1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The original application for redevelopment of the former Gloscat campuses was consider by the Planning Committee in November 2011, with full planning permission being granted following completion of the s106 agreement on 30th March 2012. The permission was subject to 54 conditions. A subsequent application to vary certain conditions of that approval was considered at the October and November 2012 Planning Committees and was granted on 27th March 2013 following the completion of supplemental legal agreements.

1.2 This new application seeks to delete condition 16 of the varied planning permission to avoid having to obscure-glaze the upper floor rear windows of Block L – the row of three-storey units backing onto the adjacent Cromwell Street properties at the rear of the former Media Site. Condition 16 currently reads as follows:
Condition
The first and second floor windows in the rear (south east-facing) elevations of the units within Block L (as indicated on the approved site layout) shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing.

Reason
In order to protect the residential amenity of adjacent properties in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

1.3 The replacement mitigation is proposed as planting 12 semi-mature 'pleached' trees in a strip behind the rear gardens of the new properties at 3.5 - 4 metres in height. As a maintenance strip is proposed to access the trees at the rear of Block L, the application also involves the variation of Condition 2 – to update the approved plans.

1.4 The application is brought before the Committee due to the Council's landholding interest within the wider site (though not where Block L is proposed), and due to the likely need to secure a further legal undertaking if permission were granted.

2.0 RELEVANT PLANNING HISTORY

2.1 There were a large number of applications associated with the college campuses through the 1960s, 1970s and 1990s (notably in the mid-1960s to 1970s) and telecommunications equipment in more recent years. The following more recent applications are noteworthy:

08/01655/CON and 08/01654/FUL

2.2 Demolition of 3 (no.) single storey buildings and erection of palisade fencing in 3 (no.) locations (Media site). Granted 5th February 2009 and undertaken.

10/00863/EIA

2.3 Mixed use redevelopment of former Gloscat sites to east and west of Brunswick Road to accommodate residential, commercial, health and community uses; associated access, car parking, servicing and landscaping; and demolition of existing buildings - request for Environmental Impact Assessment Scoping Opinion. Scoping opinion issued 29th November 2010.

10/01040/CON

2.4 Demolition of buildings comprising the nine storey tower block and associated outbuildings on the 'Main site' (to the north west of Brunswick Road) (demolition proposals exclude the Technical College building fronting Brunswick Road on the 'Main site' and the Dawn Redwood tree, any curtilage structures or parts of the Via Sacra, any foundations on the 'Main site', and all buildings on the 'Media site' (to the south east of Brunswick Road)). Granted 9th December 2010 and recently undertaken.
2.5 Site clearance and mixed use redevelopment comprising 10 no. blocks on the Greyfriars site (land to the north west of Brunswick Road) and 5 no. blocks on the Media site (land to the south east of Brunswick Road). Residential dwellings comprise 254 total (including 183 dwellings on the Greyfriars site and 71 dwellings on the Media site). 350 square metres of Class A3 use on the Greyfriars site (ground floor to Blocks A and B), 1335 square metres of Class D1 and D2 uses on the Media site (Block M), 367 square metres of Class A1 use on the Media site (Block M) and 490 square metres of Class B1 use on the Media site (Blocks J and M). 207 car parking spaces total (including 132 spaces on the Greyfriars site and 75 spaces on the Media site). Construction of access roads, new public thoroughfares, spaces, squares and associated landscaping and infrastructure. Granted subject to conditions and s106 agreement 30th March 2012.

2.6 Demolition of buildings comprising the Technical College building fronting Brunswick Road on the 'Greyfriars' site (site to the north west of Brunswick Road) and all buildings on the 'Media' site (site to the south east of Brunswick Road). Granted subject to conditions 22nd December 2011 and demolition is underway.

2.7 This application was to vary a range of conditions of the original planning permission ref. 11/00107/FUL (2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 22, 25, 29, 31, 32, 33, 34, 35, 36, 44, 45, 46, 51 and 52) to insert text to explicitly allow them to be discharged on a phased basis, and also to clarify the required Code Level for the affordable units – this was originally specified at level 4 but left scope to be altered – the applicants then proposed level 3. It was granted subject to revised legal agreements on 27th March 2013.

