

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	04.04.2023
Address/Location:	63- 65 Denmark Road
Application No:	22/00807/FUL
Ward:	Kingsholm
Expiry Date:	N/A
Applicant:	BTS Trading Ltd
Proposal:	Change of use from 28 bed HMO (sui generis) to 10 x self contained one bed flats (C3). Two storey rear extension and associated landscaping.
Report by:	Rhiannon Murphy
Appendices:	Site Location Plan Proposed Site Plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located within the Kingsholm ward of Gloucester at a corner plot with the front elevation of the building facing north onto Denmark Road and the west side elevation of the building facing towards Oxford Road. The application site is located within the Denmark Road Conservation Area
- 1.2 The site comprises of a traditional three storey red brick Edwardian building identified as a neutral contributor to the Conservation Area. The building is set back from the road by an area of hardstanding to the front. The front and side boundaries are enclosed by a low level red brick wall with railings above. The site benefits from existing access and car parking to the rear for up to 5 cars. There is a landscaped area to the rear and two mature trees border the site. The most recent use of the building was a 28 bed HMO. However, the building has remained vacant for some time.
- 1.3 The application seeks full planning permission for the proposed change of use of the building from a 28 bed HMO (sui generis) to 10 x self contained one bed flats (C3). The proposal would include the construction of a part three and part two storey rear extension to infill the rear of the building. Minor alterations to the existing elevation of the building are proposed mostly comprising alterations to fenestration. The application includes tree planting along the north and west boundaries of the site, garden area and parking to the rear which would include space for 5 cars, 10 cycles and an area for bin storage.
- 1.4 A number of alterations have been made to the proposal since the submission of the original plans to seek to overcome issues surrounding design, amenity, space standards and accessibility.

2.0 RELEVANT PLANNING HISTORY

06/01277/COU – Erection of a two storey building comprising 4 no. flats. Refused 15th January 2007.

07/00445/FUL – Erection of a two storey building comprising 4 no. flats (revised scheme). Refused 31st May 2007.

08/01456/FUL – Proposed construction of a pair of semi detached houses to the rear of the building. Refused and dismissed at appeal on 28th May 2009.

3.0 Policies and Guidance

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
SD6 – Landscape
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

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 the 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 **Development Plan**

Gloucester City Plan

The Gloucester City Plan ("City Plan") delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. The City Plan was adopted 26th January 2023 and forms the development plan alongside the JCS.

A1 – Effective and efficient use of land and buildings

A6 – Accessible and adaptable homes

B1 – Employment and skills plan.

D1 – Historic environment

D3 – Recording and advancing understanding of heritage assets

E1 – Biodiversity and geodiversity

E3 – Green/ Blue Infrastructure

E4 – Flooding, sustainable drainage, and wastewater

E7 – Trees, woodlands and hedgerows

F1 – Materials and finishes

F2 – Landscape and planting

F3 – Community safety

F6 – Nationally described space standards

G1 – Sustainable transport and parking

G6 – Water Efficiency

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. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance/ Documents**

Denmark Road Conservation Area Appraisal

4.0 **CONSULTATIONS**

4.1 Archaeology

The garden to the rear of this property was subject to archaeological evaluation in 2005. That investigation found evidence of insitu Roman period archaeological remains surviving at about one metre below ground level. The site is located just to the south of the route of the Ermin Street Roman Road (which roughly follows today's Denmark Road in this location).

The site is also in the general area of a known Roman cemetery. I am therefore concerned that any groundworks could impact (this is damage or destroy) any archaeological remain that may be present.

In light of the above I would ask that a condition is attached to any permission should the application be granted

4.2 **WRS (Noise)**

No objection to the application in terms of road traffic noise.

4.3 **Conservation**

63-65 Denmark Road comprises of two large Edwardian dwelling houses that have been converted and used historically as a boarding house and HMO. The building has been vacant for some time resulting in a negative impact on the Conservation Area.

The application proposes a conversion to 10 x 1 bedroom apartments with an infill extension between the two rear projecting wings. The front elevation remains unaltered. With regards the overall design of the proposed infill extension this is acceptable in principle subject to the change from uPVC windows to powder coated aluminium.

Conservation comments were relayed back to the agent who confirmed it would not be financially viable to replace all of the windows on the building but confirmed the windows to the rear of the building and the windows on the Oxford Road side elevation would be changed to powder coated aluminium, ensuring consistency across each elevation. Conservation confirmed they were content in accepting this approach as a compromise.

Amended plans were also received to which conservation provided the following comments:

No objection, however request that the proposed rooflights on the rear slope be conditioned as flush fitting conservation roof lights. The ground floor windows on the rear projecting wings have been designed with modern proportions to match the infill extension rather than the proportions of the windows above and would look better the same size as those above and with an arched brick header, but this does not alter my decision. My position is unaltered and the application can be supported.

4.4 **Landscaping**

There are two mature trees within the site which will be retained and protected during the construction phase, an arboricultural assessment was submitted with the application. There is a small area of lawn to the rear of the property, a bike store, bin store and parking for 5 cars. Six additional trees have been proposed in the front gardens and side bordering Gloucester Road.

