

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 th September 2023
Address/Location:	9 Park Road, Gloucester, GL1 1LH
Application No:	23/00321/OUT
Ward:	Westgate
Expiry Date:	13.07.2023
Applicant:	Mr Kirk Sharpe
Proposal:	Demolition of former hall and ancillary structures. Redevelopment comprising 11 residential flats with associated bin and bike stores, external hard and soft landscaping. Outline application with landscaping reserved for future consideration.
Report by:	Caroline Townley
Appendices:	Site Location Plan Proposed Site Plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located on the northern side of Park Road and comprises the now vacant Good Templars Hall and ancillary buildings. The site is bounded by two-storey terraced houses on St Michaels Square to the north, with residential properties to the east, Park Road to the south and a recently completed red-brick residential development of 23 flats to the west (planning application ref. 10/00296/FUL).
- 1.2 The existing building is a predominantly two-storey rendered, pitched roofed hall with single storey elements to the front and side.
- 1.3 The site is located within the Spa Conservation Area with the Grade II listed buildings at 4-10 Park Road sited directly opposite the site.
- 1.4 Outline planning permission was granted in December 2022 for the proposed demolition of former hall and ancillary structures. Redevelopment of the site comprising 9 residential flats with associated bin and bike storage and hard and soft landscaping. The only reserved matter was landscaping.
- 1.5 The current application seeks outline planning permission for the demolition of former hall and ancillary structures. Redevelopment comprising 11 residential flats with associated bin and bike stores, external hard and soft landscaping. The mix would comprise 7 no. one-bed flats and 4 no. two-bed flats. All units would accord with the Nationally Described Space Standards (NDSS). This is an outline application with only landscaping reserved for future consideration. The application is for 100% affordable housing. Three flats would be provided at ground floor level, all of which will meet the Building Regulation M4(2) accessible and adaptable standard.
- 1.6 The proposal includes detached single storey building in the north-east corner of the site for cycle and mobility scooter storage with space for 15 cycles. A secure refuse storage area would be provided on the ground floor in the south-eastern corner of the main

building.

- 1.7 The external design of the main building is identical to that approved in 2022 with the addition of a single storey element at the rear to provide an additional flat. The building has been divided into four equal blocks which would step back at the front to follow the angled pavement line. On the ground floor the materials would comprise of a stone finish to the frontage with a brick cladding to the side and rear elevations. The upper floors would be finished in a light-coloured silicon render. The top floor would be set back from the front, rear, and side of the main building by 2 metres to reduce the overall bulk of the building and would be finished in a metal standing seam cladding.
- 1.8 The additional rear single storey element would be finished in brick and located in the north- western corner of the site, directly to the rear of 31 St Michael's Square. While it would be closer to the rear boundary with 31 St Michael's Square than the existing building, the overall height of this single storey element would be lower than the existing. The plans have been amended with the originally proposed pitched roof being replaced by a slightly lower flat roof to minimise any overbearing impact.
- 1.9 The single storey bike store would be finished in brick with metal standing seam roofing.
- 1.10 In accordance with both the 2022 permission and the consented scheme at 5-7 Park Road, the ground floor would be raised by 300mm above maximum flood levels to mitigate any flood risk.
- 1.11 The front of the building would be stepped with the provision of small front garden areas. In order to provide level access into the building the primary access to all units would be via a ramped single entrance lobby at the rear of the building. The 2-bed unit fronting Park Road would also have a direct stepped access to the front.
- 1.12 There would be a small communal garden area to the rear of the building. This has been reduced in size from the 2022 scheme as a result of the addition of the single storey unit.
- 1.13 The development would be car-free and no on-site car parking is proposed.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
21/00953/OUT	Demolition of former hall and ancillary structures. Redevelopment comprising 12 residential flats with associated bin and bike stores, external hard and soft landscaping. Outline application with landscaping reserved for future consideration.	Withdrawn due to Cyber incident.	09.08.2022
22/00798/OUT	Outline planning application with landscaping details reserved for the proposed demolition of former hall and ancillary structures. Redevelopment of the site comprising 9 residential flats with associated bin and bike storage and hard and soft landscaping.	Granted outline permission.	21.12.2022

3.0 **RELEVANT PLANNING POLICY**

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

3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan**

The Development Plan consists of the adopted Joint Core Strategy (2017) and the adopted Gloucester City Plan (2023).

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
- INF4 – Social and community Infrastructure
- 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 219 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 **Gloucester City Plan adopted January 2023**

Relevant policies from the Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A2 – Affordable housing
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E2 – Biodiversity and geodiversity

- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- F6 – Nationally described space standards
- G1 – Sustainable transport
- 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. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

3.7 **Supplementary Planning Guidance/Documents**

The Spa Conservation Area Appraisal

SPG1 – Sustainable Urban Drainage Systems

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

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

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

The site is proposed as a car free development, is located in a sustainable location in an area constrained for parking and is therefore considered acceptable in this respect. The cycle storage layout does not comply with LTN1/20 with insufficient space to store cycles, this can be controlled by condition. No highway objection is raised subject to the inclusion of conditions.

4.2 **Conservation Officer**

The site is located at 9 Park Road set within the Spa Conservation Area and also within the setting of St James Place and the two designated listed buildings that comprise of St James Place. The building that currently occupies the site is the former Mission Hall of the International Organisation of Good Templars, it is of mid-20th Century date thought to have been constructed after 1936 and first appears in 1955 on the ordnance survey mapping.

