
- 6.82 *Raven Centre*  
The use of this neighbouring property supports elderly persons and is not in residential use. The impacts here, and raised in representations, would appear to be mostly associated with the demolition and construction phase and a construction environmental management plan secured by condition would address the main planning issues of nuisance in that regard, which would similarly assist the potential impacts on 10 and 12 Hare Lane. The party wall act (outside of the planning system) may also control activities at the common boundary, although the applicant has now confirmed the buildings are not actually tied together so no listed building consent is needed.
- 6.83 *Kings School*  
The School initially referred to possible impacts on the nearby parts of its complex so this has been analysed although the School has since confirmed the scheme doesn't give concern for safeguarding risks by overlooking. At the near corner is their music block. There are windows towards the site but given the use and the separation across the road no significant harms would arise. Behind the music block adjacent to Hare Lane is their 'Little Kings kindergarten'. There appears to be an open area used by the kindergarten between the music block and the kindergarten block. It is possible that there could be a direct line of sight, diagonally, between the upper floor units of the proposed Hare Lane block, and this part of the school, at a separation of around 40m, although there is a tree and the school perimeter wall between. Given the angle, separation and intervening land it is not considered that this would amount to significant harm through any prospect of overlooking.

6.84 ***Proposed lighting scheme***

A lighting scheme has been submitted. This amounts to a series of downlighters and pole-mounted fixtures within the proposed courtyard and to the north eastern parts around the corner of the Hare Lane car park and the right of access between buildings, and in this regard is considered beneficial for community safety. The light spread study does indicate that light spill would be fairly low at the position of the rear facing neighbouring windows, but in some areas elevated light levels would be caused such as to the corner plot with the unimplemented residential permission. The associated risk assessment sets out that the fixtures have been positioned to avoid locations directly in front of windows where possible but it is unclear whether this is solely considered for the proposed buildings in the scheme. While advantageous for safety, it is recommended that these details are not approved at this stage but subject to a condition to secure approval of a scheme that further evidences potential impacts on neighbours' amenity.

6.85 ***Removal of existing impact***

It seems likely that the existing retail business would cause some noise and disturbance notably through servicing from the rear off Hare Lane. This would be removed by implementing the proposed development and a benefit by removing any such disturbance could occur as a result.

6.86 ***Impacts of the building construction***

Given the nature of the proposed works and their proximity, the residents of properties in the vicinity could be affected by disturbance from construction, so hours of work and construction management conditions are recommended.

6.87 Overall, subject to conditions and in the context of the existing building and surroundings, the living conditions of occupants of existing neighbouring properties would not be significantly harmed.

6.88 ***Future residents of the development***

*Noise and odour*

These matters are considered relevant in the context of the city centre location and proximity of the site to the inner relief road, car parks, chip shop and public houses. The NPPF sets out that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It also advises that planning decisions should assume that pollution regimes operate effectively; the focus should be on whether the proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The 'agent of change' issue is considered relevant considering particularly the presence of public houses and take aways in the immediate vicinity which might otherwise be subject to complaints about disturbance after residents move in. The agent of change - the proposed residential development in this case - should be required to provide suitable mitigation if necessary. If the application demonstrates that noise issues would not be caused, or would be mitigated to acceptable levels, then complaints are not considered likely when looked at objectively and it is considered that the development would comply.

- 6.89 A noise survey was undertaken at the site in support of the scheme and the Council's consultant considers the assessment to be satisfactory. The assessment sets out that mitigation is needed within the buildings, but that standard double-glazed units would be sufficient, with alternative ventilation required, in order to achieve acceptable internal noise levels. It does also show that for balcony areas overlooking the front and rear of the development noise levels are likely to be above the upper limit in the British Standard although this recognizes that the guideline values are not achievable for balconies in all areas that are desirable for development and in high noise areas like city centres a compromise between elevated noise levels and convenience for living might be warranted. Balconies are considered desirable to provide residents with private external amenity space and have been approved in the locality in other developments. In this case providing some external space is considered desirable for the physical and mental health of future residents, and in the context of a scheme that has a shared internal courtyard proposed as well as alternative public spaces in the vicinity such as Kings Square and the Cathedral grounds available for residents to use, this is not objectionable overall.
- 6.90 In terms of plant associated with the proposed buildings there is no information currently on plant design but levels are proposed to result in low impact to residents so it is suggested these are secured by the usual condition on plant noise, which is recommended by the Council's consultant.
- 6.91 Due to the substantial existing building which covers the whole site currently it is difficult to be comprehensive about potential noise and odour impacts on future residents arising from neighbouring businesses (e.g. the chip shop and the public house). As the agent of change, the development proposal should resolve any issues in this regard rather than them becoming an issue for the businesses post-occupation. However the Council's consultant advises that these matters should not be in-principle problems, and suitable mitigation should be able to be incorporated into the building providing it is characterized by further surveys post-demolition, which would account for any plant/extraction, etc which was previously masked by the building. As these are not in-principle issues, this can be secured by conditions.
- 6.92 Subject to conditions, the proposal complies with the above policy context in terms of noise and odour.
- 6.93 *Air quality*  
There are air quality management areas in the wider vicinity at Priory Road and at Barton Street. The proposal would also have a substantial demolition and construction phase, and would be in fairly close proximity to the inner relief road so this issue is considered to be relevant. An Air Quality Assessment has been submitted which sets out that there were no exceedences of the relevant air quality objectives for the last five years at the nearest test site, and Government data shows all background concentrations for the area are below the air quality objectives. As an effectively car-free scheme the associated vehicle-generated air quality impact is low. No specific measures are needed for future occupants and overall it is unlikely that pollutant concentrations within the site would exceed the relevant air quality strategy objective levels. Construction and demolition activities could cause some issues with dust especially given the close proximity of neighbours so mitigation measures are proposed and should be secured by condition

- 6.94 *Amenity space*  
It is common for flat blocks to have no amenity space, although it is considered desirable for mental and physical health and has become a more accepted aspiration in recent years and the pandemic's effect on lifestyles. All proposed flats have a balcony, or terrace at ground floor and all have reasonable outlooks. Some ground floor units' views from certain windows are into the perimeter wall, or are single aspect, but a dedicated amenity space is provided to each, and all have reasonable outlook from living areas. Overall there is considered to be a reasonable provision of private amenity space for future residents of flats.
- 6.95 Overall, subject to conditions, the proposal complies with the above policy context in terms of amenity and environmental health considerations.
- 6.96 **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. Policy E4 of the City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, and maintaining a buffer strip for maintenance and ecology.
- 6.97 The site is in Flood Zone 1, the lowest risk, so there are no fluvial flood risk implications and the site is a sequentially preferable location for development. The proposal is categorised as a 'more vulnerable' use, which is compatible in flood zone 1.
- 6.98 In terms of surface water drainage, the existing site conditions are 100% impermeable and the system discharges to the public combined system. The proposals include an open green space centrally, and the drainage strategy includes an attenuation tank in the middle of the site with a restricted flow rate to the sewer. The drainage strategy has been amended to respond to the Drainage Officer's comments. The LLFA and Severn Trent also raise no in principle issues subject to detailed approval of the system by condition. Subject to securing this and a SuDS maintenance and management plan, under condition, the proposals comply with the above policy context for surface water and flood risk. In terms of provision for foul drainage, Severn Trent Water raises no objection in principle, subject to detailed approval of the system by condition.
- 6.99 Subject to conditions the proposal complies with the above policy context in terms of flood risk and drainage.
- 6.100 **Land contamination**  
The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate, and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SD14 of the JCS requires that development does not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate as appropriate the investigation and remediation of any contamination.

- 6.101 The area appears to have had an industrial/commercial past use and as the proposal is for a more sensitive end user, including open landscaped grounds, it is recommended that the standard tiered investigation and remediation condition is imposed. Overall subject to conditions the proposal would comply with the above policy context in terms of contamination.
- 6.102 **Ecology**  
The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. City Plan Policy E1 requires the conservation of biodiversity and providing net gains, and Policy E6 restricts development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation where these effects cannot be mitigated. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy E3 requires development to contribute to the provision, protection and enhancement of the green/blue Infrastructure Network. Policy F4 covers measures to deal with gull roosting, nesting and damage.
- 6.103 The ecological impact assessment found no evidence of bats and the site was considered of negligible suitability. No other indications were found of other protected or notable species. Given the nature of the site no measures for habitat loss are necessary. With measures during demolition and construction and with ecological enhancement proposed, the scheme should avoid potential impact and cause no net loss of biodiversity; indeed with the net gain proposals it should enhance it. It is considered that a Construction Environmental Management Plan, timing of site clearance, a precautionary approach to building demolition, and provision of new roosting opportunities for bats, should be secured by condition.
- 6.104 **Biodiversity net gain**  
Biodiversity net gain (BNG) is an approach that seeks to establish a measurable betterment of the natural environment from development proposals and there are now legislative provisions to secure it for new applications, however it was already emerging in policy during the course of this application and has been addressed. A 10% biodiversity net gain has been generally aspired to in the lead up to the legislation mandating this. Both the NPPF and City Plan Policy E1 require applications to provide net gain for biodiversity to enhance the natural environment.
- 6.105 The amended scheme includes a BNG report which sets out a net gain of +0.30 biodiversity units for area based habitats (+100%) through providing the grassland and trees, and +0.02 biodiversity units for linear (hedgerow) habitats (baseline is 0), which is a net gain in both respects, albeit modest and reflecting the poor ecological merits of the current site. As the scheme would lead to a 100% net gain in biodiversity units it more than meets the local policy and also exceeds the legislative standard. As such it is recommended that a landscape and habitat creation and management strategy is secured by condition to deliver this.