Three of the trees are proposed to be located in a hard surface, two within new planters, and careful consideration will need to be given to the provision of adequate root zones. It may be preferable to locate the trees at ground level as they are more likely to receive adequate amounts of water. However, their root zones would need to be sufficient regarding both area and depth, and underground services could be a restraint. Three of the trees proposed along Oxford Road are within ground cover planting. All the trees are located in front of windows so species with lighter density canopies should be specified.

The proposed trees will reduce the visual impact of the hardstanding and provide a softer look to the area and there is no landscape objection to the proposals. A condition should be attached requesting a detailed landscape plan, to include species and densities of planting. It should also be demonstrated that the trees located within the hardstanding would have adequate root runs.

4.5 **Tree Officer**

There are 2 mature trees that will be within influencing distance of the construction process. Both will need to be considered and protected.

No objections raised to the proposal subject to condition requiring:

- Approval and implementation of Trees/ Hedgerow protection measures
- Implementation of approved trees/ hedgerow protection measures
- Excavation or surfacing within the root protection area of trees
- Protection of habitats

4.6 **Highways**

The site is in a very sustainable location with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance. The existing walking, cycle and public transport infrastructure would therefore entirely support a 'car free' development in this location.

Existing on street parking restrictions would protect the sensitive parts of the network and prevent unsuitable parking. GCC have no concerns regarding impact on the highway network. It is considered there would be no material change in terms of vehicular movements from the existing land use to that what is proposed under this application.

No incidents have been reported in the vicinity in the past 5 full years regarding incidents caused by vehicles on street parking. The immediate area is controlled by way of a Traffic Regulation Order, double yellow lines thus preventing inappropriate parking and protecting the sensitive parts of the highway network. Furthermore, areas of parking on street is at a first come, first serve basis.

Site access: Existing access points are established within the site and these will be utilised in the new layout.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

4.7 **Civic Trust**

Acceptable. A welcome upgrade for this prominent corner site in the Conservation Area.

4.8 **Housing**

- Affordable housing is expected on 10 or more units
- Concern over whether Vacant Building Credit should apply for this development.
- Significant amount of HMO single accommodation within the Kingsholm and Wotton ward of Gloucester, creating a transient community. Whilst self-contained accommodation is less likely to be transient, singles are still more likely to move on and so the applications focus on 1 bed homes is not helping deliver a mixed and balanced development/ community. In line with SD11 we expect to see a more

varied mix of accommodation. There is limited need for 1 beds and a varied range of needs for homes above this size. To comply with policy SD11 and make an application acceptable we need to see a more varied approach to the size of homes provided.

- M4(2) provision has not been addressed. 25% would require 3 homes of this standard.
- Only two of the flats have their own functional outdoor amenity space, to make an application acceptable all homes should include private amenity space

Further to amended plans being received which show compliance for 2 x M4(2) units, the housing officer confirmed that 2 m4(2) units would be acceptable. However maintained their other concerns that they had previously outlined.

4.9 **Severn Trent Water**

Email received confirming they will not be commenting on the planning application.

4.10 **Local Lead Flood Authority**

The LLFA have no objection to the proposal. The impermeable area resulting from this development will be reduced while the existing building can use existing surface water drainage arrangements, the LLFA can see no benefit in applying any drainage conditions to any planning consent granted against this application.

4.11 **Drainage**

The site is Flood Zone 1 and is indicated as low flood risk from both pluvial and fluvial sources. The works consist mainly of internal works to an existing property with a small infill extension and landscaping.

From the plans the proposed soft landscaping appears to compensate for the small infill extension which is acceptable in this unique case.

There is proposed works for a block paviour parking area. While a full drainage strategy is not required, the design and suitable sections of the proposed SUDS compliant block paviour area needs to be presented for assessment and approval. This can be done under condition if required.

Overall, I have no objection to the works subject to confirmation of the SUDS parking area and/ or suitably designed drainage for the parking area as necessary. The overall area of soft landscaping as presented needs to be maintained to compensate for the increase in building footprint.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified of the proposal, a site notice was placed on site and the development was placed in the papers. 8 letters of objection were received raising the following concerns in respect to the proposal:

- Not enough parking is being proposed for the site – will worsen parking problems and congestion in the area
- Parking assessment does not include the fact that people cannot park outside 59 and 60 Denmark Road – Whilst the kerb is not dropped there are driveways used for private parking for the residents of the flats within the properties and cannot be blocked
- Proposal would result in an over development of the site
- The density of the application is too high (10 x 1 bedroom flats)
- The flats are very small

- The site has a history of refused applications
- The proposal does not address democratic needs within the neighbourhood
- Tenants are likely to be students or those who will not stay in the area long term which would have an impact on community
- Submitted parking survey was undertaken during late July when both schools and universities were closed. There were no sporting events at the Kingsholm Stadium – parking should be re considered
- Lack of parking increases safety risk at school pick up times – it may be advisable to conduct an Equality Impact Assessment to more fully understand the risks which will be exacerbated if the current proposals are accepted
- Flooding concerns caused by increase in surface footprint of the building combined with planning tarmacked area
- Design concerns – Front elevation of proposal poorly designed. Particular objection to the use of UPVC windows check whether need to update

6.0 OFFICER OPINION

6.1 *Legislative background*

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

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

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

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

- Principle
- Vacant building credit
- Affordable housing
- Housing mix
- Design and layout
- Landscaping
- Impact on historic environment
- Residential amenity
- Accessible and adaptable homes
- Highways Considerations
- Drainage and flood risk
- Employment and skills plan
- Sustainability
- Water efficiency
- Economic considerations

6.5 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).

