

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	3 <sup>rd</sup> August 2021
Address/Location:	Kingsway Local Centre, Thatcham Avenue, Kingsway, Quedgeley Gloucester
Application No:	18/00852/FUL
Ward:	Kingsway
Expiry Date:	Agreed extension of time 6 <sup>th</sup> August 2021
Applicant:	Mr Alex Harwood
Proposal:	Erection of new building to provide 22 self contained units of supported living accommodation and associated works, including car and cycle parking and landscaping
Report by:	Joann Meneaud
Appendices:	<ol style="list-style-type: none"> <li>1. Site context plan</li> <li>2. Proposed site and roof plan</li> <li>3. Proposed elevations</li> <li>4. Proposed floor plans</li> <li>5. Letter from Advance Housing</li> <li>6. Letter from CSJ Planning</li> </ol>

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the corner of Thatcham Avenue and Rudloe Drive at the Local Centre at Kingsway. It sits adjacent to the footpath and grassed seating area off Thatcham Avenue and to north of the vehicular access from Rudloe Drive into the Local Centre The land is roughly rectangular and is currently grassed and enclosed with a knee rail fence.
- 1.2 The application proposes a two storey building to accommodate 22 units to be used as specialist living accommodation for people with mental health needs. A new vehicular access to the site is proposed from Thatcham Avenue together with the provision of car parking
- 1.3 The application was originally included on the agenda for July Planning Committee but was subsequently withdrawn from the agenda. A Committee site visit was held on 22<sup>nd</sup> July. The application is presented to Planning Committee for determination as the recommendation requires the provision of a Section 106 agreement.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00749/OUT	Application for Outline Planning Permission: Proposed residential development (2650 dwellings), employment development (20 hectares) and associated infrastructure, open space and community facilities.	GOP	26.06.2003
00/00750/OUT	DUPLICATE Application for Outline	NDT	05.02.2001

	Planning Permission: Proposed residential development (2650 dwellings), employment development (20 hectares) and associated infrastructure, open space and community facilities.		
04/00437/REM	Principal access roads to Framework Plan 1 (including access to Old Bristol Road) drainage and balancing areas.	AR	22.07.2004
04/01152/FUL	Provision of access from A38 to land east of A38 to Framework Plan One road, and bellmouth junction to serve a cul de sac from B4008 to land west of A38 (Area 4C)	GSC	24.05.2005
06/01242/OUT	Proposed Residential development including a Primary School. roads, footpaths and cycleways, public open space, (Frame work Plan 4 Kingsway) To provide an additional 650 dwellings to the total approved under outline planning permission 00/00749/OUT (Overall Total 3,300 dwellings). (Outline Application - All matters reserved) (Amended Scheme)	Appeal allowed	13.04.2007
08/01198/REM	Infrastructure to serve the local centre, school and manor farm (extension of approved roads and drainage).	AR	17.08.2009
09/00053/REM	Construction of part of Local Centre including the erection of a food store, 15 retail units and 2 cafe/restaurant units with parking, drainage and landscaping	AR	19.08.2009
09/01370/FUL	Variation of conditions 2,3,4,5,6,8,9,10,11,and 12 attached to planning approval ref : 09/00053/REM to allow for the phased construction of part of Local Centre at Kingsway.	GP	15.03.2010
10/00048/NMA	Amendment to the configuration of the balancing pond approved under reference 08/01198/REM.	NOS96	01.03.2010
10/00256/NMA	Amendment to approval 09/00053/REM proposing changes to the elevations and materials of the retail element of the proposed Local Centre.	NOS96	06.05.2010
10/00379/FUL	Variation of Condition 10 of Planning Approval 09/00053/REM to allow the provision of car parking to the Local Centre on a phased basis.	GP	28.05.2010
13/00479/REM	Reserved matters approval for erection of a single storey building containing 11 retail units together with layout of service yard, parking and provision of drainage, comprising phase 2 of the retail element of the local centre..	AR	27.09.2013
14/00337/NMA	Non material amendment proposing change to the surfacing materials to the rear of the retail units approved under application 13/00479/REM	NOS96	22.05.2014
14/00343/ADV	Display of new non illuminated signage on	GFY	20.10.2014

	Units 8-9.		
14/00668/NMA	Non material amendment to approval 13/00479/REM (for the erection of 11 retail units) proposing the use of units 8 and 9 as one unit and amended design to the shop front and rear elevation.	NOS96	03.07.2014
14/01077/CON DIT	Discharge of condition 10 relating to details of external lighting for approval 13/00479/REM for the erection of a single storey building containing 11 retail units (phase 2 of the local centre). Reserved matters approval for erection of a single storey building containing 11 retail units together with layout of service yard, parking and provision of drainage, comprising phase 2 of the retail element of the local centre.	ALDIS	22.09.2017
14/01222/CON DIT	Discharge of condition 16 or planning approval in relation to the proposed occupiers of units 1, 2, 3, 4, 8, 9, and 19 within phase 2 of the Local Centre.	ALDIS	06.03.2015

### 3.0 RELEVANT PLANNING HISTORY

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

#### 3.2 National guidance

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:

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  
 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
- A2 – Affordable housing
- A5 – Specialist accommodation
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic environment
- E2 – Biodiversity and geodiversity
- E5 – Green infrastructure: Building with nature
- 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: :

