

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 th November 2019
Address/Location:	RAOB Social Club 87 - 91 Southgate Street Gloucester GL1 1UR
Application No:	17/00658/OUT
Ward:	Westgate
Expiry Date:	23.09.2019
E.O.T:	08.11.2019
Applicant:	Mr Andrew Jamieson
Proposal:	Outline planning application for the demolition of the remainder of former RAOB Club and construction of 14 units (C3) together with landscaping and associated works (landscaping reserved)
Report by:	Fiona Ristic
Appendices:	 1. Site location plan 2. Proposed site layout 3. Proposed floor plans and elevations

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Application site

The application site is located to the east of Southgate Street. The site comprises the now disused RAOB clubhouse and its ancillary buildings. It has a site area of 0.07 hectares (0.18 acres). The buildings currently on the site vary in scale and materials reflecting how the site grew over the years. The buildings are now vacant and in a state of disrepair with an overgrown garden area to the rear of the site. To the north of the site is the grade 2 listed public house 'Whitesmiths Arms'. Immediately to the south is number 93 Southgate Street, a three storey red brick building with office accommodation on the ground floor and residential apartments above. 95-97 Southgate Street is a kebab and pizza takeaway on the ground floor with residential use above. The site is located in the Southgate Street Conservation Area on the boundary with The Spa Conservation Area. The area is a mix of residential properties with several shops, restaurants, takeaways and a church. The site lies outside Gloucester's primary shopping area.

1.2 Proposal

This application seeks to redevelop the site by demolishing the existing buildings and the building adjoining the Whitesmiths Arms and constructing a building to accommodate 14 residential flats (10 x 1 bed flats and 4 x 2 bed flats). There would be no affordable housing provided on the site, the units would be open market. The scheme has been revised a number of times since it was originally submitted to try to ensure that it won't have a significant impact on 4 and 6 Albion Street or the rear of 93 Southgate Street. The latest revisions show a new building at the front of the site facing Southgate Street that would be 3.5 storeys and then drop to two storeys at the rear in the style of a mews development. There would be no off street parking at the site. The application does include an enclosed refuse store and cycle storage with 1 space per dwelling. These would be accessed via a gated passage at the side of the building between the site and the Whitesmiths Arms. This gated passageway would also access the mews flats at the rear.

Proposed layout

- 1.3 The ground floor has been arranged to provide a communal residential entrance to the front of the building accessed from Southgate Street which would lead to a 2 bed flat and the communal stairs which provide access to the accommodation at upper floors. The gap along the side of the building allows the side of the Whitesmiths Arms to be made good and decorated to match the painted render of the front elevation. The mews building to the rear would provide 2 adjoining two storey buildings each with their own entrance and stair core providing 4 x 1 bed flats per floor. The first floor at the front provides two flats accessed from the shared stair and the mews development repeats the ground floor layout with a further 4 flats. The second floor proposes two further flats in the front building. The third floor would comprise a two bedroom flat built within the pitched roof.

Outside space

- 1.4 The application proposes a mixture of hard landscaped borders and soft planting to the borders. There would be a small shared drying green at the rear of the property. The landscaping scheme would be further developed as part of the reserved matters application which would include more details on planting, surface materials and boundary treatments.

Materials

- 1.5 The proposal is for red facing brick and render on the front building facing Southgate Street. The rear mews section would be broken up by the use of red facing brick and render cladding. The applicant also proposes the use of timber cladding to the stair core. The roof is proposed to be zinc standing seam cladding and painted aluminium window frames are proposed with reconstituted stone detailing on the front elevation.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/43774/HIST	P/355/75:- Change of use of ground floor to form extension to adjacent club with caretakers accommodation on first and second floors (no 91)	Granted	18.06.1975
44/43781/HIST	P/275/62:- Change of use of premises from cafe and living accommodation to social club (no.87/89)	Granted	04.09.1962
44/43789/HIST	31885/01:- Single storey extension at rear to provide lodge room, skittle alley and function hall (no 87-91)	Granted	30.03.1983
44/43791/HIST	31885/03/lbc:- alterations to front elevation (no 87-91)	Granted	28.01.1986
44/43792/HIST	31885/04:- Rebuild 89 and rear of 91 to form club accommodation on ground floor and offices above and alterations to front elevation. (no 87-91)	Granted	13.07.1989
44/43793/HIST	31885/04/lbc:- Alterations to ground floor front elevation, substantial demolition and alterations and re-building to the rear of the front facade. (no 91)	Granted	13.07.1989