The building is not designated and not considered to be significant enough to add to the Local List although there is some interest in the historical contribution to the community, the history is detailed in the Heritage Impact Statement. The building is in poor condition with relatively low architectural values. The significance of the building is therefore considered to be low, and it is not considered as a Non-designated Heritage Asset, for this reason the principle of development on the site would be welcomed. The retention of the International Organisation of Good Templars plaque to be relocated on the new building is a welcome gesture in the retention of the memory of the use of the hall.

The applicants revised the design following previous comments regarding the design, scale and massing, the impact on the conservation area and the setting of the listed building and there are improvements to the submitted design with realistic balconies set into the building façade and the repetition of the stepped façade along the street.

Whilst the Conservation Officer has expressed concerns for the repetition of a style that has become common within the city over recent years, in this case the building sits well alongside number 5-7 and creates a new street scene, with a variation in materials that blends the new development into the more formal historic character of the street.

Given that the existing building is considered to detract from the character of the Conservation Area and the setting of the listed buildings, the proposed development could be considered as an enhancement, in terms of the public benefit of improving the street scene and activity within the area.

In terms of the visual impact of the development on The Spa conservation area and the setting of the listed buildings that make up St. James Place, the loss of the existing building is considered to be less than substantial harm to no harm at all. The design of the proposed new development has been revised and the level of harm to the special character of the conservation area and the setting of the listed buildings has been reduced, this is now considered to be less than substantial harm at a low level.

4.3 **Civic Trust**

Frontage of natural limestone and render, windows dust grey. Consider that this proposal is a significant improvement on the original submission and while not perfect in every respect, the Trust appreciate the effort made to address concerns and have no objection.

4.4 **City Archaeologist**

The site immediately next door to this proposed development saw building works quite recently. During those building works archaeological remains of Roman and medieval date were identified. These included human remains of Roman date (one insitu inhumation burial and various disarticulated human remains). It now seems likely that that site lies within a larger Roman cemetery which extends from Eastgate Street around the south of Brunswick Road and Parliament Street as far as Southgate Street.

Given the immediate proximity of this development the City Archaeologist is concerned that similar archaeological remains may be present, potentially including further human remains. Given that archaeological background it is recommended that conditions be attached to any permission to allow for the undertaking of an archaeological evaluation following demolition to slab level. This will enable us to understand the significance of any heritage assets that may be present. With this information we will then be in a position to agree a programme of archaeological work to be undertaken prior to, or during, the development. The scope and nature of which would be secured by the remaining conditions.

4.5 **Ecology Adviser**

The Ecology Adviser reviewed the submitted Preliminary Roost Assessment (Arbtech, June 2021) and HRA screening report (Arbtech, October 2021) along with the Update PEA and Roost report (Arbtech July 2023), Bat survey report (Arbtech, August 2023) and the BNG Report (Arbtech, August 2023). No objection is raised subject to conditions to ensure that the mitigation and enhancement recommendations included within the submitted ecology reports being adhered to, the submission, approval and implementation of a Landscape and Ecological Management Plan (LEMP) and measures to mitigate impacts on the Cotswold Beechwoods SAC including a financial contribution towards site management and the production of homeowner information packs.

4.6 **Contaminated Land Adviser**

The site was open fields until the 1850s when terraced housing was constructed, the current meeting Hall was erected site in the 1950s. There was some commercial / industrial

land use in the surrounding area. Imported soil may be required for the communal area. No objection subject to the inclusion of conditions requiring the reporting of any unexpected contamination and the submission and approval of details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising.

4.7 **Drainage Adviser**

The measures proposed to mitigate flooding, the design flood level, proposed finished floor levels, provision of safe access/egress to the site, the impact of the development on flood risk elsewhere, flood routing, surface water management and water quality are all considered acceptable.

The application of the Sequential test appears to use the correct area of search and has reviewed appropriate sources. The Exception Test does not explicitly have to be passed although the principles of safe development do apply.

No objection is raised subject to conditions and the payment of a contribution to mitigate for the loss of floodplain storage, to be spent on flood risk betterment.

4.8 **Lead Local Flood Authority (LLFA)**

Flood Risk

The site is in Flood Zone 2 for the River Twyver and the Environment Agency should be invited to comment on the application.

The risk of flooding from surface water map shows that the north-east corner of the site is at risk in the 1 in 100 and 1 in 1000-year rainfall events. The depth of flooding predicted in these events is lower than the proposed finished flood levels and flood resilience measures of the building.

Surface water Management

Discharge strategy

The geology and location of the site is not conducive to soakaways and there is not a watercourse or surface water sewer in the vicinity of the site. Instead, it is proposed to discharge surface water to the public combined sewer in Park Road.

Discharge rates

Surface water would be discharged at 1.2 l/s, which will provide betterment over the current estimates discharge rate.

Drainage strategy and indicative plan

Surface water would be stored in an underground storage crate under the communal green. Microdrainage calculations show that there would be sufficient space here to store water in the 1 in 100-year rainfall event plus 40% for climate change. Filter drains would be used to help manage water quality.

It is shown that the water quantity and water quality aspects of Sustainable Drainage Systems can be managed, however, the proposal does not directly contribute to biodiversity or amenity aspects

Climate Change

The value of 40% used to simulate climate change is in line with the latest estimates from the Environment Agency.

Exceedance flow plan

A plan showing where surface water will flow in events that exceed the design of the

drainage has not been provided. However, it will depend on the final topography of the site and can be done so with a detailed design.

No objection is raised subject to the inclusion of conditions.

4.9 **The Environment Agency**

No response received.