OS.2 – Public Open Space Standard for New Residential Development  
OS.3 – New housing and open space

- 3.7 All policies can be viewed at the relevant website address:- national policies:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
Gloucester City policies:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>
- 4.0 **CONSULTATIONS**
- 4.1 **Highway Authority** No objection subject to conditions. The development would be served by an acceptable access and level of car parking provision. The adjoining car park has sufficient capacity to meet local car parking demand.
- 4.2 **Conservation Officer** - In my previous comments my concerns were related to the lack of consideration given to the development in relation to the setting of Manor Farm, which is a grade II Listed Building and Scheduled Monument. The revised landscape scheme does provide some mitigation against the visual harm and offers some improvements in general, I would welcome particularly planting of apple trees etc which would have been a characteristic of the area historically, (particularly with local varieties) and part of the setting of Manor Farm historically.  
On the basis of the additional information submitted I have no further objections
- 4.3 **Landscape Adviser** – No objection as the landscaping scheme has been amended to address the concerns previously raised. Close board fencing can have a detrimental impact on both the wider landscape and garden space within. Railings would be more aesthetic but prior to the planting becoming established would not provide screening between the residents and the car park. The planting has been carefully considered to include planting on both sides of the fence and as close board fencing has been used around gardens within the vicinity the impact on the landscape is considered to be acceptable.
- 4.4 **Urban Design Adviser** - Comments upon the original proposal that it does not contribute to providing a public square or important community element of the Local Centre, does not respond positively to the character of the site, close boarded fencing is not appropriate next to the public realm
- 4.5 **Contaminated Land Adviser** – Further information Comments are awaited in relation to the level of remediation that has been undertaken on the site. Depending on their assessment further conditions may be required to assess and ensure the site is suitable for residential use.
- 4.6 **Local Lead Flood Authority** – No objection following the amended details showing acceptable attenuation and discharge rates however the detailed drainage proposals are required by condition.
- 4.7 **Noise Adviser** Broadly in agreement with the methodologies used and conclusions drawn within the noise report. Conditions are required to ensure appropriate noise levels within the building and garden area.
- 4.8 **Housing Strategy and Enabling Officer** – Supports the amended proposal which will provide much needed high quality accommodation for people with mental health issues who need care and support for independent living. The provision meets NDSS and would be

managed by a high quality registered provider.

4.9 **Quedgeley Town Council** – Objection on the following grounds:

The original plan for this site was for a licenced restaurant with a large part reserved for parking to complement the existing units on the site and to help alleviate the on-going parking problems in the area. If this application is approved, the extra parking will be lost.

The parking facilities offered as part of the application will not meet the needs of the care home.

The traffic plan states there is a 20mph speed limit in place, this is inaccurate and the figures used are out of date.

Construction of a church opposite the site will also add to the parking chaos and believe the forecast in the traffic plan is pessimistic at best.

The traffic report does not represent the on-going issues and the only acceptable application for this site is a much smaller development offering additional parking.

This is the wrong development in the wrong place.

The application is therefore contrary to INF1 and SD4 of the JCS 2011-2031 and NPPF and Part 4 item 31 32 34 and 39 of the NPPF.

The traffic report was conducted in 2017, the area has witnessed significant increase in development and this should be re visited.

Parking is an ongoing issue in the area and query the 'peak time' statement within the application

The drainage plans should be modelled to provide no increase in flow from site over and above green field state up to 100-year storm + 20% by volume. There is inadequate evidence to prove the development will not creating flooding in future.

The plans would be better suited for retail as per the original application.

Alternative sites in Kingsway would be better suited to this development.

Policy SD4 of the Gloucester, Cheltenham & Tewkesbury JCS advises, new developments should respond positively to and respect the character of, the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. The avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. It is hard to understand how this can be achieved for this type of development at this location. Consideration should be given whether the end use of this proposal is suitable for the demographics of the location. The nearby retail units attract gathering of youths which will impact on the enjoyment for the residents of the care facility.

4.10 **Civic Trust** – Raised concerns with the original scheme suggesting that better landscaping was required.

4.11 **Drainage Adviser** – No objection following the amended details showing acceptable attenuation and discharge rates however the detailed drainage proposals area required by condition.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified, and press and site notices were published when the application was originally submitted. Following concerns in relation to the extent and timing of the original consultation process, a further consultation was undertaken and all residential properties and business premises within 60 metres of the site were notified. 36 letters of objection have been received.

5.2 Representation from Cllr Richard Cook

Developments of this type of provision are very much needed locally and probably throughout the entire country.

However, the development of a new building to provide 22 self contained units of supported living accommodation at the planned location is flawed because of the very location.

The location is at the heart of the urban village of Kingsway, a community of 3000+ homes with nearly 12000 population. On one side of the building is the retail centre, which opens around 6am with 2 convenience stores, operating all day until closing after 11pm with the closing of the nearby pub and 3 fast food outlets. On the other side of the building is the local primary school with several hundred children arriving after 8am, then departing after 3pm. In between are the noisy periods around play and break times. Next door to the school is the Kingsway Community centre with its range of exercise, martial arts, dog training and other classes from morning till evening.

In front of the shops are a number of benches where in late afternoon or evening youngsters gather. They can at times be noisy, sometimes bordering into antisocial behaviour which occasionally requires police intervention. Throughout the entire day there is a constant coming and going of car traffic.

