

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2021
Address/Location:	1 Armscroft Road Gloucester GL2 0SQ
Application No:	20/00693/FUL
Ward:	Elmbridge
Expiry Date:	23.10.2020
Applicant:	Cape Homes
Proposal:	Construction of part 3-storey/part 4-storey building comprising 9 no. 2 bedroom apartments with associated car parking and private amenity space involving demolition of existing retail unit and loss of existing Public Open Space.
Report by:	Jon Bishop
Appendices:	site location and site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the southern side of Barnwood Road at the junction with Armscroft Road. The site is currently occupied by a large single storey retail unit which fronts onto Barnwood and Armscroft Road. The application site also incorporates an area of public open space immediately to the east of the existing building which is currently in Council ownership.
- 1.2 The surrounding area is residential in character and comprises of a range of building types and styles. Building heights vary from 2 to 4 storeys with the dominant building material being red brick. The proposed development comprises the demolition of the existing building and the erection of a part 3-storey/part 4-storey building comprising 9 no. 2 bedroom apartments with associated car parking and private amenity space. Access to the site will be from Armscroft Road. The proposed development has adopted a contemporary design with a flat roof to the main section of the building. A comprehensive landscaping scheme has been submitted and the majority of the open space to the east of the existing building will be retained to provide communal amenity space for the future residents.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/49072/HIST	P/8/59:- FOOD HALL	Z45DEF	20.01.1959
44/49073/HIST	P/8/59:- FOOD HALL	Z45ASC	17.02.1959
44/49075/HIST	AP/132/69:- ONE SINGLE SIDED ILLUMINATED BOX SIGN	Z45AFY	13.03.1969
44/49076/HIST	P/1383/72:- CONVERSION OF SHOP TO DOCTORS PRACTICE WITH CAR PARKING	Z45APP	17.01.1973
44/49077/HIST	P/1500/72:- CHANGE OF USE FROM SUPERMARKET TO RESTAURANT	Z45REF	17.01.1973

44/49078/HIST	P/1328/73:- USE OF PART OF FORECOURT FOR RETAIL SALES (CONTINUED USE)	Z45WDR	
44/49079/HIST	12649/01/ADV:- DOUBLE SIDED INTERNALLY ILLUMINATED PROJECTING BOX SIGN	Z45AFY	20.07.1983
44/49080/HIST	12649/02/OUT:- (OUTLINE) EXTENSION TO PROVIDE A SHOP FOR THE SALE OF HOT TAKE AWAY FOOD.	Z45REF	25.02.1986
20/00693/FUL	Construction of part 3-storey/part 4-storey building comprising 9 no. 2 bedroom apartments with associated car parking and private amenity space involving demolition of existing retail unit and loss of existing Public Open Space.		

3.0 RELEVANT PLANNING POLICY

3.1 Relevant planning policy is as follows:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

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

Relevant policies from the JCS include:

- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD9 – Biodiversity and geodiversity
- SD10 – Residential development
- SD11 – Housing mix and standards
- SD14 – Health and environmental quality
- INF1 – Transport network
- INF2 – Flood risk management
- INF3 – Green Infrastructure
- INF4 – Social and community Infrastructure
- INF6 – Infrastructure delivery
- INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 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 Development Plan

Gloucester City Plan

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

Relevant policies from the emerging Gloucester City Plan include:

A1 – Effective and efficient use of land and buildings

A6 – Accessible and adaptable homes

C1 – Active design and accessibility

D3 – Recording and advancing understanding of heritage assets

E2 – Biodiversity and geodiversity

E6 – Flooding, sustainable drainage, and wastewater

F1 – Materials and finishes

F2 – Landscape and planting

F3 – Community safety

F4 – Gulls

F6 – Nationally described space standards

G1 – Sustainable transport

G2 – Charging infrastructure for electric vehicles

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. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

E.4 – Protecting Employment Land

OS.2 – Public Open Space Standard for New Residential Development

OS.3 – New housing and open space

OS.7 – New areas of Public open space

A.1 – New housing and allotments

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

No objection subject to conditions

4.2 **Urban Design Officer**

Considers that improvements need to be made to the proposal before it can be considered to be acceptable. The applicant has amended the plans during the course of the application process to increase the amount of landscaping around the building and to change the materials to reflect the site context.