44/43794/HIST	31885/04/cac:- Demolition of three storey front part of non-listed building. (no 89)	Granted	13.07.1989
16/00421/FUL	Demolition of all the buildings above ground level behind the rear wall of the "courtyard" (amended description)	Granted	08.06.2016

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

National Policy

Planning (Listed Buildings and Conservation Areas) Act, 1990

3.3 Development Plan

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

Relevant policies from the JCS (Main Modifications) include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- 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
- INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Emerging City Plan

The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

- A1 – Effective and efficient use of land and buildings
- A2 – Affordable housing
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic environment
- D3 – Recording and advancing understanding of heritage assets
- E2 – Biodiversity and geodiversity
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- F6 – Nationally described space standards
- G1 – Sustainable transport

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

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

Gloucester City policies:

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

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

The Highways Authority have concerns about the car free nature of the proposal and the impact on the residents permit parking scheme for the area. They have no objection to the proposal subject to conditions -

1. Construction management condition
2. Scheme for provision of fire hydrants
3. Details of cycle storage for 28 bicycles

They have requested an informative that the occupiers are not eligible for residents parking permits as well as visitor parking permits.

4.2 **Conservation Officer**

The site was subject to much discussion and required significant changes to address concerns. The issues were the

- Loss of No 87 Southgate Street
- Setting and impact on the designated asset of the Whitesmiths Public House
- Height, scale and massing and elevational treatment -

The scheme proposes the loss of No 87 Southgate Street which is harmful to the character and appearance of the conservation area. The scheme does however provide a street scene through the redevelopment of a negative derelict site. The scheme also utilizes high quality materials and has been subject to numerous design discussions and refinements. The materials will be critical to the success of the scheme. This harm is to be weighed in the planning balance of the overall scheme and the benefits of bringing forward a derelict and negative site within the heart of the Southgate Street Conservation Area.

Recommendation: Permit subject to the following -

The following pre-commencement conditions are required –

1. Prior to any works onsite a Level 4 Building recording of no 87 is required.
2. A method statement is required for the demolition of No 87, together with, an agreed timetable for repair works to the timber frame and lath and plaster infill panels to be completed on No. 83-85.
3. A method statement is also required regarding how this party wall is to be protected as part of the development works including vibration

Pre-commencement to each area of work -

1. Samples of external materials
2. Details scaled drawings for dormer details, roof, eaves and parapets
3. Scaled drawings for windows and doors detailing glazing bars, frame and glass, recess.
4. Details regarding installation of cable provision.
5. Details of landscaping materials, bin and cycle storage
6. Detailed information for mechanical and electrical services being introduced, together information on vents, extracts and meter boxes
7. Cast iron or aluminium rainwater goods

4.3 **Ecology Adviser**

These units will have no car parking and are within walking distance to Gloucester Park and other amenities. Due to the lack of car parking and only flats being proposed, it is unlikely that residents will either own dogs or have easy access to travel to the SAC, therefore there is not likely to be any increase in recreational pressure from this proposed development. Due to a lack of up to date visitor survey data for the SAC as well as the current absence of a cohesive strategy for the SAC which could be contributed to, some residual uncertainty remains in relation to in combination effects with other residential developments. However, it has now been confirmed that the Gloucestershire County Districts are working together to undertake recreational use surveys of the Cotswold Beechwoods SAC, with a view to using them to prepare a strategy to support a mitigation strategy as may be required. Due to the small-scale of this proposed development, it is not considered to have any likely significant effects.

4.4 **Bats**

A Bat Survey report has been submitted with the application. A small common pipistrelle bat roost was identified in the north-western part of the building.

Prior to a positive determination, further information was requested in relation to the mitigation recommendations: The applicant has not been able to supply the above information so the council's ecology consultant has agreed that the below can be conditioned.

1. Location and positioning of adequate bat roosting provision
2. Appropriate lighting plan that clearly shows that bat roosting features are not illuminated and nor are any bat foraging corridors.