3.0 PLANNING POLICIES

3.1 Central Government Guidance - National Planning Policy Framework
The National Planning Policy Framework (NPPF) was published recently, immediately cancelling all previous national planning policy. It should be taken into account as a material consideration in all planning decisions from its publication. It does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF is underpinned by a presumption in favour of sustainable development. In terms of applicability to the planning system the NPPF refers to sustainable development comprising of economic, social and environmental roles.

The NPPF advises that authorities should approve development proposals that accord with statutory plans without delay, and also grant permission where the plan is absent, silent, indeterminate or out of date. This should be the case unless the adverse impacts of allowing development would
significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole, or specific policies in the NPPF indicate development should be restricted.

Authorities should seek to approve applications where possible, looking for solutions rather than problems.

The NPPF sets out 12 core planning principles that may be summarised as follows – planning should;
▪ Be genuinely plan-led, empowering local people and should be kept up to date;
▪ Not be just about scrutiny but a creative exercise to enhance and improve places;
▪ Proactively drive and support sustainable economic development;
▪ Always seek high quality design and good standards of amenity;
▪ Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting green belts;
▪ Support the transition to a low carbon future, taking account of flood risk and coastal change, and encourage the re-use of existing resources;
▪ Contribute to conserving and enhancing the natural environment and reducing pollution;
▪ Encourage the effective use of land by reusing brownfield land;
▪ Promote mixed use developments;
▪ Conserve heritage assets;
▪ Actively manage patterns of growth to make fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
▪ Take account of and support local strategies for health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services.

The NPPF goes on to cover, more succinctly, most of the issues addressed in the existing PPGs and PPSs, the main points of which, as relevant to this application, are briefly summarised as follows:

**Building a strong, competitive economy**
The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The NPPF retains a recognition of town centres as the heart of communities and encourages the pursuit of policies to support their vitality and viability.

**Promoting sustainable transport**
Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;
▪ The opportunities for sustainable transport modes have been taken up;
▪ Safe and suitable access to the site can be achieved for all people;
▪ Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development
should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

*Requiring good design*
Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

*Promoting healthy communities*
Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;
- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Safe and accessible developments.

To deliver the required social, recreational and cultural facilities and services, decisions should;
- Plan positively for the provision and use of shared space, community facilities and other local services;
- Guard against the unnecessary loss of valued facilities and services;
- Ensure that established shops, facilities and services are able to develop, and are retained for the benefit of the community;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

*Conserving and enhancing the historic environment*
Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals.

The more important the asset, the greater weight should be apportioned to its conservation. Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused unless certain exception criteria are met.

*Meeting the challenge of climate change, flooding and coastal change*
Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere.
The sequential and exception test principles are maintained. The aim of sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available site appropriate for the proposed development in areas with a lower probability of flooding. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test.

**Conserving and enhancing the natural environment**
The aims of contributing to and enhancing the natural and local environment remain. Impacts on biodiversity should be minimised. Developments should be prevented from contributing to or being put at unacceptable risk from soil, silt, water or noise pollution, and remediating and mitigating land where appropriate.

**The Development Plan**

3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is (a) The regional spatial strategy for the region in which the area is situated, and 
(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area. 
If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If 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.”

**2002 Plan allocations**
The Greyfriars site is within or includes:
- Conservation Area
- Area of Principle Archaeological Interest
- Scheduled Monument designation

The Media site is within:
- The Brunswick Road frontage is within the Conservation Area (however the boundaries have been reviewed since the 2002 Plan and the whole site is now within the Conservation Area).
- Area of Principle Archaeological Interest.

**2002 Plan Policies**
The aims of the following additional policies from the City of Gloucester Second Deposit Local Plan (2002) are relevant in considering this application:
FRP.1a – Development and flood risk
FRP.6 – Surface water run-off
FRP.8 – Renewable energy
FRP.9 – Light pollution
FRP.10 – Noise
Policy H1 allocates ‘Site MU7’ (Gloscat Main site) for mixed use to include primarily housing with small scale retail, office and leisure uses, an indicative
capacity of 85 dwelling units. It also includes a site-specific obligation to re-site this part of the college to an appropriate location within the central area. It also allocates ‘Site MU8’ (Gloscat media studies site) for mixed use to include primarily housing with small scale retail, office and leisure uses, an indicative capacity of 30. It also includes the college re-siting obligation.

In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils. To date the “Developing the Preferred Options” document was subject to consultation between December 2011 and February 2012. A preferred options consultation will be published later in 2013. In addition to the Joint Core Strategy the Council is preparing a its local City Plan which is taking forward the policy framework contained within the City Council’s Local Development Framework Documents which reached Preferred Options stage in 2006.

