

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	05.09.2023
Address/Location:	2gether NHS Foundation Trust 18 Denmark Road Gloucester GL1 3HZ
Application No:	22/01196/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	23.03.2023
Applicant:	Cape Homes Ltd.
Proposal:	Proposed change of use of site from a health clinic/office to 25no. apartments involving conversion of the existing main building - No. 18 Denmark Road - and the provision of a new three-storey detached building to the rear, including associated landscaping, access and parking, following demolition of an existing single storey outbuilding (revised proposal following previously approved applications No.s 22/00565/FUL and 20/00300/FUL). (Amended plans)
Report by:	Rhiannon Murphy
Appendices:	Site location plan Proposed site plan

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 18 Denmark Road is a large detached two storey Victorian building located to the north side of Denmark Road, just outside of the Denmark Road Conservation Area which runs along the front of the site. The site has a large rectangular footprint comprising the Victorian building set back from the road by a front garden area, with a large extensive garden to the rear and an area of car parking and hard standing which follows the west side of the site. The site also includes a number of single storey outbuildings. Access to the site is from Denmark Road. Posy Lane is situated adjacent to the site to the east. To the east of Posy Lane are residential buildings, to the west is a three- storey apartment with car parking area to the rear and to the north is a tennis courts. The building is a former dwelling which was later converted to offices and consulting room and previously occupied by the 2gether NHS Foundation Trust.

1.2 Recent planning history at the site includes;

- 20/00300/FUL - This related to the change of use of the site from a health clinic/ office to 20 no. supported living apartments involving the conversion of the existing main building and provision of a new three storey detached building to the rear.
- 21/00832/FUL variation of condition 2 (approved plans) and removal of condition 15 (use Class 3b restriction) of 20/00300/FUL

The extant permission at this site approved 20 no. unrestricted c3 1 bedroom, 1 person apartments.

- 1.3 The original proposal submitted as part of this application sought the conversion of the existing building and the construction of a building at the rear of the site to accommodate 25 no. 1 bed residential units. Further to correspondence with the agent, raising concern over the lack of housing mix as part of the scheme, amended plans have been received making some design changes and alterations to housing mix. The proposal will now involve
- 15 x 1 bed, 1 person units
 - 7 x 1 bed, 2 person units
 - 3 x 2 bed, 3 person units
- 1.4 A parking area to the west of the site would be provided, 24 cycle parking spaces has been proposed as well as an area for mobility scooters to be stored. The location of bin and recycle storage has been shown on the plan. Bin storage for the new buildings would be located next to parking space 16 and bin storage for the building conversion would be located to the front of the building. Recycle and food waste would be located towards the front of the site near parking spaces 5 and 6.
- 1.5 Two established trees on site are proposed to be retained and the proposal would include new planting and landscaping. The front garden area of 18 Denmark Road would be retained and a landscaped area would be provided to the east which would provide a communal garden for residents. 8 individual garden areas will be provided.
- 1.6 Minor external alterations to the existing building are proposed which will include alterations in fenestration and the addition or replacement of some windows and doors. Internal alterations will also be carried out to accommodate the proposed change of use. The proposed floor plans show that the development would involve the introduction 4 no. 1 bed, 2 person apartments on the ground floor, the first floor would comprise 5 no. 1 bed, 1 person apartments and the second floor would comprise office space and WC.
- 1.7 The proposed building at the rear of the site would be part single storey, part two storey and part three storey. The building would have a flat roof and would have a footprint loosely 'T' shaped in nature. The building would be constructed from red brick, slate tile roofing and dark grey aluminium windows and doors. This building would comprise 2 no. 1 bed, 2 person and 5 no. 1 bed, 1 person apartments on the ground floor, 3 no. 1 bed 1 person units, 1 no. 1 bed 2 person units and 2 no. 2 bed, 3 person units on the first floor and 2 no, 1 bed, 1 person units and 1 no. 2 bed, 3 person units on the second floor.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/13402/HIST	18098 (01):- TWO STOREY EXTENSION AT SIDE AND REAR	Z45NOB	14.09.1983
93/02695/FUL	Single storey extension at front to provide reception area.	Granted	26.10.1993
96/00374/FUL	Installation of fire escape staircase at rear	Granted	13.08.1996

	and external alterations to outbuilding.		
97/00072/FUL	Erection of shed for garden materials at rear.	Granted	20.03.1997
20/00300/FUL	Change of use of site from a health clinic/office to 20no. supported living apartments involving conversion of the existing main building (No. 18 Denmark Road) and the provision of a new three-storey detached building to the rear, including associated landscaping, access and parking, following demolition of an existing single storey outbuilding.	Granted	12.03.2021
23/00116/CON DIT	Discharge of conditions 4 (materials), 5 (archaeology), 6 (site levels), 7 (boundary treatments), 8 (landscaping) and 13 (construction management plan) of planning permission 20/00300/FUL which related to the change of use of the building to 20 no. supported living apartments.	Discharged	14.07.2023
22/00565/FUL	Variation of condition 2 (approved plans) and removal of condition 15 (use Class 3B restriction) of planning permission 20/00300/FUL (for the change of use of site from a health clinic/office to 20no. apartments involving conversion of the existing main building - No. 18 Denmark Road - and the provision of a new three-storey detached building to the rear, including associated landscaping, access and parking, following demolition of an existing single storey outbuilding	Granted	28.09.2022

3.0 RELEVANT PLANNING HISTORY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

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

Relevant policies from the JCS include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- 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
INF6 – Infrastructure Delivery
INF7 – Developer contributions

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

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

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

Relevant policies from the Gloucester City Plan include:

A1 – Effective and efficient use of land and buildings
A5 – Specialist accommodation
A6 – Accessible and adaptable homes
B1- Employment and skills plans
B2 – Safeguarding employment sites and buildings
C1- Active design and accessibility
D1 – Historic environment
D2 – Non designated heritage assets
D3 – Recording and advancing understanding of heritage assets
E1 – Biodiversity and geodiversity
E3 – Green/ Blue Infrastructure
E4 – Flooding, sustainable drainage, and wastewater
E6 – Development affecting Cotswold Beechwoods Special Area of Conservation
E7 – Trees, woodlands and hedgerows
F1 – Materials and finishes
F2 – Landscape and planting
F3 – Community safety
F6 – Nationally described space standards
G1 – Sustainable transport
G4 – Broadband connectivity
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

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

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

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

4.1 **Archaeology**

Archaeological works have been completed on this site, the findings have been reported and were, in any case, very limited. I therefore have no further comments regarding this site.