- 6.6 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.

At the time of writing, the Council is not able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 8, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

- 6.7 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester and encourages the sensitive, adaptive re-use of vacant or redundant buildings, subject to requirements of other policies. 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. The proposal would bring a vacant building back into residential use. The principle of development is considered acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

6.8 Vacant building credit

Vacant building credit is an incentive for brownfield development on sites containing vacant buildings which provides a financial credit when a building is brought back into lawful use.

The National Planning Practice Guidance details that vacant building credit applies where the building has not been abandoned and specifies that in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as

- The condition of the property
- The period of non -use
- Whether there is an intervening use, and

- Any evidence regarding the owner's intention

The NPPG also specifies that it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re- development
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

6.9 The agents have confirmed that the building has been vacant since May 2021 due to viability issues for the ongoing operation of the previous use. The manager of the previous use was struggling to deal with the volume of serious incidents that were taking place at the property and as such had to close the premises. The agents confirm within their supporting statement that whilst the condition of the property has deteriorated and the building has been vacant for some time, the building is not considered to have been abandoned.

At the time of writing, the building has been vacant for a substantial period, since May 2021 and the agents have set out the reasons as to why the building was vacated. It is concluded that sufficient justification has been provided to demonstrate that;

- The building has not been made vacant for the sole purposes of re- development
- The building is not covered by an extant or recently expired planning permission for the same or substantially the same development.
- The building is not considered to have been abandoned

6.10 It is therefore considered that Vacant Building Credit would apply to this scheme.

6.11 **Affordable housing**

The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Paragraph 64 of the NPPF states affordable housing should not be sought for residential developments that are not major development, other than in designated rural areas. Within the NPPF Glossary major development for housing is defined as where 10 or more homes are provided. As the proposal is for 10 homes, the application falls into the definition of major development and therefore triggers a requirement for affordable housing.

6.12 Policy SD12 of the JCS states that on sites of 11 dwellings or more... a minimum of 20% affordable housing will be sought on developments within the Gloucester City administrative area. Whilst noted that the Council's JCS refers to a requirement of affordable housing at 11 dwellings or more, the thresholds of the JCS are meant to follow and be in conformity with national policy and the Council have concluded it would be appropriate to follow national policy as set out in the NPPF, the national policy has progressed and been revised and therefore the requirement for affordable housing provision is triggered for developments of 10 dwellings or more.

6.13 The proposal is for the change of use of the building to 10 residential units and as such, affordable housing provision would be requirement as part of this planning application. As it has been concluded that Vacant Building Credit does qualify for this scheme, there will be a reduction to the amount of affordable housing contribution required. The affordable housing contribution will be dealt with through the completion of a S106.

6.14 **Housing Mix**

Paragraph 69 of the NPPF states that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area'. Policy SD11 of the JCS refers to Housing Mix and Standards and states; 'Housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market'. Improvements to the quality of the existing housing stock involving remodelling or replacing residential accommodation will be encouraged where this would contribute to better meeting the needs of the local community.

- 6.15 This application seeks a change of use of the existing building from a 28 bed House in Multiple Occupation (HMOs) to 10 no. 1 bed residential flats. 4 of the flats are proposed to be 1 bed, 1 person flats and 6 of the flats are proposed to be 1 bed, 2 person flats.
- 6.16 The Council's housing officer has been notified of the proposal and raised concern over the lack of mix of dwellings proposed. The housing officer has highlighted that within Kingsholm and Wotton, there is a significant amount of HMO single accommodation, creating a transient community. Housing have raised that whilst self-contained units are likely to be less transient, singles are still more likely to move on and so the proposal is not helping to deliver a better mix and balanced community and they have raised objection to this application on this basis.
- 6.17 Whilst the proposed development comprises solely 1 bedroom units and does not provide a mix of accommodation the lawful use of the property as a 28 bed HMO is a material consideration which needs to be taken into account when making a decision. The local area has a high concentration of HMO accommodation so it is considered that the change of use to self contained accommodation is a benefit and will improve the mix of accommodation available in the local area. On balance it is considered that the change of use of the building from a 28 bed HMO to 10 residential flats would result in an improvement to the extant use of the building which is a benefit.
- 6.18 In summary although the proposal does not provide a mix of unit sizes it is considered that the proposed change of use provides an improved quality of accommodation over and above the current situation and the benefits of this outweigh any harm that would arise from the provision of solely 1 bedroom units.
- 6.19 **Design and layout**
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 SD4 sets out requirements for high quality design, while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.
- 6.20 Policy A1 of the adopted Gloucester City Plan requires development to make effective and efficient use of land and buildings, policy F1 requires developments to achieve high quality architectural detailing, with external materials and finishes that are locally distinctive
- 6.21 The proposed development does not include any alterations to the front elevation of the building. The side elevations of the building will see only minor alterations. A door will be infilled on the elevation facing towards Oxford Road and a door will be infilled on the other side elevation as well as the removal of another door and its replacement with a window.