4.5 **Civic Trust – October 2019**

The panel was most concerned about the Whitesmiths' Arms wall, the loss of No 87, and the very poor elevations to Southgate Street. Though the scheme still loses 87 in the latest version, there is a more satisfactory Southgate frontage on the site. Choice of materials for the new facade will be crucial and this will need to be conditioned. On balance, the Civic Trust find the latest scheme acceptable.

4.6 **Waste**

The waste team commented on the application and sent the 'Waste storage and recycling at flats' document to the applicant. The distance for the collection operatives to pull the bins exceeds the maximum distance, so the residents would have to present their bins for collection on collection days at the front of the site on the pavement edge.

4.7 **Contaminated Land Adviser**

The site is adjacent to a former scrap metal yard (Site ID: PCL_589) and there is the potential for contamination to have migrated on to the site. It is recommended that the application is conditioned to ensure any unexpected contamination found on site is properly dealt with.

4.8 **Drainage Adviser**

The drainage / SuDS proposal looks well designed and appropriate.

The plan is missing is the design detail for the permeable paving (showing tanked design). As this has not been provided, it is recommended that the Suds drainage condition is attached to the permission.

4.9 **Severn Trent**

No objections to the proposals subject to the inclusion of the standard drainage condition: and an informative stating that there may be a sewer within the application site,

4.10 **Archaeology**

The applicant has submitted two documents in support of this application with regard to heritage. These are a built heritage assessment and an archaeological evaluation report. The results of both investigations indicate that the site contains or has the potential to contain some significant heritage assets of built heritage and archaeological interest. Number 87 Southgate Street probably originates in the 15th century, and whilst it has been largely rebuilt in more recent times some elements of the historic fabric survive. The limited archaeological evaluation has recovered Roman and medieval pottery as well as evidence for post medieval buildings. Archaeological investigations just 40 metres to the east at 19 Brunswick Square found evidence of prehistoric flint tools and Roman settlement activity. Other excavations 50 metres to the north around Albion House have found evidence for a Roman cemetery. Significant archaeological remains may survive beneath the site, and some of the standing buildings (most especially number 87) should be considered as heritage assets.

Recommend conditions:

- 1. Historic Building Recording**
- 2. Archaeological Evaluation**
- 3. Details of foundations, groundworks and services**
- 4. Archaeological Mitigation**

4.11 **Viability Consultant**

The Council's viability consultant makes it clear that the assessment is not based on the price the developer has paid for the land or expects to pay through an option. It is based on the residual land value for the site. The consultant has stated that the benchmark land value for this site would be £130,000. At the time of assessment, the viability consultants assessed the site for 20 percent affordable housing as stated in JCS policy SD.8. This would result in the provision of 2.8 affordable homes for 14 units. The analysis did not build in any other S106 requirements as no other S106 items have been requested. The CIL charging levy came into place on 1st January 2019 and therefore this development is liable for a charge of £45 per m². This results in a charge of £30,982 for 20% affordable housing and £37,930 for 100% market housing

After analysing the applicant's viability report, the Council's viability consultant has suggested an offsite contribution of £104,206 for affordable housing would be appropriate in this case.

4.12 **Urban Design Adviser**

No further comments to make, the revisions have addressed previous concerns. If granted will

need to condition materials.

4.13 **Natural England**

Require further information to determine the impacts on designated sites - habitats regulations assessment (HRA) stage 2 – appropriate assessment required

They note the Council's HRA screening in respect of the Cotswold Beechwoods SAC and have no objection.

However, with regard to the Severn Estuary Special Protection Area (SPA) the application could, in combination with other new residential development in the authority area, have potential significant effects on mobile species outside the SPA boundary i.e. wild birds designated as part of the SPA.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- An appropriate assessment in recognition of the close proximity of Alney Island, land used by the SPA birds and therefore functionally linked to the designated site, and suitable measures to educate and raise awareness among the new homeowners accordingly.

Without this information, Natural England may object to the proposal

4.14 **Historic England** – Consulted due to the demolition of number 87, but they have confirmed that they do not need to be consulted on this application.