4.3 **Landscape Adviser**

No objection subject to conditions

4.4 **Noise**

No objection subject to compliance with recommendations of submitted noise report

4.5 **Contaminated Land Adviser**

No objection subject to conditions

4.6 **Drainage Adviser**

No objection subject to conditions

5.0 **PUBLICITY AND REPRESENTATIONS**

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

5.2 6 letters of objection raising the following issues:

- The proposal would result in loss of privacy from the windows facing the neighbours and particularly the balcony on the fourth storey.
- Loss of light from such a tall building
- There will be increased potential noise from the communal space and parking area to the side of the proposed property.
- The impact on the storage of waste, especially food waste and the potential offensive smell from rotting waste especially in warmer weather and the potential to attract vermin.
- The design is not in keeping with the traditional character of the surroundings
- The size is too large compared with the smaller cottage style properties in the local area
- Insufficient parking is proposed for the number of flats. As they are 2 bed flats they have potential for 2 or 3 cars per flat
- It will create more traffic having to access a busy main road.
- The existing open space should not be lost as it provides open space for the local community There are far too many open spaces being lost to some form of building.
- The new building should accord with both size and style of the existing buildings
- With the loss of the majority of the green space (which is currently used by local residents and wildlife) how is this going to help with drainage in the immediate vicinity, when the road already holds a lot of surface water
- The loss of the open space will have a negative impact on local wildlife

- 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 and layout
 - Traffic and transport
 - Residential amenity
 - Landscaping
 - Drainage and flood risk
 - Ecology
 - Contamination
 - Economic considerations
- 6.5 ***Principle***
- 6.6 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 (2019) 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..).’

At the time of writing, the Council is not able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the ‘tilted balance’ is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

Loss of retail

6.6 The application site is not located within a defined retail centre and is not located in a primary or secondary retail frontage. As such there is no policy within the development plan which requires the retention of the retail use in this location and the loss is therefore considered to be acceptable. In respect of redeveloping the retail building 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 existing building is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.

Loss of open space

6.7 The development would result in the loss of public open space but would retain the majority of the existing POS as a private garden area for residents of the new development to use. The applicant has submitted an Open Space Assessment to address the issues around policy compliance. The definition of open space is set out in the Town and Country Planning Act 1990 as ‘land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground’. By this definition, the site in question, (Known as Cross Keys Rest Garden), is open space.

6.8 The site is well established as a space with free public access ‘for the purposes of recreation’, regardless of its current condition. The site was originally laid out as a formal garden, with paths, raised beds, seating and formal bedding planting. In recent years, the planting style has become more relaxed, and the informal use means the space sits better within the ‘Amenity Open Space’ typology, than the ‘Parks and Gardens’ typology of the Open Space Strategy.

6.9 Regardless of the specific categorisation, the open space performs multiple functions, for example creating a visual break, providing variety in the urban form, with mature trees and vegetation to enhance the appearance of the residential area. It also forms part of the green infrastructure network in the area.

6.10 In respect of the loss of public open space Paragraph 96 of the NPPF states that existing open space should not be built on unless, an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location.

6.11 Policy INF4 of the JCS requires that proposals to develop land or buildings currently or previously in use as a community facility shall provide replacement facilities with regard to the locational and other relevant elements of this policy. 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 a contribution to facilities or services off-site

6.12 In respect of the proposed development there are a number of factors which need to be considered:

	<p>1. The majority of the open space would actually be retained, albeit as a private garden, but this would continue the current functions of the space as a visual break in the urban form, and a part of the wider green infrastructure network.</p> <p>2. The existing mature trees would be retained.</p> <p>3. New boundary railings and planting would be provided within the private amenity/garden space, which, if well designed and managed appropriately, would result in increased biodiversity.</p> <p>4. There is relatively good access to several other existing public open spaces in Elmbridge.</p>
6.13	<p>As part of any new residential development, the amount of public open space required to be provided for the new residents is usually calculated. If no open space can be accommodated on site, as would be the case in this instance, then the calculation also generates the potential off-site financial contributions required. This is further broken down into three categories: Formal Sport, Formal Play and General Open Space.</p>
6.14	<p>If the provision cannot be accommodated on-site, then off-site financial contributions are sought, to upgrade existing open space and facilities nearby. For a development of 9 x 2 bed dwellings it is considered appropriate to seek S.106 contributions, the following totals:</p> <ul style="list-style-type: none"> • Formal Sport - £28k • Formal Play - £10k • General POS - £4k <p>Total: £42k Suggested locations for spending any contributions would be as follows:</p> <ul style="list-style-type: none"> • Sport: Upgrading existing facilities at Sandyleaze Playing Field (EL1), Elmbridge Park (EL2) or Armscroft Park (EL6). • Play: Armscroft Park or Windfall Way • General: Armscroft Park.
6.15	<p>There is a proposal at an early stage to create a sensory garden and seating area adjacent to the Friends of Elmbridge play area in Armscroft Park (also adjacent to the Bohanam House care home, so the new garden could be easily accessed by the residents). This would provide mitigatory/ replacement of the facility being lost at the application site. On balance, in this particular case, it is considered that the loss of the existing public open space would be acceptable, if coupled with the retention of the existing mature trees, creation of a new, private garden and amenity space for the development and provision of a financial contribution towards off-site improvements in the Elmbridge Ward.</p>
6.16	<p><i>Design, Layout and Landscaping</i></p> <p>The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.</p>
6.17	<p>The application site is a corner plot with a frontage to both Armscroft Road and Barnwood Road. The proposed building is located substantially on the footprint of the existing building but it will extend further north towards Barnwood road utilising the strip of open space which currently exists between the retail unit and Barnwood Road. There is a very uniform and strong building line along this section of Barnwood Road and therefore it is considered appropriate to bring the building line forward in order to reflect the established</p>