UPVC Windows on the rear elevation and side elevation facing towards Oxford Road will be replaced with grey aluminium windows in line with a request from the Council's Conservation Officer.

- 6.22 The proposal seeks the introduction of an infill extension to the rear of the building which would be part two storey and part three storey and have a flat roof. Further to discussions with the agent over overlooking concerns, the proposed balcony to the rear has been removed. The proposed extension would be constructed from off white render mid grey standing seam walls and roof.
- 6.23 The proposed alterations to the side elevation of the existing building are considered to be acceptable and wouldn't result in harm to the character and appearance of the existing building or the surrounding area. The Proposed infill extension to the rear would be a modern addition to a traditional Edwardian Dwelling House and would create visual interest for the building. The proposal is considered to be acceptable in design and would not harm the character of the existing building or the surrounding street scene.
- 6.24 The proposed development would utilise the existing access from Oxford Road to provide parking to the rear of the site which would consist of 5 car parking spaces and 10 cycle parking spaces. The pedestrian access from Oxford Road would be retained whilst a new pedestrian access would be created from Denmark Road. Bin storage would be located to the rear of the site. The proposed layout of the site is considered to be acceptable and would utilise the existing access at the site. Details of the appearance of the proposed gate will be conditioned as part of any permission to ensure its appearance is acceptable and would not detract from the character of the area.

6.25 **Landscaping**

Policy INF3 of the JCS states that '*development proposals should consider and contribute positively towards green infrastructure*' and '*existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services... and the connectivity of the green infrastructure network*'.

- 6.26 policy E3 states that development must contribute towards the provision, protection and enhancement of Gloucester's Green/ Blue Infrastructure Network. policy E7 states that '*development proposals should seek to ensure there are no significant adverse impacts on existing trees, woodlands or hedgerows and that every opportunity is taken for appropriate new planting on site, including trees and hedgerows*'.
- 6.27 The proposal includes plans for landscaping. 2 existing trees on site would be retained and 6 new trees would be planted. The site plan shows areas of both hard and soft landscaping including grassed areas and planters.
- 6.28 The proposed trees would assist in reducing the visual impact of the hardstanding and provide a softer look to the area. The Landscape Officer has been notified of this application and has raised no objection to the proposal subject to the inclusion of a condition to any planning permission for the submission of a detailed landscape plan.
- 6.29 The Council's tree officer has been notified of this proposal and raised that there are 2 trees adjacent to the site that will need to be protected. Conditions have been requested to ensure this takes place should planning permission be granted.

- 6.30 The layout and landscaping proposed as part of this development is therefore considered to be acceptable in accordance with the NPPF and previously outlined JCS and GCP policies and can therefore be considered acceptable in this respect subject to the inclusion of conditions attached to any planning permission.

6.31 **Impact on historic environment**

Chapter 16 of the National Planning Policy Framework (2018) 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'. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is reflected in policy SD8 the Joint Core Strategy.

- 6.32 Policy D1 of the Gloucester City Plan requires development to conserve the character, appearance and significance of designated and non- designated heritage assets and their settings, Policy D3 required developers to record and advance understanding of the significance of heritage assets prior to and/ or during development.

Impact on the Denmark Road Conservation Area

- 6.33 63-65 Denmark Road comprises of two large Edwardian dwelling houses used most recently as a HMO. The building has been vacant for some time resulting in a negative impact on the Conservation Area.

- 6.34 The proposed conversion of the building and infill extension was found by the Conservation Officer to be acceptable further to amendments altering the windows on the rear and side elevation facing towards Oxford Road being altered from UPVC to powder coated aluminium. Conservation have requested that the proposed rooflights on the rear slope be conditioned as flush fitting conservation roof lights and commented that the ground floor windows on the rear projecting wings be designed to match the proportion and design of the windows above with an arched header. Both the flush fitting rooflights and the design of the rear ground floor windows will be conditioned as part of any permission.

- 6.35 The proposal is considered acceptable in design and materials and would bring a vacant building within the Conservation Area back into use. It is considered that the proposal would preserve and enhance the character and appearance of the Denmark Road Conservation Area and would sustain its significance as a designated heritage asset.

6.36 Archaeology

The Council's Archaeologist has been notified of this proposal and raised that the garden to the rear of the site was subject to archaeological evaluation in 2005. The investigation at the time found evidence of insitu Roman period archaeological remains surviving about one metre below ground level. The site is located south of the route of the Ermin Street Roman Road (which roughly follows today's Denmark Road in this location). The site is also in the general area of a known Roman cemetery.