4.10 **Severn Trent Water**

No response received.

4.11 **Environmental Protection Adviser**

No objection subject to the submission of a Construction and Environmental Management Plan to control noise and dust during demolition and construction due to the site's proximity to residential accommodation.

4.12 **Housing Projects and Strategy Team (HSPT)**

This application is for 100% affordable housing with 11 residential 1 and 2 bedroom flats these should provide a positive addition to Park Road and the proposed interim accommodation will assist greatly with affordable homes within the City. This application therefore will comply with SD12 Affordable and Balanced Community.

The site is identified in the Gloucester City Council Brownfield Land Register as suitable for up to 9 dwellings (ref. GLOSBR046), the application for 11 apartments being a slight increase on the original proposal.

All three of the homes on the ground floor are to M4(2) in compliance with A6. The number of homes means there is no requirement for M4(3). But, due to size HSPT would recommend one of these ground floor apartments could be to M4(3) standard property. HPST would recommend that this is included in the proposal and could advise on possible grant funds to enable this.

All the apartments are compliant with Nationally Described Space Standard and are to double occupancy standards.

The roof terraces will enhance the green spaces and the balconies providing private amenity space to the living rooms on Park Road frontage to the 1st and 2nd floors is an asset to the building. Outside each ground floor flat there is a green landscaped space if these could be designated private amenity spaces for the flats that would enhance and add value to the homes.

A communal drying green has been provided at the rear of the property.

The development has no car parking which is a welcomed approach given its proximity to the City Centre and excellent transport links. A bike store with spaces for 15 bikes is being provided and includes mobility scooter parking and charging points, in line with Policy G1.

HPST expect the housing mix, size and double occupancy to be agreed in advance of the application by Committee and to be replicated in any Heads of Terms and S106 agreements. Gloucester City Homes (GCH) have stated there is a requirement for affordable housing on site of 100% so a S106 will be required with 20% being the developer contribution. HSPT would expect this to be provided in perpetuity.

The S106 should include any additionality and this to be labelled 'Additional Affordable Housing' and should therefore be encumbered, with relevant clauses including LLPs and nominations should apply.

No objection is raised.

4.13 **Waste Collection**

The road to the front of the site currently has a dropped kerb and yellow lines. If this is retained the waste collection arrangements should be acceptable. The yellow lines will prevent parking and allow the refuse collection vehicles to pull-in, stop and park to collect. The dropped kerb suits wheeling the bins from the pavement to the refuse collection vehicles. The Supervisor will need to undertake their standard health and safety assessment when all the works have been completed before they will agree to installing waste facilities and collections.

4.14 **Community Infrastructure – Developer Contribution Service**

The proposed development would be below the number of dwellings and bed size that would require education and/or library contributions.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 98 Neighbouring properties were notified and press and site notices were published.

5.2 Objections have been received from a neighbouring resident raising the following concerns:

- The position of the proposed building.
- Overshadowing and overbearing effects.
- Loss of privacy.
- The very close proximity of the building with multiple windows will cause an immense loss of privacy. This will cause high levels of anxiety.
- This is a very overcrowded area.
- Have seen two large buildings in the immediate area turned into YMCA housing facilities and an ex-surgery renovated for housing homeless people. This causes a ridiculous level of anti-social behaviour. At times all we have is emergency services in the area.
- We currently appreciate having our tiny garden to sit out in and enjoy some quiet time and ask you to appreciate how this proposal would affect our immediate environment and personal space.
- Building at the back of the houses could bring more anti-social behaviours.
- The building was a popular dance studio and is a very pretty building which can be restored and maintained.

An additional representation was received from a family member if a former member of the IOGT expressing their dismay at seeing the demolition notice and the building closed.

5.3 The full content of all correspondence on this application can be viewed via Public Access.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

Chapter 16 of 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 197 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 199 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. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), the Adopted Gloucester City Plan 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. Both the National Planning Framework (NPPF) and the National Planning Practice Guide (NPPG) are also material considerations.

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

Principle

6.5 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 Outline planning permission was granted in December 2022 (22/00798/OUT), for the proposed demolition of former hall and ancillary structures. Redevelopment of the site comprising 9 residential flats with associated bin and bike storage and hard and soft landscaping. The only reserved matter was landscaping. This is a material planning consideration when considering the current application.

6.7 Policy SD10 of the JCS allows for infilling within the existing built-up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built-up area of the City, is in a sustainable location for residential use and would contribute to housing supply, subject to assessment against other planning considerations set out in this report.

Design, Layout and Heritage

6.8 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.

- 6.9 Policy SD11 of the Joint Core Strategy states that new housing should meet and where possible exceed appropriate minimum space standards and City Plan Policy F6 details design standards and requires that all new homes, including Affordable Homes, meet Nationally Described Space Standards (NDSS). Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies. Any application should include details of the proposed GIA to ensure that they comply with NDSS. It appears from the information submitted that one of the proposed units will be below the required standard.
- 6.10 Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 197 states that in determining planning applications, local planning 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; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.11 Paragraph 199 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 200 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification.
- 6.12 Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should make a positive contribution to local character and distinctiveness and should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged. The City Plan reflects this approach also.
- 6.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.
- 6.14 The property is located within The Spa Conservation Area wherein the Local Planning Authority is therefore statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.15 The Spa Conservation Area was designated in 2007 and the Conservation Area Management Plan has been adopted as SPD. The application site has a prominent street frontage within the Conservation Area and sits opposite two Grade II listed buildings.
- 6.16 Overall, it is considered that the building sits well alongside the recently development at 5-7 Park Road and would create a new street scene with a variation in materials that would blend the new development into the more formal historic character of the street.
- 6.17 In terms of the visual impact of the development on the Spa Conservation Spa and the setting

of the listed buildings that make up St James Place, it is considered that the loss of the existing building would result in less than substantial harm to no harm at all. The design of the proposed new development was amended under the previous application and the level of harm to the special character of the conservation area and the setting of the listed is now considered to be less than substantial harm at a low level.