4.15 **Environmental Health (Air Quality)**

The Air Quality Assessment (AQA) identifies that the development site is not within an Air Quality Management Area (AQMA) and that the site is such that there is unlikely to be a breach of the national air quality objectives. However, there is no monitoring data available for the site or in the general vicinity and no air quality modelling has been undertaken. The report states *'It is concluded that the proposed development is very unlikely to experience unacceptable air quality in the year of opening. This judgement is made based on all of the evidence outlined above and on professional experience, but it is acknowledged that there cannot be absolute certainty regarding this conclusion'*. The site is not within an AQMA and has not been highlighted as a concern in the council's latest Annual Status Report submitted to Defra. It is noted that only one apartment fronts onto Southgate Street. Given the uncertainty raised in the consultants report the applicant may wish to incorporate a system for fixed windows and mechanical ventilation (or similar) to add further certainty in this area.

In addition to the above WRS recommend that standard air quality mitigation measures are attached to any planning permission granted to help alleviate pollution creep in the general area and recommend the following conditions:

- Secure Cycle Parking
- Low Emission Boilers Condition
- Electric Vehicle Charging Points for Domestic Properties

4.16 **Environmental Health (noise)**

Noise

The submitted noise assessment appears satisfactory and concludes, that with the installation of appropriate glazing and ventilation products, internal noise levels will meet or exceed the recommendations of BS8233:2014. When the applicant has decided which glazing and ventilation products they wish to install, the applicants acoustic consultant should confirm that they will achieve the same or greater noise reduction as those specified in the noise assessment (doc. Ref.IMP5079-2).

Demolition and Construction Phase Nuisance

In order to minimise any nuisance from noise, vibration and dust emissions during the demolition and construction phases the applicant should refer to the WRS Demolition and Construction Guidance and ensure its recommendations are complied with.

4.17 **Housing Strategy**

There is substantial need for affordable housing in the city. The lack of alternative larger accommodation is not complaint with SD11. There is a market for three bedroom apartments in the City. No properties a meet category two standard, that reflects adaptability to meet the changing needs of occupant over their life time (JCS policy SD.4). The size of units deliver a baseline in relation to the Nationally Described Space Standards, the applicant has not addressed the requirements of existing or emerging policy, and currently suggesting no Affordable Housing contribution is necessary to allow the scheme to progress, this is at a time when considerable number of households are in need of such accommodation, and significant sums of public funding are available via Homes England and Registered Providers.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 78 Neighbouring properties were notified and press and site notices were published.

5.2 1 letter of objection was received in December 2018 from 6 Albion Street raising the following issues

- Size of the proposed rear extension which runs the majority of the length of the garden of number 6. Loose 50% of sunlight in the summer months putting the garden in shadow.
- Visually the proposed building is out of proportion with the existing properties which are in a conservation area. Overbearing to the back garden and affect the house price.

No comments have been received on the amended plans. The amended plans have reduced the height of the mews building adjoining number 6 Albion Street to two storeys. The applicant has also located the second floor window in the end elevation as far away from the rear of number 6 as possible so it is not directly in line with the back garden of number 6.

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

6.0 **OFFICER OPINION**

6.1 ***Legislative background***

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

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
a) the provisions of the development plan, so far as material to the application;
b) any local finance considerations, so far as material to the application; and
c) any other material considerations.

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

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

- Principle
- Design, layout and landscaping
- Affordable Housing
- Heritage issues
- Traffic and transport
- Biodiversity
- Residential amenity
- Drainage and flood risk
- Archaeology
- Open Space, Recreation, Education and Community Facilities
- Economic considerations
- Planning obligations

6.5 ***Principle***

The NPPF at Paragraph 47 requires local planning authorities to demonstrate a 5 Year Housing Land Supply against the relevant housing requirement. Paragraph 49 states that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

6.6 Currently Gloucester can demonstrate at least 5 years of housing land supply and also passes the Housing Delivery Test. This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.

6.7 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply. Given the location of the site within the Southgate Street Conservation Area and adjoining a grade 2 listed building Policy SD.8 (Historic Environment) will be relevant.

6.8 As the site is located within the built up area of the city, the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

6.9 ***Design, Layout and Landscaping***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.