- 6.37 The Archaeologist therefore raised concern that any groundworks may impact (damage or destroy) any archaeological remains that may be present and recommended a condition to be added to any permission should permission be granted.

6.38 Taking all the above into consideration, it is judged that the proposal can be considered acceptable in accordance with Section 16 of the NPPF and policy SD8 of the JCS, subject to the inclusion of conditions.

6.39 **Residential amenity**

Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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

6.40 The main dwellings likely to be affected by the proposal are:

- 134 Oxford Road to the south
- 61 Oxford Road to the east
- Properties to the west (across Oxford Road)

6.41 134 Oxford Road

134 Oxford Road is located to the south of the site. The property is orientated so that the side elevation of 134 Oxford Road stands adjacent to the rear of the site. The proposed rear extension would face towards the side elevation of 134. The rear elevation of the proposal would be situated some 23 metres from the side elevation of number 34 which is considered sufficient to prevent any unacceptable levels of overlooking from arising from rear facing windows. Additionally, due to the distance at which the building is set from no. 134 the proposed extension would not result in harm in terms of overshadowing/ overbearing for this property.

6.42 61 Oxford Road

Further to discussions with the agent, amended plans have been provided making alterations to the proposal which seek to prevent harm to the living conditions of occupants at 61 Oxford Road. Amended plans include the removal of a roof terrace on the rear extension, removal of a rooflight on the side elevation along with internal changes, and the use of obscure glazed windows on the side elevation facing towards no. 61.

Overshadowing/ overbearing

6.43 The proposal seeks the construction of a part two storey, part three storey infill rear extension between the existing two storey pitched roof rear projections. There is an existing single storey rear infill extension which will be removed as part of the proposal. At a two storey level, the proposal will extend almost to the same point as the two existing rear projections (but set back by some 0.6m).

6.44 The second storey element would not project as far and would be set back some 3.9m from the rearmost projection of the building. Given the siting of the proposed extension, it would

not have a harmful overbearing/ overshadowing impact on the rear facing windows or rear garden of 61 Oxford Road.

- 6.45 The side elevation of no. 61 includes windows at a ground floor, first floor and second floor level and it has been necessary to consider the impact of the proposal on these windows. The two storey element of the proposal would not extend beyond the height of the existing two storey rear projection and so would not have a harmful impact on no. 61.
- 6.46 The second storey element of the proposal would project 4.6m in depth from the rear elevation of the main part of the building and would measure approximately 9.2m in height. (just above eaves height of the roof of the main building. The proposal would be set away from the neighbouring property boundary by 4.6m and set away from the dwelling itself by 6m.
- 6.47 The ground floor side facing windows at no. 61 are located on the side elevation of the main part of the building. These windows are already compromised in terms of outlook/ light due to their positioning in relation to the existing building at 63-65 Denmark Road and it not judged that the proposal would result in an unacceptable amount of additional harm.
- 6.48 On the upper floors the side elevation of no. 61 includes three windows on the first floor; two within the side elevation of the main part of the building and one on the side elevation of the rear two storey projection and two on the second floor – both of which are on the side elevation of the main part of the building. The first and second floor windows on the side elevation of the main part of the building look directly towards the side wall of 63-65 Denmark Road which is three storeys in height and so the existing building already compromises the outlook/ light for these windows. Considering this existing relationship and that the proposed new extension would be set in from the side elevation of no. 61 by 6m and would not be located directly opposite these windows, it is not judged that the proposal would result in significant additional harm to the extent that would warrant refusal of this application.
- 6.49 In terms of the impact on the side facing window within the rear projection of no. 61, the proposed three storey element of the extension would not extend southwards to the point of this window and is set away from the side elevation by some 6m. Therefore the impact on this window is not considered to be unacceptably harmful.

Overlooking

- 6.50 The proposal would include 4 ground floor windows and two doors on the side elevation facing towards no. 61. The windows serve a small secondary window to the bedroom and a kitchen/ dining window at flat 1 and a secondary window for the bedroom and a kitchen/ dining window at flat 2. All of these windows are proposed to be obscure glazed to prevent any harmful overlooking from occurring.
- 6.51 The first floor would include three side facing windows. One window would be a secondary window to a living/ dining area at flat 5 as well as their kitchen window and a landing window. The secondary living/ dining window is proposed to be obscure glazed. The kitchen window is an existing window which does not directly overlook any windows at no. 61 but could however result in overlooking at an angle to a nearby first floor side facing window at no. 61. It is therefore deemed necessary that this window is obscure glazed to prevent overlooking and a condition will be added as such to any planning permission . The landing window is also an existing window which served a landing when in use as a HMO – The proposed use of this window as a landing does not alter the existing arrangement. A landing window is a non habitable room and so overlooking from this window is not considered unacceptable.