- 6.18 Overall, it is considered that the proposed redevelopment of the site would preserve and enhance the character and appearance of the Spa Conservation Area. As such the proposal accords with Section 16 of the National Planning Policy Framework and JCS Policy SD8 and would meet the requirements of the statutory duty of Section 72(1) of the 1990 Act, subject to the inclusion of conditions.

Affordable Housing

- 6.19 The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided.
- 6.20 This application is for 100% affordable housing with 11 residential 1 and 2 bedroom flats these should provide a positive addition to Park Road and the proposed interim accommodation will assist greatly with affordable homes within the City. This application therefore will comply with SD12 Affordable and Balanced Community.
- 6.21 The site is identified in the Gloucester City Council Brownfield Land Register as suitable for up to 9 dwellings (ref. GLOSBR046), the application for 11 apartments being a slight increase on the original proposal.
- 6.22 All three of the homes on the ground floor would be to M4(2) in compliance with City Plan Policy A6. The number of homes means there is no requirement for M4(3). But, due to size HSPT would recommend one of these ground floor apartments could be to M4(3) standard property. HPST would recommend that this is included in the proposal and could advise on possible grant funds to enable this.
- 6.23 All the apartments would be compliant with Nationally Described Space Standards and are to double occupancy standards.
- 6.24 Overall, the proposed development would provide good quality affordable units in excess of the policy requirement. The Housing Projects and Strategy Officer welcomes the application which is compliant with the following JCS and City Plan Policies:
- SD11- balanced and Mixed communities – by providing 11 apartments which include 7 -one bed roomed and 4- two bed roomed flats.
 - Policy A1 Effective and efficient use of land and buildings – make use of a disused hall for interim accommodation.
 - Policy A6: Accessible and adaptable homes. – has three M4(2) properties.
 - Policy C1: Active Design and accessibility- makes use of a lift for the upper floors.
 - Policy F6: Nationally Described Space Standards- suitable sized, double occupancy homes.

Traffic and transport

- 6.25 The NPPF requires that development proposals provide for safe and suitable access for all, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.26 The 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.
- 6.27 The Local Highway Authority has raised no objection to the application subject to the inclusion of conditions.

Residential Amenity

- 6.28 Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.29 There are existing residential properties in St Michael's Square, immediately to the north-east of the application site. Objections have been raised by the occupier of one of these houses in terms of the impacts of the adjacent development and the potential for additional adverse impacts from the development proposed as part of the current application.
- 6.30 The rear elevation of the main rear elevation of the proposed building, would at its closest point be approximately 11 metres from the boundary with the terraced properties in St Michael's Square.
- 6.31 The proposed building has been designed to minimise any potential overlooking between the proposed building and existing neighbouring windows. The window to window distance between the windows in the proposed development and first floor windows in the existing houses in St Michael's Square are at their closest 21080mm. The proposed first and second floor rear windows would comprise 'pop-out oriel style' windows. These would be triangular in plan and feature privacy glass on the long side facing north looking towards the rear of the terraced houses in St Michael's Square, with clear glazing on the short side facing east. This would help minimise overlooking of the gardens and windows at the rear. There are windows to the stairwell on the rear elevation indicated on the submitted plans as having clear glazing. A condition is recommended to require that these windows would also have obscure glazing to further reduce overlooking.
- 6.32 The proposed single storey element would be located in the north-western corner of the site, directly to the rear of 31 St Michael's Square. While it would be closer to the rear boundary with 31 St Michael's Square than the existing building, the overall height of this single storey element would be lower than the existing. The plans have been amended with the originally proposed pitched roof being replaced by a slightly lower flat roof to minimise any overbearing impact.
- 6.33 It is recognised that the relationship between the proposed development and the existing houses in St Michael's Square is particularly sensitive and there will be a significant change from the existing situation. However, on balance, given the separation distances involved, when taken together with the design of the proposed windows in the rear elevation, the relationship is considered acceptable, and the level of impact is not considered to be significant enough to warrant a refusal of permission.
- 6.34 Consideration also needs to be given to the living environment which would be provided for

any future occupiers of the proposed apartments. The proposed flats would all comply with the NDDS. The development would also incorporate usable private balconies for each apartment together with a shared amenity space to the rear.

Drainage and Flood Risk

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

6.36 Flood Risk at the Site

The Environment Agency's (EA) Flood Mapping shows the site as being located in Flood Zone 2. The EA would not provide bespoke comments on this site and instead would refer to standing advice.

The Planning Practice Guidance states that 'more vulnerable development', such as that proposed here, is permissible in Flood Zone 2.

There is some risk of surface water flooding at the site, but it is less extreme than the fluvial flood risk, and so the steps taken to mitigate fluvial flooding would also mitigate the surface water flood risk.