4.2 **Conservation Officer**

Consent was granted in 22 (22/00565/FUL) for the conversion of the main Victorian house and the development of a new apartment block to the rear for 20 units. The application seeks to revise the application up to 25 living units. To achieve this the proposed new block has been slightly adjusted at roof level to accommodate the additional units with most of the alteration taking place internally. The additional impact from the physical change is minimal and the new building poses no further harm to the character of the conservation area than the previous approved scheme. I still have concern for the garden area of number 18, which is tokenistic and does not provide quality amenity space for the residents as the majority of the green space is on north side with carparking to the south. Planting should be specified to soften the impact of the character of the conservation area.

Consideration could also be given to solar or green roof to the new build.

4.3 **Civic Trust**

Unacceptable. This handsome ex NHS clinic, with its rear block deserves better than the mono culture of tiny, one bedroom flats proposed, which fails to respect the neighbours or the extensive greening of the area provided by tree planting on the site and adjoining properties. More negotiations needed.

4.4 **Tree Officer**

There are no trees to be removed and limited pruning required to facilitate the build. With care and attention to the tree survey information there should be no issues. No objection subject to conditions.

Further to the submission of amended plans, the tree officer was re consulted. No additional comments were raised from the Tree Officer.

4.5 **Severn Trent Water**

I can confirm that we have no objections to the proposals subject to the inclusion of conditions requiring:

- The development not to commence until drainage plans for the disposal and surface water flows have been submitted and approved by the LPA, and
- The scheme to be implemented in accordance with approved details before the development is first brought into use

4.6 **Highways**

The existing brick wall is being retained, this creates a poor environment for pedestrians – there should be some pedestrian access from Posy Lane into the site

The site plan indicates 16 parking spaces with a limited turning head which may result in some vehicles reversing onto the highway. The three end bays 14, 15 and 16 have insufficient room to be able to access, this area would be better reserved for a turning area. Effectively the site has 13 parking spaces.

Gloucestershire Manual for Streets requires a minimum standard of 1 parking space per apartment ie 25 spaces. This indicates a potential shortfall in terms of policy of 12 spaces. However census data indicates that the average car ownership in this location for dwelling with 1 bedroom is approximately 60%, this would give a target car ownership of 15 spaces.

The Highway adjacent to the site has a prohibition of waiting or parking restricted to permit holders, so in this scenario the area can be considered to be constrained in terms of parking, the quantum of parking provision capable on the site is considered acceptable.

Residents would need to be clear who has a right to park a vehicle on the parking area and this could be managed with a permit system, the parking area should also be unallocated as allocation results in a greater demand for spaces, to secure this a parking management condition will be required.

There are no details of powered two wheelchair parking with ground anchors, there are no marked disabled bays and cycle parking appears to be positioned in a remote location. Therefore further details of these, along with a revised parking layout should be provided by condition.

Condition recommended should permission be granted.

4.7 **Contaminated Land**

The ground investigation has identified elevated levels of contaminants in the soils, it has outlined mitigation measures and suggests a remediation strategy should be produced.

Conditions recommended should permission be granted.

4.8 **Housing Strategy and Enabling Officer**

Housing raised a number of concerns with respect to the application. Further to amendments being made, the following comments were received:

- The amended proposal complies with and exceeds National Described Space Standards on all but one home
- 6 homes will be provided to M4(2) standard and one M4(3) unit – this is welcomed, particularly given the intended cohort for the scheme. Further details should be provided regarding the access of the associated parking for these homes.
- Private amenity space for these 7 accessible and adaptable units is being provided

- Juliette balconies are proposed for upper floors, but these do not offer outdoor space and restrict availability for indoor space – suggest these should be replaced with bolt on balconies, or inset balconies
- Concern raised over housing mix – proposal should remove 1 no. 2 bed, 3 person unit and revert back to previous mix
- The use of such a high proportion of 1 bed, 1 person homes could be mitigated if housing is to be used as a ‘short term’ pathway accommodation. Suggest that the scheme is put forward as 100% Affordable Housing, with the S106 agreement covering the 80% additionality, that sets out a commitment to a Local Lettings Plan (LLP) for these homes to be used for specialist provision. It is understood the scheme is intended to be used on 1st let for a ‘decant’ of Clapham Court for those wanting to stay in the area, which also includes a number of flats allocated as hospital discharge spaces. The intention for 2nd let would then be to provide pathway accommodation for delayed discharge

Further to concerns being raised regarding housing mix, amended plans were received removing the 2 bed, 3 person unit in the building conversion and replacing with 1 bed, 2 person units. The agent also agreed to commit to providing 100% affordable housing and agreed to entering into a S106 which restricted the use of the 1 bed, 1 person units.

4.9 **Drainage**

Further to the submission of additional information no objection subject to conditions

4.10 **Local Lead Flood Authority**

The information provided is acceptable to the LLFA and the LLFA has no objection or requirement for further drainage information through conditions.

4.11 **Gloucestershire Waste and Minerals Officer**

The submitted Waste Minimisation Statement provides sufficient information for no further action to be recommended at this time regarding waste minimisation matters.

4.12 **Gloucester waste and recycling officer**

No comments received

4.13 **Economic Growth and Strategic Planning**

Only a library contribution is required as the development does not include 10 plus dwellings that are 2 bed or more, which would qualify it for an education contribution

5.0 **PUBLICITY AND REPRESENTATIONS**

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

5.2 4 neighbour comments have been received, raising the following in respect to the proposal:

- Concern over massing – the current proposal has moved the building further towards highgarth villa.
- Proposed third storey now contains solar panels. Proposed massing and scale would completely overpower the Highgarth Villa property
- 3rd storey should be omitted
- Loss of sunlight to Highgarth Villa

- The positioning of 6 windows directly overlook Highgarth Villa – these windows should be obscure glazed
- Increased footprint will further encroach towards 26/27 Michaelmas Court
- The boundary wall at 26/27 has recently been lowered by the developers
- The 3 storey new build is on higher ground and will overlook properties
- The positioning of windows on 2nd and 3rd floors will be closer to 26/27 Michaelmas Court and will cause loss of privacy into the bedrooms and garden
- Loss of light to Michaelmas Court properties
- Concern over light and noise pollution
- Too many units for size of property
- Parking concerns. Parking is already at a premium in the area which has recently been included in the Resident Parking Zone. This will cause Michaelmas Court to be used as an overflow car parking
- Concern over noisy building work and dirt that will be blown into residential gardens, cars and windows. Would like to understand what the considerate construction policy is
- Deciduous trees and shrubs will screen building for only part of the year