6.10 The application has been amended a number of times since it was first submitted to improve the relationship of the buildings with the neighbouring properties and the design of the building in the street scene. This final design came from acknowledging that the character of the surrounding area is predominantly 2 to 3 storey to the frontage with narrow plots and that any extensions are subservient to those on the principal frontage. The height of the scheme has been reduced to three storeys with dormers in the roof at the front. The frontage no longer appears overly dominant or overbearing in the street scene. The front elevation has also been improved with more vertical emphasis reminiscent of nearby town houses. The elevational form to Southgate Street has been refined to provide a contemporary approach of townhouse with dormer windows to the front elevation matching that of 136-138 Southgate Street. The material

choice will highlight the contemporary approach with a zinc standing seam roof, aluminium doors and windows, stone detailing, timber cladding to stair cores, glazed balustrades and a louvered privacy screen. The quality of the materials will be key to the success of the scheme.

- 6.11 The rear section has been designed with a mews development in mind. The mews flats would be accessed from the side. The brick, render and timber would break up the elevations and mass of the building. It is considered that the revised design would enhance the conservation area and would not appear overly prominent in the area. It is therefore considered that the proposal complies with policy SD.4 of the JCS (2017).
- 6.11 **Affordable Housing**
The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area (this has been altered to sites of 10 or more with the NPPF). However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided. This is further elaborated in the Gloucester City Plan Pre submission version (2019) stating that a minimum of 25% affordable housing would be expected on sites of 10 units or more. This policy is at an early stage and carries limited to moderate weight.
- 6.12 This application is for 14 units and under the JCS policy would be expected to provide 20% affordable housing on-site unless it can be justified why on-site is not possible. For this scheme this would result in 2.8 dwellings. The applicant considers that the scheme would be unviable with this provision, so they have not offered any affordable housing at the site or an off-site contribution. To justify their position the applicant submitted a viability report by Alder King. This concluded that the scheme including a Policy Level of affordable housing would not be viable. A 100% market scheme (including the new CIL charge) improves the position but is still below the Benchmark Land Value (BLV). They concluded that the proposed development is marginal. The reduction in unit numbers from the previous scheme of 19 to 14 units plus the introduction of CIL has worsened the position in the applicant's view. The applicant also refers to the unknown cost of potential archaeology at the site.
- 6.13 The Council employed an independent consultant to assess the viability report. The Council's consultant concluded that there was headroom in the scheme and that the council should request £104,206 as an off-site contribution (They have calculated the commuted sum as the difference between the policy compliant residual land value (RLV) of £238,277 for a 100% market scheme and £134,071 for the policy compliant scheme). It is not considered a registered provider would be willing to take on 3 affordable units on the block due to issues relating to management service charges and access. For this reason they recommend that the Council requests a commuted sum in lieu of affordable housing provision.
- 6.14 The applicants employed their own viability consultants which arrived at different figures from the council's viability consultants. The applicant's consultant arrived at a RLV of £64,903 for a policy compliant scheme, the council's viability assessment has a residual land value of £134,071. The council's viability report also takes a lower build cost rate and lower figure for the demolition.
- 6.15 The applicant has therefore not agreed to the above contribution. On that basis it is considered that the proposed development does not make adequate provision for affordable housing in accordance with Policies INF3, INF4, INF6 and SD12 of the JCS. The Council's Housing Strategy team have confirmed that there is a substantial need for affordable housing in the city with the affordable housing need figure at 638 units per annum. The absence of an affordable housing contribution to provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market weighs heavily against

the proposals.