6.37 Design Flood Level (Estimated Flood Level)

The submitted Flood Risk Assessment cites a design flood level of 14.31 m AOD (based on the River Twyver model 1000-year return period event). This is deemed acceptable

6.38 Sequential Test

A detailed Sequential Test has also been prepared in support of the application. The Sequential Test covers the correct search area (the whole of the administrative area of Gloucester City Council), includes an analysis of all sites identified within the City Plan, the SALA Report (2019), the latest published Brownfield Land Register and additional sites identified by local agents within the administrative area of Gloucester City Council.

No sites within the agreed parameters within flood zone 1 have been identified capable of accommodating the proposed development. It is therefore considered that the Sequential Test has been passed.

6.39 Exception Test

The Exception Test does not explicitly have to be passed, although the principles of safe development do apply.

6.40 Finished Floor Levels

Finished floor levels (FFLs) would normally be set a certain threshold above the design flood level (typically 600 mm, but sometimes less depending on the derivation of the design flood data).

Here, achieving 600 mm freeboard is not deemed practicable by the applicant, and a freeboard of 300 mm is proposed, giving a FFL of 14.61 m AOD, with flood resilience measures proposed up to the 600 mm freeboard level of 14.91 m AOD.

The FRA suggests that flood resistance measures should be considered including:

- Installing flood proof airbricks to prevent flood waters entering the building.
- Using non-return valves on drains to prevent the ingress of flood waters.

For 'more vulnerable' development such as this we require that flood resistance measures are included up to 600 mm above the design (estimated) flood level - so not just 'considered'. As such, the Drainage Adviser has recommended mandating these via condition, along with flood-proof doors.

Gloucester City Council does not permit sleeping accommodation where that floor level is below the design (estimated) flood level. That requirement is met here.

6.41 Safe Access / Egress

Whilst dry access / egress is preferred, the 200 mm flood depth cited in the FRA is considered acceptable in terms of safe access / egress as it results in a 'very low hazard – caution' - in terms of the 'hazard to people classification' set out in DEFRA guidance.

Nonetheless, a flood management plan will be required, and this can be conditioned.

6.42 Impact of The Development on Flood Risk Elsewhere Loss In Floodplain Storage Volume

From the emerging City Plan:

Development proposals shall facilitate watercourse restoration, exploiting opportunities to open culverts, naturalise river channels, and protect and improve the floodplain (underlining mine)

Where a proposal creates built development below the design flood level (e.g., buildings or ground level raising), this can lead to a loss in flood plain storage volume.

Here, the applicant has calculated a value for the loss in floodplain storage volume of 24 m³.

In certain circumstances, where it is not possible to provide on-site mitigation, Gloucester City Council may accept a payment from the developer in lieu of works. This payment is to be spent by the authority on flood risk betterment.

In this case the payment would be $25\text{m}^3 \times \text{£}152/\text{m}^3 + \text{£}200 = \text{£}4,000$. This payment would be secured as part of the S106 Agreement

6.43 Flood Routing

The open corridor down the eastern side of the development allows for flood flow routing; a metal railing gate will allow flows to pass whilst still providing security.

6.44 Surface Water Management

The proposal is to attenuate flows within cellular storage (28.5 m³) and to restrict the surface water discharge rate to no more than 1.2 l/s for all events up to a 100 year + 40% climate change return period. This is deemed acceptable.

The detailed design can be provided under condition.

The Drainage Adviser note that the City Archaeologist has set out that there may be significant archaeology at the site. The cellular storage and manholes / pipes will all entail significant excavation (to a depth of approximately 1.5 metres) and, as such, will be key features under the archaeological conditions that have been recommended

6.45 SuDS (Water Quality)

In line with the City Plan, all vehicular areas should meet the CIRIA C753 water quality

objectives.

In this case, all the surface water runoff is derived from non-vehicular areas and will be discharged to the combined sewer, so there are no issues over water quality.

6.46 Other

The development entails building over an existing combined sewer. This is a matter for Severn Trent Water to review and consent.

6.47 Overall, the Drainage Adviser and Lead Flood Authority have no objection to the proposed development subject to conditions and a payment of £4,000 towards mitigation for the loss of 24 m³ flood storage volume to be spent on flood risk betterment.

Ecology

6.48 The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The City Plan requires the conservation of biodiversity and providing net gains, and also a policy specifically restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation and the effects cannot be mitigated.

6.49 A Preliminary Roost Assessment (PRA) report included a desk study and internal and external assessment of the building. The survey was undertaken on 22/06/2021. An updated Preliminary Ecological Appraisal (PEA) and PRA were undertaken on the site in June 2023

6.50 The building was assessed in June 2021 as having negligible potential to support roosting bats. In line with CIEEM guidelines for report and survey validity (CIEEM, 2019) the report and survey are 2 years old and now out of date. The updated PRA identified a number of potential roosting features to be used by crevice dwelling bats. The update PRA survey assessed the building as having low suitability to support roosting bats.

6.51 A single bat emergence survey was undertaken in August 2023. No bats were seen emerging from the building. The Ecological Adviser has confirmed that no further surveys required. However, it was noted that light tolerant bats (common pipistrelle) were foraging near/ over the building throughout the survey. As such the precautionary measures to protect bats outlined in the report should be followed.

6.52 It is noted that the bat and bird boxes on the adjacent building maybe impacted by the proposed development therefore the applicant should seek permission from the landowner to move the boxes to another suitable location. A bat licenced ecologist should check the bat boxes for roosting bats prior to moving the boxes.

6.53 No evidence of nesting birds was identified within the building. No new evidence of nesting birds was recorded during the update surveys. However, potential opportunities are present within the building and nesting birds were noted nearby. Therefore, precautionary approach during demolition for nesting birds should be followed. The proposed enhancements for bats set out in the submitted report are welcome.