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

6.0 OFFICER OPINION

6.1 *Legislative background*

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

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

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

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

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

- Principle
- Affordable housing
- Housing mix
- Accessible and adaptable homes
- Specialist Housing
- Design, layout and landscaping
- Historic environment
- Residential amenity
- Traffic and transport

- Drainage and flood risk
- Biodiversity
- Sustainability
- Water efficiency
- Employment and skills plan
- Broadband connectivity
- Economic considerations
- Planning obligations

6.5 Principle

Loss of health clinic and office

The most recent use of the site was as a health clinic and office for the 2gether NHS Foundation Trust, providing mental and social health care services which was considered to fall within the scope of policy INF4 (Social and Community Infrastructure).

Policy INF4 of the JCS requires '*proposals to develop land or buildings currently or previously in use as a community facility to demonstrate, including evidence of engagement with relevant local community groups and partner organisations, why the facility is no longer required and, as appropriate, how, when and where suitable local replacement facilities will be provided*'.

- 6.6 The proposed change of use away from this use has already been granted through previous planning permission 20/00300/FUL. It was demonstrated through the previous permission that the occupiers of the previous use moved out into one central purpose built facility and that the facilities within 18 Denmark Road were no longer fit for purpose. The change of use is considered to be acceptable and in accordance with policy INF4 of the JCS.

6.7 **Introduction to housing**

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)

- 6.8 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:
- 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
 - 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.

- 6.9 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.

6.10 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. As the site is located within the built up area of the city, 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.

6.11 **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. 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.

6.12 20% affordable housing would be required for this development which would equate to 5 affordable dwellings.

6.13 Further to in depth discussions between housing and the agent, the agent has agreed to put the scheme forward as 100% affordable housing and so exceeds policy SD12 and can be considered acceptable. Affordable housing will be secured through a S106 agreement.

6.15 **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'.

6.16 The original proposal submitted as part of this application sought a change of use of the existing building and the re development of the site to accommodate 25 1 bedroom apartments for the use of 1 and 2 persons. Further to concerns being raised by housing, amended plans have been received. The proposal would provide the following breakdown in terms of housing mix:

15 no. 1 bed, 1 person units
7 no. 1 bed, 2 person units
3 no. 2 bed, 3 person units

6.17 The agent has also agreed to enter into a S106 which would restrict the use of the 1 bed 1 person homes to be used as 'short term' pathway accommodation. The scheme would be used on 1st let for a 'decant' of Clapham Court for those wanting to stay in the area. The intention for 2nd let would then be to provide pathway accommodation for delayed discharge from hospital.

6.18 The amended proposal would provide an improved mix of housing than originally proposed. Whilst the proposal still includes a high number of 1 bedroom, 1 person units, which has been of some concern, the agent has agreed to enter into a S106 which restricts the use of these units -this was considered an appropriate approach by housing and can be considered acceptable.

6.19 It should be noted that the extant permission at the site is for 20 no. unrestricted C3 residential units that were all 1 bed, 1 person. This proposal introduces an improved housing mix and restricts the use of the 1 bed 1 person units and so is considered an improvement to previous approvals.

6.20 The proposal is therefore considered to be acceptable in accordance with the NPPF and policy SD11 of the JCS.

6.21 **Adaptable and accessible homes**

Gloucester City Plan policy A6 refers to accessible and adaptable homes and requires 25% of housing development to be able to meet Building Regulations requirement m4(2) 'accessible and adaptable dwellings'.

6.22 Details have been submitted upfront of compliance with this policy and the application proposes the provision of 6 no. M4(2) units and 1 no. M4(3) unit within the ground floor new build part of the development.

6.23 The housing team have been notified of this and were content with the level of M4(2) and M4(3) homes being provided. The proposal can therefore be considered acceptable in this respect, in accordance with policy A6 of the adopted GCP.

6.24 **Specialist Housing**

Policy A5 of the GCP refers to specialist housing and states: '*Specialist housing developments will be permitted where they:*

1. *Are supported by evidence of the demonstrable need for this form of housing within Gloucester City;*
2. *Are suitable for the intended occupiers in relation to affordability, quality, design, and type of facilities with, if appropriate, the provision of support and/ or care;*
3. *Are accessible to local shops and services, public transport and community facilities appropriate to the needs of the intended occupiers; and*
4. *Will not lead to harm through over concentration in the local area, including but not limited to:*
 - a) *Levels of activity that cause excessive noise and disturbance to local residents*
 - b) *Excessive demand on social infrastructure, such as health and social care and police services*

Significantly reducing housing choice in the local area, preventing the existence of a mixed and balanced community'

6.25 In support of this policy, the agents have provided a statement which responds to each point of this policy. The agents have raised the following points:

1. Gloucester City Homes are currently in the process of decommissioning the building at Clapham Court, Kingsholm. This is a loss of 80 x 1 bedroom independent living accommodation and communal facilities within the Kingsholm area. Many residents have expressed an interest to stay in the area. This proposal caters for this loss and need.
2. The rents for the scheme will be set in line with Social Rents for the area. Letting of the properties will include the implementation of GCH's policy which includes a

financial assessment of all new residents to ensure the property is affordable for them. The scheme will be constructed to GCH's specification which goes above building regulations. The scheme has been designed in consultation with GCH's Housing and Independent living teams and provide spacious, well designed housing that meets the needs of its end user. The scheme includes communal rooms for residents to use, communal disabled toilet, mobility scooter charging, level access to all properties in the new build via a lift, level access showering for all properties, a space within the refurbished building for GCH's independent living staff to work on site remotely to support residents.

3. The site is in a sustainable location
4. N/A existing planning for 20 homes on site. New scheme provides 5 additional units, impact is negligible

6.26 It is considered that the statement provided by the agent demonstrates compliance with policy A5 and can therefore be considered acceptable in this respect.