6.106 **Habitats regulations assessment (HRA)**

There is an internationally designated nature conservation site at the Cotswold Beechwoods Special Area of Conservation (SAC). Natural England has raised concerns about the impact of residential development within the City and the wider area on protected sites, notably through recreational pressures, and provides comments where the City Council assesses the effect of projects on these sites under Habitats Regulations Assessments. A Mitigation Strategy for the Beechwoods has been produced and provides the mitigation basis for applications via a per-unit payment system. Providing this is secured the HRA obligations are satisfied in relation to the Beechwoods site; the proposal would not cause significant effects to the designation characteristics of the European site. In addition there are other European sites in the wider area not covered by a bespoke mitigation strategy and these have been addressed in a shadow Habitats Regulations Assessment 'Appropriate Assessment', which has considered specifically the Severn Estuary and Alney Island, and Walmore Common, in addition to the Beechwoods. Other sites in the region were scoped out due to distance. This concludes that with the mitigation measures set out plus the financial contribution to the Beechwoods Strategy, the scheme would have no adverse impacts on the integrity of any of the European sites as a result of recreational pressures, air quality or water quality, and the City Council's ecology consultant has endorsed this, and Natural England agrees. As well as securing the Beechwoods contribution then, these mitigation measures, and the homeowner information pack recommended in addition by the Council's consultant, should be secured by condition. Subject to these, the scheme would have no adverse effect on the integrity of the European sites in the area.

6.107 **Gull nuisance**

The proposal is potentially susceptible to nuisance from gulls, notably there are several large flat-roofed buildings. It is considered that measures are needed to address this nuisance. It is recommended that details be secured by condition.

6.108 Subject to conditions and the s106 agreement, the proposal would comply with the above policy context in terms of ecology.

6.109 **Sustainability**

The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. Part G of the City Plan sets out at paragraph 4.7.6 that all applications will be expected to demonstrate that all reasonable techniques have been used to adapt to and mitigate the effects of climate change, and strongly encourages all applications to supply an Energy Statement. The Plan strongly encourages energy efficient measures. Policy G6 also requires water efficiency measures.

6.110 An energy strategy has been submitted which sets out that a minimum of 65% carbon emission reduction would be achieved for the flats, plus an 18% reduction in the retail unit. Measures include PV panes to the roof, air source heat pumps, energy efficient lighting, and thermal performance beyond Building Regulations minimum standards. The contribution of renewables to the energy demand of the development are welcomed. Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3. Securing the measures by condition would ensure reasonable measures are utilised to mitigate climate change effects addressing the stronger City Plan aspiration. Water efficiency measures have been committed to by the applicant and can be secured by condition.

**6.111 Waste minimisation**

The NPPF sets out that sustainable development has an environmental objective that includes minimising waste. The saved Gloucestershire Waste Local Plan Policy 36 relates to waste minimisation and requires developments to include a scheme for sustainable management of waste generated from the scheme during construction and occupation.

6.112 The design and access statement sets out a brief waste minimisation statement and the Energy Statement says a site waste management plan will be developed setting targets. It is recommended that this should be firmed up once a contractor is appointed, and a further submission be required under condition to deliver these measures. Subject to securing the measures by condition, the proposal is considered to comply with the above policy context.

**6.113 Economic considerations**

The proposals would be likely to support economic growth and the NPPF gives significant weight to such benefits. Economic benefits that could arise from the scheme include from construction, directly and indirectly, and introduction of more economically active residents spending within the locality. The proposal would therefore have a significant economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this supports the case for granting permission. An employment and skills plan is required by the City Plan and it is recommended that this is secured by condition.

**6.114 S106 contributions, CIL and Viability**

Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonable related in scale and kind to the development.

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the Council's requirements for open space along with the open space SPD. This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. Policy INF7 of the JCS sets out the approach to securing developer contributions, including that if there is a concern regarding development viability, a viability assessment will be required. The requests for S106 contributions arising from the proposal are set out below. Policy G8 of the City Plan sets out that where planning policies cannot immediately be met by a development due to exceptional circumstances, a review mechanism shall be imposed for phased developments to rigorously test the ability to be policy compliant over the lifetime of the project. This is equally supported in national policy.

**6.115 Community Infrastructure Levy**

The Community Infrastructure Levy Regulations set out that a planning obligation may not constitute a reason for granting permission if it provides for or funds infrastructure to be funded by CIL. The JCS partnership adopted their CIL in 2018. For 2024 the CIL rate for 11-449 dwellings is £53.25 per m<sup>2</sup>. This is calculated in internal area and not including non-residential, and on the basis of this, and prior to applying any exemptions, reliefs or deductions CIL from this scheme would amount to around £230,000. CIL does not secure affordable housing or site-specific measures necessary to make a development acceptable. Requests for contributions listed below are made for affordable housing, public open space, education, libraries, Cotswold Beechwoods mitigation, establishment of a management company, and highways in relation to travel plan monitoring. Yearly Infrastructure Funding Statements include those schemes or infrastructure that the Council intends may be wholly or partly funded by CIL and currently includes predominantly highways projects (and not the specific highways-related measures above) and none of the requested contributions provide for or fund infrastructure to be funded by CIL.

**6.116 Affordable housing**

The JCS Policy SD12 level of affordable housing sought is 20% of the total, which is 11 units for the proposed scheme and the applicant has offered this as a mix of 5 1-beds, 5 2-beds and 1 3-bed. The offer meets the policy level and it is therefore considered that the application complies with the requirements of Policy SD12 subject to securing this by legal agreement. These proposed affordable housing obligations comply with the relevant tests, as securing the affordable housing provision is necessary to make the development acceptable in terms of maximising affordable housing provision, is directly related to the development being units on the site and for the future residents, and fairly and reasonably related in scale and kind in securing an amount on the policy percentage basis.

**6.117 Education and libraries**

Policy INF6 of the JCS refers to seeking appropriate infrastructure including community facilities, and early years and education. The NPPF acknowledges education as potential infrastructure required alongside development. The Infrastructure Funding Statement explicitly says that education requirements are not to be funded by CIL. The County Council has amended the calculation basis for their education requests recently following an earlier appeal decision. It appears that the calculations remain disputed by the development industry and there are complex arguments around the appropriate means by which to calculate how many children there would be from a given number of homes in a development and the capacity of local schools. However in a recent appeal decision in a neighbouring authority (October 2022) the Inspector concluded that while of interim status the County Council's current position statement was "sufficiently robust for the purposes of this appeal ... it seems to me the best and most up to date information available at the present time", and furthermore in relation to school capacity that the County Council's approach "I see no reason to depart from that approach". The County Council figures are therefore used in this report to state the education contribution requirement for this development.

6.118 The County Council has made the following requests for education and library contributions:

*Education*

Primary Education: £139,624.10 (to Gloucester Primary Schools <=2 miles travel distance. There is a demand for 7.7 places created, from 20 qualifying dwellings for education).

Secondary education (11-16): £80,835 (to Gloucester Secondary planning area. There is a demand for 3.4 places created, from 20 qualifying dwellings for education).

Secondary education (16-18): £28,530 (to Gloucester Secondary planning area. There is a demand for 1.2 places created, from 20 qualifying dwellings for education).

Education total : £248,989.10

The applicant agrees to the contribution.

*Libraries*

Contribution at the rate of £196 per dwelling = £10,780 total (to Gloucester Library, to improve customer access to services through refurbishment, stock, technology and increased services). The applicant agrees to the contribution.

These proposed education and libraries obligations comply with the relevant tests, as securing the provision is necessary to make the development acceptable in terms of providing supporting infrastructure to the new residents, is directly related to the development being provision for the future resident impact, and fairly and reasonably related in scale and kind in securing an amount on the multiplier and pupil yield calculation basis.

6.119 **Public open space**

The NPPF says that decisions should aim to achieve healthy, inclusive and safe places, and that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities. Policy INF6 of the JCS refers to seeking appropriate infrastructure including community and cultural facilities, health and well being facilities and sport, recreation and leisure facilities, and provision of green infrastructure including open space. Furthermore that permission will be granted only where sufficient provision has been made for infrastructure and services to meet the needs of new development and/or which are required to mitigate development impact on existing communities. Policy INF4 of the JCS sets out that where new residential development will create, or add to, a need for community facilities, it will be fully met as on-site provision and/or as an off-site contribution. Policy INF3 of the JCS refers to green infrastructure including allotments, and it requires that development contributes positively towards green infrastructure, and where new residential development will create or add to a need for publicly accessible green space this will be fully met in accordance with Policy INF4.