The location is not quiet and does not seem to be anything other than a very poor location to help provide for the tranquil requirements of people who might be suffering from a range of mental health conditions including autism, bipolar conditions or other mental health conditions. There is only a small amount of outside space which is separated from the "outside" world by a 1.8 metre fence, which is hardly likely to ensure privacy or quiet.

I and my then co Councillor Jennie Watkins were approached nearly 3 years ago by the developers who were concerned that commissioners who had originally given a green light for this development were then questioning the need and withdrawing support. We made it very clear that we supported the concept but not the location for the very reasons discussed earlier. It is really a shame that nothing has been done to mitigate as our suggestion that alternative locations be considered has not been acted upon.

Consequently I continue to oppose this development.

### 5.3

#### Representation from Cllr Jaro Kubaszczyk

On behalf of my residents, I want to raise objections to this application. This establishment is much needed and is more than welcome in Kingsway; however, the proposed location is problematic.

I'm concerned about the consultation process, and the map shows that one of the main stakeholders in this area – Kingsway Primary School, haven't had the chance to provide their feedback. They had only learned about this proposal a few days ago. I've spoken with Headteacher and Business Manager, and they raised several concerns with me. The nursery operating in the Kingsway Community Centre hasn't been notified about the development too.

I want to highlight Quedgeley Town Council objections regarding parking; the traffic report is outdated (2017), and this proposal could create parking chaos within the area, especially during the rush hours.

The area is one of the Anti-Social Behaviour hotspots. There were a significant number of incidents – ASB and vandalism. The Police recently asked the ground operator to remove public benches from the area because certain groups of youths used them, and on some occasions causing all sorts of issues. I've spoken with the local PCSO team, and they were concerned about the proposed location of this development, as the incidents could harm the health and well-being of the residents.

The busy retail estate with two nurseries, primary school, place of worship, community centre, pub, and ongoing problems with Anti-Social Behaviour doesn't seem suitable for this purpose. It is one of the busiest areas outside the City Centre. As stated in the application, we are talking about extremely vulnerable people. The external factors could cause a distress and prevent them from successful recovery.

As councillors, we are all tasked with trying to resolve complex issues which often involve

where communities have been poorly designed. Please don't let this be another opportunity to prevent these issues from happening in the first place because common sense will tell you that this 24/7 busy urban centre is not the right location for some of the County's most vulnerable people.

Also, taking the main stakeholder's opinion and concerns into account, I would like to ask you to vote against this proposal.

#### 5.4 Letter of representation from School Governors

While the Board of Governors and the school leadership do not object to such a facility being provided within our community, we are deeply concerned with its location so close to a Primary School, Preschool and a community centre that accommodates a nursery and countless children's clubs. In addition, Kingsway has a large amount of unutilised land, and we feel that this is the wrong development in the wrong place.

I started in my role as Chair of the Board of Governors, working with our new Headteacher in March 2018. As a prominent part of the community, I feel that we have not been included in the consultation regarding this application. Even despite the postponed review date, we are no more the wiser of precisely who will use this unit and how it will be managed. I feel that its potential impact on the school and the community we serve has not been considered, and this is clear from the Public Reports Pack (06072021 1800) for this Planning Committee.

Our first concern is that of safeguarding our students. As governors for Kingsway Primary School, we take safeguarding incredibly seriously; it's our number one priority. Therefore, you can understand our concern about the potential impacts the home residents could bring to our children. The description of people with mental health needs is extensive and encompasses conditions and circumstances which could pose a safeguarding risk to the children.

I hope you understand these are not concerns borne of any prejudice or misconception. In my professional life, I have managed retail businesses near such developments and have seen first-hand the great work they can do but also the negative impact they can bring to an area and its businesses. As a board, we cannot tolerate any risk of increasing anti-social behaviour or crime in such close proximity to our school.

We also have concerns around privacy and the safety of our children, their carers and our staff when walking to the site or parking nearby. Landscape architect Dilly Williams commented that a large wooden fence is having to be erected "presumably it is to give future residents a more secure and private space, especially important as the site is located next to a car park and shopping area." However, this fence would not only be out of character with the open feel of the rest of the area, but it will also add an extra barrier to the site and be quite scary and opposing to our smaller children. If you walk around Kingsway, you will be hard-pressed to find a 1.8m tall fence anywhere. Such a barrier in this area will make the development look more like a prison than a residential scheme, further exacerbating the points I have already raised.

We also agree with the views of Quedgeley Town Council (26/06/21). In particular, the report regarding parking does not reflect the busy reality of the busy route from Rudloe Drive through Thatcham Avenue, the full car parks at peak times and the impact of a church being also being built within this area. Accordingly, we support their conclusion that the application is therefore contrary to INF1 and SD4 of the JCS 2011-2031 and NPPF and Part 4 item 31 32 34 and 39 of the NPPF.

These comments are in addition to the ones correctly made again by QTC on 22/1/21 that the drainage plans should be modelled to provide no increase in flow from site over and above



green field state up to 100-year storm + 20% by volume. QTC further explains that there is inadequate evidence to prove the development will not create flooding in the future and conclude that the plans would be better suited for retail than the original application. Alternative sites in Kingsway would be better suited to this development that do not represent a risk to the school infrastructure.

