

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 th October 2021
Address/Location:	Kingsway Local Centre Thatcham Avenue Kingsway Quedgeley Gloucester
Application No:	18/00852/FUL
Ward:	Kingsway
Expiry Date:	Agreed extension of time 16 th 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">1. Site context plan2. Proposed site and roof plan3. Proposed elevations4. Proposed floor plans5. Letter from Advance Housing6. 3rd August Committee report7. Letter from CSJ Planning (Planning Agent) dated 7th September 20218. Letter from CSJ Planning (Planning Agent) dated 15th July 2021

1.0 UPDATE REPORT

- 1.1 The application was previously considered by Planning Committee on 3rd August 2021. After some discussion, Members resolved to defer the application to request the applicant to provide
- An update parking survey
 - An updated noise assessment.

This report is to provide an update on new information and assessment on specific issues only. The August Committee report is attached for information at Appendix 6.

- 1.2 The request for the update surveys was provided to the agent. The agent has not provided any updated surveys but has submitted a letter to explain their reasoning behind this and also provided some further comment upon other issues discussed by members at Committee. Additionally a design assessment, revised site parking layout and updated Transport Note have been submitted. The letter is attached as Appendix 7 and the points are summarised below:

2.0 Agents Comments

2.1 Noise Issues

- The timing of the assessment was delayed until Covid 19 restrictions were lifted in April
- The scope and timing of the acoustic assessment was agreed by the Planning Officer and WRS the noise advisers
- There is no evidential basis for the Committee to consider that the assessment was

not reflective of the local environment and no further survey is considered necessary.

2.2 Highway/parking Issues

The applicant has provided an updated Transport Statement and parking layout for the site.

- The assessment of parking provision for the development was originally assessed on the basis of general residential apartments and local car ownership, resulting in a requirement for 18 spaces and considered to be a worse case scenario.
- The proposed residents are unlikely to have access to their own private vehicle.
- It is expected that 6 spaces will be required for care staff.
- An amended layout has been submitted providing a total of 21 spaces (an increase of 3 compared to the previously proposed layout)
- There is an over provision of spaces to be provided on site and users of the site would not take up parking within the wider parking area.
- Given the limited journeys to and from the proposed use, it could not be considered to have an unacceptable impact upon highway safety or where impacts upon the local road network would be severe.
- The site does not currently form parking for the Local Centre, permission was granted to provide the parking on a phased basis, therefore the level of parking was deemed appropriate at that time.

2.3 Loss of retail floor space/land

- There is no loss of retail space or land designated for such use
- Whilst it was originally intended for retail use this has not been brought forward and marketing information relating to the site has been provided

2.4 Design

- The building is very much in keeping with the height, size, scale and materials of the nearby housing
- Planning permission would be required to create additional residential units in the roof space, this would not be feasible due to the planned use of roof trusses in the roof structure
- Using a brick wall instead of the proposed fence to the garden boundary would preclude the opportunity for planting and landscaping.

Planning Balance

- The assessment of the application has failed to apply the tilted balance which is relevant because the proposal does not give rise to any heritage harm.
- There are no adverse impacts associated with granting planning permission that would significantly and demonstrably outweigh the benefits.

3.0 Additional Consultations Responses

Comments from Worcestershire Regulatory Services (WRS) (the Councils Noise Advisers) in relation to the Noise Assessment undertaken on 24th April.

Location

WRS have reviewed the location of the proposed development in relation to continuous noise sources and the nearest is the A38 which lies 500m west of the site. Local incidental noise will also be generated by service roads, community centre, car park, local shops public house, takeaway and schools. In terms of noise impact most of this incidental noise will not impinge into sensitive times of the day i.e. Between 11pm and 7am and are mostly incidental to peak hours during schools time and when persons frequent the shops and public house.

3.2 Requirements of Acoustic reports

Acoustic impact assessment completed as part of most planning submissions focus on long term noise impacts inside residential property and garden areas. For this reason developers must specify noise mitigation that is required to achieve acceptable noise levels as set out by British Standard 8823 : 2019 and British standard 4142 :2019 A1 for noise associated with static commercial/industrial noise sources.