6.54 A full PEA has now been undertaken and submitted. Habitats on site comprised buildings, developed land sealed surface and artificial unvegetated unsealed surface. The ecological value of the habitats on site are low. Due to the habitats on site the site was assessed as unlikely to support other protected or notable species except birds and bats.

Cotswold Beechwood SAC

6.55 The Habitat Regulations Assessment (HRA) screening report identifies that Cotswold

Beechwoods SAC and Walmore Common SPA and Ramsar site are location within 10km of the site (6596 south east & 8781m west respectively).

- 6.56 The screening report identifies that there is unlikely to be any impact on the Walmore common SPA and identifies that the main risk to Cotswold Beechwoods SAC either directly or indirectly relates to recreational disturbance. Furthermore, impacts to avian conservation features from the Estuary site complex may be significantly impacted whilst feeding on the Alney Island Local Nature Reserve (LNR).
- 6.57 Recommendations to mitigate impacts have been included within the report and include financial contributions towards better management of the sites and new homeowner packs provided to the new residents that include: ecological information on the importance of the site, information on breeding and usage of the sites, encourage responsible dog walking, utilise footpath network and vulnerabilities to human pressures.

Biodiversity Net Gain (BNG)

- 6.58 A Biodiversity Net Gain Assessment has been undertaken for the site and it is anticipated that a net gain in biodiversity can be achieved. It is appreciated that the current baseline of the site 0 therefore the metric indicates that a +100% in habitat units is proposed. Where the actual net gain in units is 0.01. The BNG report does not match the landscape plans provided as this includes trees planting and public area. The BNG report will need to be updated at reserve matters to include detailed proposals.

Loss of Community Facility

- 6.59 Policy INF4 relates to Social and Community Infrastructure with part 1 requiring proposals to develop land or buildings currently or previously in use as a community facility to demonstrate, including evidence of engagement with local community groups and partner organisations, why the facility is no longer requires, and as appropriate, how, when, and where suitable replacement facilities will be required.
- 6.60 The information provided by the applicant confirms that the hall has not been in use for some considerable time and that there are no conflicts with Policy INF4. The existing building is in a very poor state of repair and does not lend itself to continued use as a community facility. There are a number of other community facilities and meeting places located within close proximity to the application site. Based on this assessment the principle of the demolition of the existing building was accepted under the previous outline planning permission.

Contaminated land

- 6.61 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.
- 6.62 No objection is raised by the Contaminated Land Adviser subject to the inclusion of conditions requiring the reporting of any unexpected contamination and the submission and approval of details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling, and level raising.

Waste Minimisation

- 6.63 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.
- 6.64 A Waste minimisation Statement has been submitted in support of the application. Based on the limited information provided in this statement conditions are recommended requiring the

submission of additional details for both the construction and occupation stages.

Economic considerations

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

Planning Obligations

- 6.66 Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. The requirements for S106 contributions arising from the proposal are set out below.

Affordable housing

As set out above the proposal for affordable housing is: 11 units (100%)

Loss In Floodplain Storage Volume

As set out above a payment of £4,000 towards mitigation for the loss of 24 m³ flood storage volume to be spent on flood risk betterment.

Mitigation to the impact on the Cotswold Beechwoods

1. £193 per unit for Strategic Access Management Monitoring (SAMM). This would contribute to dedicated staff, signs and interpretation, education & awareness raising, measures to address contamination, parking and travel related measures and monitoring.
2. £480 per unit for Strategic Alternative Natural Greenspace (SANG).
3. Administrative fee.

Contributions levels will be raised annually with inflation (based on the Consumer Prices Index), with the baseline being May 2022. This financial contribution should be paid prior to occupation of the units.

S106 Monitoring payment fee.

The applicant has agreed to the above contributions which will be delivered via a Section 106 agreement. It is considered that these contributions comply with NPPF requirements and CIL Regulations and would mitigate the impacts of the development. Therefore, it is considered that the proposed development makes adequate provision for infrastructure and affordable housing in accordance with Policies INF3, INF4, INF6 and SD12 of the JCS

Conclusion

- 6.67 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 implications, impact upon the amenity of any neighbours and the

local area; the proposal is acceptable and accordingly it is recommended that outline planning permission be granted subject to.

7.0 RECOMMENDATION OF THE HEAD OF PLACE

7.1 That, the grant of outline planning permission is delegated to the Planning Development Manager subject to the conditions set out below and the completion of a Section 106 agreement to secure the following:

- 100% of on-site affordable housing units (11 units)
- A payment of £4,000 towards mitigation for the loss of 24 m³ flood storage volume to be spent on flood risk betterment.
- Payment towards mitigation of the impact on the Cotswold Beechwoods (£7,403 plus administration fee).
- S106 monitoring fee.

Condition 1

(a) approval of the details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the City Council.

(b) application for approval of the reserved matters shall be made to the City Council before the expiration of 3 years from the date of this decision.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 2

The development hereby permitted shall be begun on or before the expiration of three years of the date of this decision, or 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

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

- 19043-A(GA)EX-001 Rev E – Location Plan
- 19043-A(GA)P-001 Rev F – Proposed Site Plan
- 19043-A(GA)P-300 Rev G – Proposed Elevations Sheet 1
- 19043-A(GA)P-301 Rev F – Proposed Elevations Sheet 2
- 19043-A(GA)P-100 Rev F – Proposed Ground Floor Plan
- 19043-A(GA)P-101 Rev G – Proposed First Floor Plan
- 19043-A(GA)P-102 Rev G – Proposed Second Floor Plan
- 19043-A(GA)P-103 Rev F – Proposed Third Floor Plan
- 19043-A(GA)P-104 Rev F – Proposed Roof Plan
- 19043-A(GA)P-200 Rev G – Proposed Sections

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 4

No demolition or development shall commence until a detailed design, maintenance and

management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy prepared by Calibro [21-276-60, Revision No 04, Issue date 28/ 02/ 23] has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy 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.