As the safe guardians of circa 415 children, responsible for the school infrastructure and a significant hub to the Kingsway community, our concern is clear: we must do all we can to protect them. Unfortunately, having a facility on our doorstep that could involve an increased amount of anti-social behaviour, criminal and police activity and increased traffic and parking issues may be detrimental to the children, and their families, by causing them undue worry, concern and anxiety. Add to this the imposing presence of the building, with its dominating fence line and the increased risk of flooding; then it becomes clear that this is the wrong place in our community for this accommodation.

The school asked for the views and feedback of our parents. I have attached the findings of that survey as well as some key points below.

- 121 responses
- 117 answered yes to "I am concerned about the proposed development so close to my child/children's school."
- 83 answered no to "As a resident of Kingsway and the surrounding area, I can remember such a development and its intended use being made aware to me so that my views can be heard."
- 95 of the 120 responders chose to leave comments, 94 of which were in direct opposition to that proposal in its location; however, most said they could support the plan in other parts of Kingsway.
- The 1 responder that did not directly oppose the plan did themselves state that the school is well within its rights to ask "what will be in place to ensure the children's safety."

Further to the information above, I feel it prevalent to add that 7 of our responders have indicated that they would remove their child/children if planning were agreed. Most likely, some of these responders have more than one child at the school. With each child space being the equivalent to £3750 the school could lose a minimum of £26250 a year, however if they are pupil premium funded children, we could lose an extra £1345 per pupil (£9,415). Based on 7 children that could lose the school £35,665 per annum, the cost of an experienced teacher or nearly 2 teaching assistants.

5.5 The comments received from local businesses and residents are summarised below. Whilst the comments from local residents all raise objection to the proposal overall, it should be noted that a number of comments state that there is support for this type of facility within the local area but clearly state that they do not consider this site to be an appropriate location.

- Will add to demand for parking where finding a space can be a struggle at peak times
- Lack of parking may encourage residents to shop elsewhere.
- Great increase in demand for parking in the local centre since the survey was undertaken and with an increasing number of houses being granted.
- There are already parking problems at school drop off and collection times and when there are particular events at the community centre.
- There is insufficient car parking proposed for the use, taking into account staff,

residents, visitors and carers calling throughout the day.

- Parking and tracking information is out of date..
- Unsafe to have the new access within the school safety zone
- A two storey building is not in keeping with the area with surrounding buildings being single storey, overall it is too big, will feel cramped, confining and overshadow the shopping area
- The design of the building makes it look institutional
- The new fence will provide screening and opportunities for crime.
- The building will reduce surveillance of the car park with potential increase for crime and anti social behaviour
- The needs of the new residents have not been fully explained.
- People with mental health needs can be unpredictable and erratic if not properly medicated.
- Need to be full control in the future to ensure that the building continues to be used for the specific residents proposed now and not a group that may have greater impact. .
- People with mental health needs should be in small houses in a normal setting , not in a huge mental institution.
- The site is noisy and will affect residents with mental health problems
- An alternative location for the use should be found. There are other pieces of land in Kingsway better suited
- This is a very busy area, not the right place for people with mental health needs who require a peace and space to recover.
- Concerns how actions or behaviours of the residents may affect the safety/wellbeing of children and raises significant safeguarding issues
- The use is not in the right location close to the school and nursery
- The use could affect the attractiveness of the nursery to parents and thereby affecting the viability of the business through reduced demand.
- The use could affect the attractiveness of the school to parents and thereby affecting the viability of the school through reduced demand.
- There is anti social behaviour already around the shops and
- Concerned that the new residents would be targeted by the large groups of teenagers/young adults.
- This is not what was originally planned in the development of Kingsway – should be community use as per the original permission.
- With the increased number of residents across Kingsway, there is, and will be more demand for community facilities.
- Land should be put to an entertainment use, an area for swimming pool, sports facilities or a nice green space with trees

- The shops are all full and more such facilities are needed to serve local people.
- More housing will put further demands on local amenities doctors, shops and there is limited open space in the area
- The consultation process has not been undertaken properly, many local residents and businesses were not aware of the application and many of the comments out of date.
- Residents should have been involved earlier in the discussions

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

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

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

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

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

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

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

- Planning history
- Principle of the use
- Design, layout and landscaping
- Heritage Impacts
- Traffic and parking
- Residential amenity
- Drainage
- Remediation
- Economic considerations
- Future control/restrictions upon the building

### 6.5 **Previous Permitted Use**

The first outline planning permission for the Kingsway development was granted in 2003 for 2650 dwellings, employment development (20 hectares), associated infrastructure, open space and community facilities. The permission identified the land zones for the permitted residential, employment, recreational and community uses. The site lies within the designated Local Centre where a mix of uses was permitted including a community centre, doctors surgery, place of worship, business use, retail, food and drink and residential. The outline permission applied restrictions in relation to floor sizes of the commercial units, hours of operation and a building height restriction of 17 metres.