Heritage Issues

- 6.15 This site has been subject to much discussion. The scheme required significant changes to address concerns raised regarding the following aspects -
- Loss of No 87 Southgate Street
 - Setting and impact on the designated asset of the Whitesmiths Public House
 - Height, scale and massing relating to surrounding character
 - Elevation treatment
- 6.16 **Loss of No 87 Southgate Street** - The loss of this building would be harmful to the character and appearance of the conservation area and that of its historic relationship with the Whitesmiths Public House. The Cotswold Archaeology reports identifies that there would be harm through the loss of this structure and therefore it is recommended that a detailed building record is completed at level 4 and this should be conditioned. Due to the loss of this element as part of the scheme this harm would be required to be weighed against the NPPF and policy 196 and has been assessed as being of less than substantial harm.
- 6.17 The method of demolition and how the timber frame wall at No. 83-85 is to be protected as part of the proposals, together with any vibration monitoring and resultant repairs to any exposed fabric of timber framing and lime plaster infill panels which would be disturbed could be agreed by way of a detailed method statement. This repair would need to be completed prior to commencement of works on the new development, directly after demolition and site clearance has been completed. This would ensure the protection of the designated asset of the Whitesmiths Public House.
- 6.18 **Setting and impact on the designated asset of the Whitesmiths Public House** The scheme has been revised to provide a development which follows that of the adjacent terracing. The heights have been reviewed together with the materials and design of the scheme.
- 6.19 **Height, scale and massing and elevational treatment** - The character of surrounding area is predominantly 2 to 3 storey to the frontage and plots are narrow and any extensions are subservient to those on the principal frontage. The height has been reduced across the site which is positive.
- 6.20 The elevational form to Southgate Street has been refined to provide a contemporary approach of townhouse with dormer windows to the front elevation matching that of 136-138 Southgate Street. Materials include a zinc standing seam roof, aluminium doors and windows, stone detailing, timber cladding to stair cores, glazed balustrades and a louvred privacy screen.
- 6.21 Materials are important and the scheme has provided a rendered treatment as an alternative to Break up the massing and that of the front elevation. A stone string course has been added which assists in providing a definition to the ground floor following the commercial shopfronts adjacent.
- Conclusion on heritage matters**
- 6.22 The scheme has been revised on several occasions to take account of concerns raised and changes submitted to reflect the discussions. The only element which could not be resolved is the loss of No 87 Southgate Street as part of the overall project. Nevertheless, were permission granted, a condition could require this element to be recorded prior to demolition. The repairs to the designated asset would be required to be completed prior to ground works commencing to ensure that the asset is protected and restored to protect the buildings historic fabric and significance. The scheme proposes the loss of 87 Southgate Street and, should permission be granted, a condition would be required for building recording. The proposal would result in

harm to the significance and setting of the adjacent designated heritage asset – that harm would be less than substantial.

- 6.23 Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, Section 72(1), there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The scheme proposes the loss of No 87 Southgate Street which is harmful to the character and appearance of the conservation area. The scheme does however provide a street scene through the redevelopment of a negative derelict site. The scheme also utilises high quality materials and has been subject to numerous design discussions and refinements. The choice of materials would be critical to the success of the scheme and these would be conditioned should permission be granted.
- 6.24 The identified harm is to be weighed in the planning balance of the overall scheme and the benefits of bringing forward a derelict and negative site within the heart of the Southgate Street Conservation Area, along with economic benefits associated with the provision of new housing. Whilst there are social benefits associated with the provision of new housing, these benefits are tempered by the lack of a policy compliant contribution towards affordable housing. In this case the benefits are capable of outweighing the identified harms in conservation terms however this would be reliant on achieving policy compliance from an affordable housing perspective. Without such a contribution it is not considered that. Overall, the benefits of the scheme would outweigh the, albeit less than substantial, harm to heritage assets. This weighs significantly against the proposal.

Traffic and transport

- 6.25 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
- 6.26 The applicant has provided additional information to highways demonstrating how many residents' permits the scheme would result in. Due to the risk of a request for a large number of permits in an already busy area, County Highways are concerned about the potential impact of the proposals and discussions are ongoing as to how this could be resolved. **An update will be provided at Committee.**

Biodiversity

Bats

- 6.27 Bats are a European Protected Species (EPS) under the 'Regulation 53 of the Conservation of Habitats and Species Regulations 2017' and the authority is required to have evidence to support an assessment of the likely impact on EPS, prior to issuing consent.
- 6.28 The planning authority takes guidance from the three tests in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 and before determining this application has also taken into consideration ODPM Circular 06/2005 (paragraphs 99, 112 & 116). Regulation 55(2) defines the circumstances where derogation is allowed for an affected EPS and a license could be issued by Natural England. All three test are to be met by the proposals prior to planning permission being allowed which include:
- The first test set out in Regulation 55(2)(e) deems that the need for the development should be in the interests of public health, public safety and an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment.
 - The second test set out in Regulation 55(9)(a) deems that there should be 'no satisfactory alternative'.

- The third test set out in Regulation 55(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS.

6.29 A Bat Survey report has been submitted with the application. A small common pipistrelle bat roost was identified in the north-western part of the building. The Council's ecologist has no objection but has recommended conditions requesting details of mitigation measures and a plan showing the appropriate lighting in relation to the bats.

Severn Estuary SPA

6.30 Natural England noted the Council's Habitats Regulation Assessment screening in respect of the Cotswold Beechwoods SAC and have no objection.