6.52 The proposed second floor would have two side facing windows, one to a bathroom and one to a hallway. Both windows are existing windows. The hallway window will remain as a hallway window, is a non habitable room and would not increase overlooking between the two properties. The proposed bathroom window will be conditioned as obscure glazed and top opening to prevent overlooking from occurring.

6.53 Properties to the west of the site across Oxford Road

The proposed side facing windows facing towards Oxford Road would look towards the front of properties along Oxford Road at a distance of 22.5m this is considered a normal relationship between dwellings and I have no immediate concerns in regards to this.

6.54 It is not considered that the proposed infill extension to the rear of the building would have an unacceptably harmful impact on the living conditions of occupants at Oxford Road in terms of overbearing/ overshadowing.

6.55 Impact on the living conditions of future residents of the proposed dwelling

Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed residential unit. Paragraph 17 of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:

1. New housing should meet and where possible exceed appropriate minimum space standards.

2. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8

The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. The National Space Standards have been taken forward within the Gloucester City Plan. Policy F6 of the emerging plan provides that development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards. On the basis of the stage of preparation the plan has reached, and the consistency of policy with the NPPF, and its reference to national standards, Policy F6 can be afforded moderate weight in accordance with paragraph 48 of the NPPF.

Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area.

Please see the following link which will provide details of National Space Standards. All new residential units should comply with these national space standards:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/

160519_Nationally_Described_Space_Standard____Final_Web_version.pdf

6.56 This application proposes the creation of 10 no. 1 bed flats. National space standards require the following in regards to 1 bedroom flats:

1 bedroom, 1 person flat must be at least 39 square metres (37 if shower room rather than bathroom) and must include 1 square metre of built in storage.

1 bedroom, 2 person flat should be 50 square metres, with 1.5 square metres of built in storage

6.57 The proposed flats would be the followings sizes:

- Unit 1 (1 bed, 1 person flat) – 39 square metres
- Unit 2 (1 bed, 2 person flat) – 52 square metres
- Unit 3 (1 bed, 2 person flat) – 52 square metres
- Unit 4 (1 bed, 2 person flat) – 48 square metres
- Unit 5 (1 bed, 1 person flat) – 38 square metres
- Unit 6 (1 bed, 2 person flat) 52.5 square metres
- Unit 7 (1 bed, 1 person flat) 38 square metres
- Unit 8 (1 bed, 1 person flat) 38 square metres
- Unit 9 (1 bed, 2 person flat) 50 square metres
- Unit 10 (1 bed, 2 person flat) 51 square metres

6.58 The units have been amended so they all (but one – unit 4) meet national space standards for either one or two persons. Unit 4 was proposed as a 2 person unit however to achieve M4(2) standards – discussed later in this report – some of the floor area of flat 4 had to be compromised. Whilst this flat falls below space standards for a 2 person unit, the proposal would still be large enough to accommodate 1 person.

6.60 Amendments have been made to the proposal as the application has progressed to seek to achieve space standards, this has been mostly achieved, with exception of unit 4 now reaching the standard of just a 1 bed 1 person dwelling and the lack of storage space for units 7,8 and 9. Whilst there is not full compliance, the proposal is largely in accordance with space standards and will in all provide adequate living conditions for future occupants.

6.61 Habitable rooms within the development largely benefit from an acceptable level of light/ outlook. There are some examples of kitchens benefitting from a relatively poor level of light and outlook and the windows to the kitchen/ dining area of flats 1 and 3 would be obscure glazed to prevent harmful levels of overlooking from occurring. However, as a kitchen is considered to be non habitable this is not considered to be detrimental and prime amenity space such as bedrooms and living rooms benefit from sufficient outlook and light.

6.62 The proposal does not include allocated private amenity garden area for each residential units. A grassed area is however proposed to the rear of the site that could be used by future occupants. Whilst the lack of private amenity garden space is noted, the proposal is for the conversion and extension of an existing building for flats and so the constraints of the site prevent any achievable allocated outdoor amenity space for each unit. The small areas of outdoor amenity space within the space, whilst shared areas, would provide a small amount of outdoor space. The level and amount of open space available is considered to be acceptable given the nature of the proposal and the context of the site.

6.63 Taking all of the above into consideration, it is judged that the proposal would achieve an acceptable level of amenity for future occupants in accordance with the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.64 **Accessible and adaptable homes**

Policy A6 of the Gloucester City Plan states:

'In order to create accessible homes that meet the needs of an aging population, frail and disabled persons, and to meet the City Council's duty under the Equalities Act, the following accessible and adaptable homes standards will be met:

- 1. 25% of housing developments should be of a size, configuration and internal layout to enable Building Regulations requirement M4(2) 'accessible and adaptable dwellings' to be met'.*