Condition 5

No development shall commence on site until details for the disposal of foul water have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development.

Reason

To ensure the development is provided with a satisfactory means of drainage. These details are required pre-commencement as the proposals will need to be laid out as approved as an early phase of work.

Condition 6

No development above damp-proof course level shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- i) Detailed drawings of the flood resilience and/or flood resistance measures to be incorporated in the building. The development shall incorporate the flood resistance and flood resilience measures set out in Flood Risk Assessment/Drainage Strategy [21-276-60, Revision No 04, Issue date 28/ 02/ 23] up to the level of 14.91 m AOD, and further, shall include the provision of flood doors.
- ii) A Flood Warning and Evacuation Plan (FWEP). The details submitted shall include (but not be limited to) proposals for flood warnings and associated site-specific actions, signage and emergency access/egress.

Development shall be carried out and maintained in accordance with the details so approved. The FWEP shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development remains safe for its users over the lifetime of the development, and to ensure the development has adequate flood resistance and resilience.

Condition 7

The development shall have a finished floor level of no lower than 14.61 m AOD.

Reason

To ensure that the development remains safe for its users over the lifetime of the development, and to ensure the development has adequate flood resistance.

Condition 8

No development other than demolition down to ground floor slab level shall take place within

the application site until a report outlining the results of a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.

Reason

To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains.

Condition 9

No development other than demolition down to ground floor slab level shall commence within the application site until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including pile type and methodology, ground contamination remediation, drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

The site may contain significant heritage assets of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

Condition 10

No demolition below ground floor slab level or development shall start within the application site until a written scheme of investigation of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 11

All demolition and development shall take place in accordance with the Written Scheme of Investigation of archaeological remains. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 11, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 12

The proposed cladding shall be constructed in natural ashlar and brick facing, samples of

which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To preserve and enhance the character and appearance of the conservation area in which this development is located.

Condition 13

A sample panel of the proposed lime render shall be prepared on site for inspection and approval in writing by the Local Planning Authority and shall be applied in accordance with the approved specification.

Reason

To preserve and enhance the character and appearance of the conservation area in which this development is located.

Condition 14

The development shall be carried out in accordance with detailed specification of the proposed windows and doors, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, which have first been submitted to and approved in writing by the Local Planning Authority and the fitted fenestration shall be in accordance with the approved drawings.

Reason

To preserve and enhance the character and appearance of the conservation area in which this development is located.

Condition 15

All rainwater guttering and downpipes shall be of metal finish details of which have first been submitted to and approved in writing by the Local Planning Authority. Details of the profile and decorative finish of the guttering and downpipes shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site. The guttering and downpipes shall then be installed and maintained for the life of the development in accordance with the approved details.

Reason

To preserve and enhance the character and appearance of the conservation area in which this development is located.

Condition 16

No work shall start upon the installation of the details below until drawings at a minimum scale of 1:5 with full size moulding cross section profiles, materials and finish have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

- window and door openings.
- plinths
- stone dressings
- balconies & railings

Reason

To preserve and enhance the character and appearance of the conservation area in which this development is located.

Condition 17

The building, the subject of this consent, shall not be demolished before a contract for the

carrying out of works of redevelopment of the site has been let and planning permission has been granted for the redevelopment for which the contract provides.

Reason

To preserve and enhance the character and appearance of the conservation area by ensuring that there are acceptable proposals for the site.

Condition 18

The windows shown on the approved elevation plans marked '4' 'Opaque glazed windows' shall be constructed so that no part of the framework less than 1.7m above finished floor level of that storey shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing (Pilkington level 4 or equivalent).

Reason

To preserve the amenities of nearby residents.

Condition 19

Notwithstanding the details submitted the first, second and third floor stairwell windows in the rear (north-east) elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level of that storey shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing (Pilkington level 4 or equivalent).

Reason

To preserve the amenities of nearby residents.

Condition 20

Except where for the area identified as a 'balcony' on the approved Proposed third floor plan ref. 19043- A(GA)P-103 Rev. F, no roof space of the development shall be used as a roof terrace.

Reason

To protect the amenities of residents of occupants of nearby premises.

Condition 21

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must

ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 22

Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield, the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors.

Condition 23

The first reserved matters application submitted pursuant to Condition 1 shall be accompanied by a landscaping scheme. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities, planting number of all trees, hedgerows, and other landscaping features to be planted, the provision of root protection barriers, a specification of the details for the tree planting pits, the areas to be grassed and the treatment of any hard-surfaced areas.

Reason

To ensure a satisfactory and well-planned development and to preserve, enhance the quality of the environment and to enhance the biodiversity of the area.