- 6.6 Subsequent reserved matters approval was granted for the various buildings within the Local Centre including the community and retail facilities which have since been built. The doctors surgery did not progress on the allocated site within the Local Centre but a much bigger health centre was provided on the land towards the bottom of Rudloe Drive on land that was originally allocated for employment uses..
- 6.7 Specifically the approval for the retail units, included 2 cafe/restaurant and car parking for the land now forming part of this application site. These units were not built and permission was subsequently granted for the car parking provision on the second phase of the retail units to be on a phased basis. Therefore neither the café/restaurant units nor the parking have been provided and the site remains undeveloped
- 6.8 It is noted that a number of representations refer to the permitted use and their view that the site should be retained for business, community or commercial use. Notwithstanding the permitted history, this application is submitted as a full application and not a reserved matter and is therefore not bound by the principles or restrictions of the outline permission, but has to be judged on the relevant planning policies and guidance and the planning merits of the case.
- 6.9 Furthermore information submitted with the application states that there has been no commercial interest in bringing forward the permitted units on this site. An updated report (July 2021) has been provided, setting out the marketing of the site for A1 – A5 and D1 uses, from October 2014 until the present time. Whilst some interest was shown, including from gym franchisees and day nurseries, no one was able to proceed. A sale was agreed to the applicant in November 2017 and there have been no other offers since that time.

6.10 ***Principle***

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.

Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where ‘policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this instance the site requires assessment upon a designated heritage asset As such, the tilted balance is not engaged and the planning balance is carried out having regard to the statutory test in section 38(6) of the 2004 Act. This is carried out in the conclusion of this report and has

regard to any other material considerations set out below.

6.11 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.

6.12 **Provision of specialist accommodation**

Policy SD11 of the JCS refers to housing mix and standards and states:

‘Provision of specialist accommodation, including accommodation for older people, will be supported where there is evidence of a need for this type of accommodation and where the housing/ bed spaces will contribute to meeting the needs of the local community. Specialist accommodation should be located to have good access to local services.

Policy A5 of the emerging Gloucester City Plan refers to specialist housing and states that ‘development proposals for specialist housing must be supported by evidence to demonstrate need for this form of housing within Gloucester City, suitable for intended occupiers in relation to affordability, quality, design and type of facilities and accessible for local shops and services, public transport and community facilities appropriate to the needs of the intended occupiers.

6.13 The application proposes 22 one bedroom flats together with two communal lounges, two lifts and reception/office areas. The proposal would provide specialist accommodation for local people with severe and enduring mental health needs to enable them to live independently, whilst ensuring support is available on site to cater for their specific needs. The flats would be self contained, would meet National Design Standards and designed at Lifetime homes standards for bathrooms.

6.14 Supporting information provides further detail and to address some of the concerns that have been raised through the consultation process.

- all residents will require some care and support potentially ranging between 6 and 10 hours a week which is set out in an individual recovery plan.
- the care and support varies per resident but can include help with daily tasks shopping, accessing community support, cleaning, cooking, emotional support to encourage independence, housing advice.
- The supported living proposed is required to meet the evidenced housing and care needs of individuals who have been living in outdated, unfit-for purpose, supported accommodation which is impacting upon their physical health and limiting their independence.
- These individuals have varying levels of care and support requirements and they have all been effectively supported in their current accommodation, in some cases for over 30 years. These individuals are valued members of their community with no reports of any anti-social behaviour.
- Each individual that moves into Kingsway will have a robust risk management plan and a person-centred recovery/support plan;
- For any individuals within the proposed cohort that have an offending history, there will be restrictions on where they can live in the community. For some individuals this will include restrictions relating to schools, nurseries and parks and they therefore would not be suitable to be housed at Kingsway;
- The individuals that the Kingsway development is intended for have positive

long-standing professional relationships with the Mental Health Social Work Team who will support them to move into Kingsway and settle into their new home

- Staff will be on site 24 hours a day, 7 days a week and other health and social care staff will visit as necessary.
- The building will be managed by the registered housing provider Advance Housing . Advance have long standing infrastructure in Gloucestershire and are well respected. Their last review from the regulator of social housing saw them granted the highest governance and viability rating (G1/V1).

6.15 The County Council Integrated Disabilities Commission Hub Outcome Manager has provided the following statement:

*There are 122 individuals with mental health disabilities that require new accommodation in the Gloucestershire County to cater for their needs as part of the recommissioning of the Supported Accommodation Mental Health service. This completed development could allow 22 of these vulnerable individuals with mental health issues to be relocated into new, modern and fit for purpose apartments with the aim that these improved facilities could help to improve their mental health and allow them to play a fuller role in society. The proposed development on the local centre is in a good location and would provide excellent access to Gloucester town centre and other local amenities. We also understand that the site is currently vacant, with no demand for any other use, and this provides an excellent opportunity to deliver accommodation that meets the identified need.*

6.16 The scheme now proposed has been subject to detailed discussion and changes since originally submitted and now has the support of the Councils Housing Strategy Team and the County Council Care Commissioners. The applicant has demonstrated that there is a local need for such specialist accommodation, the accommodation meets required standards and given that it would be within the heart of Kingsway, would also have good access to local services, facilities and public transport

6.17 A Section 106 agreement would be required to ensure control over the ongoing use of the building to ensure that it is retained in use as a specialist supported living accommodation, that it continues to meet local housing need and is managed by a quality care provider.

It is therefore considered that the scheme complies with the requirements for supported living/specialised accommodation as set out under JCS policy SD11 and City Plan A5.

6.18 ***Design, Layout and Landscaping***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.