	<p>building line of Barwood Road. On the west elevation the rear portion of the building steps back from Armscroft road into the site in order to allow for the provision of an area of landscaping in the north west corner of the site and to facilitate some parking provision which will be accessed directly from Armscroft Road.</p> <p>The surrounding area is predominantly residential and is comprises of a variety of building forms and styles. In respect of building heights the neighbouring buildings vary from 2 to 4 storeys in height. When viewed from Barnwood Road the building to the east is a large 3 storey dwelling and the building to the west is a large 4 storey apartment building. The proposed building has been designed as part three-storey/part four-storey, with the third floor element recessed from all four elevations so that it will appear subservient to the main building. It is considered that the height of the building is appropriate for the location of the building and would sit comfortably in the street scene when viewed from Barnwood Road. The street elevations submitted with the application demonstrate how the building will sit in the street scene and the relationship with the neighbours.</p>
6.18	<p>The scale of the neighbouring dwellings to the south is more modest and reduces, numbers 7 and 9 Armscroft Road are 2 storey traditional dwellings which abut the southern boundary of the application site. The height of the building steps down to the rear in order to respect the scale of the houses to the south within Armscroft Road. These houses are a more modest scale and the design of the proposed building acknowledges and respects this.</p>
6.19	<p>The surrounding area is characterised in the main by dwellings which have a traditional architectural form and style. Rather than seek to provide a pastiche design the architects design approach has been to provide a contemporary flat roof building whilst using traditional building materials. The design has been amended during the course of the application process. The building as submitted incorporated large amounts of white render into the elevations. This has now been amended and the treatment of the facades modified to incorporate two contrasting types of brick. Render was not considered to be an appropriate material, Barnwood Road comprises red brick buildings and therefore it was considered that a brick building would be more appropriate particularly adjacent to a busy road where render will discolour over time. A greater amount of landscaping was incorporated into the scheme to help improve the appearance of the building.</p>
6.23	<p>Although the surrounding area is comprised primarily of traditional architecture it is considered that the contemporary design is acceptable for this site. The use of a flat roof helps to reduce the scale of the building and it has been designed so that it fronts onto both Barnwood and Armscroft road. The use of traditional building materials reflects the local character of the area and the provision of a substantial landscaping scheme will help soften the appearance of the building and enhance the overall quality of the development.</p>

6.24 Overall it is considered that the proposal is of good design quality and includes a number of well considered measures to make for an attractive, safe and sustainable accommodation in accordance with policies SD3, SD4, SD6 and SD10 of the JCS and the NPPF.

6.25 **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

6.26 A total of nine parking spaces are provided on site (1 per flat). Secure cycle parking is provided and incorporated within the building. Access is taken directly from Armscroft Road, highways have reviewed the application and are satisfied that the access

arrangements are acceptable and meet relevant highway standards and that the level of parking is acceptable. Highways have no objection to the application subject to the inclusion of a condition requiring the completion and maintenance of car/ vehicle parking shown on the approved plans. Refuse storage is provided to the rear of the building in the form of a secure area which is incorporated into the building.

6.27 Overall it is considered that proposal is therefore considered to be acceptable on highways grounds in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.28 ***Residential amenity***

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.