6.120 The development does not lend itself to on site adoptable, sports, or public play facilities, so the public open space request is £256,100 total comprised of; Play = £32,339; Sport = £179,945; General POS = £43,816. As there is no on-site provision to deduct, the full contribution amount is required and the applicant has agreed this. These obligations comply with the relevant tests, as securing the open space provision is necessary to make the development acceptable in terms of supporting infrastructure given the nature, quality and distance to existing provision in the area, is directly related to the development being at provision for the future residents, and fairly and reasonably related in scale and kind being calculated on a basis relating to future resident numbers.

6.121 **Highways**

A Travel Plan monitoring contribution is necessary of £5,000. The applicant has committed to Travel Plan monitoring.

A financial contribution to amending the traffic regulation order is necessary of £10,000, to alter the controlled parking zone in order to address on street parking issues. The application accepts this process is sought as the solution to the matter.

These contributions are necessary to make the development acceptable in highway safety and sustainable transport terms, are directly related to the development in terms of a bespoke Travel Plan and the street car parking impacts of future residents, and fairly related being a bespoke costed monitoring fee and the cost of the TRO process cited by the Highway Authority.

6.122 **Beechwoods contribution**

As above, the contribution to the Beechwoods mitigation is necessary to address the recreational impact of the development and satisfy the Habitats Regulations appropriate assessment. This currently equates to £673 per unit = £37,015. The applicant has not yet committed to this amount as they calculated it lower.

This contribution is necessary as it is the basis by which to establish no significant impact on the protected site, so it is to make the development acceptable in terms of recreational impact on a European site, is directly related to the development in terms of the potential impacts of future residents in accordance with Natural England's study, and fairly related being the amount concluded as necessary per unit pursuant to that study.

6.123 **Other matters raised in representations**

In terms of structural damage being caused to other buildings, and impacts on trade from the construction phase, the condition proposed to secure a Construction Environmental Management Plan (CEMP) is considered to be reasonable and sufficient means by which to limit impacts from the construction phase and is in line with the standard approach by the Council to such matters. Recourse for any damage to property would be a private matter between parties. In terms of impacts to residents of Cloister View who use the parking in proximity of the planned demolition, I am not aware of parking allocated to these properties. Presumably this refers to the public parking at Hare Lane car park. In my view, the submission of the CEMP and highways construction management details would reasonably control the impacts of this phase of the development, and outside of planning, the car park owner/operator would have control over allowing any construction works use of the car park.

#### 6.124 **Legal agreement heads of terms**

In light of the above the heads of terms are as follows:

##### ***Affordable housing***

Contribution of 11 units for affordable housing and measures to secure appropriate housing provision and control mechanisms. 1 affordable unit to be constructed to Building Regulations Part M4(3) standard.

##### ***Open space***

Financial contribution of £256,100.

##### ***Education***

Financial contribution of £248,989.10.

##### ***Libraries***

Financial contribution of £10,780.

##### ***Travel Plan monitoring***

Financial contribution of £5,000, plus associated bond.

##### ***Traffic Regulation Order***

Financial contribution of £10,000.

##### ***Cotswold Beechwoods***

Financial contribution of £37,015.

##### ***Management company***

Formation of a management company for (but not limited to) waste/recycling collection arrangements and management and maintenance of communal areas.

##### ***Monitoring fee***

#### 6.125 **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, guidance and legislation within this report.

6.126 Significant environmental, social and economic benefits would arise from the proposal, which is for appropriate uses at the site providing a good amount of housing, including affordable housing, on a highly sustainable site at a high density relative to constraints around heritage and scale, which would regenerate a prominent city centre site with a deteriorating building that has been vacant and in temporary use since the supermarket operator left, including introducing a small green space into a currently fully built-out site, as well as increasing economic and resident activity and improving natural surveillance in the area. Furthermore, being an application made in advance of the mandatory legislative requirement for 10% biodiversity net gain, it would also provide a biodiversity enhancement that weighs in favour of the application. It could also lead to the remediation of land. The proposals align with clearly stated government objectives in the NPPF, including the objective of significantly boosting housing delivery, and use of a brownfield site for homes (for which the NPPF gives substantial weight to the value of).

- 6.127 In terms of neutral effects, subject to conditions and s106 obligations the proposal would preserve highway safety, the amenities of local residents, flood risk, buried heritage assets, European protected sites in the wider area, and minimise its impacts on waste generation, drainage and the climate acceptably. It would also preserve the non designated heritage asset (mural) at the site.
- 6.128 In terms of potential disbenefits it would lead to the loss of retail floorspace in the primary shopping area (in the context of a much-changed retail environment) and an associated negative impact on the vitality and viability of the centre, which is somewhat mitigated by retention of a commercial presence on the main street. It would cause a very low level of 'less than substantial harm' to designated built heritage assets (which is concluded to outweighed by public benefits). Great weight has been given to the harm in the context of the policy requirements for this, and the legislative requirements of the Listed Buildings and Conservation Areas Act 1990 for listed buildings, their settings and Conservation Areas to be given the special level of consideration required. It is considered that the significant benefits of the scheme are overriding in this case.
- 6.129 Subject to conditions and completion of the legal agreement, the proposal is considered to be broadly consistent with the relevant policies and guidance and with the development plan and other material policy considerations. The proposal need not accord with every policy and it is not unusual for policies to pull in different directions. The limited plan policy conflicts in relation to retail and to preserving built heritage are considered to be outweighed by the benefits of the scheme. Overall when considering all of the relevant material considerations in the balance it is considered that the benefits of the proposal outweigh the disbenefits including the less than substantial harm to heritage assets and there are no NPPF policies that provide a clear reason for refusal. The requirements of the 1990 Listed Buildings and Conservation Areas Act for Conservation Areas and listed buildings and their settings are satisfied.
- 6.130 It is therefore considered that planning permission should be granted subject to conditions and s106 agreement/s.

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

7.1 That planning permission is **GRANTED** subject to;

completion of a legal agreement/s to secure the terms set out at Paragraph 6.124 above and delegated Authority being given to the Planning Development Manager (or equivalent replacement post holder) to negotiate the s106 terms to suit;

and;

the following conditions;

### 7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

#### **Reason**

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Condition 2**

The development hereby permitted shall be carried out in accordance with the drawings on the following plans except where otherwise required by conditions of this permission:

Proposed location and block plan ref. 19.075/001 Rev. A

Proposed ground floor plan ref. 19.077/011 Rev. C

Proposed first floor plan ref. 19.077/012 Rev. B

Proposed second floor plan ref. 19.077/013 Rev. B

Proposed third floor plan ref. 19.077/014 Rev. B

Proposed fourth floor ref. 19.077/014 Rev. \*

Proposed roof plan ref. 19.077/015 Rev. \*

Block A west elevation ref. 19.077/56 Rev. \*

Block A north and south elevation ref. 19.077/57 Rev. \*

Block A east elevation ref. 19.077/58 Rev. B

Block B elevations ref. 19.077/053 Rev. C

Block C elevations ref. 19.077/060 Rev. B

### **Reason**

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

### **Condition 3**

The existing building at the site shall not be demolished before a contract (or equivalent proof of a binding commitment) for the **carrying out of works of redevelopment** of the site has been let and proof of such has been submitted to and approved in writing by the Local Planning Authority.

### **Reason**

To preserve the character and appearance of the Conservation Area by ensuring that redevelopment takes place post-demolition.

### **Condition 4**

Prior to any work being undertaken to demolish any part of the existing building a **demolition and construction method statement** detailing;

- the method of demolition including of detaching the building from adjoining buildings at all parts of the site;
- a structural assessment of the abutment between the existing building and the listed Raven Centre building on Hare Lane;
- measures to secure the safety and stability of all adjacent and adjoining buildings during the progress of demolition and construction;
- the specification of arrangements for vibration monitoring during demolition and construction, for identifying excessive vibration in relation to damage to the adjacent and adjoining buildings, and for remedial measures if excessive vibration is recorded; and
- a specification of the new building construction at its closest edge to the Raven Centre;

shall be submitted to and approved in writing by the Local Planning Authority The development shall be carried out only in accordance with the approved details.



### **Reason**

To minimise the risk of damage to the existing buildings including those of listed special architectural or historic interest.

### **Condition 5**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the floorspace to the ground floor Northgate Street frontage hereby approved (shown in light blue on plan ref. Proposed ground floor plan ref. 19.077/011 Rev. C) shall be used for **uses** within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

### **Reason**

To define the terms of this permission and control the use given the location within the City Centre and retail frontage, and proximity to residential premises.

## **DESIGN**

### **Condition 6**

Notwithstanding the submitted details, no works comprising the construction of a building above slab level shall take place until details of the construction of the following elements of that building (including cycle and refuse shelters and other associated structures to the residential accommodation), including specifications and samples of their appearance, as well as scaled elevations showing their use across that building, have been submitted to and approved in writing by the Local Planning Authority:

- Cladding, render, brickwork, signage panels, or other external **facing material** to walls;
- Roof materials;
- Window and door framing, including 1:5 scale details of the proposed glazed screen at the Northgate Street entrance;
- Rainwater goods;
- Meter boxes, piping and ductwork for utilities if external to the building;

Construction of a building above slab level shall take place only in accordance with the approved details.

### **Reason**

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Areas and setting of listed buildings.