6.27 **Design, Layout and Landscaping**

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

6.28 Policy A1 of the GCP requires development to make effective and efficient use of land and buildings and should result in the overall improvement of the built and natural environment and be of a suitable scale for the site. Policy C1 requires development to meet the highest possible standard of accessible and inclusive design, Policy E7 requires development to seek to ensure that there are no significant adverse impacts on existing trees, woodlands or hedgerows and that every opportunity is taken for appropriate new planting on site.

6.29 Policy F1 states the development proposals should achieve high quality architectural detailing, external materials and finishes that are locally distinctive. Developments should make a positive contribution to the character and appearance of the locality and respect the wider landscape. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle of proposed development.

6.30 The proposal is located to the north of Denmark Road, which is characterised by a variety of architectural styles and designs. The application site is situated between two buildings; the apartment block at Michaelmas Court (an example of modern development) and Denmark Court to the east. Elsewhere along the street is a mix of traditional Victorian architecture and newer built development. The majority of buildings in the area are between two and three storey in height and materials consist mostly of red brick which in many cases is broken up by banding or stone detailing. Generally, the period dwellings in the area include more elaborate ornamentation than modern development. Roofing consists of clay and slate tiles and windows include a mix of timber and UPVC.

6.31 **Layout and Landscaping**

Access to the site would be from Denmark Road and parking would be provided to the west. The footprint of the proposal is large and would introduce backland development at the site.

However, this is not completely out of keeping with the area (the adjacent development to the east along Denmark Road includes an apartment block at the rear of the site). The introduction of a large building to the rear of the site of a similar footprint and scale has already been accepted through previous planning permission.

- 6.22 Existing soft landscaping within the site is limited. A number of trees and shrubs will be retained as part of the proposal including two large established trees at the rear of the site. Hedging and lawned areas will be retained to the front, a communal garden area will be provided principally to the rear and east and some areas of outside space will be sub divided to provide a number of individual garden areas for future residents. The proposed development includes some new tree and hedgerow planting throughout the site and the brick boundary walls enclosing the site would be retained and repaired.
- 6.23 Two refuse bins would be provided next to parking space 16 towards the rear of the site, two further refuse bins are proposed at the front of the site, forward of the front elevation of the existing building. Recycling and food waste would be located to the side of the existing building adjacent to parking spaces 5 and 6. Visuals of the proposed bin and refuse storage have been provided which demonstrate they will consist of timber storage units which is considered acceptable.
- 6.24 The site does not contain any Tree Preservation Orders. A Tree Survey, Constraints Plan and Arboricultural Impact Assessment, including Tree Protection Plan has been submitted in support of the application. The report identified 5 modestly sized trees, all of which in fair to good condition which would be retained as part of the development. The trees would be protected during the construction works. The Council's tree officer has been notified of the proposal and has raised no objection to the application subject to the inclusion of conditions relating to the approval and implementation of tree protection measures, excavation or surfacing within the roof protection area of trees and protection of habitats.
- 6.25 The layout and landscaping for this proposal is considered to be acceptable. Full details of landscaping will be secured through the additional of a condition.
- 6.26 Building conversion and new build
The proposal would require refurbishment and alterations to the existing building along with the construction of a large 'T' shaped building to the rear. The amendments proposed to the existing building are considered to be acceptable and would not unacceptably harm its character.
- 6.27 The new build element of the proposal would introduce a large building set over three storeys at the rear of the site and would be constructed from red brick and dark grey aluminium windows and doors. The materials proposed are considered to be acceptable. Full details of materials will be required via condition. The building has been designed so that it would have a deliberate contemporary appearance in contrast to the existing Victorian building. In terms of scale, the building would be partly single storey, partly 2 storey and partly 3 storey and its overall height would be slightly lower to that of the existing building. The height of the proposal is considered acceptable. The footprint of the new build is large and whilst there has been a slight increase in the overall footprint and scale of the building since previous permissions, a building of a very similar design and footprint has already been considered acceptable for this site.
- 6.28 In terms of impact on the street scene, the new build, whilst set to the rear of the site, would still be visible from Denmark Road. However, the existing Victorian building at the site would

remain the predominant feature from this street scene. The introduction of a large three storey building set to the rear has already been considered acceptable through previous permissions in terms of the impact on the street scene.

6.29 It is judged that the amendments made through this most recent application can be considered acceptable and the alterations made since previous approvals wouldn't result in additional harm that would make the application unacceptable.

6.30 **Historic environment**

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'.

6.31 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 which seeks to preserve and enhance heritage assets as appropriate to their significance.

6.32 Policy D1 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.

6.33 There are no designated heritage assets within the application site itself. However, the site lies just outside of the Denmark Road Conservation Area and therefore is within the setting of this designated heritage asset.

6.34 The Councils Conservation Officer has been notified of the proposal and raised no objection to the application. Conservation noted the previous permissions at the site and stated that the additional impact from the physical change through the most recent proposal was minimal and the new building poses no further harm to the character of the conservation area than the previous approved scheme. Conservation raised that planting should be specified to soften the impact of the character of the conservation area. – This will be secured by condition.

6.35 **Archaeology**

An archaeological evaluation of the site has been completed in accordance with a Written Scheme of Investigation. The report was submitted in support of the extant permission and remains valid. The information gathered did not indicate any archaeological impediment to development of the site and the City Council went on to grant the extant permission.

6.36 The Councils Archaeologist has been notified of the proposal and raised no objection confirming that Archaeological works have been completed on this site, the findings have been reported and were, in any case, very limited. No further comments were raised from Archaeology.

6.37 Taking the above into consideration, it is judged that the proposal can be considered acceptable in terms of impact on the historic environment in accordance with Section 16 of the NPPF and policy SD8 of the JCS, policy D1 and D3 of the GCP subject to the inclusion of conditions.

6.38 **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

6.39 Policy A1 of the GCP refers to effective and efficient use of land and buildings and requires development proposals to proposals to be of a suitable scale so as not to have an adverse impact on the living conditions of neighbouring occupiers or future residents, should provide outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development and be well designed to create and support healthy living conditions.