6.19 Policy A1 of the emerging Gloucester City Plan requires development to make effective and efficient use of land and buildings and should result in the overall improvement of the built and natural environment and be of a suitable scale for the site. Policy D1 of the emerging Gloucester City Plan requires development proposals to conserve the character, appearance and significance of designated and non- designated heritage assets and their settings. Policy D3 states that where development reveals, alters or damages a heritage asset, the City Council will require developers to record and advance the understanding of the significance of that asset prior to and/ or during development.. Policy E5 states that

development must contribute towards the provision, protection and enhancement of Gloucester's Green Infrastructure Network. Policy F1 states the development proposals should achieve high quality architectural detailing, external materials and finishes that are locally distinctive. Developments should make a positive contribution to the character and appearance of the locality and respect the wider landscape. Policy F3 refers to landscape and planting and states that major development proposals must be accompanied by a landscape scheme, incorporating hard landscape and planting details.

- 6.20 The site is located at the heart of Kingsway within the Local Centre. It occupies a prominent position on the junction of Thatcham Avenue and Rudloe Drive and is visible in a number of views along these main access routes.
- 6.21 The application has been amended since the original submission. The scheme now proposes a two storey building with a smaller two storey element to the eastern side. The building is double aspect with windows serving flats overlooking Thatcham Avenue and the car park to the south and further windows to both side elevations. The footprint measures approximately 49.5 metres by 16 metres and the ridge of the pitched roof at a height of 10.7 metres. External materials comprise brick and render.
- 6.22 The scheme includes a comprehensive landscaping scheme for the rear garden amenity area. From the car park to the south, the site would be enclosed by a 1.8 metre high close boarded fence. This is not ideal in design terms however it is required to provide noise attenuation to the garden area. Further landscaping is proposed along the road frontage to Thatcham Avenue and the other boundaries would be delineated utilising the low knee rail style fence as currently exists.
- 6.23 The building will be seen in the context of a number of views and the design of surrounding development is quite mixed. The closest residential development comprises two, two and a half and three storey apartments and houses, constructed in brick and render. The scale of development within the local centre is generally lower with the low roof, single storey nature of the retail units, the low pitched roof design of the single storey community centre and the curved design of the school roof. Again brick and render are the predominant building materials. Set at the end of Thatcham Avenue is the Grade II Listed Manor Farm, a large detached house, constructed of red brick with clay tiles to the roof and the former associated barns now converted and home to the Barn Owl pub.
- 6.24 Overall it is considered that the scale, design, external appearance and materials of the building are compatible with and acceptable in the context of the surrounding built form. Further assessment in relation to the setting upon the Grade II Listed Manor Farm is discussed below.
- 6.25 ***Heritage Assets***  
The National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'
- 6.26 Sections 16 and 72 Listed Buildings and Conservation Area Act require special consideration to be given to the protection of heritage assets and their settings. The NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate securing it optimum viable use. The impact resulting in less than substantial harm must be given considerable weight in the assessment of the

application and planning permission should not be granted unless there are public benefits of doing so. Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990 state where development which affects a listed building, or its setting, the Local Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possess”.

- 6.27 JCS Policy SD8 and City Plan policy D1 sets out the important consideration for heritage assets in in assessing development proposals
- 6.28 The site lies relatively close to the Grade II Listed Manor Farm and is seen in the foreground of views of the listed building, predominantly from the east. The application has been publicised as affecting the setting of the Manor Farm.
- 6.29 Intervening features between the site and the Listed Building comprise the community centre to the north of Thatcham Avenue, there is also planning permission granted for a new place of worship adjacent to the community centre. To the south of Thatcham Avenue is the parking area to the front of the retail units and the Barn Owl public house accommodated within the barns previously part of the listed Manor Farm. This site was always intended to be developed with a building with the provision of coffee shop/takeaway type use indicated on the Local Centre Design Statement and the reserved matters approval.
- 6.30 The comments of the Conservation Officer are noted and her original comments that the development fails to enhance the setting of the designated assets have now been overcome by the provision of a much improved landscaping scheme that has now been submitted for the rear amenity of the building and the Thatcham Avenue road frontage..
- 6.31 The setting of Manor Farm has changed following the development of the former RAF Quedgeley land and it now sits at the heart of the new Kingsway development within the local centre. Surrounding development now provides community facilities in buildings that are well spaced, low in scale with brick and render being the predominant building materials. It is considered that the scale and materials of the building in this location are acceptable in terms of the setting of the Listed building and therefore the proposal complies with JCS policy SD8 and City Plan policy D1.
- 6.32 **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
- 6.33 The site lies centrally within Kingsway with good access to local services, retail, community facilities, public transport links and the extensive footpath and cycle routes across the estate linking in with neighbouring facilities.
- 6.34 The building would be served by a new vehicular access off Thatcham Avenue just offset to the junction with Valley Gardens. Parking along the full extent of the site onto Thatcham Avenue is currently restricted by double yellow lines and zigzags, which forms part of the school restricted parking area.  
The new access would serve a private car park to accommodate 15 car parking spaces and 3 disabled spaces. A secure cycle store is proposed to the rear of the building and 4 cycle stands proposed close to the entrance.
- 6.35 The land forms part of the area originally intended as part of the local centre car park intended to serve all the uses including the school, pub, community centre, retail units etc  
The permitted scheme for the local centre identified that this site would provide



approximately 60 spaces. However the site has remained vacant and not been used for parking, with permission previously being granted to phase the provision of parking. with this section coming forward concurrently when the permitted café/restaurant uses were constructed.