### **Condition 7**

Notwithstanding the submitted plans, no **hard surfacing** shall be implemented until samples of the proposed hard surfacing facing materials and scaled drawings showing their use across the site have been submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be carried out in accordance with the approved details.

### **Reason**

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Areas and setting of listed buildings.

**Condition 8**

Notwithstanding the submitted details, no new **boundary treatments** or means of enclosure (including those to terraces and balconies; to balcony perimeter and dividing screens between balconies; and including a revised gates design for the Northgate Street refuse store entrance to prevent unwanted access) shall be implemented until scaled drawings of their location, form and materials have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments or means of enclosure shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Areas and setting of listed buildings.

**Condition 9**

Notwithstanding the submitted details, no **street furniture** shall be implemented until scaled drawings of their location, form and materials have been submitted to and approved in writing by the Local Planning Authority. Street furniture shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance to the development and establish a good level of amenity for future occupants.

**LANDSCAPING**

**Condition 10**

Notwithstanding the submitted details, prior to commencement of any **planting**, details of soft landscaping including any tree planting, ground level planting, green roofs or wall climbers (comprising of a scaled layout plan, planting specification including with respect to trees the size of specimen at the time of planting, tree pit details and any below ground mechanism to accommodate trees alongside utilities and/or archaeology), shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

**Condition 11**

The approved soft landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting season following the completion of building works. The **planting shall be maintained** in accordance with the approved details for a period of 5 years following implementation of each phase. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

### **Reason**

To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to provide green infrastructure as a measure to avoid adverse effects on the integrity of European protected ecological sites.

### **Heritage**

#### **Condition 12**

No development (other than site securing and demolition down to ground floor slab level) shall take place within the application site until a report outlining the results of a **programme of archaeological evaluation** has been submitted to and approved in writing by the Local Planning Authority.

### **Reason**

To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains.

#### **Condition 13**

No development (other than demolition down to ground floor slab level, site securing, archaeological works and remediation works) shall commence within the application site until a detailed scheme showing the complete scope and arrangement of the proposed **foundation design** and ground works of the proposed development (including pile type and methodology, drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

### **Reason**

The site may contain significant heritage assets of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

#### **Condition 14**

No below ground demolition, remediation, removal of below ground structures or services, or new construction shall be undertaken within the application site until a **written scheme of investigation of archaeological remains**, including a timetable for the investigation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording including any remediation.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

### **Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

### **Condition 15**

All below ground demolition, remediation and construction shall **take place in accordance with the approved Written Scheme of Investigation** of archaeological remains. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

### **Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

### **Condition 16**

The existing mural to the Hare Lane elevation of the existing building shall not be removed, nor any demolition of the existing building undertaken within 10m of the **mural**, until a Method Statement for the removal and storage of the mural has been submitted to and approved in writing by the Local Planning Authority. The details shall include provision for the mural removal to be undertaken by hand by specialists. Removal of the mural shall take place only in accordance with the approved details.

### **Reason**

As committed to in the Heritage Statement and to protect and secure the future of this non designated heritage asset.

### **Condition 17**

No above ground construction of Block B (the Northgate Street block) shall commence until a Method Statement for the installation of the **mural** (currently situated at the Hare Lane elevation) into that block has been submitted to and approved in writing by the Local Planning Authority. The details shall include provision for the mural relocation to be undertaken by hand by specialists, the proposed arrangement of the panels in the new location, and lighting to the proposed new mural display. The installation of the mural shall be completed in full in accordance with the approved details prior to the first occupation of a dwelling in Block B unless an alternative timetable for completion of installation is approved in writing by the Local Planning Authority in which case installation shall be undertaken in accordance with the alternative timetable.

### **Reason**

As committed to in the Heritage Statement and to protect and secure the future of this non designated heritage asset.

### **Condition 18**

Prior to first occupation of any unit within Block B (the Northgate Street block), details of interpretation material for the relocated **mural** shall be submitted to and approved in writing by the Local Planning Authority. These details shall comprise of (but are not limited to) scale drawings of the interpretation material and its location at the building, the content of

the interpretation material (text and any graphics, etc), and a timetable for installation of the interpretation material. The approved details shall thereafter be implemented in accordance with the approved timetable.

**Reason**

To provide interpretation of the significance of this relocated non designated heritage asset.

**HOUSING**

**Condition 19**

At least 25% of the dwellings within the development hereby approved shall be constructed to the standard set out at Approved Document M volume 1 part **M4(2)** of the Building Regulations (or the equivalent standard in any alternative or amended legislation as may cover the matter of accessible and adaptable dwellings).

**Reason**

To provide for accessible and adaptable dwellings.

**Condition 20**

All dwellings constructed as part of the development hereby approved shall comply with the Department for Communities and Local Government Technical Housing standards - **Nationally Described Space Standard 2015** (or the equivalent standard in any alternative or amended legislation or guidance as may cover the matter).

**Reason**

To achieve a good quality of housing accommodation for future residents.

**AMENITY**

**Condition 21**

Notwithstanding the details submitted with the application, **external lighting** shall be implemented at the site in accordance only with details to be submitted to and approved in writing by the Local Planning Authority in advance of installation. This shall include details of the proposed fixture locations on a scaled plan, details of the light fixture including any cowl or proposed angling of the fixture, a scaled plan showing light spill including the position of and giving consideration to the neighbouring properties, and a note from a qualified ecologist on its acceptability in terms of ecological impact.

**Reason**

To address community safety considerations in balance with possible impacts on residential amenity for existing residential occupants in neighbouring properties and the plot with unimplemented planning permission for residential use, and to preserve ecological interests.

**Condition 22**

No above ground construction of a building shall take place until an **odour assessment** report that includes the results of post-demolition surveys has been submitted to and approved in writing by the Local Planning Authority. The report shall identify any likely impacts of odour on the proposed development from existing commercial sources and demonstrate that the living conditions of future occupants would be to an acceptable

standard. The report shall include full details of any scheme of mitigation required to achieve this. Any approved scheme of mitigation for a given building shall be implemented in full to that building prior to first occupation of that building and maintained in perpetuity.

**Reason**

To protect the amenities of future occupants of the development.

**Condition 23**

No above ground construction of a building shall take place until an **acoustic report** that includes the results of post-demolition surveys has been submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the internal amenity standards of BS8233:2014 *Guidance on sound insulation and noise reduction for buildings (or any subsequent version)* can be achieved within the development. The report shall include full details of any scheme of mitigation required to achieve this. Any approved scheme of mitigation for a given building shall be implemented in full to that building prior to first occupation of that building and maintained in perpetuity.

**Reason**

To protect the amenities of future occupants of the development.

**Condition 24**

Prior to the commencement of above ground construction of a building details of the façade and glazing design, and alternative means of ventilation where necessary to achieve acceptable **internal noise standard**, for that building shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that internal noise level criteria in the submitted Noise Assessment (ref. 22-0794 V1.2) for residential use can be achieved. No residential unit for which measures are identified as required for its façade, glazing or other building component within the approved details shall be occupied until those measures have been implemented in full in relation to that unit.

**Reason**

To secure full details of the measures in the application and their implementation, to ensure acceptable living conditions for future occupants.

Typical details are likely to be sufficient for approval of grouped unit types.

**Condition 25**

The rating level of sound emitted from any **fixed plant** or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300, taken as a 15 minute LA90 at the nearest sound sensitive receptor and shall not exceed the background sound level between 2300-0700, taken as a 15 minute LA90 at the nearest sound sensitive receptor. All measurements shall be made in accordance with the methodology of BS 4142 (2014: Methods for rating and assessing industrial and commercial sound) or any national guidance updating or replacing that Standard. Where access to the nearest sound sensitive receptor property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive receptor property.

**Reason**

To safeguard the amenities of the area.

**Condition 26**

Construction and demolition work and the delivery of materials shall only be carried out between 0800 **hours** and 1800 hours Monday to Friday, 0800hours and 1300hours on Saturdays and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

**Reason**

To safeguard the amenities of the area.

**Condition 27**

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

- a. Site access/egress;
- b. Staff/contractor facilities and parking;
- c. Storage, loading and unloading areas for materials and plant;
- d. Dust mitigation measures;
- e. Noise and vibration mitigation measures;
- f. Measures to minimise disturbance to ecological assets.

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

**Reason**

To protect the environment and ecological assets including avoiding adverse effects on the integrity of European protected sites.

These details are required pre-commencement due to the potential impacts of the first phase of works.

**Condition 28**

Prior to the occupation of any residential unit, details of measures to address **water efficiency** for that unit shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the unit prior to the occupation of that unit.

**Reason**

To address water efficiency. The submitted details shall aspire to the consumption of wholesome water per dwelling not exceeding 110 litres of water per person per day. Typical details for similar unit types will likely be sufficient, to deal with blocks/dwelling types concurrently.

**Condition 29**

Prior to the occupation of any residential unit, details of measures to provide a high speed, reliable full fibre **broadband connection** to the unit shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the unit prior to the occupation of that unit.

**Reason**

To support Government policy for all properties to have access to full fibre broadband by 2025 as set out in the City Plan. Typical details for similar unit types will likely be sufficient, to deal with blocks/dwelling types concurrently.