6.31 However, with regard to the Severn Estuary Special Protection Area (SPA) the application could, in combination with other new residential development in the authority area, have potential significant effects on mobile species outside the SPA boundary i.e. wild birds designated as part of the SPA.

6.32 Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England may need to object to the proposal. The Habitats Regulation Assessment is currently being prepared by the Council's Ecology consultant and **an update will be provided at Planning Committee.**

Residential amenity

6.33 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.34 This application was revised a number of times to minimize the impact on the amenity of the neighbouring properties. The main concerns was the impact on the rear facing bedroom windows of 2 and 4 Albion Street. Impact on the rear and the garden of 6 Albion Street and impact on the rear of the property and the rear garden of 93 Southgate Street.

- *Rear garden of number 6 Albion Street* - There is a distance of 10m from the corner of number 6 to the corner of the proposed building. The applicant has moved the proposed window in the rear elevation at 2nd floor level to the back of the site. This would therefore not directly overlook the rear garden of number 6 Albion Street.
- *Rear windows 2 and 4 Albion Street* – There is a distance of 12 and 14m from the rear of the windows in 2 and 4 Albion Street to the side elevations of the new building. Given these distances, the applicant has proposed opaque glazed windows with powder coated aluminium frames and louvred privacy screens with opaque glazed fins to minimise the impact of overlooking the rear of numbers 2 and 4 Albion Street.
- *Rear garden 93 Southgate Street* – The applicant has proposed obscure glazing to the bathroom windows and high level kitchen windows to the side elevation facing the rear amenity area of number 93. The building would also be staggered away from the boundary.

Drainage and flood risk

6.35 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to

contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

- 6.36 This site is located within flood zone 1 (low probability of flooding). The applicant did submit a drainage strategy for the site which was assessed by the Council's drainage engineer. They have assessed the drainage strategy but due to lack of information about the proposed surfacing would like the sustainable drainage condition applied to the permission. Severn Trent have assessed the application in terms of drainage and have no objection subject to a condition that the applicant submit drainage plans for the disposal of foul and surface water flows and an informative that there may be a drain at the site. It is therefore considered that, subject to appropriate planning conditions, the proposal complies with policy INF.2 in terms of drainage.

Archaeology

- 6.37 The applicant has submitted two documents in support of this application with regard to heritage. These are a built heritage assessment and an archaeological evaluation report. The results of both investigations indicate that the site contains or has the potential to contain some significant heritage assets of built heritage and archaeological interest. In light of this the Council archaeologist has recommended a number of conditions if the application were to be granted.

Open Space, Recreation, Education and Community Facilities

- 6.38 The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.
- 6.39 There is no large areas of open space within the development given its size, however, the applicant has included an area of green with a drying area and some border planters to soften the site. There are also opportunities for recreation reasonably close to the site. The County Council have not requested any other contributions for the site.

Economic considerations

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

Conclusion

- 6.41 This application has been considered in the context of the policies and guidance referred to above.
- 6.42 The proposal is consistent with those policies and guidance in terms of design, materials, impact upon the amenity of any neighbours and flood risk. Discussions are ongoing in respect of highways and ecology matters.
- 6.43 The proposals would result in both social and economic benefits arising from the provision of new housing. These matters weigh in favour of the application. Nevertheless, the social benefits of providing new housing are tempered by the fact that the proposals do not include a contribution to affordable housing. The lack of a contribution to provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market weighs heavily against the proposals.
- 6.44 Whilst the design of the proposals are considered to have an acceptable impact on the character

and appearance of the area, there would be less than substantial harm to heritage assets as identified above. The law requires special consideration to be given to the desirability of preserving and/or enhancing heritage assets and their settings. In this case, given the lack of an affordable housing contribution, it is not considered that the overall benefits of the scheme outweigh the identified harm.

6.45 For these reasons it is therefore recommended that planning permission be refused.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is REFUSED for the following reasons:

1. In the absence of an appropriate planning obligation, the application does not provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and the National Planning Policy Framework (2019).
2. The proposed development would result in less than substantial harm to nearby heritage assets and there are no overall public benefits arising from the proposed development to outweigh this harm. As such the proposed development conflicts with Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017) and guidance within the National Planning Policy Framework (2019).

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