Greater Greyfriars Planning Brief

3.3 This sets out the Council’s preferred approach for the development of this part of the city, forming part of the emerging Local Development Framework, and has been adopted as an interim document for development control purposes. Its scope includes, but extends wider than, the college campuses. It references the Local Plan and Draft Central Area Action Plan allocations, and includes the following objectives for the sites:

In terms of urban design matters, development should enhance the setting of the monument. There is a preference for retaining the main (Technical College) building and open space to front, but an alternative may be acceptable if it demonstrates a greater benefit in terms of improving and enhancing the character and appearance of the Conservation Area. The vista to the side of the library shall be maintained. A new building block on the main site should form an edge to the open space around the monument and provide active frontage to Greyfriars, and remove the tower block. It should also respect the amenity of Parliament Street and Priory Place residents. Development should reflect the prevailing building heights though it may be appropriate to increase to 4 or 5 storeys in certain places. Development should enhance linkages. It is desirable that trees should be maintained wherever possible, and felling should be robustly justified.

The media site should be developed to be sensitive to surrounding building heights and the urban grain. This is also the preferred location for community facilities, in a prominent position on the site. A new pedestrian route shall be created from Cromwell Street to Brunswick Road.

Consideration shall be given to nationally and locally significant elements of the historic environment. Development is expected to include a mix of dwelling types including homes that are suitable for families. Access to the main site shall only be from Brunswick Road. Access to the Media site could be from either Brunswick Road or Cromwell Street, but no through traffic should be allowed. Parking standards from the Second Gloucestershire Transport Plan 2006-2011 will be used. The constraint of on-site parking should be considered.
Draft Central Area Action Plan

3.4 Proposes a mixed-use allocation for the Greater Greyfriars area including:
Gloscat main site – residential with limited commercial – indicative capacity of 250 dwellings and 1,000 sq metres of commercial floorspace;
Gloscat media site – residential development including the provision of a Neighbourhood Resource Centre – indicative capacity of 150 dwellings;
Site-specific requirements include the creation of a high quality public open space around the Greyfriars monument; the enhancement of the setting of the monument and listed buildings, and potentially high prominence of archaeological remains.

Emerging Supplementary Planning Documents

3.5 Draft Supplementary Planning Document 1 - Affordable Housing
Draft Supplementary Planning Document 2 - New Housing and Open Space
Draft Supplementary Planning Document 4 – Development affecting site of archaeological interest
Designing safer places

Adopted Supplementary Planning Guidance

3.6 SPG1 – Sustainable urban drainage systems
SPG2 – Travel plans
SPG5 - Lifetime Homes

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

4.0 CONSULTATIONS

4.1 Tree Officer and Landscape Architect raise no in principle objection, recommending that the Hornbeam is preferable for this situation, and querying how to ensure ongoing retention and maintenance.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 18 neighbouring properties and interested parties were notified directly – including property owners who submitted representations on this matter with the original application. Site and press notices were also published. At the time of writing no representations have been received. While the original neighbour notification period is until 27th June, the press notice period runs until 4th July.

5.2 Neighbours have been reconsulted on the amended plans showing the rearrangement of the trees and maintenance strip. This runs until 11th July 2013. Members will be updated on any representations at the Committee Meeting.
5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

6.1 It is considered that the main issues with this application are residential amenity and the trees and their maintenance. The Council adopted an EIA Screening Opinion on the application, given that this is a change to an EIA development, resolving that no further Environmental Statement is required.

Residential Amenity

6.2 The original rationale for Condition 16 was to find a way of protecting the amenities of residents of the adjacent Cromwell Street properties – specifically their rear gardens - which would be overlooked by the upper floor rear windows of units in Block L.

6.3 Therefore, any proposal to delete the obscure-glazing requirement realistically needs a replacement mitigation measure and the applicants have proposed this in the form of the tree screen. I see no reason to be tied to this one method of avoiding overlooking. If this tree screen can be shown to work, permanently, without any other harmful effects being created, then I have no objection to changing the approach here.

6.4 In my view the introduction of trees needs consideration in terms of a/ whether they would work to limit the overlooking to an acceptable level, and b/ whether they are likely to have any inadvertent harmful effects on residents, particularly if this is likely to lead to pressure in future to remove them.