### **Condition 30**

Prior to the occupation of any residential unit within the buildings respectively shown as Block A or Block B in the application, details of mitigation measures to help prevent suicide and **accidental falls** at that building shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the building in full prior to the occupation of any unit within that building.

### **Reason**

To reduce the opportunities for suicide and falls as set out in the City Plan.

## **ECOLOGY**

### **Condition 31**

Prior to the commencement of any development (including demolition works) other than site securing or archaeological works, a scheme of **ecological mitigation** (comprising at least the measures set out in the submitted Ecological Impact Assessment) for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved ecological mitigation.

### **Reason**

To preserve biodiversity.

This is required pre-commencement as the measures may be necessary to mitigate initial works of development.

### **Condition 32**

Notwithstanding the submitted details, prior to first occupation of the development, a scheme for **biodiversity and landscape enhancement**, management and monitoring, including but not limited to incorporation of permanent bat roosting features, measures such as nesting opportunities for birds, and a planting scheme including species of value to wildlife, plans showing locations and extent of all habitats and wildlife features, a timetable of activities, a responsible person/organisation and method by which the protection of retained and created habitats and open spaces will be secured, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall in combination reach at least a value of +0.30 biodiversity units for area based habitats and +0.02 biodiversity units for linear (hedgerow) habitat in accordance with the biodiversity metric submitted with the application reports. The details of the scheme shall comprise but are not limited to:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed and made available.

The approved scheme shall be implemented concurrently with the development unless an alternative timescale is agreed in the scheme, and retained and maintained for their designed purpose, in accordance with the approved scheme.



**Reason**

To provide net gains for biodiversity.

**Condition 33**

An **information pack** setting out the sensitivities of the Cotswold Beechwoods Special Area of Conservation, Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (and Alney Island Nature Reserve as a functionally linked area), and Walmore Common Special Protection Area, how to avoid negatively affecting them, alternative locations for recreational activities and off road cycling, and recommendations to dog owners for the times of year that dogs should be kept on a lead when using sensitive sites (i.e. to avoid disturbance to nesting birds) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any residential dwelling within the development and thereafter two copies of the approved information pack shall be issued to the new residential occupier prior to the first occupation of each respective new dwelling.

**Reason**

To mitigate adverse effects on the integrity of European protected ecological sites.

**Condition 34**

Prior to the first occupation within an individual building, a scheme of **seagull mitigation** measures for that building shall be implemented in full in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Any management measures comprised in the approved details shall be operated for the lifetime of the development.

**Reason**

To deal with gull nuisance issues in the interests of the amenities of the area.

**Condition 35**

Building demolition and vegetation removal shall take place outside of the **bird nesting** season for species likely to be present at the site. If this cannot be achieved, a suitably qualified ecologist shall carry out a nesting bird check prior to work and supervise those works where required.

**Reason**

To protect biodiversity interests.

**SUSTAINABILITY****Condition 36**

The **sustainability measures** set out in the Energy Statement and on the approved plans (solar panels to roofs) shall be implemented concurrently with the construction of the building to which they are applied, and shall be fully operational prior to the first occupation within that building unless an alternative timetable is agreed in writing in advance by the Local Planning Authority.

**Reason**

To ensure reasonable techniques are utilised to mitigate the effects of climate change.

## CONTAMINATED LAND

### Condition 37

No development that involves intrusive works to the ground or soft landscaping at ground level, (other than site securing, demolition, archaeological works or that required to be carried out as part of an approved scheme of **remediation**) shall commence until parts 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's '*Land Contamination Risk Management*' (LCRM).

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation. Where undertaken on a phased basis the Remediation Scheme must specify measures to ensure that remediated phases continue to be protected from impacts from un-remediated phases.

#### 3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere referred to as a validation report) that demonstrates the

effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 above, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

#### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is required prior to intrusive works because there is potential for contamination to exist on the site.

### **DRAINAGE**

#### **Condition 38**

Notwithstanding the details submitted with the application, no development shall commence (other than site securing, demolition, archaeological works or remediation works) until a detailed design and timetable of implementation for the **surface water** drainage strategy presented in the Drainage Statement (22-0794 Rev 4) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere, and should be amended / evidenced as follows:

- i) Percolation tests results shall be provided to demonstrate that infiltration is not viable.
- ii) Maintenance access to the cellular storage shall be provided.
- iii) The volumetric runoff coefficient in Microdrainage shall be set to 1.0

The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first occupied.

#### **Reason**

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

### **Condition 39**

The development hereby approved shall not be occupied until a **SuDS management** and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

### **Reason**

To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

### **Condition 40**

No development shall commence (other than site securing, demolition, archaeological works or remediation works), until details for the disposal of **foul water** from all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for each respective building shall be implemented in full prior to first occupation of that building.

### **Reason**

To ensure the development is provided with a satisfactory means of drainage. These details are required pre-commencement of building works as the proposals will need to be laid out as approved as an early phase of work.

## **WASTE MINIMISATION**

### **Condition 41**

No development shall commence other than site securing or archaeological works, until a **Waste Minimisation Statement** for the Demolition and Construction Period has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development shall be carried out in accordance with the approved Waste Minimisation Statement.

### **Reason**

In the interests of waste minimisation. This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

## **EMPLOYMENT**

### **Condition 42**

No development shall take place including any demolition, other than site securing or

archaeological works, until an **Employment and Skills Plan** has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved Plan, which shall remain in force for the demolition and construction period. The Employment and Skills Plan shall cover (but is not limited to) a variety of initiatives, including:

- Recruitment of local people
- Work trials and interview guarantees
- Pre-employment training
- Apprenticeships
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years)
- School, college and university site visits
- Construction Skills Certification Scheme (CSCS) Cards
- Supervisor training
- Leadership and management training
- Support with transport, childcare and work equipment
- In-house training schemes.

These initiatives shall be targeted at residents within a distance of the site to be agreed by the Local Planning Authority. The Local Planning Authority will utilise the Construction Industry Training Board (CITB) National Skills Academy for Construction (NSAfC) Client Based Approach (CBA) to determine outputs for the above initiatives.

#### **Reason**

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

## **ACCESS AND HIGHWAYS**

#### **Condition 43**

Pedestrian residential accesses to the development shall be arranged with a push-pad door at the internal exit door from the entrance **corridor/foyer into the interior of the site** (or such other measures to ensure ease of escape from the corridor/foyer as may be submitted to and approved in writing by the Local Planning Authority).

#### **Reason**

To deal with community safety in relation to residents being tailgated and trapped into an enclosed space.

#### **Condition 44**

Prior to the occupation of any building the **cycle and bin storage facilities** for that building shall be made available for use in accordance with the approved plans (subject to any additions/amendments to the cycle or bin storage approved under this condition), and those facilities shall be maintained for the lifetime of the development. The cycle stores for residential parts of the scheme in total shall provide for at least 78 cycles to be securely stored for residential occupants' use, and shall meet the standards set out at section 32 'Secure bicycle parking' of the Secured by Design Homes 2023 or such other guidance replacing this document with or without modification. Cycle storage for the building identified as Block B in the application shall include provision for staff of the commercial floorspace proposed.

### **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, and in the interests of the visual amenities of the area and avoid clutter on the highway.

### **Condition 45**

No part of the development hereby approved shall be occupied until a **Travel Plan** has been submitted to and approved in writing to the Local Planning Authority that promotes sustainable forms of access to the development site. The submitted details shall use an accredited system and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved plan shall thereafter be implemented and updated in accordance with its terms.

### **Reason**

To reduce vehicle movements and promote sustainable access.

### **Condition 46**

No development shall commence, including any demolition works, until a **Construction Management Plan for highways** matters has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition and construction period. The plan shall provide for:

- 24 hour emergency contact number;
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access/es to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- A highway condition survey;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles including a banksman if necessary;
- Booking system for deliveries, etc
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

### **Reason**

In the interests of safe operation of the adopted highway during the demolition and construction phase of the development.

This is required pre-commencement given the impacts on the highway will commence immediately.

### **Condition 47**

No part of the development shall be occupied until details of the rear (Hare Lane car park) **servicing and parking** area have been submitted and approved in writing by the Local

Planning Authority. No part of the development shall be occupied until these facilities have been implemented in accordance with the approved details and they shall be retained as such and for no other purpose for the life of the development.

**Reason**

To provide suitable servicing arrangements and parking provision for disabled persons.

**Condition 48**

Prior to the first occupation of a residential dwelling within the development, **electric vehicle charging** facilities shall be provided to the proposed disabled parking bays in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To promote sustainable travel and healthy communities.

**Condition 49**

No construction of the building set out in the application as Block B (Northgate Street block) shall commence until drawings of highway improvements works to the **footways** adjacent to the site to ensure 2m clear width minimum and re-arrangement of the existing street furniture have been submitted to and approved in writing by the Local Planning Authority. This building shall not be occupied until the works have been implemented in accordance with the approved details, unless an alternative timescale for implementation has been approved as part of the details in which case they shall be implemented to the approved alternative timescale.

**Reason**

To ensure the safe and free flow of highway users.

**Informatives:**

**Legal agreement notes:**

This permission is associated with a legal agreement with the City Council dated xxxxxxxxx.

This permission is associated with a legal agreement with the County Council dated xxxxxxxxx.