- 6.36 The applicant undertook a car parking survey (March 2017) to assess the usage of the existing car park. This identified that demand for spaces in the car park was at its highest on the weekdays at 15.15 which would coincide with school collection time. At this time period, it showed 103 cars parked and 33 empty spaces and 95 cars parked and 41 empty spaces on the two days surveyed. As a comparison at 8am there were 26 and 19 cars parked and at 18.45 there were 73 and 65 cars parked.

Unsurprisingly the Saturday survey produced slightly different results with the greatest demand for parking being between 13.15 and 14.30 with between 74 and 88 cars parked and at 18.45 there were 65 cars parked.

The survey has therefore demonstrated that the car park was not operating at full capacity, and spaces were available in the car park to serve the expected demand. Officers did suggest that the applicant may wish to update their car parking survey however this was not forthcoming. The applicant states that the development does not result in the loss of any of the existing 136 parking spaces, that the scheme provides for its own parking, this level of parking has already been deemed appropriate by the previous decision to allow for phasing of the wider car park and that any further survey work would be unlikely to be representative given the change in travel patterns as a result the pandemic.

- 6.37 The Highway Authority raise no objection to the application on the basis of the results of the parking survey and they are also satisfied with the suitability of the proposed access into the site and specific car parking provision for the development itself. They do suggest further conditions, which are included.

6.38 ***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.

- 6.39 The site does not have any direct residential neighbours with the closest residential properties being located to the east of the land at Thatcham Avenue and Leconfied Drive with the site being separated from these properties by an undeveloped grassed parcel of land. Similarly, the residential properties to the north at Buchan Drive and Valley Gardens, these properties are separated by an undeveloped parcel of land, which was originally identified for the doctors surgery, but which has now been built towards the bottom of Rudloe Drive.

- 6.40 Given the distance of the site to the neighbouring residential uses, the proposal raises no concerns in relation to residential amenity however conditions would secure restricted working hours and a construction management plan to reduce impacts upon neighbouring uses and visitors to the local centre facilities, during the construction period.

- 6.41 NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 180 provides that new development should be appropriate for its location taking into account likely effects of pollution on, inter alia, health and living conditions, and in particular to avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 6.42 Policy SD14 of the JCS requires that new developments are of an acceptable environmental quality, including levels of noise. Similarly, policy SD4 of the JCS requires the design of new development to avoid or mitigate against potential disturbances including noise.
- 6.43 Noise levels across Kingsway are higher than other areas of the city, due to traffic and railway noise and many of the residential properties have been built with noise mitigation measures. Consideration also needs to be given to the suitability of the development of this land for residential purposes within an established commercial area and on the edge of the parking area and adjacent to the main vehicular routes through the estate.
- 6.44 A noise assessment has been submitted to determine current noise levels and measures for mitigation. The noise survey was delayed due to Covid 19 restrictions but was undertaken in April 2021 once further restrictions had been lifted on 12<sup>th</sup> April. Most of the facilities in the Local Centre were open including the school, pub, retail and takeaway units. Whilst the report states that the Community Centre was closed, I understand that it has been open daily providing children's nursery provision.

Overall the assessment concludes that the main noise source is from vehicular traffic along Rudloe Drive and vehicles using the local centre car park with the following points made:

- The main noise source observed during the 0800-0900 hrs period was generally related to traffic including to Tesco and access to the school for drop off and the first hour was observed as being busier than the following hour after 0900 hrs.
  - Other noise sources included voices of pedestrians and at bus stop, dogs, some vehicular activity in the local centre car park and a distant lawnmower.
  - During the evening period the noise level was generally governed by noise from the car park and road traffic on adjacent roads. Car park movements were frequent at the start of the survey but dropped off through the survey after about 1830 hrs. The bus stop to the north of the site was regularly used during the survey.
  - There was no noise audible from the pub, and it was observed that all seating was on the other side of the building and fully shielded. From closer inspection at the pub there was some low-level plant running on the eastern façade, but this was not audible at the development site. There were food delivery vehicles observed and heard in the local centre car park.
  - There were lots of pedestrians in the area, some crossing the site itself, as well as numerous children on scooters and playing etc. The area was fairly lively, which was probably influenced by it being a warm sunny evening.
- 6.45 The report concludes that “the site is not especially noisy and in general the levels are relatively similar across the site as it is not large. Once the building is constructed, then there will be a reduced contribution from some sources to each position and “the site can be considered suitable for residential development subject to provision of appropriate noise control measures.”
- 6.46 The City's noise consultants are satisfied that with appropriate building sound insulation measures and fencing to the rear garden area, the level of noise emitted from the ground source heat pumps and that noise levels for new residents would be within acceptable limits and would provide a suitable and appropriate level of residential amenity. The proposal therefore complies with JCS policies SD4 and SD14
- 6.47 ***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.

6.48 The Kingsway development was designed with a fully integrated Suds system incorporating balancing ponds, swales and associated water storage, including the use of permeable paving to accommodate the entire development.