6.5 I consider that the rows of trees, as proposed in their pleached arrangement, should provide a barrier sufficient to mitigate the effect on amenity to an acceptable degree. I consider the trees to be much more attractive than a solid boundary treatment of 3.5 to 4 metres in height. A few points of context merit highlighting here in my justification. The Cromwell Street gardens already have the adjacent 3 and 4 storey buildings in the row. The two northernmost Cromwell Street properties in the row (nos. 33 and 35) have a garage/shed at the rear with a substantial boundary wall to the site and the northern unit has only limited useable amenity space. The 3 southernmost units in the row are slightly further from Block L given the angled siting, and there is a substantial existing tree in the garden of no. 29. While someone stood in the second floor windows could probably still gain a view of the front part of the gardens, in the context that would exist I consider the arrangement would be acceptable and no significant harm to amenity would be caused.

6.6 In the interests of trying to assess the effect of the proposed trees themselves and any likely pressure from future residents to remove them, the applicants have provided an overshadowing study. This indicates that the trees at 3.5 metres in height would create only modest overshadowing to the ends of Block L and Cromwell Street rear gardens in summer. In winter, when the gardens would be less used generally, there would be a greater effect but the overshadowing effect of existing trees and buildings would be substantial in
relation to the effect the new trees would have. While it is difficult to predict quite how residents would feel about their presence, given this analysis I do not consider the introduction of the trees would be harmful to residential amenity itself.

6.7 Clearly this then begs the question of how to maintain the trees in terms of their health, their replacement should they die, and in terms of their size, which I cover below.

Trees and their maintenance

6.8 Pleaching is a traditional method of training trees into a panel form as a result of pruning and management – to encourage lateral growth. Lime or hornbeam is suggested by the applicants and they have also proposed a maintenance regime.

6.9 Both the Landscape Architect and Tree Officer recommend that the Hornbeam is preferable to the Lime – as it is easier to maintain and the Lime is prone to honeydew – a sticky substance that causes a lot of complaints. This has been agreed with the applicant’s landscape consultant. The maintenance regime proposed by the applicants is also considered acceptable.

6.10 In theory the trees could be placed inside the gardens, which would help avoid reducing the size of the already modest gardens and was the original proposal. However the maintenance strip is likely to make ongoing maintenance and re-planting easier with less dependence on future residents.

6.11 As Members will be aware the Council often imposes a 5-year maintenance conditions for soft landscaping. In this instance permanent retention and maintenance is necessary. I recommend that a unilateral undertaking is requested to secure:
- Planting of all the trees before occupation of any properties in Block L;
- Maintenance of the trees on an ongoing basis in accordance with an approved schedule;
- Replacement of trees like-for-like if they die, seriously deteriorate or are removed without any agreement.

Security

6.12 The introduction of the maintenance strip in my view needs a lockable gate at the entrance so as not to expose residential gardens. I have proposed an additional condition to address this.

Legal agreements

6.13 The Deeds of Variation that were executed for the previous variation of condition application ref. 12/00771/FUL, and the subsequent variation by agreement for the reduction in affordable housing provide for the various requirements to be carried over to subsequent amendment applications such as this. Therefore no further Deeds of Variation are considered necessary.

Human Rights
6.14 In compiling this recommendation 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) 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 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION

7.1 The application proposes a replacement mechanism for ensuring the protection of the residential amenities of residents of Cromwell Street properties by planting trees. I am content that this can work, only if there is certainty about their ongoing retention and maintenance. Subject to securing this, I conclude that the proposal is acceptable.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That subject to no new representations raising new material considerations being received by the Local Planning Authority by 12th July 2013, authority be delegated to the Development Control Service Manager to grant planning permission subject to the conditions listed below and either the completion of a unilateral undertaking or imposition of a suitable further condition to secure the measures set out at paragraph 6.11 of this report:

Conditions as attached to planning permission ref. 12/00771/FUL also to be put on this permission but with Condition 2 amended, Condition 16 deleted, and a new Condition 55 as follows:

Amended 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:

Phasing plan for Greyfriars and Media sites
• Annotated plan received by the Local Planning Authority 10th August 2012

Greyfriars site layout
• 1539/P/010 G received by the Local Planning Authority 22nd August 2011