**Highways notes:**

**Works on the Public Highway**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

### **Highway to be adopted**

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

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

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

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

### **Impact on the highway network during construction**

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

### **Travel Plan**

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.



Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

### **Construction Management Plan (CMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### **Electric Vehicle Charging Points**

The specification of the charging points shall be provided in accordance with Building Regulations requirements.

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



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**GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL**

Committee: | Planning  
Date: | 02.04.2024  
Address/Location: | 52 Curtis Hayward Drive Quedgeley Gloucester GL2 4WL  
Application No: | 20/00993/FUL  
Ward: | Quedgeley Severn Vale  
Expiry Date: | 05.04.2024  
Applicant: | Mr Gordon Wake  
Proposal: | Retrospective conversion of integral garage into habitable room  
Report by: | Craig Stock  
Appendices: | Site Location Plan

**Site Location Plan**



Scale 1:1250



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 52 Curtis Hayward Drive, a two-storey detached dwelling in Quedgeley.
- 1.2 The dwelling benefits from a paved driveway and a small grassy area to its front, and a garden to the rear. The dwelling was originally constructed with an integral garage in a manner similar to many other dwellings on Curtis Hayward Drive.
- 1.3 Upon original submission of this application, the description of development read “Conversion of integral garage into habitable room”.
- 1.4 The initial round of neighbour consultation took place in November 2020. Neighbour comments noted that the ‘proposed’ works had in fact already taken effect; this was later confirmed by the applicant. The description of development was since altered such that *retrospective* permission is now sought for these works.
- 1.5 In terms of the external physical works, this consists solely of the replacement of the previous wood-panelled garage door with an additional ‘front’ door and a window either side.
- 1.6 Retrospective permission is sought for its use of converted garage space as a habitable room incidental to the use of the main dwellinghouse. At present, the room is used as a home office by the applicants and sometimes by the applicants’ daughter, all of whom work for a domiciliary care company providing care in the community.
- 1.7 The converted garage was also used as a home office during the COVID-19 Pandemic. At this stage, it served as something more akin to a base of operations for the company: it saw regular, appointment-only staff visits to collect personal protective equipment (PPE) and to undertake training sessions. As per information submitted by the applicants and observations made during two separate site visits, the use of this converted garage has since reverted to a standard home office.
- 1.8 The applicant has stated that they intend to use the room in the future as ancillary bedroom accommodation for one of the applicants, whose mobility is deteriorating such that ground floor, level access accommodation will be essential.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
99/00628/FUL	Convert Integral Garage into Study	Application refused	20.12.1999

## 3.0 RELEVANT PLANNING LEGISLATION

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

### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

### 3.3 Development Plan

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

Relevant policies include:

SD4 – Design requirements

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 relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

### **3.5 Gloucester City Plan**

The Gloucester City Plan (“City Plan”) delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. It was adopted on 26th January 2023 and forms the development plan alongside the JCS. The following policies are considered relevant:

A9 – Extensions to existing dwellings

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. 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.

## **4.0 CONSULTATIONS**

### **4.1 Highways Authority**

Response – 15.03.2024

No objection.

No issues with the loss of the garage – the Manual for Gloucester Streets does not count garage parking within total parking provision: integral garages are generally too small to accommodate modern cars and provide sufficient circulation space.

The driveway currently has two large off-street spaces; alterations to the front garden could increase that provision to three. Site occupants could also park on-street directly outside of the dwelling.

Ward census data for four and five bedroom dwellings suggests an average of 2 to 2.5

vehicles per dwelling.

A collision records check has demonstrated no injury collisions in at least the past 5 years on Curtis Hayward Drive.

It is therefore not considered that the addition of a habitable room would result in detrimental impact on highway safety from any displaced parking.

#### 4.2 **Quedgeley Town Council (QTC)** Initial Response – 27.10.2020

No Objection.

Second Response – 18.12.2020

Objection. The following reservations were noted in their response:

- The description of development as a 'spare room' seems inaccurate given the use of the room as an administrative base for a care business.
- The provision of an additional door to the front of the property is out of keeping; it does not enhance, respond positively nor respect the character of the site and its surroundings.
- Supplementary info submitted in support of the application mentions that additional staff parking is available at the nearby Local Nature Reserve; this parking should be for the use of that site. This car park was not intended as, and should not be used for, overflow parking for the staff employed at the care business.

Third Response – 17.12.2021

Objection.

- The application does not appear to have addressed the concerns raised previously, most notably in terms of design and visual appearance.
- The property is being used as a basis for a business which has clearly outgrown it.

Final Response – 22.02.2024

Objection.

- Reiterates concerns over 'business' use of the converted garage and the knock-on impacts upon parking.
- The applicants' statement that their driveway can provide 4 off-street parking spaces is incorrect.
- Recommends that an application is submitted to change the use of the garage to a business, such that the implications of this business use can be properly investigated.
- Recommends that a site visit is conducted by the case officer.
- Queries whether the property would benefit from sufficient off-street parking given the intention to utilise the converted garage as an additional bedroom.
- The provision of an additional door to the front of the property is out of keeping with the character of the area and is, accordingly, contrary to policy.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified on four separate occasions:

5.2 The first round of neighbour consultation took place in November 2020. 3 letters of objection raised the following issues (*NB – The following is the Case Officer's own summary of the issues raised in the neighbour objections*):

- Garage was being operated as a business, contrary to nature of application description.
- The physical works and the use of the site had already commenced.
- Staff vehicle movements and parking causing issues, not least given residential character of area.
- The plans are inaccurate, as they show a side door rather than the front door that had been installed.
- Operation of business from 'spare room' would constitute a material change of use. COVID meant that employees regularly visiting to collect equipment and attend meetings.
- Out of keeping with visual appearance of area, setting an unwelcome precedent.
- Congestion from staff parking and deliveries.
- Disappointment that alterations had already taken effect prior to submission of application, and prior to any consultation taking place.

5.3 Following this initial round of neighbour consultation, the applicant submitted a response to these comments seeking to clarify and/or rebut a number of the issues raised.

Amended plans were also submitted showing the 'as-built' front door and omitting the previously proposed side door. The description of development was also changed to reflect the retrospective nature of the application.

A second round of neighbour consultation took place in December 2020. 4 letters of objection raised the following issues:

- Information provided regarding anticipated levels of staff parking, and capacity of front driveway is inaccurate: often more than 3 cars parked up, and there is only really space for 2 cars, 3 if one overlaps the curb. (mentioned by multiple commenters)
- Staff meetings take place within the curtilage of the dwellinghouse, and staff turn up regularly throughout the day.
- The converted garage functions as a base of the company in a manner that exceeds that which could be reasonably considered ancillary to the dwellinghouse
- Design of office frontage resembles business park more than residential property - out of keeping. The applicants should seek to rent alternative office premises elsewhere.
- Frequency of visiting staff and vehicle movements cannot be accommodated by this cul-de-sac with limited parking space and a baseline level of pedestrian and cycle traffic using it as a cut through to shops.
- Use of nature reserve as overflow parking not an appropriate solution
- Applicant knowingly submitted misleading plans in the first instance.
- Conversation with applicant confirmed their intention to operate garage as office - description as 'habitable room' is misleading, it was never intended as such as per this conversation.
- Staff visits to collect PPE and attend training has a negative impact upon amenity of neighbouring residents
- The prospective future conversion into habitable room for applicant is not formally proposed, and there is no timeline provided for its conversion for these purposes. The current conversion is to commercial office space, and talk of future bedroom is a



red herring at this stage.

5.4 Following the submission of further information by the applicants and a visit to the site by the previous case officer and the former Enforcement Officer, a third round of neighbour consultation was launched in November and December 2021.

The comments received in this round of consultation have been lost as a result of the Cyber Incident the Council suffered in December 2021.

5.5 A fourth and final round of neighbour consultation was launched in January and February 2024. This neighbour letter invited those whose comments were lost in 2021 to resubmit their comments, and also welcomed any other new comments from neighbouring residents. One comment was received; the points raised are summarised below:

- The converted garage is still operated as an office; its purported 'interim' use as the care company's base appears to have continued as one member of staff is seen opening and locking up the office most days.
- Staff continue to arrive regularly at the office. There is not enough space on the drive to park 4 cars, as has been stated by the applicant.
- The knock-on pressure on on-street parking has been considerable. There have been instances where an emergency vehicle would have been unable to get down the road.
- The business has outgrown the converted garage from which it is being run.
- Concerns of Quedgeley Town Council reiterated regarding out-of-keeping design.

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

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

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

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

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

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

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

- Principle
- Design, Layout and Landscaping
- Traffic and Transport
- Residential Amenity

### 6.5 **Principle**

## 6.6 Removal of Permitted Development Rights

In many cases, planning permission would not be required to convert a garage into a habitable room. There are occasionally exceptions whereby permitted development rights have been removed upon the granting of planning approval the original development.

The wider estate within which the application site is located was granted permission in 1992 under application reference 6000209/APP. Condition 6 of the decision notice read as follows:

*The garages hereby authorised shall be retained for the parking of private vehicles or uses incidental to the enjoyment of dwelling houses only and shall not be converted to living accommodation without the prior permission of the City Council.*

Therefore, at this site, garage conversions to form additional living space in existing garages require planning permission as permitted development rights have been removed. An application to convert the garage into a study was refused in 1999 on account of a loss of off-street car parking.