6.40 **Impact of the proposal on neighbouring residents**

Apartment block 28-38 Michaelmas Court

28- 38 Michaelmas Court is located to the west of the site adjacent to the existing building. The existing building is proposed for conversion to residential and wouldn't involve any increase in the footprint of the building and so there are no concerns in terms of overbearing/overshadowing from this building. The side elevation of the existing building at 18 Denmark Road already contains a series of windows facing towards 28- 38 Michaelmas Court. The side facing windows on the ground floor wouldn't result in overlooking due to the 2m high boundary wall at the site, the first floor side facing windows comprise kitchen window and bedroom windows to units 24 and 25. The kitchen window would look directly towards a blank wall on the side elevation of 28-28 Michaelmas Court and so wouldn't result in any overlooking. The other windows would be located at a distance between 19 and 21 metres from the side facing windows at Michaelmas Court. Whilst a distance of 19m is quite close, this can be considered on balance acceptable. Gloucester has no specific standards for distances between windows for habitable rooms but nationally standards appear to vary between 18 and 21 metres. These side facing windows are also existing windows and so the increased feeling of overlooking wouldn't be substantial.

6.41 26 and 27 Michaelmas Court

Concerns have been raised from neighbouring residents regarding impact on 26 and 27 Michaelmas Court. Concerns related to the increased footprint of the proposal encroaching further towards 26 and 27 Michaelmas Court, the boundary at the site being lowered by developers, overlooking and loss of light.

6.42 26 and 27 Michaelmas Court are located adjacent to rear west boundary of the site. The proposed development would be located adjacent to the rear garden of no 26. The single storey and first storey element of the proposal would be located approximately 5.5m from the

boundary and the three storey element would measure approximately 10 metres from the boundary at its closest point and 24.1m from the dwelling itself.

6.43 The three storey element of the building would measure approximately 8.8m in height and there is an existing tree near the boundaries of the site that would assist in minimising some of the impact of development.

6.44 The single and first storey element would be situated closer to the boundary with these properties than previous permissions. However, it remains that these separation distances, would not result in unacceptable levels of overshadowing for residents of no. 26 and 27. In support of the application, a daylight/ sunlight assessment has been provided which concludes that the development wouldn't have an unacceptable impact on the rear facing windows of Michaelmas Court and that impact on the rear gardens would not be substantial. Whilst there may be some overshadowing to the rear garden area, this is likely to be minimal and only affect the very rear of the gardens. The proposed building is large and will have some impact on outlook for residents of Michaelmas Court. The building would however be set away from the boundaries with properties along Michaelmas Court and it is judged that this is acceptable.

6.45 The proposed development includes some side facing windows facing towards no. 26 and 27. The ground floor would have two side facing windows to the open plan living/ kitchen area of unit 4. However, the boundary wall at the site would prevent overlooking from occurring – it is noted that a neighbour commented that the boundary between the site and no. 26 has recently been lowered but it has been confirmed that this is still of a sufficient height to prevent overlooking from occurring. A side facing kitchen window to unit 10 is proposed on the first floor and a side facing bedroom window to unit 14 is proposed on the second floor. Both of these windows are proposed to be obscure glazed to prevent overlooking from occurring. Overlooking is therefore not of a concern for properties along Michaelmas Court.

6.46 Highgarth Villa

Residents at Highgarth Villa raised the following concerns in respect to the proposal: Proposed massing and scale would overpower Highgarth Villa and result in loss of light. Concern with overlooking from side facing windows.

6.47 Highgarth Villa is located adjacent to the north east boundaries of the site. The side elevation of Highgarth Villa would face towards the proposed development but does not include any side facing windows. To the north of the dwelling, forward of the front elevation of Highgarth Villa is the properties front garden and parking area as well as a double garage. To the east of this (to the side of the double garage) is the properties private garden space.

6.48 The side elevation of Highgarth Villa would be located approximately 3m from the boundary of the site, 4.4m from the two storey element of the development and 8.3m from the three storey element of the development. The distance between the proposed 2 storey element and Highgarth Villa has remained the same since previous permissions. However, the three storey element of the proposal has moved closer to the boundary. The proposal would extend beyond the front elevation of Highgarth Villa by some 3.7m. The front elevation of Highgarth Villa includes front facing windows. The 45 degree test has been carried out and the proposal does not break this test in terms of depth. In addition, a daylight/ sunlight assessment has been provided which confirms that the proposed development satisfies the BRE direct sunlight to windows requirement. It is not considered that the proposed

development would have a harmful impact on these windows in terms of loss of light and it is judged that the three storey element of the development would still be located a sufficient distance from Highgarth Villa so as to prevent an unacceptable impact on the amenity of occupants of this dwelling.

6.49 The proposed development is likely to have some impact on the outside area immediately in front of the dwelling. However, this is allocated to parking and the development would not directly affect the properties private amenity garden space and so can be considered acceptable in this respect.

6.50 The side elevation of the proposed development closest to Highgarth Villa would include side facing windows. These windows have been labelled as obscure glazed and will be conditioned as such in order to prevent overlooking from occurring.

6.51 Apartment block 13- 18 Denmark Road

Block 13- 18 Denmark Court is located to the east of the site and is located approximately 23 metres from the boundaries of the site. Given the separation distance between this apartment block and the proposed development, impact in terms of overlooking, overbearing or overshadowing as a result of the proposal is not considered to be unacceptable.

6.52 Apartment block 1-12 Denmark Court

1- 12 Denmark Court is located adjacent to the south east boundaries of the site. The existing building is located approximately 6.2 metres from the side elevation of this apartment block which contains a number of windows on the side elevation which are already in existence but would be converted to provide light for the apartments. There are no windows on the side elevation of this apartment block and as such the proposed development would not result in harmful levels of overlooking to any habitable rooms. The windows are already in existence and so overlooking levels are not considered to become substantially worse. The existing building is not proposed to be extended and so there are no concerns in terms of overbearing/ overshadowing.

6.53 **Impact of the proposal on future occupants of the residential units**

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

6.54 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 GCP 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

- 6.55 The application proposes the creation of 25 apartments which will consist of a mix of 1 bed, 1 person units, 1 bed, 2 person units and 2 bed, 3 person units.
- 6.56 National space standards require the following in regards to 1 and 2 bedroom dwellings;
- 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.
 - 2 bed, 3 person flats set over 1 storey should be 61 square metres
- 6.57 In order for a bedroom to provide one bedspace, a single bedroom must have a floor area of at least 7.5m² and be at least 2.15m wide. In order to provide two bedspaces (a double or twin room) must have a floor area of at least 11.5m² and be at least 2.75m wide.