Block A (as indicated on the approved site layout)
• 1539/P/160 C received by the Local Planning Authority 31st January 2011
• 1539/P/161 B received by the Local Planning Authority 31st January 2011
• 1539/P/365 B received by the Local Planning Authority 31st January 2011
• 1539/P/366 B received by the Local Planning Authority 31st January 2011
  Block B (as indicated on the approved site layout)
• 1539/P/170 C received by the Local Planning Authority 22nd August 2011
• 1539/P/362 A received by the Local Planning Authority 22nd August 2011

• 1539/P/171 C received by the Local Planning Authority 22nd August 2011
• 1539/P/360 D received by the Local Planning Authority 5th October 2011
  Block C (as indicated on the approved site layout)
• 1539/P/172 C received by the Local Planning Authority 22nd August 2011
• 1539/P/363 A received by the Local Planning Authority 22nd August 2011

• 1539/P/180 D received by the Local Planning Authority 22nd August 2011
• 1539/P/364 A received by the Local Planning Authority 22nd August 2011
  Block D (as indicated on the approved site layout)
• 1539/P/140 A received by the Local Planning Authority 22nd August 2011
• 1539/P/141 received by the Local Planning Authority 22nd August 2011
• 1539/P/142 A received by the Local Planning Authority 22nd August 2011
  Block E (as indicated on the approved site layout)
• 1539/P/150 B received by the Local Planning Authority 22nd August 2011
• 1539/P/020 C received by the Local Planning Authority 22nd August 2011
• 1539/P/021 C received by the Local Planning Authority 22nd August 2011
• 1539/P/022 C received by the Local Planning Authority 22nd August 2011
• 1539/P/023 C received by the Local Planning Authority 22nd August 2011
• 1539/P/024 C received by the Local Planning Authority 5th October 2011
• 1539/P/152 B received by the Local Planning Authority 22nd August 2011
• 1539/P/300 B received by the Local Planning Authority 22nd August 2011
• 1539/P/301 A received by the Local Planning Authority 22nd August 2011
  Blocks G and H (as indicated on the approved site layout)
• 1539/P/154 B received by the Local Planning Authority 22nd August 2011
• 1539/P/306 B received by the Local Planning Authority 24th February 2011
• 1539/P/190 B received by the Local Planning Authority 31st January 2011
• 1539/P/367 B received by the Local Planning Authority 31st January 2011
• 1539/P/368 B received by the Local Planning Authority 31st January 2011
  Block I – houses (as indicated on the approved site layout)
• 1539/P/156 B received by the Local Planning Authority 22nd August 2011
• 1539/P/307 B received by the Local Planning Authority 22nd August 2011
• 1539/P/308 B received by the Local Planning Authority 22nd August 2011
• 1539/P/309 B received by the Local Planning Authority 22nd August 2011
  Block I – flat block (as indicated on the approved site layout)
• 1539/P/310 B received by the Local Planning Authority 31st January 2011
• 1539/P/311 B received by the Local Planning Authority 31st January 2011
  Media site layout
• **40179 LP(90)100 received by the Local Planning Authority 26th July 2013**

Block J (as indicated on the approved site layout)
- 1539/P/200 B received by the Local Planning Authority 31st January 2011
- 1539/P/369 B received by the Local Planning Authority 31st January 2011
- 1539/P/370 B received by the Local Planning Authority 31st January 2011

Blocks K and L (as indicated on the approved site layout)
- 1539/P/375 A received by the Local Planning Authority 5th October 2011
- 1539/P/376 A received by the Local Planning Authority 5th October 2011
- 1539/P/377 A received by the Local Planning Authority 5th October 2011
- 1539/P/378 received by the Local Planning Authority 24th February 2011
- 1539/P/379 A received by the Local Planning Authority 5th October 2011

Block M the PCT building (as indicated on the approved site layout)
- 80108_P_(_0)_025 A received by the Local Planning Authority 7th September 2011
- 80108_P_(_0)_026 A received by the Local Planning Authority 7th September 2011
- 80108_P_(_0)_040 B received by the Local Planning Authority 22nd August 2011
- 80108_P_(_0)_041 B received by the Local Planning Authority 22nd August 2011
- 80108_P_(_0)_020 B received by the Local Planning Authority 22nd August 2011
- 80108_P_(_0)_021 B received by the Local Planning Authority 22nd August 2011
- 80108_P_(_0)_022 B received by the Local Planning Authority 22nd August 2011
- 80108_P_(_0)_023 B received by the Local Planning Authority 22nd August 2011
- 80108_P_(_0)_024 A received by the Local Planning Authority 22nd August 2011