6.29 Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants

	<u>Impact on future occupants of the proposed residential units</u>
6.30	<p>Consideration needs to be given to the living environment which would be provided for any future occupiers of the proposed residential unit. Paragraph 17 of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:</p> <ol style="list-style-type: none"> 1. New housing should meet and where possible exceed appropriate minimum space standards. 2. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8 <p>The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. The National Space Standards have been taken forward within the Gloucester City Plan. Policy F6 of the emerging plan provides that development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards. On the basis of the stage of preparation the plan has reached, and the consistency of policy with the NPPF, and its reference to national standards, Policy F6 can be afforded moderate weight in accordance with paragraph 48 of the NPPF.</p>
6.31	<p>Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area. The proposed apartments have been designed to comply with the minimum space standards.</p> <p><u>Impact on neighbours</u></p>
6.32	The closest neighbour to the application site is number 7 Armscroft Road which is located

	directly to the south. The existing retail building is located directly adjacent to the side boundary of number 7. The existing building is to be demolished which will improve the relationship with this neighbour as it will remove the high structure which currently sits tight on the shared boundary.
6.33	As noted the height of the proposed building steps down to the rear so as to respect the scale of the houses to the south in Armscroft Road. There will be a separation distance of 8m from the side elevation of number 7 Armscroft Road and the rear elevation of the proposed building. The height at this point will be only marginally higher than the side of the neighbour to the south. Given the separation distance and the fact that the existing building which is currently on the boundary with number 7 is to be removed it is considered that the proposed building is acceptable and will not have an overbearing impact or result in the loss of light.
6.34	The layout of each of the flats has been considered and there are no habitable room windows on the southern elevation looking towards number 7 Armscroft Road consequently the proposed development would not result in any overlooking of the neighbours to the south. There are two small ensuite bathroom windows on the southern elevation and these will be obscure glazed.
6.35	There are residential properties immediately opposite the site to the north in the form of a row of two storey terraced houses fronting Barnwood Road. The proposed development is separated by Barnwood road which is 4 lanes of traffic at this point. Given this significant separation distance it is considered that the proposal would not have an adverse impact on the amenities of the neighbours to the north.
6.36	The proposed development incorporates the area of open space to the east of the existing building, this is to provide a large communal garden for the proposed development. It will also provide an attractive landscape setting. Further to the east on Barnwood Road is a large 3/4 storey apartment block. Given this significant separation distance of approximately 25 meters it is considered that the proposal would not have an adverse impact on the amenities of the neighbours to the east.
6.37	There is a residential building to the west on the opposite side of Armscroft Road (Number 38 Barnwood Road). The flats to the rear of the building would be orientated towards the side elevation of the property. There are no side windows in number 38 Given this significant separation distance it is considered that the proposal would not have an adverse impact on the amenities of number 38.
	<u>Noise</u>
6.38	A Noise Impact Assessment has been submitted in support of the application to assess the impact of the existing noise climate on the site, specifically from road traffic noise. The main noise source affecting the site is noise from road traffic along Barnwood Road Way. The applicants Noise Assessment concludes that noise mitigation measures would be required to meet the British Standard internal noise criteria in rooms facing Barnwood Road. With the use of appropriate façade constructions and ventilation provisions, the predicted internal equivalent noise levels in habitable rooms due to external noise would be within the British Standard criteria for good conditions.
6.39	The City Council's Environmental Protection Adviser has raised no objections to the application subject to the inclusion of conditions to ensure the implementation of the measures identified in the supporting noise assessment.
	<i>Landscaping</i>

6.40	In support of the amended application, the agent has provide a detailed landscaping plan which details proposed landscaping at the site in form of tree planting and the landscaped area to the east of the proposed building. The existing mature trees are to be retained and additional landscaping has been introduced to break up the parking area and enhance the appearance of the building when viewed from Armscroft Road. The area to the east of the building will provide communal amenity space for the proposed residents. This have been enclosed by open railings so it will be visible from Barnwood Road and will provide an attractive landscape setting for the proposed building. The Council's landscape architect has reviewed the proposed landscaping pans and considers that they are acceptable and will provide an attractive landscape area which will enhance the character and appearance of the area whilst also providing an area of outside space for the enjoyment of the future residents.
6.41	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.
6.42	Policy E6 of the emerging Gloucester City Plan refers to flooding, sustainable drainage, and wastewater and states that development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere. All development will be expected to incorporate Sustainable Drainage Systems (SUDs) to reduce surface water discharge rates and address water quality. A Ground Investigation Report and Drainage Technical Note have been submitted in support of this application.
6.43	The Council's drainage officer has been notified of the proposal and have raised no objection to the application and confirmed that there is sufficient information supported with the application to negate the need for a drainage condition.
6.44	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. The emerging City Plan requires the conservation of biodiversity and providing net gains.
6.45	The application site is currently occupied by a single storey flat roof building and the open space is predominantly mowed grass. As such the site is considered to have relatively low ecological value. The submitted landscaping scheme and the new building provides opportunities to secure biodiversity enhancement and habitat creation. The specific biodiversity enhancements will be secured by planning condition
6.46	Contaminated land The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution and incorporate investigation and remediation of any contamination.
6.47	Worcestershire Regulatory Services (WRS) have reviewed the application for contaminated land concerns on behalf of Gloucester City Council Environmental Health Department (GCC) with reference to the records held by them. WRS have reviewed the report submitted in support of the application entitled ' <i>Pre-planning Geo-Environmental Desk Study Report for 1 Armscroft Road, Gloucester, GL2 0SQ</i> ', produced by Wilson