- 6.65 Alterations have been made to the proposal as the application has progressed and the amended plans have demonstrated that the proposal is able to achieve 2 no. M4(2) compliant dwellings (flats 2 and 4) thereby providing 20% accessible and adaptable homes as part of the application.
- 6.66 Whilst 3 units would have been required to be completely policy compliant, 2 units is considered in this instance acceptable and various discussions and meetings with the agents, housing team and specialist housing advisors confirmed that no further units could be achieved due to the constraints off the building in context with the proposal. Given the constraints of the site and nature of the proposal (Being a conversion) it is considered that 2 units is sufficient level of provision in this instance.
- 6.70 **Highways Considerations**
Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.71 Policy G1 of the Gloucester City Plan refers to sustainable transport and parking and states *'for residential development a minimum of 1 cycle space per 1 bedroom dwelling... shall be provided'* and states *'cycle parking must be sheltered, secure and easily accessible'*. The policy goes on to state *'all new development will provide car parking to a level and design that is appropriate for the local context'*.
- 6.72 The proposed development would utilise the existing site access and provide parking for 5 cars and 10 bikes. In support of the planning application the agents have provided a supporting document assessing both access and parking and including a parking survey.
- 6.73 The Highways Authority have been notified of the proposal and raised no objection to the application. Highways consider the site to be situated in a very sustainable location with good access to public infrastructure and all required amenities accessible within an acceptable walk or cycle distance. The existing walking, cycle and public transport network would therefore support a car free development.
- 6.74 Existing on street parking restrictions would prevent the sensitive parts of the network and prevent unsuitable parking and it is judged that there would be no material change in terms of vehicular movements from the existing land use to that what is proposed under this application.
- 6.75 The Highways Authority conclude that the proposal would not result in an unacceptable impact on highway safety or a severe impact on congestion. It is therefore judged that the

proposal can be considered acceptable from a highways perspective in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.76 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.

6.77 Policy E4 of the emerging Gloucester City Plan refers to flooding, sustainable drainage, and wastewater and states development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere. In accordance with the National Planning Policy Framework, flood risk betterment shall be sought through the development process.

6.78 The application site is located in Floodzone 1 and in an area of low flood risk. The Council's drainage officer has been consulted on the application and raised that the proposed soft landscaping appears to compensate for the small infill extension which is acceptable in this case. The drainage officer raised that the design of the proposed SUDS compliant block paviour needs to be presented for assessment and approval but confirmed that this could be dealt with under condition.

6.79 The proposal is therefore considered to be acceptable in terms of drainage subject to the inclusion of an appropriately worded condition in accordance with the NPPF, policy INF2 of the Gloucester, Cheltenham and Tewkesbury joint Core Strategy (2017) and policy E6 of the emerging Gloucester City Plan.

6.80 Employment and Skills Plan

Policy B1 of the Gloucester City Plan refers to Employment and Skills Plans and states '*for housing development of 10 or more units and major commercial development of 1,000 sqm or more of new internal floorspace, applicants will be required to submit an Employment and Skills Plan (ESP). The ESP will be proportionate to the scale of the proposal and identify opportunities for the employment and skills development of local people during the construction and operational stages of the proposal*'.

The requirement for the submission of an Employment and Skills Plan will be picked up by condition should permission be granted.

6.81 Sustainability

Chapter 14 of the NPPF outlines its energy and climate policies. Policy SD3 of the JCS refers to Sustainable Development and Construction and states '*development proposals will demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding unnecessary pollution of air, harm to the water environment, and contamination of land or interfere in other natural systems*'.

6.82 In support of the planning application, the agents have included a section in regards to sustainability within their Design and Access statement. The sustainability statement within the Design and Access Statement makes reference to meeting building regulation standards in regards to sustainability through the following techniques:

- New energy efficient window and door fittings

- Natural fibre insulations and vapour control layers added to roof and intermediate floors
- New insulated partitions and linings throughout to improve on thermal efficiency and air tightness
- Re- wire of electrics to current British Standards
- Over- haul of existing heating system with consideration given to the use of small domestic energy efficient electric boilers
- Well- considered low energy ventilation strategy

The proposal is considered to be acceptable in terms of sustainability in accordance with the NPPF and policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.83 **Water Efficiency**

Policy G6 of the Gloucester City Plan refers to water efficiency and requires development proposals to demonstrate that the estimated consumption of wholesome water per dwellings should not exceed 100 litres of water per person per day.

6.84 Details have not been provided up front in terms of water efficiency. The requirement for the submission of details shall be dealt with through the inclusion of a condition attached to any planning permission.

6.85 **Economic Considerations**

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. 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 limited weight to the case for granting permission.

6.86 **Planning balance and conclusion**

The application has been evaluated against the JCS, Gloucester City Plan and against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.87 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed significant positive weight in the planning balance. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached.

6.88 Compliance with some of the other principles of the NPPF have been demonstrated in terms of impacts on healthy and safe communities, sustainable transport, making effective use of land, well designed places, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment. However, these matters do not represent benefits to the wider area, but demonstrate an absence of harm to which weight should be attributed neutrally.

6.89 The proposed development comprises solely 1 bedroom units and does not provide a mix of accommodation, the proposal does not achieve complete compliance with National Space Standards as unit 4 does not achieve space standards for a 1 bed, 2 person dwelling and units 7, 8 and 9 do not include internal storage space contrary to policy SD11 of the Joint Core Strategy and policy F6 of the Gloucester City Plan. These issues are afforded negative weight in the planning balance.