6.58 Amenity for future occupants of the proposed new building

The flats within the proposed building would be the following dimensions:

- Unit 1 (1 bed, 1 person) 41m². Bedroom = 13.1m². 3.7m wide.
 - Unit 2 (1 bed, 1 person) 44m². Bedroom = 13m². 3.6m wide.
 - Unit 3 (1 bed, 1 person) 42m². Bedroom = 12.2m². 3.7m wide.
 - Unit 4 (1 bed, 2 person) 61m². Bedroom = 15.7m². 4.4m wide.
 - Unit 5 (1 bed, 2 person) 50m². Bedroom = 15.3m². 4.8m wide.
 - Unit 6 (1 bed, 1 person) 47m². Bedroom = 12.3m². 3m wide.
 - Unit 7 (1 bed, 1 person) 44m². Bedroom = 13.8m². 3.5m wide.
 - Unit 8 (2 bed, 3 person) 65m². Bedroom 1 = 12.5m². 4m wide. Bedroom 2 = 9.5m². 4m wide.
 - Unit 9 (1 bed, 2 person) 50m². Bedroom = 11.75m². 4.3m wide.
 - Unit 10 (2 bed, 3 person) 61m². Bedroom 1 = 12.1m². 3m wide. Bedroom 2 = 7.6m². 2.8m wide.
 - Unit 11 (1 bed, 1 person) 39m². Bedroom 1 = 11.4m². 3.2m wide.
 - Unit 12 (1 bed, 1 person) 39m². Bedroom = 11.8m². 3.7m wide.
 - Unit 13 (1 bed, 1 person) 43m². Bedroom = 11.5m². 2.3m wide.
 - Unit 14 (1 bed, 1 person) 41m². Bedroom = 11m². 2.7m wide.
 - Unit 15 (1 bed, 1 person) 39m². Bedroom = 11.5m². 3.4m wide.
 - Unit 16 (2 bed, 3 person) 64m². Bedroom 1 = 12.6m². 3.8m wide. Bedroom 2 = 10.7m². 2.7m wide.
- 6.59 The units within the new building all meet national space standards. Habitable rooms within the development would benefit from acceptable levels of light/ outlook. There are a number of examples of proposed kitchen areas which do not benefit from any windows and so would not benefit from light or outlook. Whilst this is the case, a kitchen is not considered to be a habitable room and therefore this is not considered to have a significant impact on the amenity of future occupants.

- 6.60 To the west side of the site are properties along Michaelmas Court. The rear elevation of 27 Michaelmas Court would face towards the proposed development. The rear elevation of number 27 would be located approximately 24 metres from the side facing windows of the upper floors and due to this distance overlooking is not considered to be an issue.
- 6.61 To the rear of the site is Gloucester Wotton Lawn Tennis Club and to the east are properties along Denmark Road and Highgarth Villa. The side elevation of Highgarth Villa would be located approximately 4.8m from the proposed development but includes no side facing windows and so would not result in overlooking. The block of flats to the rear of Denmark Court would be located approximately 23m from the site boundary and would not result in harmful levels of overlooking.
- 6.62 Some individual outdoor amenity space has been provided for a number of the ground floor units of the proposed new build, which comes as an improvement to previously permitted schemes at the site where no individual garden space was proposed. A modestly sized outdoor courtyard area is also proposed which would provide outdoor space for the rest of the occupants both within the converted building and the proposed building. The Council does not have any adopted standard for the specific amount of quality or space to be provided and it is considered that the proposed courtyard area is acceptable for the units proposed and would provide some outdoor amenity space to sit out in.

6.63 Amenity for future occupants of the converted existing building

The proposed flats within the converted building would be the following dimensions:

- Unit 17 (1 bed, 2 person) 51m². Bedroom = 13.1m². 4.2m wide.
- Unit 18 (1 bed, 2 person) 51m². Bedroom = 12.m². 3m wide.
- Unit 19 (1 bed, 2 person) 58m². Bedroom = 23m². 5m wide.
- Unit 20 (1 bed, 2 person) 54m². Bedroom = 14.2m². 4.5m wide.
- Unit 21(1 bed, 1 person) 37m². Bedroom = 7.9m². 3m wide.
- Unit 22 (1 bed, 1 person) 39m². Bedroom = 13.1m². 2.5m wide.
- Unit 23 (1 bed, 1 person) 49m². Bedroom = 14.7m². 4.4m wide.
- Unit 24 (1 bed, 1 person) 40m². Bedroom = 12.1m². 2.5m wide.
- Unit 25 (1 bed, 1 person) 45m². Bedroom = 12.1m². 3.6m wide

- 6.64 Habitable rooms within the development would benefit from acceptable levels of light/ outlook. There are a number of examples of proposed kitchen areas which do not benefit from any windows and so would not benefit from light or outlook. Whilst this is the case, a kitchen is not considered to be a habitable room and therefore this is not considered to have a significant on the amenity of future occupants.
- 6.65 The rear facing windows on the rear projection of the building would look towards the proposed new apartment block at a distance of approximately 2.9m. Windows from the proposed building would overlook the rear facing windows of the existing building. The effected windows are a kitchen window and bedroom window for apartment 20 and a kitchen and living room window for apartment 25. All of these rooms contain side facing windows. It is considered necessary to condition that these windows are obscure glazed to prevent overlooking within the site occurring.
- 6.66 To the west of the site is a block of flats at Michaelmas Court. This block of flats includes windows facing towards the proposed development. These windows are situated between 19m and 21m away. Whilst a distance of 19m isn't as far as would be preferable, this is considered to be, on balance acceptable and it is judged that future occupants wouldn't be overlooked to an unacceptable extent.
- 6.67 To the east of the site are a block of flats along Denmark Road. The block of flats closest to Denmark Road does not include any side facing windows and so would not harmfully overlook

future residents of the existing building. There is another block of flats to the north east of the site with windows facing towards the proposed development. However, given the separation distance between the two buildings (24 metres at its closest point) overlooking is not considered to be harmful.

6.68 **Traffic and Transport**

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. Policy G1 of the GCP refers to sustainable transport and parking.