## 6.7 Would a change of use application be required?

To be clear, this application seeks retrospective permission to convert the existing garage into a habitable room. As well as this internal conversion, the scheme includes external alterations to the front elevation of the dwellinghouse: the existing garage door has been replaced by an additional 'front' door and a pair of windows.

## 6.8 Information regarding the use of the converted garage has been submitted by the applicants at various points during the determination period of this application. Two site visits have been carried out: one in November 2021 and one in February 2024.

On both occasions, the Case Officer and Enforcement Officer visited the site. Based upon the submitted information and the observations made during each site visit, it is adjudged that the usage of the converted garage is consistent with and/or ancillary to the residential dwelling house.

## 6.9 The nature and extent of the business use is as follows:

- The converted garage has an external door on the dwelling's front elevation. It also has an internal door into the adjoining utility room. In terms of internal layout and in terms of the manner in which it is used, it does not function as a separate, standalone room.
- The office is currently set out with two desks with computer monitors. These desks and the room are used by the applicants, and sometimes their daughter, to work from home.
- The applicants and their daughter are all involved in running a domiciliary care business. Whilst all three use the converted garage to work from home, other rooms within the dwellinghouse are also used for working from home. In other words, the business is not exclusively run from the converted garage.
- The care business employs a number of carers, each of whom conducts home visits for their clients to provide care. These employed carers will, on occasion, visit the site

to conduct corporate training.

- Some face masks and other personal protective equipment are stored within the converted garage. These are excess products that are left over from the pandemic, when a more robust level of PPE was required.
- The applicants have confirmed in writing that there will be no more than two staff visits per week, no more than one per day and that there would never be two staff members on-site at any one time. All staff visits are, and will be, appointment only, and the premises is only ever open to staff between 09.30am and 4.00pm Monday-Friday.
- The applicants intend to use the converted garage as a ground floor bedroom at some point in the near future. One of the applicants suffers from worsening mobility and will soon require level access accommodation.

6.10 In light of the above, it is considered that the manner in which the converted garage is currently being used does not materially differ from a standard 'working from home' setup. Since the onset of the COVID-19 Pandemic, many dwelling houses have seen rooms repurposed as 'home offices' or 'studies'. The use of the garage in this manner is therefore considered 'incidental to the enjoyment' of the dwellinghouse and as such does not constitute a material change of use to business use.

#### 6.11 Use of the garage during the COVID-19 Pandemic

It is noted that the converted garage was, for a limited period during the COVID-19 Pandemic, used as the base of operations for the domiciliary care company in a manner more intensive than that described in paragraph 6.9. This has been noted in many of the neighbour comments, as outlined in paragraphs 5.1-5.5.

These comments are acknowledged, and it is recognised that this more intensive use of the garage gave rise to concerns amongst neighbouring residents in terms of amenity and parking issues. It is also acknowledged that, without prejudice, the use of the converted garage in this manner exceeded and contradicted the description of development for which permission is sought with this planning application, and that this use itself was never authorised.

6.12 This more intensive use had ceased by the time of the initial site visit in November 2021. The second site visit in February 2024 confirmed that the converted garage had returned to something more akin to a standard 'working from home' setup.

#### 6.13 Restrictive Use Condition

Many of the neighbour comments express concern that the use of the converted garage to-date (to operate the domiciliary care business) has not been consistent with the description of development for which permission is sought. These comments further express concern that – were permission to be granted - the applicants would be given free reign to use the garage in a manner of their choosing.

To be clear, permission is sought for the use of the garage as a habitable room and it is under this basis that any permission will be granted.

A restrictive condition is recommended limiting the use of the converted garage to purposes ancillary to the residential use or 'incidental to the enjoyment' of the residential use of the dwellinghouse. Were the converted garage to be used in a more intensive manner such that

the Council considers it exceeds or contradicts this condition, it remains within the Council's control to initiate action to regularise this use.

Subject to the aforementioned condition and to consideration against other policy areas, the principle of development is considered acceptable.

6.14 **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.

6.15 The garage conversion has seen the installation of a secondary front door with a window either side, all constructed in white UPVC.

A number of neighbour comments have raised concern that the design of the converted garage is out of keeping with the neighbourhood.

6.16 Whilst these comments are noted, it is considered that the design of the converted garage is acceptable. Other properties on Curtis Hayward Drive have similarly converted their garage and have installed windows in place of the garage doors.

The palette of materials and colours is in-keeping with those found elsewhere on the street and does not represent a major change when compared to the previous white garage door.

6.17 In light of the above, the application is considered acceptable with regards to design and the relevant planning policy.

6.18 **Traffic and transport**

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network

6.19 Multiple neighbour comments have been received expressing concern that the off-street parking provided on the driveway proved insufficient in light of the regular staff visits during the period of more intensive use. These comments question whether the driveway has capacity for four cars, consider it inappropriate to use the nearby nature reserve as overflow parking, and raise concern about safety issues as a result of resultant pressures on on-street parking.

6.20 A number of these comments relate to the period of more intensive use during the COVID-19 Pandemic, which has since ceased.

6.21 It is considered by Officers that the driveway would not be able to host four cars. The driveway would definitely accommodate two cars, but it seems likely that a third would overhang the public footway.

6.22 The dwelling currently has four bedrooms, and will have five bedrooms when the converted garage becomes used as a bedroom. The 2021 addendum to the *Manual for Gloucestershire*

*Streets* states that the minimum external car parking spaces the Highway Authority would seek for a four-bedroom dwelling is two, and that they would seek three spaces for a five-bedroom dwelling.

- 6.23 However, it seems unlikely that the business use of the converted garage would generate any considerable additional vehicle movements that would place strain on the highway network.
- 6.24 Any excess parking that exceeds the capacity of the driveway is therefore likely to only be occasional; this can be accommodated by on-street parking directly outside the dwelling. Curtis Hayward Drive has no parking restrictions and as such the occasional on street parking would not result in material harm in terms of highway safety: any such impacts would not be severe in accordance with the test in par.115 of the NPPF as stated in par.6.18 of this report above.
- 6.25 The Highways Authority were consulted on this application and recommended no objection. Their response notes that the integral garage would not have been of sufficient size to park most modern vehicles, and that a majority of such garages are no longer used for car parking anyway. Their response cites census data that suggests that four- to five-bedroom dwellings in Quedgeley Severn Vale typically have 2-2.5 cars per dwelling; Highways are content that any additional parking could be accommodated on-street directly outside the dwelling. They also suggest that alterations to the front garden could provide an additional off-street parking space
- 6.26 There are no substantive reasons upon which this application could be considered unacceptable in terms of Highways, traffic and transport; the application complies with the relevant policy.
- 6.27 ***Residential amenity***  
Paragraph 135 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.28 Many of the neighbour comments express concern that their residential amenity has worsened as a result of the use of the converted garage for the operation of the domiciliary care business. The main issue raised in these comments is the comings and goings associated with the business and the knock-on impacts on parking and congestion on Curtis Hayward Drive (it is not suggested, for example, that the business activities themselves generate any excessive noise, odour or other problems). For the most part, this issue has already been covered in the Traffic and Transport section.
- 6.29 As mentioned in paragraph 6.13, a restrictive use condition would be attached to any permission if granted. This would ensure that the current business use (and any possible future one) stays within the parameters outlined in paragraph 6.9 such that it can be considered ancillary to the wider residential use and not of any detriment to residential amenity in the locality.
- 6.30 Any business operation that is considered to exceed these limits would be non compliant with the condition and action to regularize this matter would remain within the Council's control.
- 6.31 Subject to the restrictive use condition, the application is considered acceptable with regards to neighbour amenity.

### 6.32 **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;

### 7.2 **Condition 1**

The development hereby permitted shall be carried out in accordance with the following approved drawing numbers/documents (all dated 17.06.2020 unless stated otherwise) except where these may be modified by any other conditions attached to this permission.

- 01 (Existing Floor Plans and Site Map)
- 02 (Existing Elevations)
- 03 (Proposed Floor Plans and Site Map)
- 04 (Proposed Elevations)
- 01 (Site Map, dated 17.06.2020 but received on 05.10.2021)

### **Reason**

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

### **Condition 2**

The converted garage hereby approved shall only be used for purposes ancillary to, or incidental to the enjoyment of, the residential use of the dwellinghouse known as 52 Curtis Hayward Drive only.

### **Reason**

To ensure a satisfactory level of residential amenity, to ensure that the usage of the converted garage is appropriate within a residential area and to ensure that the local road network can safely accommodate the type and volume of traffic and parking generated by the development.