6.49 Since the original submission, amended drainage details have been submitted to address the concerns initially raised by the LLFA and the Councils Drainage Adviser. These details demonstrate that the scheme would achieve appropriate levels of attenuation and discharge rates however further details are required by the standard drainage condition.

6.50 **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.

6.51 The whole of the former RAF Quedgeley was subject to very strict conditions at the outline stage in terms of contamination requiring the land to be remediated prior to use and also for post remediation testing to be undertaken. It is understood that the remediation for the Local Centre was undertaken to a standard that was suitable for the intended commercial use (at that time). However residential use requires a slightly higher standard and further assessment needs to be undertaken. Further details and clarification have been requested however this can appropriately be dealt with through conditions.

6.52 **Waste minimisation**

The County Council Waste Core Strategy requires a waste minimisation statement. Policy SD3 of the JCS requires major developments to be accompanied by a waste minimisation statement and expects development to incorporate the principles of waste minimisation.

6.53 The application includes information stating that new materials will be Green Guide rated and locally sourced where possible, and there will be a policy of recycling of materials during the construction phase wherever possible. Once built the building would be provided with storage for general waste, recycling and food waste.

6.54 ***Open Space and Education Facilities***

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.

6.55 Given the number of dwellings proposed, the application would not require contributions in relation to open space and recreation. Kingsway has a number of open space and parks in close proximity to the site and good footpath links to the closest facilities at Buckenham Walk, Kingsway Sports Ground and the Manor Farm Park

6.56 The nature and proposed use of the development as supported living accommodation does not generate the need for education contributions.

6.57 ***Economic considerations***

The construction phase would support employment opportunities and the use proposed would also create some employment opportunities in the health and social care sector and

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

6.58 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety and parking implications, heritage assets and impacts upon the amenity of the local area. Additionally the applicant has demonstrated a local need for supported housing and the scheme has the support of the County Care Commissioners and the Councils Housing Strategy Manager and therefore the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That, subject to the completion of a Section 106 agreement to provide the following:

- The use and continued use of the building as supported housing
- Nomination rights to the Local Authority (Gloucester City Council and Gloucestershire County Council) in relation to new occupants
- Management of the use by a registered care provider from the County Councils approved framework.

That planning permission is GRANTED subject to the following conditions:

7.2 Condition 1

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

Reason: To comply with the requirements of 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

Site context plan PA101B

Proposed site and roof plan 3102 PA110L

Proposed floor plans PA111F

Proposed elevations PA 112E

Fencing types 392 PA 134b

Landscape proposals 1018-01B

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

Condition 3

No work above floor plate level shall be carried out until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that materials are in keeping with the surrounding area and to provide for high quality design

#### Condition 4

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the noise climate and amenity of local residents.

#### Condition 5

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

- a. Site access/egress including routing of construction traffic
- b. Staff/contractor facilities and parking arrangements
- c. Dust mitigation
- d. Noise and vibration mitigation
- e. Mitigation of the impacts of lighting proposed for the construction phase
- f. Measures for controlling leaks and spillages, managing silt and pollutants
- g. Plans for the disposal and recycling of waste
- h. provision for wheel washing

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

Reason: To protect local amenity from the impacts of short term exposure to noise, traffic movements, vibration, light and dust nuisance.

#### Condition 6

All planting, seeding, or turfing in the approved details of landscaping as detailed on drawings comprising Landscape proposals 1018-01B, Fencing types 392 PA 134b shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five 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.

Reason: In the interests of visual amenity.

#### Condition 7

The building shall not be occupied until refuse bin storage facilities have been provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design.

#### Condition 8

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 25m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent

carriageway level.

Reason: - To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

#### Condition 9

The development hereby permitted shall not be occupied until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

#### Condition 10

The building hereby permitted shall not be occupied until the site access, vehicular parking, turning and loading/unloading facilities have been laid out and constructed in accordance with the submitted Proposed site and roof plan 3102 PA110L and those facilities shall be maintained available for those purposes thereafter.

Reason: - To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

#### Condition 11

Notwithstanding the submitted details, the building hereby permitted shall not be occupied until a delineated at grade pedestrian corridor from the parking bays linking to the building entrance(s) have been made available for use and those facilities shall be maintained available for those purposes thereafter.

Reason: - To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

#### Condition 12

The building hereby permitted shall not be occupied until the cycle storage provision as detailed on drawing Proposed site and roof plan 3102 PA110L has been provided and those facilities shall be maintained for the duration of the development.

Reason: - To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

#### Condition 13

Noise levels within the building hereby permitted shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria (Considered by WRS to be the LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (Considered by WRS to be the SOAEL)\*\*.

Reason: To ensure a satisfactory living environment for residents.

Condition 14

Electric vehicle charging provision

Condition 15

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy that accords with the principles as set out in the Phoenix Design Surface Water Design Strategy dated October 2020 and including further detail on both 1 in 30 year and 1 in 100 year rainfall events, has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

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

**Plus any further conditions that may be recommended by outstanding consultation responses**

Note 1

This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Note 2

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Note 3

The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.

**Person to Contact:** Joann Meneaud (01452 396787)

Planning Application: | 18/00852/FUL

Address: | Kingsway Local Centre,  
Thatcham Avenue, Kingsway  
Quedgeley Gloucester

Committee Date: | 6<sup>th</sup> July 2021