- 6.69 The proposal would make use of the existing access to the site from Denmark Road. The proposed site plan shows a car parking area located along the western boundary of the site, as per the existing site and providing parking for 16 cars. The proposal includes the provision of a cycle storage area for 24 bikes, a mobility scooter storage area and bin and refuse storage areas. Refuse collection would take place Denmark Road.
- 6.70 In support of the application the agent has submitted a design and access statement and a Transport Statement. The statement provided concludes that the site is in a sustainable location accessible to services and facilities and public transport; the site is located approximately a 4 minute walk from the nearest bus stop, an 8 minute walk from the local tesco express and a 12 minute walk from the train station – amongst a number of other amenities. The report also suggests that as the proposal is for smaller flats, there is a reasonable likelihood that a proportion of residents will not require a car parking space.
- 6.71 The application proposes to utilise the existing vehicular dropped kerb and pedestrian access that serves the site and proposed no changes to access. The Transport Statement concludes that the development would not have a detrimental impact on the local highway network and the proposed development would result in a reduction in vehicle trips associated with the site when compared with its previous use.
- 6.72 The Highways Authority have been notified of the proposal and raised a number of points. Highways commented that there should be pedestrian access between Posy Lane and the proposed site. In terms of parking layout, highways have noted that the layout provides a very limited turning head which may result in some vehicles reversing onto the highway. The three end bays 14, 15 and 16 would have insufficient room and this would be better reserved as a turning area. Highways have confirmed that the quantum of parking provision capable on site is considered acceptable.
- 6.73 Highways raised that residents would need to be clear who has a right to park a vehicle on the parking area which would be managed with a permit system and stated the parking area should be unallocated and secured through a parking management condition. Overall the highways authority raised no objection to the application subject to the inclusion of conditions including a condition which required the submission of details of an amended parking layout.
- 6.74 Subject to the conditions as proposed by the Highways Authority being added to any permission, the proposal is considered to be acceptable on highways grounds in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.75 **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.

6.76 Policy E6 of the GCP 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.

6.77 The application site is located in Floodzone 1 and in an area of low flood risk.

6.78 The Local Lead Flood Authority and Drainage Officer have been notified of the proposal. Further to the submission of additional drainage information, the drainage officer confirmed they had no objection to the application and recommended a condition relating to the requirement for the submission of detailed design for surface water drainage.

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 GCP.

6.80 **Contaminated Land**

The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate investigation and remediation of contamination.

6.81 The Councils contaminated land advisors have been notified of the proposal. The ground investigation has identified elevated levels of contaminants in the soils, it has outlined mitigation measures and suggests a remediation strategy should be produced. Contaminated Land have raised no objection to the application subject to the inclusion of conditions attached to any permission.

6.82 The proposal is therefore considered to be acceptable in terms of Contaminated Land in accordance with the NPPF and policy SD14 of the JCS.

6.83 **Biodiversity and geodiversity**

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS requires development to protect and enhance biodiversity and geodiversity in order to establish and reinforce ecological networks that are resilient to current and future pressures.

6.84 Policy E3 of the GCP states that development must contribute towards the provision, protection and enhancement of Gloucester's Green/ Blue Infrastructure Network and policy E1 requires development to provide biodiversity net gains appropriate to the ecological network.

6.85 In support of the application the agent has provided some details of how biodiversity net gain will be achieved for the site. The agent has confirmed the following:

- The existing site offers little in the way of biodiversity, with the external areas largely given over to hard paving and lawns
- The proposed development retains the two existing significant trees and provides multiple measures to increase biodiversity
- New planting/ landscaping will include native hedgerows, new trees and areas of wildflowers
- Hedgehog domes and access ways will be provided
- An urban bee nest will be provided
- A variety of bird and bat boxes will be provided

In considering the information submitted in support of the application, it is considered that appropriate measures are proposed to satisfy this policy. Full details of biodiversity net gain measures will be requested by condition. The proposal can therefore be considered acceptable in accordance with the NPPF, policy SD9 of the JCS and policy E1 of the GCP

6.86 **Sustainability**

Chapter 14 of the NPPF outlines its energy and climate policies. Policy SD3 of the JCS refers to Sustainable Drainage 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 interference in other natural systems*'.

6.87 In support of the planning application, an Energy Statement has been provided which confirms that the proposed development would meet the minimum Building Regulation requirements in accordance with National Technical Standards. The application details that the proposal would include PV solar panels on the roof of the new building installed on 10 degree flat roofing systems.

6.88 The proposal is considered to be acceptable in terms of sustainability in accordance with Chapter 14 of the NPPF and policy SD3 of the JCS.

6.89 **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 110 litres of water per person per day.

6.90 A condition will be added to any permission, ensuring compliance with policy G6 of the GCP.

6.91 **Employment and Skills Plan**

Policy B1 of the Gloucester City Plan requires the submission of an Employment and Skills Plan for developments comprising 10 dwellings or more. A condition will be added to any permission requiring the submission of an Employment and Skills Plan.

6.92 **Broadband Connectivity**

Policy G4 of the GCP requires all new residential development to be served by a high speed, reliable full- fibre broadband connection. The connection must reach each dwelling and commercial premise.

6.93 A condition will be added to any permission, ensuring compliance with policy G4 of the GCP.

6.94 **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.

6.95 **Planning Obligations**

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.

6.96 Further to extensive correspondence between housing and the agent, the agent has committed to providing the scheme as 100% affordable housing with the use of the 1 bed, 1 person units being restricted for the use of decant from Clapham Court and delayed discharge short term accommodation. This will be secured through a S106 agreement.

6.97 **Community facilities**

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. There is no public open space or education requirement for this scheme.

6.98 **Libraries**

A contribution of £4,900.00 is required for library provision, specifically towards additional library resources at Longlevens library.

6.99 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 INF4, INF6 and SD12 of the JCS

6.100 **Conclusion**

The application has been evaluated against the JCS, GCP 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.

6.101 The development would make a contribution to the housing land supply and provide a scheme of 100% affordable housing which is a significant benefit to be attributed significant

positive weight in the planning balance. The proposal would provide 6 no. M4(2) homes and 1 no. M4(3) standard home which is of some benefit and would provide an improved mix to previously consented schemes which were originally entirely 1 bed, 1 person units. 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.

- 6.102 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.
- 6.103 The proposed development does not provide a great mix in terms of housing mix. There wouldn't be individual garden space proposed for each dwelling and the footprint of the proposal is very large and would have some impact on the character and impact of the existing site and the surrounding area. These issues are afforded negative weight in the planning balance.
- 6.104 Weighing all of the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the JCS, the GCP 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 HEAD OF PLACE**

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

- 100% Affordable Housing
- Restriction of use of 1 bed, 1 person apartments for decant from Clapham Court and temporary accommodation for NHS delayed discharge
- Library contribution of £4,900.00 specifically towards additional library resources at Longlevens library.