Block N (as indicated on the approved site layout)
- 1539/P/220 C received by the Local Planning Authority 22nd August 2011
- 1539/P/221 B received by the Local Planning Authority 31st January 2011
- 1539/P/371 B received by the Local Planning Authority 31st January 2011
- 1539/P/372 A received by the Local Planning Authority 31st January 2011

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

**Condition 16**
The first and second floor windows in the rear (south east facing) elevations of the units within Block L (as indicated on the approved site layout) shall be constructed so that no part of the framework less than 1.7m above finished
floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing.

Reason
In order to protect the residential amenity of adjacent properties in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 55
No unit within Block L (as indicated on the approved site layout) shall be occupied until a lockable gate of at least 1.8 metres in height has been installed at the entrance to the maintenance access strip at the rear of the Block L gardens.

Reason
In the interests of the community safety and the security of the site, in accordance with Policy BE.5 and BE.17 of the Second Deposit City of Gloucester Local Plan (2002).

Note
This permission is associated with a Deed of Variation dated 27th March 2013 to the s106 agreement, a Deed of Variation dated 27th March 2013 to the Unilateral Undertaking, and a Unilateral Undertaking dated (TBC) 2013.

REASON FOR APPROVAL
This application to delete Condition 16 and amend Condition 2 of planning permission ref. 12/00771/FUL has been given careful consideration in terms of the original purposes for the conditions with respect to the amenities of residents of neighbouring properties, the future maintenance and implications of the proposed tree screening, and security. It is considered that the deletion of condition 16 is acceptable only on the basis of securing the tree screen and its maintenance in perpetuity on which basis the proposal would not undermine the purpose of the condition as originally considered necessary. Subject to a further condition the amendment of Condition 2 is also considered acceptable. The application is considered to comply with the policies contained within the Second Deposit City of Gloucester Local Plan (2002), The Greater Greyfriars Planning Brief, and the National Planning Policy Framework.

In accordance with the requirements of the National Planning Policy Framework 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.

Reason for Approval for planning permission ref. 12/00771/FUL being:
This application to vary conditions of planning permission ref. 11/00107/FUL has been given careful consideration in terms of the original purposes for the conditions with respect to design, the character and appearance of the Conservation Area and the setting of adjacent listed buildings and of the scheduled monuments, and buried heritage assets, the amenities of neighbouring residents, the surrounding environment and highway safety. It is considered that the revised conditions are acceptable and would not undermine the operation of the conditions as originally considered necessary. The application is considered to comply with the policies contained within the Second Deposit City of Gloucester Local Plan (2002), the Adopted Gloucestershire Structure Plan Second Review (1999), RPG10 and the emerging draft RSS for the south west, The Greater Greyfriars Planning Brief, and the National Planning Policy Framework.

In accordance with the requirements of the National Planning Policy Framework 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.

**Reason for Approval for planning permission ref. 11/00107/FUL being:**
The proposals have been carefully assessed and the environmental information contained within the Environmental Statement has been taken into consideration, and it is concluded that subject to conditions and the associated legal agreements the proposed development is acceptable in design terms and would preserve the character and appearance of the Conservation area and the setting of adjacent listed buildings and of the Scheduled Monument, and buried heritage assets. It is furthermore concluded that subject to conditions the proposed uses are acceptable in this area with an acceptable provision of affordable housing, and that the proposals will not have a significant adverse impact on the amenities of neighbouring residents, the surrounding environment or highway safety. The proposals are considered to accord with the aims of the policies contained within the Second Deposit City of Gloucester Local Plan (2002), the Adopted Gloucestershire Structure Plan Second Review (1999), RPG10 and the emerging draft RSS for the south west, The Greater Greyfriars Planning Brief, and central Government policy in PPS1, PPS3, PPS4, PPS5, PPS9, PPS10, PPG13, PPG17, PPS22, PPS23, PPG24 and PPS25, and the National Planning Policy Framework.

**Decision:** ..........................................................................................................................................

**Notes:** ..............................................................................................................................................
Person to contact: Adam Smith  
(Tel: 396702)
APPLICATION NUMBER: 13/00537/FUL

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