3.3 The Applicants Acoustic report ref A1745/R01

WRS have re-appraised this report and confirm that it specifies a very high standard of mitigation for the building envelope and enclosed fence for the garden/communal area. Based on the sleeping accommodation acoustic performance predicted from the noise survey data collected in April 2021; an expected performance of LAeq 23dB/LAmax 41dB noise levels is expected in the bedrooms and LAeq 33dB – 40dB in all other areas of living accommodation. Thus the acoustic energy in the local external environment would have to increase by a factor in excess of over 4 times that observed in April to exceed the BS8233 acceptability criteria for bedrooms and by a factor of a least 3-4 times for the lounge and other internal areas.

Externally within the communal garden area current data from April confirm that the daytime noise levels were LAeq 51 to 57dB. The applicants consultant have therefore specified a close boarded timber fence as mitigation which will nominally provide attenuation of 10dB. This would then provide a predicted climate of around LAeq 41 to 47 within the gardens. An increase in noise levels would therefore need to exceed LAeq of 55 which would amount to an increase in environmental noise by a continuous acoustic energy factor of 7 times that observed in April and this is more than the equivalent of doubling the perceived level of noise.

Other sources of noise from static external plant and equipment associated with local business are not subject to change in noise emission due to Covid restriction and would therefore emit the same level of sound.

3.4 Incidental noise

Incidental noise within a busy mixed-use local community will always vary depending on time of year and the type of activities taking place. This is an accepted element of living that society tolerates within reason. WRS have therefore requested whether there is any history of noise complaints concerning commercial businesses in the locality as there are many other residential properties which are equidistant in acoustic terms to this proposal. Officers have confirmed that the Environmental Health Department have no active commercial noise complaints in this area.

3.5 Conclusion of WRS

Noise levels in the local community would have to increase by a perceivable magnitude of double or greater for there to be any need to review the current mitigation proposals found within the existing acoustic report hence the hypothetical likeliness of an increase in this order is extremely remote. For this reason, WRS would not be in a position to support the Council in requesting further detailed study.

4.0 Officer Comments

Noise Issues

4.1 The noise survey was undertaken on 23rd and 24th April, after the removal of many of the lockdown restriction that had been in place up until 12th April. This allowed for the opening of

non essential retail, and pubs and restaurants were able to open for service outside but there was still no mixing allowed between 2 households.

Following the date of the survey there has then been further lifting of restrictions as

17th May allowed 30 people to gather outdoors and the rule of six or two households applied to indoor gatherings, and pubs and restaurants were able to open for service indoors.

Ultimately all restrictions on social gatherings and the opening of businesses were removed on 21st June.

- 4.2** The original outline permission did not restrict delivery times for the commercial or community uses but did restrict opening hours of any hot food shop or restaurant to 8am to 11pm Monday to Saturday and 12noon to 11.30pm on Sunday.
- 4.3** The Planning Enforcement Officer has confirmed that within the last couple of years, there have been no complaints relating to noise and disturbance arising from the permitted businesses or community facilities within the Local Centre. Additionally, at the time of writing the report, our Community Wellbeing Team had not advised of particular noise issues reported to them.
- 4.4** WRS have reviewed the original noise report and have concluded that it is appropriate for use in these circumstances, that background noise levels would have to increase significantly to result in any harm and therefore future residents would have an acceptable living environment.

Parking /Highway Issues

- 4.5** The amended site layout that has been submitted to provide an increase in 3 parking spaces is currently being assessed by the Highway Authority and their comments upon this will be reported to Committee via the late material. The Highway Authority were satisfied that the original layout with 18 spaces, provided sufficient parking space to accommodate the needs of residents, staff and visitors to the site.
- 4.6** The original reserved matters included the site as providing for two coffee shop/takeaway units with approximately 60 car parking spaces. Permission was then granted to allow for the provision of the parking areas in phases, however there were no conditions requiring this site to be brought forward for parking at a particular time, other than when the two remaining units were built. Therefore there are no provisions under any of the earlier permissions to require that the car park and associated two retail units are provided. The use of the application site, as originally envisaged as additional parking, to serve the Local Centre is therefore unlikely to be forthcoming.