Condition 24

The landscaping scheme submitted in accordance with Condition 23 shall include a timetable for planting and maintenance schedules and shall be completed no later than the first planting season following the completion of the development. If within a period of five years from the date of planting any trees, shrubs or other plants, or any tree planted in replacement, are removed, uprooted, destroyed, or die, or become, in the opinion of the Local Planning

Authority, seriously damaged or defective, they shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason

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

Condition 25

Prior to the commencement of the use hereby permitted, the mitigation and enhancement recommendations included within the submitted ecology reports, (Preliminary Roost Assessment (Arbtech, June 2021) and Habitats Regulation Assessment screening report (Arbtech, October 2021), the Updated PEA and Roost report (Arbtech July 2023), Bat survey report (Arbtech, August 2023) and the BNG Report (Arbtech, August 2023), shall be implemented and thereafter maintained for the duration of the use.

Reason

To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

Condition 26

No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- Details of the proposed enhanced/created habitats and detailed planting details.
- The location and specification of ecological enhancement features including bat, bird and insect boxes.
- Details to demonstrate that the BNG proposed in the BNG assessment has been achieved.

The LEMP shall support the outline recommendations for habitat retention/enhancement/creation set out in the BNG report (Arbtech August 2023), to ensure that positive biodiversity net gain is achieved.

All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

Reason

To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

Condition 27

No dwelling shall be occupied until, details of an A4 sized colour leaflet and its method of distribution to each dwelling upon that dwelling's particular occupation, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to:

- i. the location and sensitivities of the Cotswold Beechwoods SAC,
- ii. how to avoid negatively affecting it,
- iii. alternative locations for recreational activities and off-road cycling, and
- iv. signposting of longer circular walks,
- v. how copies of the leaflet will be circulated with homeowner sales packs, and
- vi. recommendations for dog owners for times of year dogs should be kept on lead

when using sensitive sites.

The approved details shall be implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason

To ensure no adverse effects on the integrity of the Cotswolds Beechwoods SAC and the Severn Estuary SPA, SAC, and Ramsar Site as a result of the development.

Condition 28

Prior to the first occupation of the development, a scheme of seagull mitigation measures shall be implemented in full in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Any management measures comprised in the approved details shall be operated for the lifetime of the development.

Reason

To deal with gull nuisance issues in the interests of the amenities of the area.

Condition 29

Notwithstanding the details submitted, prior to commencement of development, details of cycle parking shall be submitted to and approved by the Local Planning Authority. Prior to first occupation the cycle parking shall be provided in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason

To promote sustainable travel and healthy communities

Condition 30

The development hereby permitted shall not be occupied until the bin storage facilities have been made available for use in accordance with the submitted plan drawing no. 19043-A(GA)P-100 REV F 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.

Condition 31

The development hereby approved shall not be occupied until the applicant has submitted to and approved in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason

To reduce vehicle movements and promote sustainable access.

Condition 32

Prior to commencement of the development hereby permitted details of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Dust mitigation.
- Noise and vibration mitigation.
- Mitigation of the impacts of lighting proposed for the construction phase.
- Measures for controlling leaks and spillages, managing silt and pollutants.
- Plans for the disposal and recycling of waste.

Demolition and development shall take place only in accordance with the approved CEMP.

Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

Condition 33

The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason

In the interests of highway safety.

Condition 34

Construction and demolition work and the delivery of materials shall only be carried out between the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

Reason

To safeguard the amenities of the area.

Condition 35

Prior to the commencement of development, a Construction Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority. The management plan must detail the sustainable waste management compliance and assurance requirements to be maintained on the site during development including site preparation. The management plan must include as a minimum the following information:

- a) Classification of all waste including hazardous waste according to current legislative provisions;
- b) Performance measurement and targets for minimising waste disposal and increasing waste recycling set against estimated waste forecasts;
- c) Reporting of project performance on quantities and options utilised;
- d) Measures to minimise waste generation;

- e) Opportunities for material re-use and waste recycling;
- f) Provision for the segregation of waste streams on the site that are clearly labelled;
- g) Licensing requirements for disposal sites;
- h) An appropriate audit trail encompassing waste disposal activities and waste consignment notes;
- i) Measures to avoid fly tipping by others on lands being used for construction;
- j) Measures to provide adequate training and awareness through toolbox talks; and
- k) Returns policies for unwanted materials.

All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation and resource efficiency measures at the construction stage of development in accordance with Policy SD3 of the adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy and Core Policy WCS2 – Waste Reduction of the adopted Gloucestershire Waste Core Strategy.

Condition 36

Prior to the commencement of above ground development, an Occupation Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Occupation Waste Management Plan must include full details of the provision made for waste and recycling storage by occupants. The waste and recycling storage provision shall be provided in accordance with the approved details prior to first occupation of the development unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation and resource efficiency measures at the occupation stage of development in accordance with Policy SD3 of the adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy and Core Policy WCS2 of the adopted Gloucestershire Waste Core Strategy.

Note 1

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Note 2

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 184 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required

to pay fees to cover the Councils costs.

Note 3

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Note 4

Severn Trent Water advise that there is a public 225mm combined sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Note 5

When all of the building works have been completed the Waste Collection Supervisors will need to carry out a H&S site inspection before they will agree to installing waste facilities and collections.

If the site does not align with their H&S criteria, they will not agree to install waste facilities and collections, further works will need to be carried to align with the Supervisors H & S requirements.

Note 6

Bat surveys are usually valid for 12 months, after this updated bat roost assessment and

emergence/re-entry surveys, where appropriate, will be required.

Note 7

It is noted that the bat and bird boxes on the adjacent building maybe impacted by the proposed development therefore the applicant should seek permission from the landowner to move the boxes to another suitable location. A bat licenced ecologist should check the bat boxes for roosting bats prior to moving the boxes.

Note 8

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 9

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free-standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 10

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Caroline Townley (396780)