7.2 That planning permission is GRANTED subject to the following conditions;

7.3 **Condition 1 (commencement of development)**

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

Reason

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

Condition 2 (approved plans)

The development hereby permitted shall be carried out in accordance with the application form, design and access statement, Energy Statement, tree survey, implications assessment and outline protection method statement TM/KS/14810/62556, waste minimisation statement and drawings:

- Site Location Plan DRG-BML- ERD- ZZ- DR- C- 0100
- Existing Site Plan and Location Plan 22112- 01
- Site Plan as proposed 22112/04 Rev F
- Proposed plans (new build) 22112/07 F
- Proposed Colour Elevations 22112-11 1D
- Proposed Colour Elevations 22112-12 2C
- Proposed Elevations (22112/08 F)
- Drainage Layout (22-0785-RAP-XX-XX-DR-C-2500 Rev P3)
- Proposed Conversion Plans (Existing Building) (22112/05 Rev F)
- Proposed Conversion Building Elevations (22112/06 Rev C)

Reason

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

Condition 3 (materials)

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

Reason

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

Condition 4 (drainage)

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Drainage Strategy [Drawing - 22-0785-RAP-XX-XX-DR-C-2500 Rev P3] 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(trees) Implementation of approved trees/ hedgerow protection measures

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in an approved arboricultural method statement and tree protection plan before any development including demolition, site

clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 6 (trees) Excavating or Surfacing within the Root Protection Area of Trees

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason

To prevent damage to or loss of trees. In accordance with the NPPF, policy INF3 of the JCS and policy E4 of the GCP.

Condition 7 (protection of habitats)

No removal of trees/ shrubs/ hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the nature conservation interest of the site is protected. In accordance with the NPPF, policy INF3 of the JCs and policy E4 of the GCP.

Condition 8 (Landscaping)

Prior to the occupation of the development, a comprehensive scheme of landscaping, which shall include details of species and densities of proposed planting and should demonstrate that trees located within hard standing areas will have adequate root runs shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity.

Condition 9 (Implementation of Landscaping)

All planting, seeding, or turfing in the approved details of landscaping for the residential development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity.

Condition 10 (Pedestrian Visibility Splays)

The Development hereby approved shall not be [occupied/brought into use] until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the [back of footway / edge of carriageway] shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

Condition 11 (Bicycle Parking)

Notwithstanding the approved plans, the development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking comprising of 25 bicycle parking spaces has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason

To promote sustainable travel and healthy communities

Condition 12 (Parking Layout)

Notwithstanding the approved plans, prior to commencement of development details of a parking layout (including details of parking, disabled parking and parking for powered two wheelers with ground anchors) shall be submitted to and approved by the Local Planning Authority. Prior to first occupation these will be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason

To ensure adequate parking facilities are provided for the proposed scheme

Condition 13 (Residents Parking Management Plan)

The development hereby approved shall not be occupied until details of a residents parking management plan (including details of a permit system and details of how spaces will remain unallocated) shall be submitted to and approved by the Local Planning Authority. Prior to first occupation management plan will be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason

To ensure adequate parking facilities

Condition 14 (Residential Welcome Pack)

The Development hereby approved shall not be occupied until the applicant has submitted to and had approval 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 15 (Construction Management Plan)

Prior to commencement of the development hereby permitted details of a construction management plan 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.

Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Condition 16 (obscure glazing to windows)

The building shall not be occupied until the following windows hereby permitted, have been constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

- Unit 10 Side facing kitchen window
- Unit 14 side facing bedroom window
- Unit 20 rear facing windows serving kitchen and bedroom
- Unit 25 Rear facing kitchen and living room window
- Unit 13 side facing kitchen window
- Unit 16 side facing living/ dining room window

Reason

To protect the privacy of adjacent properties.

Condition 17 (Accessible and Adaptable dwellings M4(2))

Flats 1,2, 3, 5, 6 and 7 of the development hereby permitted shall be constructed in accordance with building regulations standards for M4(2) 'accessible and adaptable dwellings' and flat 4 shall be constructed in accordance with building regulations standards for M4(3).

Reason

In order to meet the needs of an aging population, frail and disabled persons in accordance with policy A6 of the Gloucester City Plan.

Condition 18 (ecology)

Notwithstanding the approved plans, prior to the occupation of the development hereby approved, full details of biodiversity net gain measures shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented prior to the occupation of the development.

Reason

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

Condition 19 (Contaminated Land) Tiered Investigation

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
4. 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.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation 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.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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 20 (Employment and Skills Plan)

Prior to the commencement of development, an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority which will identify opportunities for the employment and skills development of local people during the construction and operational stages of the proposal.

Reason

In order to provide opportunities for the employment and skills development of local people in accordance with policy B1 of the Gloucester City Plan.

Condition 21 (Water efficiency)

The consumption of wholesome water per dwelling shall not exceed 110 litres of water per person per day.

Reason

In order to reduce water use and provide benefits to the environment in accordance with policy G6 of the Gloucester City Plan.

Condition 22 (Broadband connectivity)

The proposed development shall be served by a high speed, reliable, full fibre broadband connection which shall reach each residential unit.

Reason

In the interests of digital connectivity and to be in accordance with policy G4 of the GCP.

Condition 23 (Solar Panels)

The development shall not be occupied until the development has been fitted with solar panels, full details of which shall first be submitted and approved in writing by the Local Planning Authority.

Reason

To provide sustainable development

Condition 24 (bin storage)

Notwithstanding the approved plans, the development hereby permitted shall not be occupied until bin storage facilities have been made available for use in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details shall include floor plans and elevations of the proposed bin storage areas and details of materials and location. Those facilities shall be maintained for the duration of the development.

Reason

To ensure adequate bin storage facilities are provided and to ensure the satisfactory appearance of the development

Note 1

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 2

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 3

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.

Note 4

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

Note 5

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with 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 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 6

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so.

Care will be required to minimise damage to the trees through the development activities such as good compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#).

Note 7

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.

Person to Contact: Rhiannon Murphy (396361)

Planning Application: | 22/01196/FUL

Address: | 18 Denmark Road Gloucester GL1
3HZ

Committee Date: | 05.09.2023