	<p>Associates, dated 3rd July 202, reference 4686. The report is considered to represent a suitable Phase 1 Desk Study and includes appropriate conceptual site model and risk assessment. The study identifies a potential source of contamination as the made ground beneath the commercial site presenting a low to moderate risk to future site users . The report therefore makes recommendation for a routine ‘due diligence’ phase 2 ground investigation to comprise either window sampling or trial pits targeting the proposed communal garden areas. WRS are in agreement with the findings of the Phase 1 Desk Study and proposals for ground investigation. Subject to suitable conditions there is no objection to the proposed development.</p>
6.48	<p><i>Economic considerations</i></p> <p>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.</p>
6.49	<p><i>Conclusion and the planning balance</i></p> <p>This application has been considered in the context of the policies and guidance referred to above. The proposal is generally consistent with those policies and guidance in terms of design, landscape, highway safety implications, impact upon the amenity of any neighbours and the local area. Whilst it is recognised that the development of the site does not provide any contribution towards education or library provision to mitigate the impact of the development, strictly comply with JCS policy SD11, or emerging City Plan policies in the Gloucester City Plan, at the current time the Council is not able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the ‘tilted balance’ is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>
6.50	<p>The application has been evaluated against the JCS, emerging Gloucester City Plan and the against the core planning principles of the NPPF and whether the proposals deliver ‘sustainable development’. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which 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 the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.</p>
6.51	<p>It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed positive weight in the planning balance. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. Compliance with some of the other principles of the NPPF have been demonstrated in terms of impacts on sustainable transport, drainage and impact on neighbouring properties. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.</p>
6.52	<p>In the absence of any significant harm, it is considered that the positive aspects of the</p>

planning application outweigh the negative impacts and on balance it is considered that planning permission be granted subject to the completion of a S106 agreement to secure the items set out in the recommendation and the conditions below.
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7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

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

7.2 Formal Sport - £28k

- Formal Play - £10k
- General POS - £4k

Total: £42k Suggested locations for spending any contributions would be as follows:

- Sport: Upgrading existing facilities at Sandyleaze Playing Field (EL1), Elmbridge Park (EL2) or Armscroft Park (EL6).
- Play: Armscroft Park or Windfall Way
- General: Armscroft Park.

7.3 And the following conditions

Condition 1

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

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers

21968/16A
21968/16B
21968/15
21968/14A
20214_001
Drainage technical note 20-348-80
Environmental Noise Assessment 8432/SL

except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and to protect the residential amenity of future occupiers.

Condition 3

The development hereby permitted shall be carried out in accordance with the recommendations set out in the Environmental Noise Assessment Reference: 8432/SL dated July 2020. The mitigation measures required shall be installed prior to first occupation of the development shall be maintained for the duration of the development.

Reason

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

Condition 4

No development hereby permitted shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Flood Risk Assessment/Drainage Strategy, 20-348-80 Rev 01 8th July 2020, has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason

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

Condition 5

No dwelling shall be occupied until, an Ecological Enhancement Plan (EEP) has been submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the lifetime of the development for their designed purpose in accordance with the approved scheme.

Reason

To secure biodiversity mitigation and enhancement.

Condition 6

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason

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

Condition 7

The buildings hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason

In the interest of highway safety.

Condition 8

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the approved plans and those facilities shall be maintained for the duration of the development.

Reason

To ensure the provision and availability of adequate cycle parking.

Condition 9

The development hereby permitted shall not be first occupied until the proposed parking spaces have been fitted with electric vehicle charging points. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason

To promote sustainable travel and healthy communities.

Condition 10

Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- 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 in the lead into development both during the demolition and construction phase of the development.

Condition 11

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

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

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 must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's '*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 in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

No development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

- i) Information on the type and amount of waste likely to be generated prior to and during the construction phase;
- ii) Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
- iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy Core Policy WCS2 – Waste Reduction.

Condition 13

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. This shall include:

- (a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been

installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Person to Contact: Jon Bishop



Planning Application: | 20/00693/FUL

Address: | 1 Armscroft Road Gloucester
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Committee Date: |