### 7.3 **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**

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:** Craig Stock (396720)

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# Planning Application Delegated Report

Committee Date: 02/04/2024

Ward	Reference	Decision	Site address	Proposal	Decision Date
Barton & Tredworth	23/00958/FUL	Application Refused	30 Pembroke Street Gloucester GL1 4	Erection of rear dormer window to facilitate loft conversion. Extension to rear projection to provide an additional storey	21/02/2024
Coney Hill	24/00020/FUL	Grant for 3 years	11 Goldsborough Close Gloucester GL	Single storey extension to provide new entrance porch and WC	23/02/2024
Elmbridge	22/00843/COU	Grant for 3 years	British Gas Site Horton Road Gloucester	Change of use from vacant land to use class B8 for the creation of a self-storage facility (155 storage containers) and associated works.	27/02/2024
Elmbridge	23/01025/FUL	Grant for 3 years	8 Elmbridge Road Gloucester GL2 0NZ	Ground floor rear extension	21/02/2024
Elmbridge	24/00002/FUL	Grant for 3 years	180 Cheltenham Road Gloucester GL2	Single storey rear extension with internal alteration & loft conversion with rear pitched dormer	23/02/2024
Kingsholm & Wotton	23/00769/FUL	Grant for 3 years	51 Heathville Road Gloucester GL1 3JB	Rear Single Storey Extension	20/02/2024
Kingsholm & Wotton	23/00948/FUL	Grant Permission subject to conditions	63 Oxford Road Gloucester GL1 3EE	Single storey extension to dwelling	21/02/2024
Kingsholm & Wotton	24/00087/TRECON	Tree Conservation Area No Objection	14 Heathville Road Gloucester GL1 3D	T1-Holly- Prune back to boundary line and reduce by up to 2 metres.T2-Ginkgo- Reduce by up to 4 metres and shape.T3-Laburnum- Remove tree.T4-Apple- Reduce by up to 2 metres and shape. Remove mistletoe and sever ivy.	07/02/2024
Kingsholm & Wotton	24/00095/TRECON	Tree Conservation Area No Objection	Edward Jenner School 44 London Roa	Sycamore at the front of Edward Jenner School 44 London Road2 Crown maximum of 2 metres and remove dead wood	08/02/2024
Longlevens	23/00937/LAW	Certificate of law Permitted	22 Tewkesbury Road Gloucester GL2 9	Small single storey rear extension to enlarge existing utility room.	05/02/2024

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Agenda Item 7

Ward	Reference	Decision	Site address	Proposal	Decision Date
Longlevens	23/00964/FUL	Application Refused	29 Windermere Road Gloucester GL2	Proposed single storey rear and side extension	19/02/2024
Longlevens	23/00982/LAW	Certificate of law Permitted	1 Ennerdale Avenue Gloucester GL2 0	6-bedroom HMO Dwelling	02/02/2024
Matson, Robinswood & White City	21/01201/FUL	Application Refused	Land To The Rear Of 101 Reservoir Ro	Proposed construction of 5 dwellings and associated infrastructure, including access, parking and ancillary works	16/02/2024
Matson, Robinswood & White City	23/00930/NMA	No Objections	Land On The East Side Of Winnycroft L	Non-Material Amendment to Approved Planning Application 18/01141/REM to amend the window proportions/opening sizes on plots 79-107, 115-140, 146-228, 243-252, 309- 364 and 369-404 inclusive, and to alter the location of the electricity substation to oppos	27/02/2024
Matson, Robinswood & White City	23/00968/LAW	Certificate of law Permitted	63 Marlborough Road Gloucester GL4	Single storey rear extension	28/02/2024
Matson, Robinswood & White City	23/01032/FUL	Grant for 3 years	48 Robinswood Gardens Gloucester G	Single-storey extension to the front face of the house - wall extended off of the front face of the garage. Garage to be converted to a bedroom and ensuite (shower, toilet, sink). Ensuite to have a small window by the toilet. Garage door to be removed an	23/02/2024
Matson, Robinswood & White City	24/00107/TPO	TPO Decision Notice	Tesco Express Eastern Avenue Glouces	Pruning of a birch tree. The crown requires uplifting to avoid vehicle impact and clearing away from the lighting column. The tree will be uplifted back to kerb line to a height of 5.2 metres. A 500mm clearance will be created around the head of a lightin	22/02/2024

Ward	Reference	Decision	Site address	Proposal	Decision Date
Matson, Robinswood & White City	24/00108/TPO	TPO Decision Notice	Gloucester Robinswood Hotel Matson	See works schedule attached which includes tree identifier to plan, genus, works specification and justification. Additional assessment details are stated in assessment covering letter. The TPO is an area order with plan based on old landmarks. It is not	22/02/2024
Moreland	23/00768/FUL	Grant for 3 years	St Pauls Court St Pauls Road Glouceste	Installation of rendered wall insulation and window replacement.	21/02/2024
Moreland	24/00010/PDE	Extension No Objections	20 Central Road Gloucester GL1 5BY	Single storey rear extension (5m x 3m x 2.8m)	23/02/2024
Moreland	24/00023/FUL	Grant for 3 years	42 Bowly Road Gloucester GL1 5NW	Erection of a Porch	19/02/2024
Quedgeley Fieldcourt	23/00609/TPO	TPO Decision Notice	18 The Moat Quedgeley Gloucester GL	T1- English Oak 'Quercus robur', works to be carried out: Reduce lateral branches on south side that overhang the property by 2-3m back to suitable pruning points. Reduce lateral branches on north side that overhang car parking space and any footpaths by	01/02/2024
Tuffley	23/00981/FUL	Application Refused	240 Stroud Road Gloucester GL4 0AU	Double storey side and rear extension with new roof and loft conversion	23/02/2024
Tuffley	23/00996/FUL	Grant for 3 years	3 Rivendell Court Gloucester GL4 6DA	Full planning application for the change of use from residential (Class C3) to a single-bed care home for one young person (Class C2) at 3 Rivendell Court, Gloucester, GL4 6DA.	16/02/2024
Tuffley	23/00999/FUL	Application Refused	10 Jewson Close Gloucester GL4 0YH	2-storey side extension to property	15/02/2024
Westgate	22/00025/FUL	Application Refused	I S M 28 Hempsted Lane Gloucester GL	Demolition of commercial premises and erection of an apart hotel development (Use Class C1), comprising 21 living units together with associated car parking, cycle and refuse stores.	21/02/2024

Ward	Reference	Decision	Site address	Proposal	Decision Date
Westgate	22/00403/FUL	Refuse Permission	Hilltec Yard Spinnaker Road Glouceste	Proposed redevelopment of haulage yard to include erection of vehicle service area/office and vehicle storage building (Amended plans with reconfigured site layout)	02/02/2024
Westgate	22/00869/FUL	Grant for 3 years	21 Park Road Gloucester GL1 1LH	Rear kitchen extension and alterations	26/02/2024
Westgate	23/00465/FUL	Grant for 3 years	39A Westgate Street Gloucester GL1 2	Proposed conversion of first, second and third floors into 2 no. residential units including internal and external alterations and conversion fabric repairs.	16/02/2024
Westgate	23/00466/LBC	LISTED CONSENT 3YR	39A Westgate Street Gloucester GL1 2	Listed Building Consent for proposed internal and external alterations and conversion fabric repairs to allow the conversion of first, second and third floors into 2 no. residential units.	16/02/2024
Westgate	23/00473/JPA	Prior Approval Approved	3 Russell Street Gloucester GL1 1NE	Application to determine if prior approval is required for change of use of office to 2 x 1 bed flats and 1 x 2 bed flat (Town and Country Planning (General Permitted Development Order Schedule 2, Part 3, Class MA)	08/02/2024
Westgate	23/00869/CONDIT	All Discharged	111 Eastgate Street Gloucester	Discharge of Conditions 1 (implementation), 3 (detailed specifications), 4 (flues and vents), 5 (secondary glazing), 6 (steps and railings to rear) and 8 (rainwater goods) of consent ref. 21/00661/LBC	02/02/2024
Westgate	23/00871/LBC	LISTED CONSENT 3YR	111 Eastgate Street Gloucester	External alterations and works to structures fixed to the property and within the curtilage, to Grade 2 listed building, comprising installation of replacement steps, railings, resurfacing and entrance door to south elevation	16/02/2024

Ward	Reference	Decision	Site address	Proposal	Decision Date
Westgate	23/01000/CONDIT	All Discharged	Kings Quarter Kings Square Gloucester	Partial discharge of Condition 89 (Seagull Mitigation) of permission ref. 18/01454/FUL, for the building at Plot 1	02/02/2024
Westgate	23/01003/FUL	Grant for 3 years	26 Westgate Street Gloucester GL1 2N	Removal of render from the north west elevation, introduction of maintenance access hatches to the roof, replacing artificial slates with natural slate (part only) and introduction of a new signboard to the front elevation.	01/02/2024
Westgate	23/01004/LBC	LISTED CONSENT 3YR	26 Westgate Street Gloucester GL1 2N	Removal of render from the north west elevation, introduction of maintenance access hatches to the roof, replacing artificial slates with natural slate (part only) and introduction of a new signboard to the front elevation.	01/02/2024
Westgate	23/01028/FUL	Grant for 3 years	111 Eastgate Street Gloucester	Installation of replacement entrance door, steps and railings, perimeter enclosure, and replacement of loose gravel with resin-bound gravel surface.	16/02/2024
Westgate	23/01033/FUL	Grant for 3 years	St Aldate Chambers 4 - 6 Russell Street	Change of use of a four-storey office building into 2no. HMO (Sui Generis) units, including demolition of existing rear extension and replacement with a three-storey rear extension and roof alterations to include a mansard roof extension	23/02/2024

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