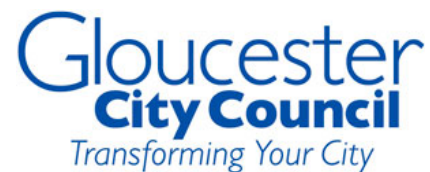
Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the JCS, the Gloucester City Plan and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application is approved

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

That APPROVAL is granted subject to conditions:

Full list of conditions to be provided as late material.

Person to Contact: Rhiannon Murphy (01452 396361)

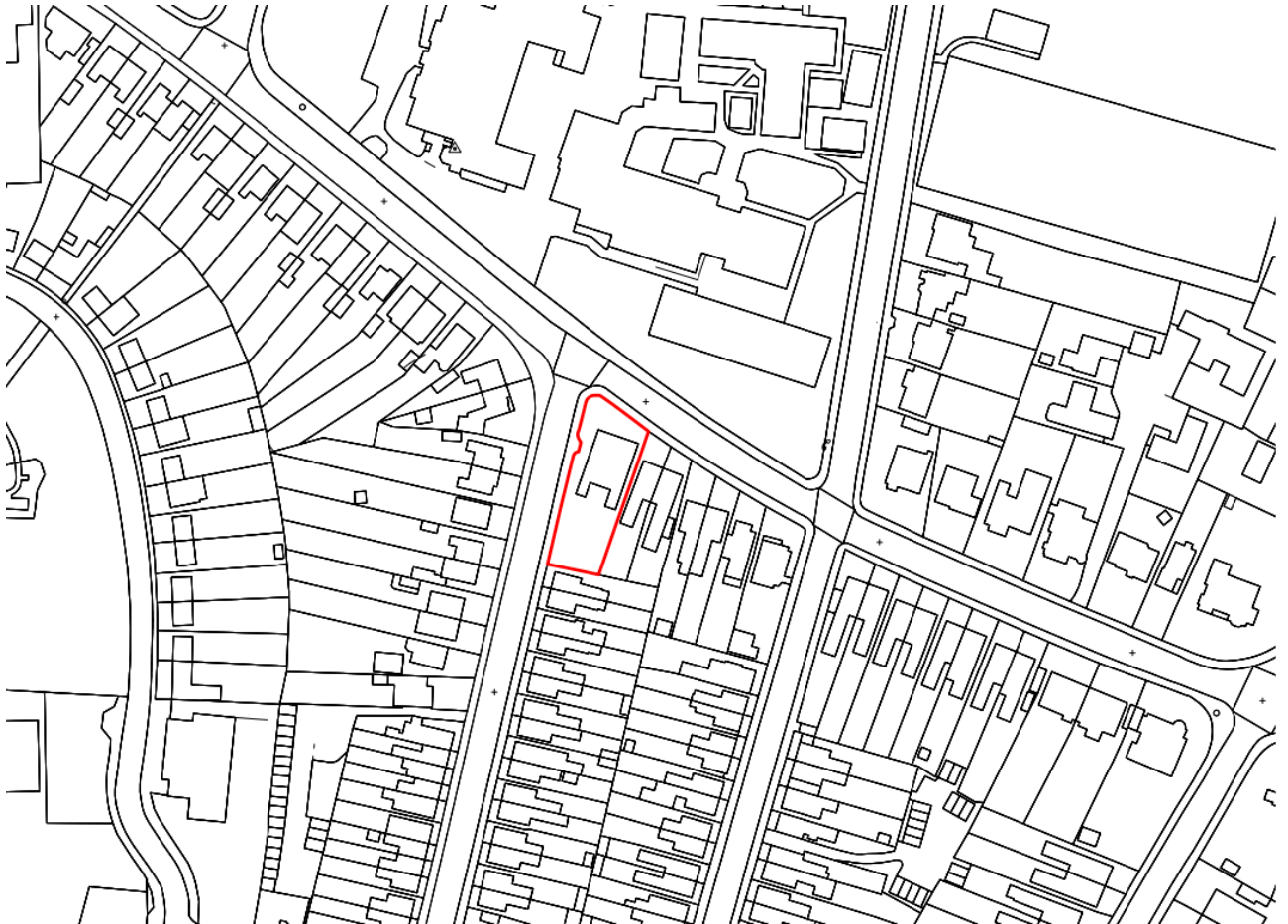


Planning Application: | 22/00807/FUL

Address: | 63-65 Denmark Road
Kingsholm
Gloucester

Committee Date: | 04.04.2023

Appendix 1 Site Location Plan



Schedule of Accommodation:

- 9no. Flats
- Total : 10 Units

Key:

- Site Boundary
- Block Pavement
- Paving
- Grass
- Close board timber fencing
- Brick Wall (varying Heights)
- Proposed planters
- Existing trees
- Proposed trees

OXFORD ROAD

DENMARK ROAD

34

0 5m 10m 20m