4.6 Potential loss of retail provision

The site lies within the Kingsway Local Centre that provides important community facilities and day to day shopping needs of local residents. JCS Policy SD2 sets out the criteria for assessing new development proposals within such centres and states that uses will be promoted and supported where they include residential, retail, leisure, culture, tourism, office development and community facilities that contribute to the vitality and viability of the centre. The proposed residential use, on a parcel of land that has lain undeveloped for many years despite marketing for retail type uses, is considered to comply with the criteria of JCS policy SD2.

- 4.7** At the outline stage the mix of uses permitted within the Local Centre was clearly set out in the 2003 appeal decision, and this included residential use Class C3, so even from that early stage, some residential use within the Local Centre was deemed appropriate. However it should also be noted that this application is not submitted under the provisions of that outline permission.

4.8 Update on the emerging Gloucester City Plan

We have now received the Inspectors comments upon the policies within the emerging City Plan, following the examination hearings that took place in July. The Inspector suggests some changes to Policy A5 relating to the provision of Specialist Housing. Currently the policy reads as follows:

Development proposals for specialist housing must be:

- 1. Supported by evidence of the demonstrable need for this form of housing within Gloucester City;*
- 2. Suitable for the intended occupiers in relation to the affordability, quality, design and type of facilities with, if appropriate, the provision of support and/or care supported by a sustainable business model;*
- 3. Accessible to local shops and services, public transport and community facilities appropriate to the needs of the intended occupiers; and*
- 4. In a location that avoids excessive concentration of such housing within any one street or small area.*

Where the development falls within use class C3 (dwelling houses), the development will be expected to contribute to the supply of affordable housing within Gloucester in accordance with Policy A2.

If development, including change of use, would involve a net loss of specialist residential floorspace, this will only be permitted where appropriate replacement specialist housing accommodation will be made that satisfies the above policy or it is demonstrated that there is no local need for the floorspace to be retained for the current or last use.

4.9 The Inspector was generally satisfied with the intention and requirements of the policy but required some minor changes to provide clarification on how “excessive concentration” would be assessed and suggested the removal of reference to a business model and alternatively referring to the provision being supported by Commissioners.

4.10 With these changes, it is still considered that the proposed scheme accords with the requirements of the policy. The need for the housing has been demonstrated, the accommodation represents a good standard for new residents, the provision has the support of the Commissioners with management by a well respected care provider, the site is well located for access to local shops, services and transport and there are no other specialist housing developments within the local area.

5.0 Officer Conclusions

5.1 The applicant has responded to Committee’s request for an updated noise and parking survey through the attached letter explaining their reasons why they consider the submission of further reports are not necessary

5.2 In relation to noise, WRS have further reviewed the original noise report and are satisfied that it is fit for purpose and that background noise levels would have to significantly increase to result in an unacceptable noise level for the new residents both inside the building and within the garden area. They also note the lack of complaints from existing local residents relating to noisy activity within the Local Centre.

5.3 The scheme provides for sufficient parking within its curtilage to accommodate likely demand for parking from residents, visitors and staff. There are no planning provisions in place to

require the owner/developer of the site to implement the originally permitted parking area within the Local Centre.

- 5.4** This application has been considered in the context of the policies and guidance relevant to the proposal. All other planning considerations are clearly set out in the previous Committee report and the scheme is considered to be acceptable and consistent with those policies in terms of the design and layout of the building, landscaping, residential amenity, drainage and flood risk, economic considerations and impacts upon heritage assets. 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.
- 5.5** Consideration has also been given to the Public Sector Equality Duty set out within the Equality Act 2010, safeguarding and welfare of children under the Children Act 2004 and Article 8 (Right to respect for private and family life, home and correspondence) and Article 1 of the First Protocol (Right to the use and enjoyment of property) of the Human Rights Act 1998.
- 5.6** The proposal complies with policy guidance and is acceptable, the consideration of the various issues weighs favourably to the granting of planning permission and accordingly it is recommended that planning permission be granted subject to the completion of a Section 106 agreement and necessary conditions.

6.0 RECOMMENDATION OF THE HEAD OF PLACE

- 6.1** 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;

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

The development hereby approved shall not be brought into use until electric vehicle charging points have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities

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.

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 (396787)

Planning Application: | 18/00852/FUL

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

Committee Date: | 5th October 2021

